



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 October 1995

Thursday, 19 October 1995

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The Assembly met at 10.30 am.

(Quorum formed)

MR SPEAKER (Mr Cornwell) took the chair and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Mr Berry**, from 1,215 residents, requesting that, in relation to the Kippax Health Centre, the Assembly ensure that it is not sold and that the medical, dental and pathology and all other government-provided ancillary services are retained.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Kippax Health Centre

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the ACT draws the attention of the Assembly to the proposal by the ACT Government to sell the Kippax Health Centre.

Your petitioners therefore request the Assembly to:

1. Ensure that the Kippax Health Centre is not sold.
2. Retain at the Kippax Health Centre the medical, dental and pathology services.
3. Retain all the present Government-provided ancillary services, such as child-health, continence-advisory, speech-pathology, physiotherapy and after-care services.

Petition received.

VISITORS

MR SPEAKER: I would like to acknowledge the presence in the gallery of visitors from the Migrant Resource Centre. Welcome.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1995

MRS CARNELL (Chief Minister) (10.32): Mr Speaker, I present the Public Sector Management (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill represents a significant step in our public service reform program and is the Government's first reform to result in significant changes to the Public Sector Management Act. To date we have initiated a number of service-wide reforms, the most significant of which are the customer commitment program; a complete overhaul of financial management, including the introduction of accrual accounting and a purchaser-provider model; a new agency-based enterprise bargaining process; and a review of public sector workers compensation arrangements. The proposed new executive contract arrangements reflect the Government's view that reform must begin at the top.

There are a number of themes behind our public service reforms. These themes are customer service; reducing the cost of government to the taxpayer; improving productivity; transparency; and improved performance and accountability. This Bill is principally about the last of these themes - performance and accountability. Specifically, this Bill is about building a performance culture in the ACT public service by employing chief executives and executives under contracts based on agreed levels of performance.

The Government believes that people give their best when they know what the objectives are and are motivated to achieve them. This Bill, and the new arrangements that will put them in place, will do just that. The proposed executive contract arrangements are consistent with the arrangements now in place in all States and the Northern Territory. It is worth noting that the Commonwealth has left the way open for the introduction of contracts in the APS. It is also interesting and relevant to note that New Zealand has executive contracts and the United Kingdom Civil Service is also currently developing its own proposals for new contract arrangements. We are not exactly leading the field. I would like to be able to say that we were leading the pack on this type of reform. Instead, we are among the last in Australia to adopt it. This does not, however, detract from the importance of the reforms contained in the Bill.

I would like now to explain the new model of contract-based employment introduced by this Bill. In doing so, it is important to make reference not only to the Bill itself but also to the relevant administrative arrangements that will support the Bill once it becomes law. The new contract employment arrangements will provide for terms of up to five years. The contract will spell out exactly what the chief executive's or executive's job is and the level of performance that he or she is expected to achieve during the term of the contract. All contracts will provide for the specific requirements of each position. Each contract will also include certain core requirements covering significant whole-of-government issues. These core requirements will include management of workers compensation cases, application of EEO principles, commitment to training, appreciation of financial reform requirements, and commitment to the implementation of the customer commitment program.

The contract will include clear sanctions for non-performance. The need for sanctions as well as rewards has been clearly recognised in all States over the last few years. As a result, early termination of employment will be provided for on grounds in the contract that include misconduct and poor performance. This is an essential element of a performance-based employment model and will lead to those at the top having a much greater consciousness of personal performance and accountability. Executives will be treated fairly and equitably under these new arrangements and will have access to an informal grievance mechanism. This will be in addition to the full range of legal remedies available in the courts. What they will not have is the kind of detailed statutory grievance and review processes we have at present but which are not appropriate for staff at this level.

Mr Speaker, under the current arrangements it can be difficult to retire a non-performing executive, and even when this can be done the process can grind on for months and even years, consuming grossly disproportionate resources. We believe in fairness and equity, but these principles must be balanced against the equally important principle that all employees, and executives in particular, should achieve agreed objectives linked to agency business plans and be accountable if they do not achieve them. If public service executives fail to perform, it is essential that they do not become a burden on the ACT taxpayer. They should cease being taxpayer-funded executives and seek some other form of employment. I do not believe that this imperative to perform will in any way affect the quality of advice forthcoming from the executive group.

Under the new employment arrangements there will be some recompense for the loss of tenure. In addition, the Government believes that the remuneration of chief executives and executives should be set by an independent ACT remuneration tribunal and will be bringing forward a separate Bill to provide for this. The new employment contracts will provide for performance bonuses to those performing at exceptionally high levels. I am not talking about the previous bonus arrangements under which virtually all SES officers received a payment. I am talking about genuine bonuses which are paid for outstanding performance only. Apart from remuneration, executives will benefit through a new and comprehensive executive development program and enhanced mobility opportunities within the ACT public service executive group.

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Although I have been talking about greater individual rewards, this will not increase the overall burden on the taxpayer. All the senior jobs in the ACT public service are currently being reviewed and evaluated by teams of experienced consultants to ensure that we retain only those jobs that can be justified at the executive level. The jobs will be assessed against, among other things, the skills required and the importance of the services they provide to the community. They will no longer be justified by way of no longer relevant Australian Public Service classifications and standards. There will be fewer executive jobs at the end of this process, more than offsetting the increased rewards.

The redesign process used by the consultants will ensure that the only executive jobs we have are ones that call for the highest level of management and professional skills and involve responsibility for delivering major services to the taxpayer and the Government. The new employment arrangements featured in the Bill will provide the opportunity and freedom to apply best practice in management. They will encourage an environment in which executives can use their skills and creativity and exercise judgment in risk management. The freedom given by the Bill will allow us to actively develop an esprit de corps, to weld together a team of executives who know what their objectives are in providing service to the community and who are highly motivated to achieve them.

Mr Speaker, while we are embarking on a series of public service reforms, we are also extending one of the cornerstones of public employment. We remain absolutely committed to the merit principle. This Bill will amend the Public Sector Management Act to require that chief executives, like all other staff, be chosen on a formal merit basis, except for short-term "acting" arrangements where judgments must be made and local and recent experience is particularly relevant. The failure of the previous Government to include this requirement in the Act was, in our view, a major omission.

Some of the most important features of the Bill are the transitional arrangements it puts in place for existing chief executives and SES officers. Under these transitional arrangements all existing chief executive and SES offices will be declared vacant. The existing officers will continue to do their jobs during the transitional period but on a temporary basis. No doubt many of these officers will be well suited to the new jobs that are created after the job evaluation I have already referred to. The Bill makes it possible to offer an executive contract to such an officer without the job being advertised, as long as the work is at a similar level to the officer's previous job. On the other hand, some of the new jobs will differ significantly from the existing ones and there will be no obvious person for the job within the group of executives. Jobs in this category will be advertised and filled by competitive selection, using the new employment arrangements.

Any of the existing chief executives or SES officers who are not placed in one of the new jobs will be offered early retirement under arrangements included in the Bill. These arrangements are based on existing arrangements, but adapted to work with the new employment arrangements. A further effect of the transitional provisions is that, until existing chief executives and SES officers sign one of the new executive contracts, accept an early retirement payment, become an officer at a non-executive level or make

another career move, they will all retain their current terms and conditions of employment. I should emphasise that any officer among this group who does not move onto a new executive contract and does not wish to accept an early retirement benefit will have the option of remaining a permanent officer of the service at the highest available non-executive level.

The Government has taken the opportunity to include one very important provision in this Bill that is not directly related to the new employment model for executives. That provision changes the name of the ACT Government Service to the ACT Public Service. This is a small but significant change which recognises that the public service is, first and foremost, about serving the public. Responsiveness to the elected government of the day is obviously a key value for the public service, but at the end of the day it is the public who pay the salary bills and the public who are the users and beneficiaries of the services provided.

In conclusion, Mr Speaker, this Bill is about public service reform; it is about service to the public; it is about creating a performance culture in the public service. This means delivering the goods and being accountable for doing so. With this Bill the Government delivers the goods. Under the new arrangements which it introduces our executives will deliver the goods.

Debate (on motion by **Ms Follett**) adjourned.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Referral of Public Sector Management (Amendment) Bill 1995

MS FOLLETT (Leader of the Opposition) (10.45): Mr Speaker, I seek leave to move the motion which has been circulated in my name.

Leave granted.

MS FOLLETT: I thank members. I move:

That the Public Sector Management (Amendment) Bill 1995 be referred to the Public Accounts Committee for consideration and report on the first sitting day of December 1995.

My reason for moving this motion is that I believe that a change of the magnitude that is indicated in the Government's Bill is worthy of thorough scrutiny. Mr Speaker, it is a very major change that is being made here. The thrust of the change is to abolish the SES of the ACT Government Service as it currently exists and to replace it with other arrangements. That means abolishing a whole part of the Public Sector Management Act, which up until now has been the employment instrument for the people concerned. The Public Accounts Committee has specific responsibility for examining the Public Sector Management Act and related matters. It seems to me only prudent and

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sensible that a change of this magnitude ought to be examined by the Public Accounts Committee. The responsibility for examining the Public Sector Management Act was given to the Public Accounts Committee by this Assembly. In giving the committee that responsibility, the Assembly was surely expressing its view that changes of this magnitude should rightly be considered by the committee.

Mr Speaker, I think that the Bill the Government has introduced is really worthy of some scrutiny. It is only fair that the public, and the people concerned, have some time in which to make an examination of what the Government proposes. After all, approximately 150 people are directly affected by this change. I do not intend to go into the merits of the Bill. That is a subject for another time. But there are about 150 members of the SES who will be directly affected - probably offended as well - by this Bill. Mr Speaker, it is my view that those 150 senior officers of the ACT Government Service have served successive governments very well. I speak from my own experience in government. I know that they served equally well under Mr Kaine. Most of them have been serving the ACT government, of whatever persuasion, and the ACT community since the beginnings of self-government. In that time, of course, they have performed some very major tasks on behalf of the ACT community. They have had to oversight, for instance, the taking on of further responsibilities as the Territory moved to fuller self-government. Things like the courts, the police and so on were taken on successively after self-government.

They have overseen the separation of the public service itself from the Commonwealth. I ask members to bear in mind that I gave a commitment that upon separation from the Commonwealth Public Service there would be no diminution in the terms and conditions of service of the officers who were making the transfer. That was a commitment that I took very seriously in making that major change. Mr Speaker, these Senior Executive Service officers have overseen any number of major pieces of legislation - things like the ACT Electoral Act, the planning legislation and so on. These have all been huge tasks. As far as I am concerned, they have been carried out very well. So a change to these 150 people's terms and conditions of employment, in my view, is worthy of some examination, some scrutiny.

I do not want to go to any great lengths in suggesting that the Public Accounts Committee examine the Government's Bill, but I will say that I fully expect that if this motion of mine succeeds the Government will not seek to bring on further debate on their Bill whilst the committee is still inquiring. On that subject, I believe that I have given the committee a reasonably short timetable for making their examination. If it is the will of the Assembly that this legislation go ahead, then I do not believe that the slight delay of only a couple of months will be in any way detrimental to the Government in seeking to pursue their agenda. We have a government that has often mouthed rhetoric about open government, about consultation and so on. Mr Speaker, it seems to me that a two-month period spent examining an item of major change which is within the terms of reference of the Public Accounts Committee is the barest minimum scrutiny that any open government should contemplate. I believe that the motion I have put forward is entirely appropriate and it is the only responsible way to go with what is a very major change to the fundamental basis of the ACT Government Service. I commend the motion to the Assembly.

MR KAINE (10.52): I hope that the Assembly will indulge me this morning. My voice is not so good. This is a subject on which I feel compelled to speak. Mr Speaker, I oppose this motion on the basis that we have an executive government, the Chief Minister of which was elected by this Assembly to get on with the business of governing this Territory. There are some things about which a government can be expected to consult. But the way it goes about administering the Territory is so fundamental to government that I do not believe that any amount of consultation with the community can or should affect the way the government goes about setting those arrangements in place. I think it would be an abdication of responsibility for the Chief Minister to say, "We will let the public determine what our public service is going to look like". We would be wrong to allow this Government to be diverted from its primary responsibility and its role.

The ACT Government Service was set up by the Follett Government in the image that they thought was proper. Many of us did not agree with what was set up at the time. I was quite critical of a number of aspects of the way in which the ACT Government Service was set up. First of all, there was no prior definition of the functions that the organisation was to perform. We simply renamed what we had, with all of its inefficiencies. Many of those inefficiencies remain to this day. The then Chief Minister was determined that all public servants, whether in statutory authorities or otherwise, would be brought under the umbrella of the Public Service Management Act. I did not agree with that either. But I did believe that the Government was entitled to govern. The former Chief Minister often says that the Government is entitled to govern. The former Chief Minister was entitled at the end of the day to set up a public service that she thought was appropriate. The government has changed, and some of us think that what was set up is not appropriate and needs to be further changed. One of the things that still need to be done is to define the functions that that organisation is supposed to perform, create the organisational entities which will perform them, and set up proper arrangements for the executives of those organisations to be fully responsible and accountable to this Assembly and to the public. This is what the Bill that the Chief Minister has now put before the Assembly sets out to do.

The Leader of the Opposition seems to imply that setting these new arrangements in place somehow questions the calibre, the competence and the qualifications of our senior public servants. That is absolutely rubbish. The Bill makes it clear that the senior executives in this new organisation will be there because of merit. Ms Follett makes the point that these officers have done a good job for six years under self-government. There is no suggestion that they are not going to continue to do it. The processes that will provide for all positions to be spilt and for the officers to be reappointed to the new positions that are created in no way question the calibre, the competence or the ability of these officers to continue to do what they have done very well in serving the community since self-government.

The Leader of the Opposition says that we need time to examine this Bill. Referring it to a committee is not going to make any more time. The Bill is now before the Assembly. The Leader of the Opposition can go away and spend the next three weeks examining it to her heart's content. How does she believe that having an inquiry by the Public Accounts Committee is going to advance her knowledge of what it says and what

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it purports to do? Where is she going to go for the input that is going to give us this flash of insight into whether perhaps it should be done in a different way? I do not see it. The Leader of the Opposition talks about scrutiny and open government. The place in which legislation is subjected to scrutiny in an open government is, by and large, this place. This is where the debate takes place. There are some things that I believe should properly be referred to committees of the Assembly. There are some matters that do need public scrutiny, but this is not one of them. I believe that the Chief Minister is entitled, as the former Chief Minister was, to set about structuring the organisation that serves this Government along the lines that she sees fit.

There is no suggestion that the public service is going to be decimated, demoralised, destroyed or anything of the kind. I have not heard the Leader of the Opposition suggest that that is the case. My understanding is that the senior officers of the ACT Government Service, by and large, have accepted this proposal. They are enthusiastic about it. They want to get on with it. Referring the thing to a committee and trying to muddy the waters and slow down the ability of the Government to get on with what it must do is not something that I support. Mr Speaker, I do not support this matter being referred to any committee.

MR MOORE (10.58): Mr Speaker, I have been listening to the debate with some interest - from my office for most of it. I recall clearly that Rosemary Follett last year introduced a Public Sector Management Bill that she hoped would go straight through. A similar motion that it be referred to the Public Accounts Committee was moved. As I recall it, the then Chief Minister did not want it referred to a committee. She felt that it was an issue for management but at the same time gracefully accepted the will of the Assembly. I would hate to misrepresent Ms Follett, but that Public Sector Management Bill went to a committee and was considered by a committee. It was considered very quickly by that committee.

Ms Follett: Six months.

MR MOORE: Ms Follett interjects, "Six months". The committee considered the Bill quickly so that it could be passed within her timeframe. I thought it important that that Bill be considered by a committee. I have always advocated that if legislation going through this Assembly needs to be considered by a committee that ought to be done. For me, the question now becomes what the timeframe for this committee to report should be, rather than whether or not this legislation should go to a committee.

I believe that there are good reasons why the Chief Minister wishes the Bill to go quickly to a committee. In the last few minutes the Chief Minister has indicated to me that even this very tight timeframe would be too long. I believe that it would be appropriate for us to adjourn this debate until a later hour today so that we can negotiate an appropriate timeframe for this committee in an agreeable way. I am quite happy for the debate to come back on. I am quite happy to support the Bill going to a committee. I also believe that the Government has to get on with the job of governing and doing what it needs to do to deliver. It was on exactly that basis that I supported Labor on many occasions by saying, "Yes, we will meet your timeframe".

I think we should take some time to discuss the matter. It may even be possible for the Whips or whoever to discuss this matter and to bring it back on before lunch. I am quite open to bringing it back either before lunch or after lunch. I believe that we should sit down around the table and work out what the best timeframe is, what it is that the Government is trying to achieve and why it is that they want to set a tighter timeframe, and try to understand all that before we take a vote on the motion or decide whether we need to amend it.

I would like to see the full projected timeframe and understand why it is that the Chief Minister wants a tighter timeframe than the fairly tight timeframe set out in what I think is a very reasonable motion. If I am not mistaken, the committee would report in six or seven weeks from today. That is a tight timeframe. I would like to see what we can manage. It is appropriate for this debate to be adjourned. Since I have now spoken, I would encourage another member to adjourn the debate so that we can sit down and discuss the matter, and then bring the motion on at a later hour today.

Motion (by **Mr Berry**) agreed to:

That the debate be adjourned to a later hour this day and that the resumption of the debate have precedence of Executive business after conclusion of the discussion of the matter of public importance.

SOCIAL POLICY - STANDING COMMITTEE
Proposed Inquiry - Kaleen Youth Shelter

MS TUCKER (11.04): Mr Speaker, I move:

That:

- (1) the Standing Committee on Social Policy:
 - (a) inquire into and report on the operation and management of the Kaleen Youth Shelter with particular reference to the benefits or otherwise to youth, staff and the community as a whole of retaining such services in the public sector; and
 - (b) report by 14 December 1995; and
- (2) the Assembly calls on the Government to retain public sector operation and management of the Kaleen Youth Shelter until the Standing Committee on Social Policy has completed its inquiry.

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This motion seeks to allow the Social Policy Committee to closely examine the benefits and drawbacks of contracting out the Kaleen Youth Shelter services. Contracting out, on the face of it, may appear to be a smart option. We get more services for less money, but what are the benefits? Kaleen Youth Shelter is a crisis accommodation shelter for young people. It is staffed by people who have shown a deep care for the young people they serve. These staff have not been given a real opportunity to develop the service they would like to, because this Government, as the previous Government did, has consistently refused to fund them adequately. It is a fact that the day programs that the Government now says need to be implemented immediately could have been offered by the staff months ago, as there are a range of facilities at Kaleen that are not being used.

Furthermore, Richmond Fellowship have told us that they would have been more than willing to offer a day program, and indeed over the years they have put in several submissions on day programs for Kaleen, only to be told that Kaleen was a crisis centre and did not need such programs. Mr Speaker, the kids clearly need the opportunity to be involved in activities during the day, and the Government could have offered those programs either through Richmond Fellowship or through using the existing staff and resources at Kaleen.

So what is this all about? Why the sudden great urgency to resolve this situation? The obvious answer is that the young people who use these services need as much stability as possible. They do not need to be mucked around by the uncertainty of not knowing who is going to be caring for them; nor do they need industrial disputes and people fighting over them. So why has this Government created the instability? The staff at Kaleen are doing a good job, and have been doing a good job for a long time.

If the Government wanted to reduce costs, there are a variety of mechanisms they could have used; but instead they said, "Let us contract out the service". The resulting industrial chaos and instability for the young people involved are hardly surprising. The Government has acted prematurely and without thinking the issue through, and now they are blaming the staff. They are saying that unless the issue is quickly resolved the young people will suffer. But it was the Government that caused this problem. So let the Government solve it by saying that they will not contract out this service; that they will work with staff and unions to reduce costs and improve services; that they will work with the staff and Richmond Fellowship to provide a day program. That seems to be the quickest and fairest result. If the Government agrees to do this, then the Greens will withdraw their motion.

There is another fundamental issue about wages. Richmond Fellowship will offer staff a flat rate of \$26,000 a year. For some people, perhaps a single person with no dependants, this might be a livable wage. For many it is not. Indeed, for many the wage of \$26,000 is below the poverty line. So contracting out services to organisations that do not pay reasonable wages may create a whole new set of social problems stemming from low income families unable to pay for the escalating cost of living. The issue of contracting out services to the community or private sector is a big issue that needs much greater consideration and debate than this Government is offering.

While we recognise that most groups in the community sector do an excellent job, an obvious reason that the Liberal Government finds the community sector attractive is that it is not bound by strong industrial awards. What this means is that people doing equivalent work in the public sector are paid reasonable wages because of the overtime they can accrue, while people doing the same work in the community sector will be paid much less. This is particularly offensive to me in light of the Liberal Government's rhetoric about paying top dollar to our senior executives. How is it that in our community the Liberals see it as reasonable that one worker should receive \$26,000 for doing valuable and stressful social work while another receives \$140,000? They both live in the same society and have the same basic costs. Do we really want executive officers who will work only if they receive these extraordinary salaries when the social implications are so serious - the ever-widening gap between rich and poor?

Often community organisations are squeezed. I come from a background of working in them and I know it from first-hand experience. They face a dilemma in offering the best services and conditions for their staff. This is a problem this Government must address, and a good start would be seriously considering the funding of the community sector once the social and community sector award is implemented. Mr Speaker, doubtless Mr Stefaniak will draw attention to the fact that Kaleen youth workers took strike action to seek to resolve their dispute. Perhaps this action was not the most appropriate action to take, but they took this course of action because the Government would not talk with them. Indeed, the Minister has repeatedly refused to see them. It is the last action they can take.

There are also questions to be answered about the tendering process - the time allowed for this and the lack of support for would-be tenderers who may have excellent youth work credentials but do not have expertise in tendering processes. This service has been in the private sector before and it was badly messed up. It was returned to the public sector and has been well run for a number of years. Even Neighbourhood Watch has supported the way this service has been run. It is not the sort of facility that neighbourhoods often want to have in their area. I think it is important to note this Neighbourhood Watch support.

Finally, I would like to reiterate the point that this Government created the problem and that they should not seek to solve it at the expense of young people and the dedicated staff who care for them. This Government is pushing ahead with its so-called reforms without giving this Assembly an opportunity to closely examine the many social and environmental implications. We have just heard Ms Follett speaking on this same issue. We heard very clearly from Mrs Carnell right through the election campaign that she was definitely supportive of committees having the right to look in detail at any policies which had serious implications. It did not happen with the corporatisation of ACTEW; it is not happening with these other serious changes. They are a minority government and they have a responsibility to allow the Assembly time to look at these issues.

Mr Connolly: And they are not even listening to what you are saying.

Mr De Domenico: We are talking here, smart arse.

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MS TUCKER: It was clear in the Estimates Committee that they have not examined many of the implications themselves, and they are not allowing the Assembly the opportunity to examine them.

Mr Connolly: Mr Speaker, I raise a point of order. I apologise to Ms Tucker; but is the loud interjection of “smart arse” from the Deputy Chief Minister a parliamentary term? Will you do something about the standards of conduct of that man?

MR SPEAKER: I did not hear the interjection, Mr Connolly; but if the term was used I would ask the Minister to withdraw it.

Mr De Domenico: Any term that makes Mr Connolly feel so precious I will withdraw, Mr Speaker.

MR SPEAKER: Thank you, Mr De Domenico.

MS TUCKER: As I was saying, it was clear in the Estimates Committee that the Government has not examined the implications. There is a dearth of qualitative indicators in almost all areas of Government policy and in no place is this as evident as in the contracting out of Kaleen Youth Shelter. We therefore urge members of this Assembly to support this motion, which will allow considered examination of the benefits and costs of this initiative.

MR STEFANIAK (Minister for Education and Training and Minister for Children’s and Youth Services) (11.12): Mr Speaker, the Kaleen Youth Shelter is a shelter established under the Children’s Services Act 1986. It provides care for children aged between 12 and 17 years who are on court orders because they are at risk of abuse or neglect or because they must reside as directed by the Director of Family Services as a condition of bail. In considering the most efficient and effective way of providing for this group of young people, the Family Services Branch is constantly reviewing all its service provisions. The large bulk of Family Services provisions for the children in the care of the director are contracted out to the non-government sector, and this has always been the situation in the ACT, as it is in the other States. Mr Speaker, New South Wales, for instance, is now contracting out all its residential and foster care services for children and young people. New South Wales, of course, is a Labor State.

Members will recall that for many years Marymead, Barnardos and the Richmond Fellowship were the only providers of residential and foster care in the ACT. There is a proud tradition of quality service to children by non-government organisations in this Territory. Far from not meeting with the staff and the union representatives, Ms Tucker, I met them in August and took on board some of the things they raised, including the need for a tender such as that which occurred. It was interesting talking to them. At no stage did they question the ability of Richmond Fellowship to run the shelter well. Marymead’s shelter service for younger children is run under strict contract to the Director of Family Services. There is no legal impediment to this arrangement, and all the director’s responsibilities under the Children’s Services Act 1986 are provided for in this arrangement. Under the contracts with Family Services, agencies are obliged to accept referrals.

I turn to the issue of consultation. Richmond Fellowship approached the Director of Family Services, and there has been extensive consultation dating back to early June, when Chris Healy took a proposal to staff and started discussions rolling. Discussions were also held, I understand, between the staff and a person from Richmond Fellowship. The Director of Adoptions and Foster Care and the Director of Family Services attended regular meetings in June and July with the staff of Kaleen. I met with the staff in August. We did not have a tender process until September. Richmond Fellowship proposed a similar arrangement for the 12 to 17 age group. I was aware of that, as Family Services was, and we had consultation. I think it was quite proper to have a public tender process and, of course, that was done. As I indicated a couple of days ago, it was strictly controlled by the Department of Education and Training, the department now responsible for family services. It was only a couple of days ago that I went through what occurred, so I will not bother repeating it.

Mr Speaker, although it was the intention that the contract should begin on 12 October, the contract will now begin on 9 November to accommodate an agreement in the Australian Industrial Relations Commission that allows permanent staff at the Kaleen Youth Shelter some more time to consider their redeployment options and to be trained for new positions. This proposal was initiated by the Director of Family Services in response to staff anxieties, and it indicates a degree of responsibility taken to accommodate the needs of the employees that have been obvious since June. I think the director has handled this exceptionally well, taking into account at all times the needs of the staff. I stress that no staff member will be left without the opportunity to take up another position in the ACT Government Service. Temporary and casual staff are also being assisted in locating new job opportunities even though, strictly speaking, there is no industrial obligation that that be done.

I believe that, in contracting out this service to an agency of high community standing and a reputation for quality service to children, this Government is certainly meeting its obligations to children in the most responsible way possible. The Government is also meeting its obligation to the ACT community to continue to provide services that represent excellent value for the investment of public money. I also believe that, as an employer, this Government is acting responsibly towards its employees.

On Thursday, 12 October 1995, the Community and Public Sector Union and Family Services attended a hearing at the Industrial Relations Commission regarding the transfer of responsibility for the Kaleen Youth Shelter. As part of their submission, the CPSU claimed that not enough notice was given to staff at Kaleen surrounding the closure of the shelter. Maybe that could be queried in the light of what had happened from June on. They also indicated that there were concerns relating to the relocation of staff to other positions. The union stated that it was concerned about the employment prospects of its members. The Government, as a considerate employer, was also concerned about that.

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Mr Speaker, I have indicated what occurred as a result of that. All permanent officers have been offered positions at Quamby or in other areas of Family Services which offer similar work conditions and salaries to those that apply at the Kaleen Youth Shelter. No permanent employee is being denied a position. To assist staff in making the transition to their new positions, Family Services agreed in the commission that a number of conditions should apply. Firstly, the shelter will remain operational under government control until 7.00 am on Thursday, 9 November 1995, when Richmond Fellowship will take over the shelter. Secondly, Kaleen Youth Shelter staff will be offered training at Quamby to introduce them to their new work environment. Thirdly, Family Services will advise staff of any employment options, other than Quamby, which may be suitable. Fourthly and finally, in order to keep the shelter operational for the coming month, Family Services agreed to supplement vacancies on the shelter staff roster with casual staff as necessary.

The CPSU agreed to this and, on behalf of the Kaleen staff, agreed to lift all bans and strike actions as of Thursday, 12 October. Staff attended the shelter for the 3 o'clock shift that afternoon. Two children were placed at the shelter on that day, and there are now four young people at the shelter. The arbitration commissioner recommended that the Richmond Fellowship contract not be taken up until 9 November and that the staffing action agreed to by the two parties be implemented. The commissioner also recommended that there be no further bans, industrial action or any other action. Yet here we are with this motion today.

The process of transferring the function in a legitimate, orderly way should not be held up. Referring an administrative operational matter such as this to a committee is just one of the oldest tricks in the book to torpedo a perfectly reasonable administrative decision to improve the operation of the Kaleen Youth Shelter, to broaden its programs and to extend the quality care being given to the children there without additional cost to government.

Ms Tucker talked about Richmond Fellowship staff being on \$26,000 a year and made some amazing comment about the amount of money the chief executive of the ACT public service gets, which incidentally, Ms Tucker, is considerably less than in other States. The \$26,000, which is about what an ASO2 gets, is paid to youth workers at the Kaleen Youth Shelter. I do not see what the point of your argument is. We are not talking about a base wage which is any different.

We have to look at the best possible service for the children. That is the most important thing. This Government has to be responsible. It has to provide the best possible service within its budget, and that is what it is proposing here. For those children, there is virtually nothing to do during the day. My office has received a number of calls from people saying that the children are dropped off in Civic or go into Civic and there is just nothing for them to do. Richmond Fellowship has extensive day programs, such as those at Pialligo, to help these children who are in some difficulty to get their lives together again. It is all about providing the best possible service for the children. That is what we have been doing. We have done it with great consideration for the staff all the way through and continue to do so. If this motion succeeds, Mr Speaker, it really will be the children who will miss out.

Ms McRae and Ms Tucker have mentioned concern in the neighbourhood. With a shelter like that there always have been some concerns. There were concerns last year, I recall, about kids at the shelter burning down a large playground structure and some trees next to the shelter. It was run by the Government then. I think there were concerns on occasions when Barnardos ran it. Because of the nature of the kids, there may even be some incidents when Richmond Fellowship runs it - hopefully, a lot fewer because the kids will have more to do. We can go back in history and show that incidents have occurred there regardless of who has been running it. It is about running the best possible program.

The reason Richmond Fellowship have the job is that they can offer a full range of programs, including day programs, for these very disadvantaged children. That is what we should be concerned about. The longer this goes on, the more damage will be done to these kids. I agree with one thing Ms Tucker mentioned. Uncertainty will affect the young children. They need certainty. They do not need to have industrial disputes. Maybe the union should not have had those industrial disputes. When they had 24-hour strikes, guess where the kids went. They went to the very private organisations, including the Richmond Fellowship, that those opposite do not want to run the shelter. Let us get a little bit fair dinkum here and let us look at reality. It will be the kids who miss out. It is one of the oldest tricks in the book to send it to a committee, hoping that it will go away and that the status quo will remain.

MR MOORE (11.23): Mr Speaker, I heard interjections when Mr Stefaniak was saying that really the crunch is that four children are going to miss out. The interjections used words such as "shame". I also heard that word in discussions about this motion before I came into the chamber. It is effectively emotional blackmail to say that if we pass this motion four children involved in this case will be worse off, because we know that if anything increases stress in people it is uncertainty.

Mr Speaker, I must say that that emotional blackmail, if that is what it is, works on me. Having looked at this motion, I considered it a very sensible motion. I congratulate Ms Tucker for bringing it up. But because I believe that four children are going to be worse off through this motion I am not going to support it. There are very few times when we make decisions in this chamber based on such a consideration. I think there is a broader principle that needs to be investigated by Ms Tucker's Social Policy Committee, without reference to the Assembly or through the Assembly. I would be very comfortable about their taking on that reference.

Mr Speaker, there are many decisions we make in this chamber that people would consider very controversial but that I find very easy. They do not put a great deal of stress on me. The decisions that create stress amongst members are those that have very good arguments on both sides, particularly when somebody is going to get caught in the middle. In this case the people who are likely to get caught in the middle are particularly vulnerable. I believe that they would be worse off. It is for those quite emotional reasons, rather than the substance of the motion, that I will not support this motion today. I think the motion has real merit. It was quite appropriate for Ms Tucker to bring it on. She argued particularly well why the motion should not go ahead, even though I think it has a great deal of merit.

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MS McRAE (11.26): I would like to speak in support of the motion. Because I think the debate has been unfortunately skewed in the wrong way, I would like to begin by putting on record that this is not a debate about the Richmond Fellowship. I would like to put on record that I have absolutely no objection to the non-profit private sector running these shelters or any other services in the ACT. I think it is highly unfortunate that discussion of one versus the other has been raised.

The real issue of significance here is Government responsibility. We talk about the needs of these children, but the instability about the future of the children was not begun two weeks ago. It was begun, we hear now, six months ago by people making inquiries. It was begun not by any evaluation process, not by any objective analysis - we asked about that in question time - not by any overriding concern, but by some search to find a way to deliver a service in a cheaper way.

Now, six months down the track, we hear that the children had nothing to do. Why was that problem not solved? We heard Mr Stefaniak say that the children had nothing to do and that the Richmond Fellowship offered them something to do during the day. That is a responsibility that should have been dealt with. It was not until today that we heard anything sensible at all from the Minister. Even then, more questions have been left unanswered than have been answered. I have not yet heard of objective evaluative analysis that says categorically that the government sector could not run the service and run it well. It has been decided that a particular organisation can do it better. It comes back to a process of Government responsibility for what the Government offers the young ones of the ACT. What has this Government done? It began talks. After pressure, not before, it decided to go to tender. What this motion is about is looking at the level of Government responsibility to this service and then looking at the process by which the Government is delivering its responsibility.

The question is: Why should the Government oppose this motion? There is more in it for the Government than against it. If there was no problem with the process of tendering out, if there was no problem with the handing over of the service, if there was no problem with the changeover, then why does the Government not allow the Social Policy Committee to put all these things on the public record to remove the odium from around the debate and to allow everyone concerned to argue their case?

The argument about the children, as Michael Moore said, is an emotive argument. The staff is there. The staff will remain there. The staff may change over in November; it may change over in December. Four more weeks is not going to make any difference; but it will assure everyone concerned that the process was undertaken correctly, that the Minister had good reason to tender out and that everyone will benefit from the change. This is what this inquiry will enable to happen. It will in fact assist the Government. It will not hurt anybody. I find that unnecessary and irrelevant nonsense. The staff is there. The service is there. An inquiry is not going to make any difference to what is happening now. This inquiry is to finish on 14 December. The children are staying in the care of the current staff until 7 November and then the Richmond Fellowship takes over.

What we have found out since the tendering process can only raise questions. We have found out that the tender documents were accepted and the contract was given to the Richmond Fellowship. Then we found out that they were in breach of the Incorporations Act. Those questions must be answered.

MR SPEAKER: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77.

Motion (by **Ms Tucker**) agreed to:

That the time allotted to Assembly business be extended by 30 minutes.

MS McRAE: Fundamentally, the question has to be: What is it that the Government is trying to hide? What is it that the Government is scared of? What is it that cannot be discussed openly? This issue is a fundamental issue. Not only does it directly affect the children in this service; it affects the name of all the private sector organisations that tender. They know that questions will be asked every time. They know that this Government is incompetent. They were subjected to odium because allegedly their documents were not satisfactory. It was not until further information was revealed that this Government said, "We have gone back and checked now and they are all in order". That is fine. I have no problem with that. But the question arises: Why was it not done properly in the first place?

There are now a whole series of questions about this issue which reflect badly on the Government and which reflect badly on the services going to the Richmond Fellowship. As I have said, I think Richmond Fellowship are an excellent service. There are a whole series of questions about why, if 11 organisations had asked for documents, no further action was taken. The tenders were closed within 13 days. For a major service like this, there was 13 days to complete the documents and get them in.

Mr De Domenico: That is pretty normal.

MS McRAE: I do not care whether that is typical or not. This is a fundamental service. To rush through the tenders, to leave all these questions up in the air and to then find out that there were problems with papers can only lead to ongoing questioning of this service which will not do anyone any good. Having seen the rush of this Government, we know that this is the beginning of many services being handed over. That is fine. If this Government will not allow open inquiry and allow one of their own members to sit on the committee with a Green and me, if the Government is not willing to allow its processes to be scrutinised, if the Government is not willing to allow us to debate the whole notion of who should run their services, it can only lead to a major question about what is being hidden and why.

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Mrs Carnell: You are questioning Richmond Fellowship. That is what you are doing.

MS McRAE: That is what you are doing. That is what Mr Stefaniak and you are doing. Mrs Carnell again tries to put a slur on what I am saying. I have nothing against Richmond Fellowship. They were the ones who did not have their papers in correctly. The tender documents did not check out, but that has now been fixed. I have nothing against the private sector.

Mr Stefaniak: What is the problem then?

MS McRAE: The problem is this: The bigger question that comes through is that raised by Burdekin - - -

Mr Stefaniak: You just do not want them to get it. It is ideological.

MS McRAE: Your problem is that you run a government that you call an open and consultative council-style government, but when anything is put before you for open inquiry by an Assembly committee you hide.

Mrs Carnell: It has already happened.

MS McRAE: It has not happened. Today is the first time I have heard some of the details of what was in Mr Stefaniak's head. It has not happened.

Mr Humphries: You chaired the Estimates Committee. You did not ask any questions about it.

MS McRAE: That was not a public inquiry into this particular process, and I find your interjection just ridiculous. The Estimates Committee yielded no answers that were satisfactory, which is why this issue has to be pursued. The bigger issue is that both the Burdekin report and the Allan Morris report raised some substantial issues of concern about these very children and the sorts of services that they need. Both the Burdekin report and the Morris report say that of - - -

Mrs Carnell: What did they say? They said that the children needed something to do during the day. That is what the reports say.

MS McRAE: Of course, Mrs Carnell, and you could have fixed that. You are simply fixing it on the cheap now. The Burdekin report and the recent Morris report said that government must retain some level of service that is run by government. I have not had put before me a single argument as to why this Government is walking away from that, why this Government does not consider the recommendations of Burdekin and Morris as being of any importance and how they will deal with those objections.

Mrs Carnell: We do, but the kids need something to do during the day other than hanging around Civic.

MS McRAE: I keep getting interjections about things being done during the day. Again, that is a ridiculous interjection. If that was the problem in June, that could have been fixed in June. We did not hear - - -

Mrs Carnell: How?

MS McRAE: That is exactly my point. If you had a problem, you should have analysed the problem, presented the problem and found the solution. You should not have made a fundamental change to a service in secret. The matter had to be pursued by a union until it became open. There was not going to be a tendering process until the union put it before you, and even then the tendering process was rushed through. There were 10 interested organisations that nobody followed up. On top of that, the documents were out of order.

MR SPEAKER: Order! The member's time has expired.

MR HUMPHRIES (Attorney-General) (11.37): Mr Speaker, we have heard a rather extraordinary speech from Ms McRae. I was flabbergasted by the suggestion that we have not allowed open inquiry on this matter. All the people on the frontbench on this side of the chamber have spent the last few weeks sitting before the Estimates Committee, which Ms McRae chairs. It might pay members to peruse the Estimates Committee *Hansard* to see what questions were asked of Mr Stefaniak concerning the youth shelter. Although I do not have a copy in front of me, I understand that there were very few questions indeed, if any at all, and certainly none from Ms McRae. The woman who is now saying that she wants to know, that she needs to have answers and that she needs to see what is behind this dark, covert Government clearly did not bother to ask any questions in the perfect forum in which such questions might be asked. Dear, oh dear, Ms McRae! Do not insult our intelligence with that kind of claptrap in this place.

I am concerned about this motion coming up at this stage. I ask members to peruse the notice paper of the Assembly and consider the number of items on the notice paper indicating motions before the Assembly at the present time - and some have been dealt with in the past - effectively demanding or at least requesting that elements of the Government's budget be wound back or abandoned. We have notice of a motion that the Government not proceed with the sale of health centres. That was in the paper yesterday. We have the motion from Ms McRae that we not proceed to reduce any funding for ACTCOSS. We have the proposal from Ms Follett that we not reduce funding to Inanna women's refuge. We have the proposal from Ms Tucker that we not proceed with the expansion of any further town centres or Manuka until there has been a review of trading hours. That has significant budgetary implications. We have some suggestion from Mr Moore that there will be a motion or other amendment relating to the education budget. We had the proposal today to defer the Public Sector Management (Amendment) Bill, which is a Bill which has significant - - -

Ms McRae: Mr Speaker, I raise a point of order. I would like to know the relevance of all of this. Mr Speaker, I call your attention to relevance.

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MR HUMPHRIES: Mr Speaker, I would argue that this is extremely relevant because this is another motion before the Assembly which deals with the Government's budget. This motion is about the Government's budget. You are asking us, effectively, to withdraw or defer the making of savings from this arrangement. Mr Speaker, there is a serious implication for the whole of this area.

MR SPEAKER: There is no point of order. Continue, Mr Humphries.

MR HUMPHRIES: I would ask the Assembly to consider seriously whether it is possible for us to bring down a budget with all these bits and pieces being chopped about and withdrawn as the debate goes on in this place. This is our first budget in five years. We have a mandate to come forward with some of these reforms in the ACT public sector area of expenditure. We believe that we have a certain entitlement to put forward these proposals. With respect, Mr Speaker, the Assembly ought to give us a little bit of leeway in the way in which we bring them forward.

Ms McRae says that the issue is not the Richmond Fellowship. I am not so sure that it is not. If Ms McRae says that she has no problem with the Richmond Fellowship, then I think the question needs to be asked: Why is it not possible for that body to pick up the work that was previously done within the government sector and provide a high quality of service to the children of the ACT? I think it is perfectly possible for that to happen. Clearly, there is a significant budgetary implication for the Government in that decision, and the Government ought to be able to proceed with it.

Ms McRae referred to negotiations with the staff and how supposedly this matter is being rushed through. I think it is worth emphasising that negotiations have gone on for some time with the staff at the shelter and with the CPSU about the way in which these sorts of things should be advanced. Negotiations with the staff were first introduced in early June of this year, and Family Services management has had regular meetings with staff in both the union setting and staff meetings since that time. The proposals were not, as Ms McRae suggested, thrust upon staff in a sudden way. Staff were not under pressure, except in the sense that we had a proposal to put forward and we wanted to see it advanced.

The proposal did not get very far in the context of those negotiations, because particularly the CPSU indicated that their response to the requirement or the desire to save money in this context - and it is a very expensive area in which to provide services in the ACT - was to reclassify jobs at the centre to higher levels and to add more staffing positions to the shelter. I am sure that any area of government would like to feel that they could call on that extra resource. That is a very good thing to be able to ask for, but it is an irresponsible thing to demand and to take industrial action over in the present context of the ACT's budget. It is highly irresponsible. The result of that behaviour on the part of the union particularly would have been to increase the cost of what is already a very small service, even though it is a very important one. This is not the way that a responsible government advances the question of how best to serve very vulnerable young people in our community.

Ms McRae spoke extensively about a Government responsibility to do certain things. Ms McRae, the chief responsibility of the Government here is to provide this service in a context of expanding demand. Services all over this Territory are having increasing calls on them. That means that we need to look at how we can provide those services on a more cost-effective basis.

Ms McRae: You are just being a cheapskate.

MR HUMPHRIES: Ms McRae says that that is being a cheapskate. To quote Ms McRae herself, that is unnecessary and irrelevant nonsense and really is quite a concern from a person who purports to be a responsible member of this Assembly. How can a responsible government, knowing that this problem exists, not proceed to take action to sustain the same level of service to people in the community at risk, but at lower cost?

Mr Speaker, I think that the Opposition has advanced a quite ideological response to this. The Opposition does not believe in the transfer of functions to the private sector no matter what the circumstances. They do not care if it is Richmond Fellowship or any other private sector or not-for-profit organisation in the community. They say that these things must be done by government. That inflexible response has contributed to the present financial position the Territory finds itself in. In the last five or six years, chiefly under the Follett Government, there was no move towards exploiting the considerable expertise and well of resources and goodwill in the private sector in these sorts of areas. The view always taken was, "No; only the Government must do that. No; the level of government employment in this area must be maintained". That irresponsible attitude, Mr Speaker, has cost this community very dearly.

Ms Tucker raised a different issue. She raised the question of whether it was conscionable to have people in the government sector - that is the way she put it on the radio this morning - paid \$140,000 to head departments and, on the other hand, to have people in the private sector paid only \$26,000 to do certain jobs at youth shelters. I have a great problem with the concept of people comparing work at different levels in that way. I do not know whether Ms Tucker was suggesting that, in effect, people ought to be paid at the same level across the board for jobs they do in the public sector. Perhaps she is a very radical person and believes that that is the case. I believe that jobs of greater demands and greater responsibility deserve greater remuneration, but that is just my view. The point, though, is that if she believes that there is some inequity in the current wage structure we should have an inquiry into that issue in the context of the whole of the ACT Government and not in the context of this particular issue.

The call has come to us now to deal with this issue in an urgent fashion. We have to provide services in this area and they are costing us an arm and a leg. We believe that we can do it more cheaply but just as effectively in another way. Mr Speaker, let us have the issue that Ms Tucker wants to raise considered in another context. I believe that it is important for us to proceed in this area. I do not think an inquiry at this relatively late stage in the process is going to be useful or worth while. If members believe that there is not a case for moving in this area, they have not explored very thoroughly the problems that are facing this area at the present time.

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MR BERRY (11.46): We have just heard from Mr Humphries a diatribe about efficiency, savings and all the sorts of things that you would expect from a Liberal government. He also had a shot at Labor about its views on the private sector. Labor is a great supporter of the private sector. It always has been. We also believe that people who are elected to this place have to take on responsibility. That is what this Government has refused to do. What they are trying to do is palm off their responsibility to other people, all under the guise of efficiency, lower costs and savings. All you see in their eyes is a steely glint. They are not interested in the human issues.

I want to put in a special plea for the kids, because they are the people being lost sight of in this argument. It is all about economic rationalism. It is about a cold-hearted approach to the bottom line. It is not about an interest in the young kids. I want to put in a special plea for them. I also want to emphasise the need - - -

Mr Humphries: Pass me a bucket.

MR BERRY: Mr Humphries, what an outrageous interjection! He says, "Pass me the bucket". Anybody not concerned about the youngsters who use this place demonstrates where they are coming from.

Ms McRae: Cheapskates.

MR BERRY: Ms McRae hits the nail on the head. They are a bunch of cheapskates who are not interested in the human issues. There has been a lack of public scrutiny of the process. The Government promised the community that it would be open, consultative and all of those things. We heard all the warm, fluffy tones. Yet the moment they get their hands on the levers the steely glint comes into their eyes and they start worrying about the bottom line instead of the people.

This inquiry is about people who were elected to this place having the opportunity to make recommendations in relation to the future provision of services in the Territory and about the Government's ability or otherwise to take on the responsibilities that they were elected for. How many times have we seen this Government flag opportunities to divest itself of its responsibilities? Mr Humphries spoke at length on this issue. It was but a few weeks ago that Mr Humphries was trying to give away Namadgi. And the list goes on, to use Mrs Carnell's language. This is an example of human issues being totally lost sight of.

I would issue a plea to you to have some regard for the kids, some regard for the democratic processes and some regard for the people who have been elected to this place and their rights to scrutinise the minority Government's decisions in relation to this matter and whether it is appropriate for the Government to duck its responsibilities on this score in the interests of the bottom line.

MS TUCKER (11.51), in reply: I have to clarify once again a point that other members have had to clarify. There was at no time any intention by the Greens to cast aspersions on Richmond Fellowship. I think I made that quite clear in my speech, but it is still being brought up as a problem. Mr Stefaniak talked about the correctness of the tendering process. I thought I also covered that in my speech. Even if it is correct,

it is not appropriate. That length of time was not appropriate. No support was given to people who did not have expertise in putting forward a tender. However, they may be the perfect people to take on the service because of their credentials in youth work. I point that out again.

Mrs Carnell: Are you suggesting that Richmond Fellowship is not?

MS TUCKER: No; I am suggesting that there should be a fair tendering process with support offered to all interested parties. I thought I had made that clear, but I hope that I have now. There has not been an examination of the costs of this change, and that is what we are asking for in this committee. Mrs Carnell was not here when I was speaking before. One of the things I heard her say repeatedly in the election campaign - and it impressed me - was how she supported the use of the committee system in this Assembly. I am very disappointed that she does not actually put that into practice. She did not do it for ACTEW and apparently she is not supporting it for the other public sector changes that are occurring. This is about open and accountable government.

Mr Humphries talked about the budget implications of motions that are on the notice paper. I guess that so-called fiscal responsibility is the focus of many of those motions. There are people in this place and many people in the community who feel that real people are going to suffer as a result of so-called fiscal responsibility. Mr Humphries also referred to the Estimates Committee. At that committee we continually asked questions about the lack of qualitative indicators that would allow the effects of policy to be evaluated. This motion is an attempt to have the committee look at the costs and benefits, not just the budget implications. The point about the budget implications is that, if there had been greater consultation before the budget, maybe these things would not be coming up on the notice paper.

Mr Moore made a point about emotional blackmail. I resent very much the sort of argument he used. Of course we all care very much about how these young people are being affected by this debacle, but I stress again that the Government must take responsibility for this mess. It is no good saying that these kids are suffering. I tried to apply some emotional blackmail to Mr Moore this morning but it was not successful. If you want to look at the long-term effects of contracting out services, you must examine all the costs and benefits. The conditions and the morale of people working to provide these services have implications for how the services are delivered over the long run.

Mr Humphries was concerned that I was trying to have the committee look at the whole issue of the widening gap between the rich and the poor. That would not be an appropriate thing to do. I never suggested it. I was using that only as an argument against the considerable concerns that we feel, and the community feels, about the \$26,000. Mr Stefaniak, I said in my speech that, as it stands now, this \$26,000 baseline can be supplemented by overtime by workers in the Kaleen shelter. They have the ability to earn more than \$26,000. I accept Mr Humphries's idea that we should be debating and discussing the issue of the gap between rich and poor in salaries. I will table an article in today's *Australian* that looks at that issue. Maybe it is something the Social Policy Committee could look at, although I have a feeling that

it needs very broad debate within

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the whole community as well. If Mr Moore really does not think that it is okay to have industrial action, you could get rid of public education, because you could argue that the industrial action that has often been taken on behalf of students is too disruptive to the students. We could contract education out.

The Government raised the ideological position of Labor. I understand that Labor's ideological position basically comes from a concern for the welfare of workers. I do not know why you have to always argue about whose ideology is worse or more stringent. I guess that both ideologies come from a reasonable point to begin with. Labor is asking for this inquiry because they have concerns about workers as well as service provision and how these young people will be affected by the contracting out of these services. I urge all members to vote for this motion. It is about open and accountable government; it is about giving people a fair go - workers and the kids in that refuge.

Question put:

That the motion (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

FAIR TRADING (PETROLEUM RETAIL MARKETING) BILL 1995
Detail stage

Clause 1

Debate resumed.

MR CONNOLLY (12.01): The Labor Party's position on this concept of preventing multisite franchising has been something of a difficult one for us in that last year, when a competitive situation applied in the Canberra market, we had indicated that we would be prepared to contemplate such legislation. Having given that public pledge, it would be difficult for us to oppose this legislation for the sake of opposing it. For that reason, we will not be opposing it.

However, I do want to place on record our grave concern that it will achieve very little in the current state of the Canberra market, where there is an absolute absence of any competitive pressure. The competitive pressure which, as a government, we had injected into the market last year, saw generally lower prices. Even the Industry Commission found that our intervention, although they opposed it and said that it was not a good idea, had reduced the price of petroleum by about 3c a litre - a saving which went directly into the pockets of Canberra consumers. We constantly worked to keep that competitive edge in the market. That is now gone and I really doubt whether multisite franchising will make any difference or have any impact at all on pricing.

There is, however, one additional concern that we now have about this legislation. I understand that similar, if not identical, legislation was introduced into the New South Wales Legislative Assembly on the motion of Miss Machin, the former Consumer Affairs Minister in the New South Wales Liberal Government, during private members business a week or so ago. The New South Wales Government, as a result, have had to look very carefully at whether to support this Bill and have publicly come out with the proposition that they will not be supporting it. As a prudent government, they have gone off and got some fairly detailed legal advisings on this legislation. They are very concerned that the legislation may well be found to be inconsistent with the Commonwealth sites legislation, which in effect allows petroleum companies to operate franchised sites. There is a grave difficulty, or a potential grave difficulty. I understand that the New South Wales Government's position is that there will be a danger in such legislation being passed. Certainly, Shell have been making noises in Sydney to the effect that they also have gone out and sought some legal advice and will be in a position to challenge the New South Wales Bill if it becomes law.

I raised earlier the issue of acquisition of property and Mr Humphries was able, through his staff, to brief me to the extent that they had taken some prudent legal advisings on that issue. I am satisfied that that has been a prudent course of action. The issue will still be debated, but the Government has trodden carefully on the question of acquisition.

I wonder whether the Government has considered this issue of inconsistency with the sites Act and what would be, effectively, a cover-the-field argument. The Commonwealth legislation permits the franchisees to operate sites. If they comply with the guidelines they are in. The ACT Bill is now saying that they cannot get in. That would be a clear covering-the-field inconsistency. I understand that the franchise Act, which is the other Commonwealth Act, was considered and that a similar covering-the-field argument was mounted in relation to a certain piece of New South Wales legislation. In fact, the New South Wales Industrial Arbitration Act, it was argued, was inconsistent with the franchise Act. In the New South Wales Court of Appeal, in a decision in *Majik Markets v. Brake and Service Centres of Drummoyne* in 1992 - I am putting this on the record for the benefit of Mr Humphries's advisers - the president of the New South Wales Court of Appeal pointed out that there was no inconsistency there because the franchise Act specifically has in it a savings provision which makes it clear that it is not intended to cover the field. It seems from that decision that, absent such a provision, an inconsistency argument would apply. It is significant, Mr Speaker, that the Commonwealth sites Act does not have a similar savings provision.

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I would hope that Mr Humphries's advisers have looked at that point because it would be most regrettable if the passage of this Bill by this Assembly has no impact on the market, which I am certain it will not - that is to say, it will in no way bring about cheaper petroleum products for consumers - and embroils the ACT in expensive and potentially losing litigation, thus exposing the ratepayers to very considerable legal costs. I do point out that the New South Wales Government is going public on the proposition that it is not supporting this legislation because of some quite grave concerns that it would be inconsistent with Commonwealth law. Shell, I understand, is making that point fairly vigorously in New South Wales. I hope that that point has been looked at, because it certainly seems to be a very valid issue.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (12.07): Mr Speaker, let me respond to some of the things Mr Connolly has said. Mr Connolly keeps referring to this question of the pressure being on the oil companies or on retailers. He has not quite explained what causes this pressure or what the nature of this pressure is. I can only measure it in certain ways. Measuring it by what the price of petrol is is a bit difficult because members who occasionally leave the ACT and travel to other parts of this country would observe that they too are affected by the strange phenomenon of petrol prices varying from time to time and from place to place. Just as prices in the ACT have risen roughly throughout the course of this year, so too have prices risen throughout the same period in the rest of Australia, and quite consistently risen. So, Mr Speaker, there are price rises across the nation.

The essential question, of course, is what the price differential is between the ACT and comparable markets in Sydney and Melbourne. I confirm the advice I gave to the Assembly earlier, which is that the price differential between Sydney and Canberra at the last point at which I checked is lower than it was at the beginning of this year. If there is some view that pressure has come off, it has not been reflected in the way in which petrol is priced in the ACT. If anything, there are indications that there is more pressure on; but, again, I am not sure what causes this pressure or how this pressure manifests itself. If irritating the oil companies is an indication of pressure, I would suggest that the ACT Government creates as much pressure on oil prices as anything that the previous Government was able to generate.

Mr Speaker, Mr Connolly has asked expressly whether the New South Wales Government's position that there might be some problems with respect to inconsistency between the Commonwealth sites Act and this legislation has been explored. The answer, of course, is, "Yes, it has", and the advice to the ACT Government from the Attorney-General's Department is that there is no inconsistency. Like any legal advice, it is rarely couched in terms of absolute certainty; but the advice we have, the opinion of the Attorney-General's Department, is that there is not a problem. It does not surprise me that there should be different advice in New South Wales. There does tend to be a difference of view between lawyers in any given situation. Some say that if you have five lawyers in a room you will have six points of view.

Mr Speaker, Mr Connolly made reference on a previous occasion to the issue of whether there could be acquisition on unjust terms by virtue of the legislation putting certain restrictions on the capacity of franchisees to transfer their franchise. He also raised the question of whether members of the same family would get a transfer between

one member and another member of the same family. Those are reasonable issues. I have supplied Mr Connolly with advice that I have received on that subject, to indicate that, first of all, on the question of transfer between family members, there is a capacity within the legislation, particularly a combination of clause 6 of the Bill and subsection 27(2) of the Interpretation Act, to lift the restrictions on a class of agreements or a class of cases dealt with by this legislation. It is possible for any such cases, should they be bona fide ones, to be varied. That, incidentally, reflects very closely a provision, as I understand it, in the Commonwealth's Petrol Retail Marketing Franchise Act 1980.

The question of compulsory acquisition, or acquisition on other than just terms, is also clearly dealt with in the advice that I have received and have supplied to Mr Connolly. Briefly, previous cases indicate that the question of acquisition is not in issue where, in a sense, what the Government does is render less valuable someone's asset or possession. I indicate, first of all, that the Government does not concede that we do render the assets any less valuable by virtue of this legislation. I could make a comment on the effect of legislation a couple of years ago, the original fair trading legislation. I would certainly argue that it had the potential to render assets less valuable. Putting that issue to one side, even if it did render the assets less valuable, under the present case law - particularly *Waterhouse v. the Minister for the Arts and Territories*, a 1993 case in the Federal Court - the indication would be that the mere changing of the commercial setting of an asset does not make it having been acquired in any way by the Territory.

Mr Speaker, I believe that the legislation has been explored as thoroughly as possible from the point of view of the legal implications that it might have. Mr Connolly indicates that the Opposition will not oppose the legislation but obviously it does not intend to propose it either. I suppose that that is some sort of indication that there may be some possible effect from this legislation. I cannot be sure of how much effect it will have, but I am very keen for this Assembly to send a strong signal to oil companies. If it is possible for plans, the implications of which have not been clearly demonstrated to the ACT community, to be stopped through legislation, if there is an issue of whether legislation might prevent activities which are designed to reduce the effective level of competition in the ACT marketplace, then I believe that it behoves the Assembly to explore whether that legislation should not be passed.

If the worst that this legislation does is send a signal, I think it is worth while having it passed; but I think it will go further than that. I think it is legislation that will allow a number of people, extremely concerned about their future, to have some certainty that the Government and the Assembly as a whole are attempting to protect their interests. If inquiries such as that to be conducted by the Trade Practices Commission produce evidence or doubt, at least, about the efficacy and the effectiveness of these arrangements being conducted by major oil companies, there is a capacity for further action to be taken to remedy the harm or prevent the ill that might take place as a result of that action. I thank members for their support for the legislation.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (12.14), by leave:
Mr Speaker, I move together the eight amendments circulated in my name, as follows:

Page 3, lines 4 to 12, clause 4, subclauses (3), (4) and (5), omit the subclauses, substitute the following clauses:

“Assignment of franchisee’s interest restricted

‘4A. An agreement under which a franchisee assigns 50% or more of his or her interest under a franchise agreement (in this Act called an “assignment agreement”) is illegal if -

- (a) the assignment agreement is entered into on or after 17 August 1995; and
- (b) the assignee under that agreement is one of the following:
 - (i) a franchisee under another franchise agreement;
 - (ii) a company controlled by that person;
 - (iii) a body corporate related to that person;
 - (iv) an associate of that person;
 - (v) a consortium, joint venture, partnership or other group of persons, however described, being a group in which a franchisor holds an interest at least equal to any other interest held in the group.

Control and association

‘4B. For the purposes of sections 4 and 4A -

- (a) a company is controlled by a franchisee if it is a company controlled by a franchisee for the purposes of the Franchise Act;
- (b) bodies corporate are related to each other if they are related to each other for the purposes of the Franchise Act; and

- (c) a person is an associate of another person if the person is an associate of that other person for the purposes of the Franchise Act.’.’.

Page 3, line 30, clause 6, subclause (1), after “4”, insert “, 4A”.

Page 3, line 34, clause 6, paragraph (2)(a), omit “or”.

Page 3, line 34, clause 6, subclause (2), after paragraph 6(2)(a), insert the following paragraph:

- “(ab) section 4A ceases to apply in relation to an assignment agreement; or”.

Page 4, line 8, clause 7, paragraph (1)(a), omit “or” (last occurring).

Page 4, line 8, clause 7, subclause (1), after paragraph 7(1)(a), insert the following paragraph:

- “(ab) an assignor or assignee has engaged, or is proposing to engage, in conduct for the purpose of giving effect to an assignment agreement that is illegal by virtue of section 4A; or”.

Page 4, line 28, clause 8, after “agreement” (first occurring), insert “or an assignment agreement”.

Page 4, line 29, clause 8, paragraph (a), after “4”, insert “or 4A, as the case may be”.

Mr Speaker, the amendments are basically designed to pick up a number of minor matters concerning the assignment of a franchisee's interest. It was not clear from the original drafting of the legislation that there would be coverage of that particular issue. I circulated these amendments the same day that I tabled the legislation. Members have had, therefore, as much time to view these as they had for the original legislation. I believe that they are appropriate in order to strengthen and give teeth to the legislation in respect of that control over the transfer of franchisee's interests. I present the supplementary explanatory memorandum.

MR CONNOLLY (12.15): Mr Speaker, the Opposition has no difficulty with these amendments, although we did when we first saw them. They caused us to raise our eyebrows and look particularly at that question of acquisition. There is also a point that my colleague Mr Whitecross was going to make. In his absence I will make it for him. I refer to the difficulty that is presented to the Scrutiny of Bills Committee when the Government introduces substantial legislation - we could debate whether this is going to be effective, but I think we would have to agree that it is quite substantial in its legal effect - and on the same day tables a fairly substantial raft of amendments.

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The Scrutiny of Bills Committee has taken the view - I am sure that the view is correct within the terms of reference of the committee - that its role is to look at Bills, not amendments. That makes sense. We would not want to endlessly hold up the legislative process by insisting that every time an amendment is tabled the Scrutiny of Bills Committee is called back again. However, it is somewhat unfortunate if that committee is precluded from considering an important raft of amendments.

It would have been a much better course of action to have delayed this Bill a day. As it turned out, it was delayed a month. If the Bill had been delayed a day and introduced as one law, that would have allowed the Scrutiny of Bills Committee to look at the whole raft. I am not suggesting any improper motive here; but a government could, in effect, exclude the Scrutiny of Bills Committee from looking at quite important aspects of a Bill by the simple ruse of introducing a Bill and introducing a raft of amendments on the same day.

Mr Humphries: I do not think the committee is stupid.

MR CONNOLLY: Anything is possible with this Government, I suppose. It is unfortunate that that occurred. It would have been much better had this raft of amendments, which was circulated when the Bill was circulated, been put in the original Bill.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (12.17): Mr Speaker, to respond, I think that is a very weak point. Mr Whitecross should have been here to make it himself. Perhaps he would have made it more clear. The Government did not put the amendments in the form of the amendments because we wanted to fool or to bypass the Scrutiny of Bills Committee. We did it because the legislation was drafted with some degree of speed.

Mr Berry: Ha! Undue haste.

MR HUMPHRIES: We made that clear from the outset. Mr Berry laughs. We made it clear from the outset that this was legislation designed to deal with a particular problem which was drawn to our attention by the concerns of franchisees in this Territory, and we worked quickly to bring the legislation forward. As it was going through the stages of being refined and prepared for introduction, it was discovered that there was a potential problem with respect to assignment of franchisee's interests; so the Government produced a response as quickly as it could. The amendments could not be incorporated into the legislation because of lack of time; so they were tabled with the legislation at the same time on the floor of the Assembly, clearly indicating to the Assembly that this was the legislation the Government wanted introduced - that is, the original legislation plus the amendments.

I think it is extraordinary that the Scrutiny of Bills Committee would feel some problem in considering amendments tabled at the same time as the legislation. I certainly did not expect it to consider amendments tabled subsequently to that, or even amendments tabled by somebody other than the Minister introducing the Bill; but surely the committee could deem amendments tabled with the legislation to be part of the legislation. If Mr Connolly or Mr Whitecross thinks that we can somehow bypass the Scrutiny of Bills Committee by

such a strange device, I think he is giving the Government no credit, and the Scrutiny of Bills Committee even less credit for its intelligence and being able to see its way round that kind of device. Mr Speaker, I do not expect a problem. Members will not see this sort of thing happening very often, but I would certainly hope that they do not feel that that is a problem to be dealt with in any particularly difficult fashion.

Amendments agreed to.

Remainder of Bill, as amended, agreed to.

Bill, as amended, agreed to.

Sitting suspended from 12.20 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Chief Executive Officers - Contracts

MS FOLLETT: My question without notice is to the Chief Minister. Mrs Carnell, this morning on ABC radio you were asked a question about whether you would make public the contract of the CEO of the Chief Minister's Department, and you said, "At this stage John Walker does not have a contract". On 10 October you spoke to the *Canberra Times* Assembly reporter, and I quote from the front page of the *Canberra Times* of 11 October:

Chief Minister Kate Carnell said the head of the ACTGS, John Walker, was on contract, and had been in his previous positions in NSW under both Labor and Liberal Governments, giving the lie to the claim that public-service career paths would abruptly end under the changes.

I seek leave to table that *Canberra Times* article.

Leave granted.

MS FOLLETT: I ask Mrs Carnell: Which of those statements was the truth - your statement this morning or your earlier statement to the *Canberra Times*? In effect, I am asking: Who is giving the lie in this case, and why have you attempted to mislead the Canberra community on this matter?

MRS CARNELL: I am sorry that I cannot give this Assembly an absolute undertaking that the *Canberra Times* will never ever misquote any of us here, but the comment I made this morning was very much the case. As Ms Follett would know, the current Public Sector Management Act does not allow us to put our chief executive officers onto contracts. There is no way under the current Act we could do so. When Mr Walker applied for and got the job we were very keen to put him onto a contract because,

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as I said to the *Canberra Times*, he has always been under contract in his previous public service jobs under both Liberal and Labor governments. We were very keen to have him on a contract here as well, as he was. Unfortunately, the current legislation did not allow for that, which is the reason we are attempting to change the legislation.

MS FOLLETT: I have a supplementary question, Mr Speaker. I would ask again the question I asked in the Estimates Committee and that Ms Elizabeth Jackson asked on the radio this morning: If and when Mr Walker does have a contract, will that contract be made public? If not, why not?

MRS CARNELL: I think that is actually a second question, so I assume that it is out of order; but I am very happy to answer it anyway because I already have in the Estimates Committee. The reality is that we are very willing and very happy to make the draft contracts available, that is, the outlines of the contracts that will be in place between Ministers and chief executive officers and chief executive officers and executive officers; but we will not be making available the actual intricacies of contracts entered into between chief executives and Ministers. What we will be making available, though, as I said in the Estimates Committee, is the outline of the basis of the performance we will be expecting from our departments, and each Minister will be making those statements clear.

Health - New Zealand Reforms

MR MOORE: My question is to the Chief Minister as Minister for Health, and I would like to begin by quoting Ian Powell, Executive Director of the Association of Salaried Medical Specialists, in New Zealand. I need to give a little bit of background to the question, Mr Speaker. Ian Powell, in a speech to the Australian Medical Association Industrial Officers Conference a couple of weeks ago, said of New Zealand:

The National government made several extraordinarily ambitious claims over the goals that its "health reforms" would achieve - politicians would be removed from decision-making, management would be downsized and improved, patient choice would be enhanced, dollars would follow patients, decision-making would be more transparent and visible, services would be increased, managers would become more autonomous and independent -

it sounds rather familiar, does it not, Mr Speaker? -

under-utilised facilities would be utilised, and the new system would be more accountable.

Mr Powell - maybe Dr Powell; I am not sure - concluded by saying:

If anyone in Australia is considering following the New Zealand model then my advice is forget it. Failure is too kind a description. Basing a public health service on commercial competition is like splitting a fish and chip shop into two so that one sells fish and the other hot dogs, and then expecting them to compete against each other. All you get is a greasy mess which is exactly what New Zealand has.

Mrs Carnell, do you understand what has happened in New Zealand, and what are you doing to avoid the same problems?

MRS CARNELL: As Mr Moore and the rest of the Assembly would be aware, I went to New Zealand recently - at my own expense, obviously - to have a look at exactly what was happening in New Zealand. We are also having a look at what is happening in all other States in Australia and wherever health reform is going on, which is everywhere in the world at the moment, and taking on the good bits of all those approaches. Certainly, there have been some problems in New Zealand, and I think they have taken the purchaser-provider model too far, particularly into such areas as public health. I do not believe that there is naturally a purchaser and naturally a provider in areas such as public health, but there are other areas where the whole approach has been very successful.

This is particularly so in the area of contracts with particular hospitals - in other words, setting out exactly what the government or the provider expects that hospital to produce over a 12-month period - unlike the ACT, which up to date has had some very loose contracts with both of our hospitals. Those loose contracts have said such things as that we expect a certain level of operations or procedures to be done over a 12-month period. We do more or less the same with Calvary.

Mr Berry: And the overflow goes the other way.

MRS CARNELL: We have contracts with both hospitals, Mr Berry, to a certain level of activity; but what we have not done in the past is what they have done in New Zealand, which I think has worked very well, and that is to spell out exactly what the Government expects for its taxpayer dollar, to spell out the sorts of operations we expect, so that hospitals cannot just do lots and lots of day surgery and no major or minor operations. To some extent, that is what we have seen in our hospitals in the ACT over the last couple of years. We have seen a dramatic reduction in the amount of major and minor surgery that has been done and a huge increase in the amount of day surgery.

The only way we can overcome those sorts of problems is to have very specific contracts with our hospital system which say, "We need this amount of orthopaedics, this amount of urology, this amount of general surgery", so that we will not end up with a situation we have seen in the past where for things such as orthopaedic surgery the list was getting longer and longer.

Mr Connolly: In the last six months, 23 per cent.

MRS CARNELL: In the last five, six, seven years, Mr Connolly, it has happened all the time. What we have seen is a situation where we have allowed people, via our contract situation, to end up on longer and longer waiting lists and we have not addressed them via the purchaser-provider model, which means to tell the providers of service such as our hospital exactly what we expect for our taxpayer dollar. So there are areas such as that, Mr Moore, where it has worked very efficiently. There are other areas where I believe that the commercial model has gone far too far, and we will not be embracing those sorts of reforms.

MR MOORE: I ask a supplementary question, Mr Speaker. The Chief Minister mentioned in conclusion that there are other areas where the commercial model has gone far too far. You have been to New Zealand and you have looked at other areas. I notice that one area this speaker talked about as going far too far was bureaucratic expansion. The promise was just the opposite, but in fact in New Zealand there was a bureaucratic expansion. What have you done to ensure that you do not make the same mistakes as New Zealand? They started with exactly the same plan as you and believed that they were going to have a reduction in bureaucratic managers, or health managers. In fact, this speaker says in his paper:

New Zealand's so-called health reforms have proved to be a bonanza for health managers.

MRS CARNELL: I cannot make a comment about at what level health management is in New Zealand, although, as I said earlier, I think New Zealand has gone far too far in the commercial model for health. In some areas - again I will use public health as a good example - they have actually set up bureaucracies to artificially produce a purchaser and a provider. That has produced bureaucracy that I do not believe needs to exist. What we have done in ACT Health, via the Booz Allen approach, is come up with a model that, I believe, much better reflects the needs of the ACT, which is for a much smaller bureaucracy, with no unnecessary purchaser units where there is simply no obvious purchaser or provider, and a much smaller administration for our general health area. In fact, a reduction of some 20 per cent is what we are projecting in administration costs.

Woden Valley Hospital - Operating Theatre Nurses

MR HIRD: My question is also to the Chief Minister in her capacity as Minister for Health and Community Care. The Minister stated earlier this year that she was taking action to address a critical shortage of operating theatre nurses at the Woden Valley Hospital. What progress has the Government made in tackling this problem?

MRS CARNELL: I have certainly not made any secret of the fact that the operating theatres at Woden Valley Hospital have been under an enormous amount of pressure over recent months - not from one, not from two, but from three hammer blows. The first is an Australia-wide shortage of experienced theatre nurses. The second has been an abnormally high level of sick leave amongst theatre staff during the winter months.

The third factor has been the unusually large number of operating theatre nurses who have been on maternity leave. All of this has meant that surgery at Woden has been reduced from an average of eight sessions morning and afternoon to between five and seven. There has been a resulting impact upon elective surgery waiting lists, as members will note from the monthly reports that are routinely provided by this Government.

I am very pleased to report that the staffing crisis in our operating theatres will soon ease dramatically, thanks to some quick action by the Department of Health and Community Care. Last month Woden Valley Hospital conducted extensive advertising within the health system, seeking expressions of interest from nursing staff who were interested in working in operating theatres but had little or no experience in the area. The campaign was successful and, as a result, last week six nurses began an extended introductory program for operating room techniques at Woden. The program, incorporating both theoretical and clinical factor skills, will take some four weeks to complete. It is hoped that a second introductory course can be conducted early in the new year and that more nursing staff will be attracted to this vital, if sometimes unglamorous, area of hospital care.

I am also pleased to report that a number of operating theatre nurses have recently returned from maternity leave and have substantially increased the number available for rostering for operating theatres. Finally, sick leave has dropped to a much lower level and, as a result, few procedures have been delayed or cancelled. I was out at the hospital last week and there were nine operating theatres in use. I think that is the first time for a very long time that we have had nine operating theatres running at Woden Valley Hospital. We are hoping that, with six new nurses coming on stream very shortly and nurses coming back from maternity leave, we may be able to keep nine or possibly even 10 operating theatres open in the future at Woden.

Taxi Licence Auction

MR BERRY: My question is to Mr De Domenico in his capacity as Minister for Urban Services. Minister, what costs will the ACT Government incur in relation to the Harold Hird election auction of 15 taxi plates next Wednesday for such things as advertising and the provision of the venue? How much have you spent on this benefit?

MR DE DOMENICO: I thank Mr Berry for his question. I do not know what money we have spent so far on advertising.

Mr Berry: You do not know?

Ms Follett: Well, find out.

MR SPEAKER: Order!

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MR DE DOMENICO: Just wait a minute. Just pick a number somewhere. I will find out how much it is costing us to advertise the fact that we are going to have an auction and hiring, I think, the Albert Hall in which to have that auction. I will get back to you, Mr Berry, when I come back with an answer.

Mrs Carnell: You might like to compare it with moneys spent previously.

MR DE DOMENICO: Yes.

MR BERRY: Will you table the tender documents and the submission of the successful tenderer in the Assembly?

MR DE DOMENICO: Yes. I think I will do it now, if you like.

Mr Berry: That is good.

MR DE DOMENICO: I will do it now. I table those.

School Curricula Support

MS TUCKER: My question is to the Minister for Education and Training, Mr Stefaniak. Is it correct that there is no longer an identified policy officer for the key learning area of studies of society and environment? If so, how do you justify this?

MR STEFANIAK: I will take that question on notice, Ms Tucker, and get back to you.

Green Jobs Study

MR KAINE: I address a question to Mr Humphries, the Minister for the Environment, Land and Planning. Minister, I asked you yesterday about a green jobs study which cost \$21,500. In your response you indicated that that was a study commissioned by the previous Government. I think you said that it was paid for back in November last year. Later, in a personal explanation, the Leader of the Opposition said that what she saw was a draft of the document, that she sent it back saying that it was unacceptable, and that she gave no authority for it to be paid for. Can you confirm that the Leader of the Opposition did not, perhaps unintentionally, mislead the Assembly when she gave that personal explanation?

MR HUMPHRIES: Mr Speaker, I thank Mr Kaine for the question. Irrespective of the question of misleading the Assembly, I think there is a serious implication in that personal explanation given by Ms Follett that, whatever happened, some public servants in the Territory were, without her authority, making payments against the wishes of the government of the day. Either there is a question of whether information given to this Assembly was accurate, or there is an issue of whether public servants have acted contrary to the wishes of their Ministers, and either issue is fairly important. Naturally, there are some public servants in the Territory at the moment who are rather concerned about the implications of those comments.

Mr Speaker, Ms Follett did say to the Assembly yesterday that she gave no authority for the report on green jobs to be paid for. Ms Follett would be well aware, because she opposed it, that the Assembly had legislated, through the Government Contractual Debts (Interest) Bill earlier last year, for the payment of government debts within 30 days or so of the tendering of the invoice for those goods or services that the Government had contracted for. Ms Follett would be well aware that government instrumentalities would be under a statutory obligation to pay those debts unless some dispute occurred or some problem had existed with the goods or services supplied. So, Mr Speaker, I think it would be fair to assume that any public servant would operate on the basis that, if they were not to pay for a particular good or service provided to the Government, they would do so either on the basis of some agreed problem or some decided problem with a particular thing that had been provided or because the Minister had instructed them not to make payment.

I went back to the Environment and Land Bureau and asked them about the situation with this particular payment. I said, "Was there a problem from your point of view with the document concerned? Was it in breach of the terms of reference given to the consultant?". The answer from the bureau was a resounding "No". In terms of what I quoted to the Assembly yesterday, they were quite satisfied that the report fell within the terms of reference given. I asked the question, "Was there any instruction from the Chief Minister, from the Minister for the Environment, or from any other Minister in the Government that the report not be paid for?". The answer was that there is no record anywhere in the department of any instruction from the Minister or the Chief Minister to that effect; nor is there any recollection by anybody in the department about instructions having been given by anybody to do with the Government for that to happen.

I think it is very important, if you happen to get caught out in these circumstances, that you try not to blame public servants who have done a good job under you. It is perfectly clear, Mr Speaker, that this report was received by the previous Government and was paid for by the previous Government. The public servants acted appropriately in paying for that report - all \$21,500 worth of it. If a government decides afterwards that they do not like it, they should not blame their servants because they have inadvertently gone ahead and paid for it.

Taxi Licence Auction

MS McRAE: Mr Speaker, my question is to Mr De Domenico in his capacity as Minister for Urban Services. Minister, yesterday in question time you indicated that Harold Hird and Associates Pty Ltd have advised that the auction fee for the auctioning of 15 taxi licences will be donated to a charity. Was this information part of the original tender, or were you advised subsequently? Who advised you of that decision, and when did that person do so?

MR DE DOMENICO: Mr Speaker, I was advised of that decision by the Department of Urban Services. I will check the dates. I was advised of that decision on 9 October. No, I was advised that it was \$250 on 9 October. I was advised today that, in fact, the charity is called Fabric - Family Based Respite Care Inc. In fact, yesterday - - -

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Mr Moore: You told us that yesterday.

MR DE DOMENICO: I said that yesterday. Hold on, Mr Moore; no worries. It is as transparent as this little folder in front of me, which is crystal clear. I was advised on 17 October, in a brief, that it was a charity called Fabric - Family Based Respite Care Inc. - a Belconnen-based charity.

Ms McRae: Mr Speaker, there was a second part to my question.

MR SPEAKER: Is this a supplementary question?

Ms McRae: No, no; just to remind him of the first question.

Mrs Carnell: Is it a supplementary?

Ms McRae: On a point of order: I am reminding the Minister of the second part of my first question, which was, "Who advised you of that decision, and when did that person do so?".

MR SPEAKER: He just told you.

MR DE DOMENICO: The advice came from - - -

Mr Humphries: The Department of Urban Services on - - -

Ms McRae: No, no; I am sorry. That was the wrong part. My mistake. Was the information part of the tender? It is my mistake, Mr Speaker. The bit that I wanted to remind the Minister of was this: Was that information part of the tender document or not?

Mr Humphries: I rise on a point of order, Mr Speaker. There seems to have been a practice developed in the last few days of members asking second questions prior to their supplementary questions.

MR SPEAKER: Attempting to. Indeed, Mr Humphries.

Mr Humphries: I think, Mr Speaker, that that is an unfortunate practice. If we want to have members asking three questions we should allow that in the standing orders, not by virtue of some change in practice.

MR SPEAKER: Mr Humphries, I will allow this because part of the original question was whether it was part of the tender. I recall Ms McRae raising that point and I think it is part of the original question.

MR DE DOMENICO: Can I answer the question in this way? I tabled the tender document.

Ms McRae: Yes, but I do not have that. I asked you the question.

MR DE DOMENICO: It is over there. It is tabled. But let me answer it - - -

Ms McRae: It does not matter. I still asked you a question.

MR DE DOMENICO: Let me answer it.

Ms McRae: Please, please.

MR DE DOMENICO: Ms McRae, just listen and I will answer it, believe you me. The first time I saw the tender document was today. I did not know before today whether it was part of the tender document or not.

Mr Berry: You did not even know Harold was interested?

MR DE DOMENICO: No; ask me that question and I will answer it, Mr Berry.

Taxi Licence Auction

MR CONNOLLY: My question is to Mr De Domenico in his capacity as Minister for re-electing Harold. Given that Harold Hird and Associates are not making any money out of this auction - - -

MR SPEAKER: Order! Mr Connolly, address the Minister by his title.

MR CONNOLLY: As Minister for Business, Employment and Tourism. Given that Harold Hird and Associates are apparently not making any money out of this auction, have you considered what possible reason Harold Hird and Associates may have had for putting in a bid at all? Do you believe that it should be a matter of concern to the community generally when purchasing and tendering processes occur with bids that bear no relation at all to the commercial cost of providing a service?

MR DE DOMENICO: Mr Speaker, I know that he is asking for an opinion, but I am quite happy to answer it. I do not know what Mr Hird's bid was - or Harold Hird and Associates'; I am sorry - - -

Mr Connolly: You just told us and you just tabled it.

MR DE DOMENICO: Hold on. I did not know what Harold Hird and Associates' bid was, nor whether Harold Hird and Associates put in a bid. As to why they put in a bid, I do not know; but they put one in. You should ask Harold Hird and Associates that.

MR CONNOLLY: I ask a supplementary question. As Minister responsible for government tendering, have you considered the possibility that you may have predatory pricing here, where other commercial competitors can be driven out of a market by unrealistic tender prices? Have you considered that the real benefit for Harold Hird and Associates in winning this tender is in associating the name of a Liberal member with the

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high profile of auctioning taxi plates? Have you considered that the real benefit to the Liberal MLA is having his name associated with a gift to a local charity in his electorate? I note from the tender documents that that gift was specifically to be in the name of Harold Hird and Associates and was, in effect, public funds.

MR DE DOMENICO: Mr Speaker, I think that this deserves a not longwinded answer - - -

Mr Connolly: This is a very dodgy practice.

MR DE DOMENICO: It is not. Mr Connolly, let me say this: The process that was allowed to happen was along the lines that were established when you were in government, by the way, and it is a process that has been long established throughout all the other States and Territories and the Federal Government in this country. The Minister - any Minister - quite rightly does not get involved at all in the process. It was assessed by - - -

Mr Connolly: You are happy about uncommercial tenders going to companies associated with Liberal members.

MR DE DOMENICO: You asked the question. Listen and you will get an answer. It might not be the one you like to hear, but you will get the answer you asked for. This Minister found out about who had got the tender only after the tender was awarded on 9 October. I picked up the phone and said, "Has everything been done - - -"

Mr Berry: Pull the other leg; it whistles. Come on!

MR SPEAKER: Order!

MR DE DOMENICO: Mr Berry, if you have anything to say I suggest that you get on your feet and say it, or say it outside this place and see how you go. Once I knew, I picked up the telephone and said, "Has everything been done according to the process?". The answer was, "Yes". That being done, Mr Connolly, it would be unethical for me, or any other Minister, to then make a decision one way or the other, unless that process was not fulfilled to the nth degree.

Homebirth Program

MS HORODNY: My question is to Mrs Carnell as Minister for Health and Community Care. Shortly after taking office you said that the homebirth option under the community midwife program would be available within a year. Can you assure the Assembly that homebirth will be offered as a choice to all Canberra women by March 1996?

MRS CARNELL: I think I have already given that undertaking. It has been a directive from me that I believe strongly that homebirth should be an option for women. It is an option that is taken up by only a very small number of women. I think at this stage some one per cent of births in the ACT are homebirths. Even though it is only a small number, it is an option that some women want to take up and it should be part of the process. I have given that undertaking and we are working to achieve that. I am sure that Ms Horodny would be aware that there are certain hurdles to get over, but we will.

Taxi Licence Auction

MR WOOD: Mr Speaker, my question is to Mr De Domenico, on the same subject, and I want to ask about procedures. Minister, what procedures are followed when determining which auctioneer is appointed to dispose of government property in this case we are examining, or including the Department of Health?

MR DE DOMENICO: Mr Speaker, I do not know what happens in the Department of Health; but in this instance, Mr Wood, following the announcement on 21 September 1995 of Cabinet's decision to release 15 additional taxi plate licences at auction in October 1995, the Department of Urban Services invited tenders from seven local auctioneers listed in the Canberra telephone directory. The tenders were sought on 27 September 1995 by telephone and they closed on 6 October 1995. In addition to all the seven auctioneers telephoned by Transport Regulation who submitted tenders, a proposal was received from a company called Hyman's Auctioneers and Valuers. I believe that they are a Sydney company. Quotes were requested from tenderers in a flat rate fee format, and the quotes ranged from \$250 to \$950. The lowest tender, \$250 flat rate, was received from Harold Hird and Associates, who were appointed by the Department of Urban Services to conduct the auction on that basis. Although the proposal from Hyman's Auctioneers and Valuers was considered, it was not taken on because it did not fit into the tender. All the unsuccessful tenderers have been notified in writing.

The Contract Services Unit of the Department of Urban Services has advised that the correct procedures have been followed and that there is no conflict of interest because Harold Hird's status as a Government MLA played no part in the selection process. Harold Hird and Associates have advised that the auction fee will be donated to Fabric - Family Based Respite Care Inc. - a Belconnen-based charity. As far as I am aware, Mr Wood, the information I have from the Department of Urban Services is that no conflict of interest has occurred and the correct procedure was followed.

MR WOOD: I have a supplementary question, Mr Speaker, although I should be allowed to be on my feet to again ask the first question, to which I did not get an answer, as to the procedures to be followed. Will the Minister confirm that he is the Minister responsible for disposing of government property? Does that not come under the Minister's portfolio?

Mr De Domenico: Yes, it does.

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MR WOOD: Thank you. I have that answer. In that case, could you spell out what procedures are to be followed? That is the question I asked. I know that it was not what you read out. You did not have a brief for that. What procedures are to be followed when disposing of government property? Will you confirm today, or will you go into your records to confirm, that those procedures have been followed in every case, including that case when a company bearing the name of Liberal MLA Harold Hird disposed of ACT government property previously owned by the Department of Health?

MR DE DOMENICO: As I said, Mr Wood, I do not know what procedures were followed when - - -

Ms Follett: You are the Minister.

Ms McRae: You are the Minister.

MR DE DOMENICO: Just sit down and listen. Do not get carried away. If you want a Valium tablet, Mrs Carnell is available to provide one. As for what procedures were followed for disposals in the Department of Health, Mr Wood, I do not know, but I will find out and let you know. In terms of the questions you asked about the taxi plates, I am advised by the Department of Urban Services that the proper procedures were followed.

Mr Wood: Will you find out what they are?

MR DE DOMENICO: You have a copy of the tender documents there in front of you. Perhaps Mr Berry would like to help you along.

Taxi Licence Auction

MR WHITECROSS: Mr Speaker, my question without notice is to Mrs Carnell. Chief Minister, in your code of conduct for Ministers you state that a Minister should not engage in activities where he or she, or their immediate family, will gain personal advantage by dealings with the Government. Are we to take it that this code of conduct, this standard of conduct, does not apply to backbench members of your Government and that they are allowed to gain personal advantage through dealings with the Government?

MRS CARNELL: My understanding is that Mr Hird does not own the company Harold Hird and Associates; that in fact he has no shares in the company.

Mr Berry: Who does?

MRS CARNELL: I honestly do not know, but I am assured that Mr Hird has no shares in the company. I am also assured, therefore, that there can be no financial gain. I understand that the reality of the situation is that the company that is doing the work for which it is being paid, the company that is not owned by Harold Hird and in which Harold Hird has no shares whatsoever, is donating the money that it is making via a valid auctioneering process to a charity in the ACT. I find it interesting that you have a problem with that.

Ms Follett: I think you have the problem.

Mr Connolly: Because you are using taxpayers' funds to boost the re-election chances of your member.

MR SPEAKER: Order! I think you might let your colleague ask a supplementary question.

MR WHITECROSS: I have a supplementary question, Mr Speaker. I think it is already on the record that Harold Hird and Associates are doing the job for money which they are then giving away, which means that in the end they are not getting any financial benefit out of it. Returning to my question about the code of conduct, Chief Minister, you were at pains to point out that Mr Hird has no direct interest in Harold Hird and Associates, but your code of conduct for Ministers makes it clear that it applies not just to Ministers but also to their immediate family. Are you saying that a different standard applies to backbench members and their immediate families in their dealings with the Government from that which applies to Ministers? Will you review your code of conduct to ensure that the same standard does apply? Will you ensure that backbench members and their immediate families disclose to you when they do have dealings with the Government?

MRS CARNELL: I believe that it is very appropriate for any company that any member of this Assembly owns, or has any part of, to be disclosed. In fact it is the rule. They are in the safe out there for anybody to have a look at. As I said, Harold Hird and Associates is a completely separate legal entity under the Corporations Law. Mr Hird has absolutely no shares at all in the company. Are you suggesting here that we should be held responsible for everything that all members of all of our families do - members who may be involved in things that we are not involved with at all, including potential jobs, Mr Whitecross? I certainly hope not. To tell you the honest truth, I as a woman would be absolutely devastated if we started to suggest that we should be held responsible for everything that our partners or members of our families do. That is an unacceptable situation.

To get back to the situation here, Harold Hird and Associates is a company that I understand Mr Hird's father set up. Mr Hird no longer owns any shares in it. It is a separate company that Mr Hird does not own any shares in. Therefore, he could not get any financial return from this, even if there is any financial return, which there is not because the money is going to charity.

Mr Connolly: Yes, in the name of Harold Hird, which boosts him as the local member. Public funds.

MRS CARNELL: I do not know about you, Mr Connolly, but I regularly give money to charity in my name.

Police Portfolio

MR OSBORNE: I am loath to ask a question of the Chief Minister, but I will do so in her capacity as Treasurer. In view of the events of the past couple of months regarding the forced restructuring of our police force by Commissioner Palmer and the fact that it has become increasingly more obvious over the last few months that the Federal Minister, Duncan Kerr, is really the Minister for Police in the ACT, will you consider saving some money by dissolving the role of Police Minister until such time as we have our own statutorily appointed commissioner?

MRS CARNELL: I thank Mr Osborne for the question. I suspect that we will be talking about this at length on the MPI a little bit later. I can guarantee, Mr Osborne, that I will not be relieving Mr Humphries of this job. I believe that it is an incredibly important job. I am sure that we will elaborate on this substantially very shortly.

MR OSBORNE: Chief Minister, what has your Government done in light of the recent Legal Affairs Committee report on that matter?

MRS CARNELL: I will pass that question to Mr Humphries as he has responsibility for that.

MR HUMPHRIES: Thank you, Mr Osborne, for the question. I assume that this is the same Legal Affairs Committee report that Mr Osborne, in a press release last week, said that he was expecting to be released soon - the same one that was released, in fact, three weeks ago in the Assembly. I am not sure whether he is quite aware of what report he is talking about. The report that was presented three or four weeks ago in the Assembly is the one that this Government is now considering for a response. We will consider sympathetically, as I have indicated already to the public and to Mr Connolly, the suggestion of a separate ACT appointed police chief because we view that as an appropriate way of strengthening the degree of ACT control over our police force. I have made no secret of the fact that I consider it unfortunate that the ACT does not have total control; but I also consider it fortunate that the ACT is able to call upon the services of the Australian Federal Police.

I, for one, would not accept, and I rule it out right now on behalf of the Government, any immediate proposal to turn towards a separate ACT police force. In the circumstances, since we are contracting a service, there are some limitations on what we can achieve by way of control. As part of the process of assessing whether we can have a separate ACT appointed police chief, we will assess whether we can generate a greater degree of control without losing the benefit of interaction with, and involvement by our ACT police with, a wider structure of the Australian Federal Police.

Mrs Carnell: I ask that all further questions be placed on the notice paper.

School Curricula Support

MR STEFANIAK: Mr Speaker, might I now attempt to answer a question Ms Tucker asked earlier? In relation to your question, Ms Tucker, I point out that in 1996 there will be nine senior policy officers headed by a principal to work on curriculum matters encompassing all eight key learning areas. In addition, there will be a principal and three other senior personnel who will focus on outcomes of reporting. Accordingly, the department is working on the appropriate structure for next year. I am confident that the key learning area of studies of society and environment will be looked after effectively.

Labour Market Programs

MR DE DOMENICO: Mr Speaker, yesterday Ms Follett asked me a question regarding certain employment programs which I undertook to answer, and I now table the answer for Ms Follett.

Taxi Licence Auction

MR DE DOMENICO: Mr Wood, earlier in question time, or Mr Berry, asked me for the costs to be incurred by the Government in putting on the taxi plate auction. I am advised that it is going to cost the Government \$118 to hire the Albert Hall and the total cost of the advertising was \$2,000.

MR SPEAKER: Ms Tucker, did you have a request?

Ms Tucker: Yes, I wanted to ask a supplementary question.

MR SPEAKER: I am sorry; question time is over.

Ms Tucker: Standing order 119 says:

Immediately following the oral answer to a question, one supplementary question may be asked by the Member ...

I was under the impression that I could do that.

MR SPEAKER: The Chief Minister has closed question time, however. Put it on the notice paper.

Ms Tucker: So standing order 119 does not stand.

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QUESTION ON GOVERNMENT POLICY
Statement by Speaker

MR SPEAKER: Yesterday I undertook to examine the question asked by Mr Osborne concerning euthanasia. The question that Mr Osborne asked was:

Chief Minister, could you outline the Government's policy on euthanasia and could you reassure me and the Canberra community that your party will not adopt a Stalinist-type approach to this moral issue, as some people in this house have attempted to do?

Standing order 117(c) states:

Questions shall not ask Ministers:

...

- (ii) to announce Executive policy, but may seek an explanation regarding the policy of the Executive and its application, and may ask the Chief Minister whether a Minister's statement represents Executive policy ...

House of Representatives Practice states on page 521:

A question which directly asks a Minister to state new policy is obviously out of order but a request for an explanation regarding existing policy and its application, or regarding the intentions of the Government, is in order ... Whether an answer to such a question would involve the Minister in a policy matter or in a form of words which may appear to disclose some point of policy can be determined only by the Minister. The Speaker is not in a position to decide.

Having considered the matter, I do not believe that the question contravenes standing order 117(c)(ii), as it did not ask for an announcement of a new policy but sought an explanation of existing policy. However, as mentioned in *House of Representatives Practice*, it is difficult for the Speaker to decide what is new policy and what is existing policy. I would remind members not to ask the Executive to announce new policy.

Whilst the question may be in order in terms of standing order 117(c)(ii), the use of the words "will not adopt a Stalinist-type approach to this moral issue, as some people in this house have attempted to do" could be construed as an imputation against such members. While no point of order was taken against the words at the time, nevertheless I would ask members not to use phrases such as this in drafting questions in the future.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1994-
Government Response

MRS CARNELL (Chief Minister and Treasurer) (3.14): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Public Accounts Report No. 3 entitled "Review of Auditor-General's Report No. 6, 1994 - Various Agencies - Inter-Agency Charging, Management of Private Trust Funds" and move:

That the Assembly takes note of the paper.

Mr Speaker, I provide the Government response to Report No. 3 of the Standing Committee on Public Accounts presented in the Assembly on 4 May 1995. This report covers the Auditor-General's Report No. 6 of 1994, which examined the following areas of government administration: Interagency charging and the management of private trust moneys. May I say at the outset that, following our own review of financial policy, the Territory will operate with full accrual accounting and output-based budgeting for 1996-97. Additionally, all agencies will report on an accrual basis for their 1995-96 financial statements. This timeframe is both ambitious and achievable and will put the Territory at the forefront of financial management in Australia.

Mr Speaker, I believe that this Government's commitment to an accelerated timeframe for the introduction of accrual accounting and budgeting and the provision of a new financial management framework will ensure that remaining problems with interagency charging are dealt with in an efficient and timely fashion. Subject to the considerations of members, I anticipate that the new financial management legislation will be operational from 1 July 1996. This legislation will address the concerns raised in the Auditor-General's report on the legal framework for public moneys, proper procedures and controls, and appropriate instructions to officers. The legislation will restrict trust moneys to private moneys held on behalf of individuals and moneys that have yet to be identified.

I believe that the introduction of accrual accounting and budgeting will greatly improve the understanding and effectiveness of interagency charging arrangements. In particular, accrual and output budgeting will cause agencies to focus clearly on the cost, efficiency and effectiveness of the services that are being provided by supplier agencies. This is all part of our commitment to a more businesslike approach to management. The high level of attendance at recent accrual accounting workshops and the expansion of this training in the next few months indicate that understanding in the agencies has improved since the initial report and will improve further in the immediate future.

Question resolved in the affirmative.

PAPERS

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, I present the following paper:

Construction Industry Long Service Leave Board - Report, freedom of information and financial statements, including the Auditor-General's report, for 1994-95.

Pursuant to section 6 of the Subordinate Laws Act 1989, I also present the following paper:

Land (Planning and Environment) Act - Determination No. 148 of 1995 - Criteria for direct grants of crown leases (S264, dated 19 October 1995).

LANDS ACQUISITION - BELCONNEN Paper and Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Pursuant to subsection 25(2) of the Lands Acquisition Act 1994, I present a reconsideration of a preacquisition declaration for block 1267 in Belconnen, made under subsection 24(2) of the Act, and I ask for leave to make a brief statement in relation to the declaration.

Leave granted.

MR HUMPHRIES: I thank members. As members will know, with the introduction of the Lands Acquisition Act 1994 the Government is now able to compulsorily acquire land for public purposes. I think this is the first time that this has actually occurred. The Environment and Land Bureau are responsible for the administration of the Act. The bureau is currently in the process of acquiring block 1267, Belconnen, otherwise known as Fassifern. Although withdrawal procedures were commenced before the introduction of the Lands Acquisition Act, no agreement could be reached on the amount of compensation payable. After legal advice the offer of compensation was withdrawn and action instigated under this Act.

Mr Speaker, under the Act the land can be acquired only for a public purpose. In terms of the definition, approximately 4.1 hectares of block 1267 were actually necessary for completion of the Dunlop development. A preacquisition declaration was issued to the lessee on 8 August 1995. However, the lessee has argued, and the bureau has now agreed, that to leave him with the residue of the land would make his position untenable. The lessee sought a reconsideration of the preacquisition declaration to allow for the acquisition of all of block 1267, Belconnen. Section 23 of the Act allows for a person affected by a preacquisition declaration to apply to the Executive for a reconsideration of the declaration. Under section 25 of the Act the variation to the

preacquisition declaration must be tabled before the Legislative Assembly within three sitting days after it is made. Mr Speaker, the instrument dated 27 September 1995 and the statement of reasons that I now table may be disallowed within three sitting days from today. At the end of that time, if the instrument has not been disallowed, of course it takes effect.

POLICE PORTFOLIO

Discussion of Matter of Public Importance

MR SPEAKER: I have received a letter from Mr Osborne proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

That the Chief Minister give serious consideration to the dissolution of the Police portfolio as it is clearly a mere “pop-gun” appointment until such time as the ACT has its own Police Commissioner.

MR OSBORNE (3.20): I did not mean “top gun” either, no matter what you think, Mr Humphries. Mr Speaker, the topic for today's matter of public importance debate is as you have just read. I would like to make some things very clear right from the outset of this debate today. In raising this matter for debate in the Assembly, and in establishing the basis for all of the arguments that I will be using to help prove my point, I am not in any way trying to get across the message that the present Minister, Mr Gary Humphries, is incapable and doing a poor job of being the Minister for Police in the ACT or, to go even further, that the Police Commissioner, Mick Palmer, is doing a bad job of being commissioner. I, for one, will not do that. What I am trying to highlight this afternoon is that the system of relationship this Assembly has with our police force is totally unacceptable, and I feel that it just has to go. In Canberra we are blessed with a very good police force. In light of recent goings-on in Sydney, where I came from, this has become even more obvious. Our police are very well trained, and the incidence of crime in Canberra is relatively low compared to most other cities and towns in Australia.

So what is the problem? Quite simply, the problem is that the ACT Legislative Assembly, this house, the elected governors of Canberra, have absolutely no say in what the police decide to do, and therefore the people of Canberra have no say either. I am aware that there are lines of communication in place and that up until today there has been only the occasional dispute. The incident at the Indonesian Embassy comes to mind. In that case it became blatantly obvious that we really have no say or rather that we do not have the final say in what the police do. We here are the ones who get the blame for the decisions that are made. We are the employers of the police. We are the ones who pay over \$50m a year for their wages. Yet we have no real legal control over our police force, and that is a big problem.

Before I go any further, I want to make it perfectly clear that I am talking about having control over policy decisions only, not operational decisions. Operational decisions are definitely the business of the police, but the policy decisions are for this Assembly. Mr Speaker, earlier this year the ACT had a new Police Commissioner appointed.

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The appointment was made by the national Australian Police Commissioner, Mick Palmer, who happened to choose himself. The fact is that he could have chosen whomever he wanted. There are no requirements for him to consult with our Minister for Police, the ACT Government, or even this Assembly.

Mr Humphries: He did.

MR OSBORNE: Mr Humphries says that he did. What I said is that there are no legal requirements for that. Under our present arrangement things just happen - Assistant Commissioner Allen today, Commissioner Palmer tomorrow. The ACT's policing arrangements, like so much else that it seems we do or try in this city, are unique in Australia. We buy our police force from the Commonwealth but have no formal control over it. The Australian Federal Police are answerable to the Federal Minister for Justice, while our day-to-day relationship with the AFP depends purely on goodwill and not on law. We fork out over \$50m a year, yet we have no say in how any of it is spent. All this is done in the name of good management and best practice. I think it is a joke, Mr Speaker.

Since being appointed to the job, our new commissioner has very enthusiastically and thoroughly undertaken a program of restructuring our police force. There is no requirement at all for Commissioner Palmer to consult either with Mr Humphries or with us in doing this. In fact, so close was our Minister for Police allowed to be to the play and the decision-making goings-on that the first he knew of some of the changes being made was when he read about them in the *Canberra Times*. That, I think, is a sad fact and totally unacceptable.

Mr Berry: It is outrageous, not just a sad fact.

MR OSBORNE: It is absolutely outrageous, as Mr Berry says. I am not opposed to changes being made to the structure of our police force. I have to say that many of the changes that have taken place make good sense and are good management of our police resources. But what is not good management is that we, the elected governors of the city, had absolutely no say in what was going on. In fact, there is not even a requirement that we be told what had been decided. It is hardly the way you would want to run a business - or just about anything else, for that matter. It is certainly not good management to restrict the way a Government Minister is allowed to act. What if changes are made that produce negative results? Who wears the consequences then? It is the people of Canberra. They deserve much better than that.

Over the past few months the Legal Affairs Committee of the Assembly has been conducting an inquiry into the ACT being able to appoint its own Chief Police Officer and its own Police Commissioner. After hearing all the submissions, the committee unanimously agreed that the best thing for the people of Canberra was for them to have a Police Commissioner who was answerable to this Assembly on all matters of police policy. When the committee report was tabled during the last sitting week there was a great deal of consensus among the members here who agreed with the findings and recommendations of that report. Even Mr Humphries was theoretically very much in favour.

This gave me real hope that we would get our Police Commissioner very soon. However, I am of the opinion - and I know that others here feel the same way - that no further structural reform should take place until we have our own commissioner and therefore have a real say in policy decisions. These opinions have been made well known to both the Minister and the commissioner. All of this makes the announcement last week of further restructuring within the ACT police force more disappointing for me.

It is not that the changes may not be good ideas or that they may not work, but they have been done with the full knowledge that an Assembly committee has tabled a unanimous report which clearly states that these types of decisions ought to be made by a commissioner who is directly accountable to the ACT Minister for Police, to the government of the day, and therefore directly accountable to the people of Canberra. That is the problem here, Mr Speaker. Our current commissioner does not have to listen to us. When we get our own commissioner, and hopefully that will be very soon, who knows what changes he will want to make? Some of the changes that have just been made may very well be reversed and may represent time and money down the drain. Mr Speaker, it was logical to wait.

Some of the most recent changes have been a bit controversial and something of an experiment as - you guessed it - they are unique in not only Australia but the world. Our new police structure has never been tried anywhere else before. I do not know whether the changes will work - no-one knows that - but they have caused us to lose officers of the calibre of Commander Ric Ninness and Commander Lloyd Worthy, two well-respected and hardworking police officers. I have to say that I agree with Commander Worthy's comments recently that it is a dangerous precedent to have a police force without specialists. Coming from a police background, I know that specialists are needed. General duties police are busy enough without being expected to take matters from start to finish. However, I agree that greater interaction amongst the specialist forces and the general duties police is a good thing. What I do know is that once again the people of Canberra are an experiment. We have absolutely no say in what is happening to us, and neither does our Minister.

Mr Speaker, the reformation of our police structure has been total and has carried on unabated. Time and time again both Mr Connolly and I have asked Mr Humphries and the police to wait until a new commissioner is appointed. That this appointment has taken place without consultation and accountability to this Assembly, and sometimes even without prior communication, clearly proves to me that the position of ACT Minister for Police is no more than a mere popgun position, a token gesture. Who is making all the decisions here? Who is the real Minister for the police in the ACT? His name, Mr Speaker, is Mick Palmer. Unfortunately for the rest of us, all that we are left to deal with is Sir Humphries playing a role in an episode of "Yes, Commissioner".

I am not bagging you, Gary, but the fact is that it does not really matter whether you agree with or support any of the restructuring or anything that the commissioner does. If he wants it to go ahead, it will; but, if he does not want it to go ahead, it will not. If he chooses to ask you your opinion, he will. However, if he does not want your opinion, he will not ask. If he chooses to tell you and us his decisions before they are announced, he will; but, if he chooses not to tell, he will not. That is why the current

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police portfolio is more like a player who is sitting on the bench and not allowed to get into the game, or the player who gets a run on the wing when the game is well and truly won, and only because he is good and comes to training all the time. It is like carrying a popgun with a little cork stuck in the end of it when the rest of the boys have bazookas.

Who is making all the police policy decisions in Canberra? Who has the say in where our police dollars are being spent? Would the real Minister for Police please stand up? I am left thinking about why we have Assembly committees when their unanimous recommendations are disregarded by the police. This leads me to ponder why we should bother having an ACT police portfolio at all. In our current Clayton's portfolio, there are no decisions to make, so why continue with the farce?

MR STEFANIAK (Minister for Education and Training) (3.30): It is interesting to hear what Mr Osborne says. I note that he quite properly stated at the start that what he was saying was not a slur on my colleague Mr Humphries or Mr Palmer. That is most appropriate, because both of them are doing a very good job. I am glad that Mr Osborne drew that distinction. Mr Osborne came to Canberra in the early 1990s. He was not here when the Assembly started. The Australian Federal Police was formed on either 19 or 21 September 1979 through amalgamation of the Commonwealth Police and the then ACT Police Force.

I can certainly recall the first election in 1989. At the time I had just ceased being a prosecutor. I knew most of the police and talked to a lot of police about the hoary old chestnut of whether they wanted their own police force or to be part of the AFP. There was a lot of angst initially when the AFP was formed. It took a number of years for the "plastics", the Commonwealth police, and the "reallies", the old ACT police, to start to work together, but work together they did. They have become a very effective police force, one that is admired not only in Australia but throughout the world.

The considerations of a committee of this Assembly have given rise again to the question of the ACT having its own police commissioner. Mr Humphries will say more on that. I think he feels that that has considerable merit. Obviously, it would take time. I suppose that presupposes that eventually we may have our own police force again. We may. That is obviously something that everyone needs to consider. But at present we have a very effective police force which, as Mr Osborne has indicated, is doing a very good job in the Territory. I appreciate that he is an ex-police officer who wants to help our police in any possible way he can. That is most commendable.

A lot of our police benefit from being in the AFP. The national part of the AFP is very helpful to our police. It gives them the opportunity to go on assignments overseas and serve time in other States of Australia. From this they gain a lot of expertise. Similarly, police who come to Canberra from interstate gain experience in general duties police work and the more State-type police duties. There are a significant number of police in Canberra who started here or came here very early in their careers and who do not really want to move anywhere else, except perhaps for a tour of duty in Cyprus or two or three years in an office in Sydney or Brisbane. Such assignments are one of the

benefits of the current system. Obviously, there are some faults there - there always are with any system - but there are considerable benefits. We must remember that many police in Canberra are very much local police and are quite happy to stay as local police, with maybe the odd tour of duty outside of Canberra. For that reason if no other, it is terribly important to have a Minister for Police in the Assembly.

But it goes a lot further than that. This Assembly passes laws in relation to crime and various duties of police. That law affects police in their daily operations in Canberra. The Police Minister is responsible for bringing those laws before the Assembly. Mr Osborne is very keen to see the move-on powers brought back. I would love to see them brought back, too. In fact, I did bring them back in 1989. Move-on powers are an example of a local law. My colleague has brought in a number of laws, most of them with bipartisan support, which relate to how police go about their duty in the Territory. That is so terribly important. That is one of the crucial reasons why we need our own Police Minister. If we did not have our own Police Minister but relied on the Federal Minister, how on earth could we bring in those laws and have them enforced with our police force here? Having a Police Minister is part of self-government. ACT laws have to be implemented by the police in Canberra. That is so terribly important. Mr Osborne might not understand what influence and what role the Police Minister has in relation to the local police force. No doubt the Minister will elaborate. From time to time he has to issue instructions to the police, just as a Minister does to any department. My colleague will probably tell you that there has not been an occasion when a proper instruction given by him on any sort of matter has not been followed. That is the role of a Minister and that is the role of a Police Minister. The ACT Police Minister is no different. My colleague can elaborate on that.

I have mentioned a number of things which indicate that, whilst our police force has a national focus, it also has a local focus and a Police Minister is essential. In fact, I would say quite confidently that 95 per cent or more of policing in the ACT would come under the ambit of my colleague Mr Humphries, rather than the Federal Minister. What my colleague does is so crucially important for the day-to-day operations of the local police component of the AFP, which is a very significant component of that force.

Mr Osborne talked about changes in the force. Might I put on record at this stage my best wishes to the two retiring senior officers, Ric Ninness and Lloyd Worthy. When I was a prosecutor, I knew Ric a lot better than I did Lloyd. I called him as a witness in numerous court cases. I have always regarded him as a very fine police officer, and it is sad to see him go. But these things do happen; people do move on. Both of those officers are senior officers who have been in the force for a very long time.

A number of changes have occurred. Mr Palmer has taken over. I suppose that, as is the wont of commissioners, he is keen to put his mark on what happens, and a number of changes have been initiated. My colleague can indicate just how much he was involved in all of those. In June 1995 the Legal Services Branch was disbanded. Its functions were devolved to the four policing districts. I am sure that my colleague was very much involved. A few weeks ago my colleague announced a restructuring of the force that was to affect the Traffic Branch, the Drug Squad and the Fraud Squad. Mr Humphries, as the

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local Police Minister, wrote to the various members of the Opposition and the crossbenches in relation to that. He offered AFP personnel to brief them on the proposed model so that he could get their input before he made a decision to approve the model or otherwise. I am certain that, had you people raised any problems that Mr Humphries took on board, they would have been taken on board by Mr Palmer and acted upon. Again my colleague can elaborate.

The local component of the AFP is our local police force. Gary Humphries is the local Police Minister. His role is absolutely crucial. I would be very surprised if any Federal commissioner, or indeed the Federal police Minister, disregarded the opinion of the ACT Police Minister in matters affecting the ACT police. I do not know whether Mr Connolly had any different experience. I suspect that he did not. I suspect that Mr Connolly had a very close working relationship with the national AFP Commissioner and the Federal police Minister and that his views in relation to police matters were taken note of. I think it would be a very brave and maybe a very foolhardy Federal police Minister or Federal police commissioner who would go against the view of the duly elected ACT Police Minister in matters affecting the policing of the Territory. There would be great difficulties too, given our statutory requirement to pass laws affecting the governance of the Territory, including how our police operate, what laws they operate under, what crimes they can arrest people for and commence actions against, et cetera.

Let me indicate just how effectively my colleague acted when several months ago media reports created considerable angst in some members of the police force about what would happen to the drug and fraud squads. What has happened has been most sensible. I have not heard of any great stirrings from people since the announcement. My colleague Mr Humphries had considerable input. Those two squads have become two task forces created under one of the two directors - one for drugs and one for commercial crime such as fraud and other white-collar crime. Those task forces are to be maintained. Members will form teams to investigate specific crimes or deal with specific issues. Members of both of the task forces, both crime and fraud, have considerable expertise in their areas - expertise gained over many years. Because of the very nature of those task forces, it is important that they remain. Their creation is an example of how important it is to have a local Police Minister.

Mr Osborne: We will see that they remain.

MR STEFANIAK: They are there at present, Mr Osborne, and that is a good thing. You can thank my colleague the Police Minister for that. Central Traffic Branch functions have been devolved to police in districts and, except for a core group of motorcycle members, members have been redeployed there. Given that the previous Government cut back the motorcycle squad considerably, it is probably only a core group these days. It is good to see the specialist accident investigations personnel being maintained. That again is a very specialist group with a great deal of expertise. This indicates that local conditions are very important. We need a local Police Minister, and the local Police Minister has certainly been very effective.

Whilst the idea of an ACT police commissioner has considerable merit and no doubt will be taken further, I do not think the dissolution of the police portfolio would be a good thing. It is clearly not a mere popgun appointment, by any stretch of the imagination. It is a very serious ministerial responsibility which occupies a considerable amount of my colleague's time. It is a very important, crucial role in the ACT. One of the first duties of any government is the protection of its citizens. At a local level that means having an efficient and effective police force, which we are blessed with here. An efficient and effective police force can operate only with the support of the population and the support of the Assembly. It is clearly important that it have the support of a local Minister, as it does here. I do not think the Chief Minister really should give serious consideration to Mr Osborne's proposal. I think it is unfounded. Nevertheless, I respect Mr Osborne's very strong support for the police, and long may you continue to support them, Mr Osborne.

MR CONNOLLY (3.44): I guess that Mr Osborne had better keep supporting the police, because it certainly does not appear as though the Government is doing a great deal in relation to police matters in this Territory. I find it rather ironic to be taking part in this MPI debate today, given that for the past 3½ years Mr Humphries and Mr Stefaniak have tried to make endless political capital about police matters under Labor's administration. The reality is that during that period the police in this Territory received the most massive injection of capital assets that they had ever had. In our three years we spent more on police assets than had been spent in the previous 30 years. The absolutely first-class new Winchester police complex at Belconnen was built and paid for as a Labor initiative. The refurbished state-of-the-art Civic police station, in effect a new police station, opened by Mr Humphries, was built and paid for by Labor.

Despite all the bleating and carrying on from the former Opposition that they were going to review the police budget and give the police another \$1m, of course nothing happened in this year's budget. Mr Humphries was reduced to the most remarkably lame excuse of, "We did not really breach our election promise to put more money into the police budget. It is just that the police never asked for it". I do not think anybody believed that one. I note that when Mr Palmer was asked by Ms Jackson on ABC radio whether he would like an additional \$1m he seemed rather keen on the idea. I will be interested to hear what he has to say at the Estimates Committee as to whether that statement of Mr Humphries's is believable.

While I am very keen to support Mr Osborne in his concerns about what is happening under Mr Humphries's stewardship, I hasten to say that I was not involved in the drafting of the matter of public importance. I am not sure that I would have described it as a popgun appointment. In saying that we should abolish the police portfolio, Mr Osborne is really trying to draw attention to the problems. I do not think we need to be literal about this. It is ironic that our administration did not have a Police Minister. As Attorney-General, I was Minister responsible for police - I suppose, in popular usage, Police Minister. Given the fact that policing is a contract arrangement, we did not have the grandiose title of Police Minister as a formal portfolio title. It seems that about the only thing Mr Humphries has done is give himself the title. There seems to be a total drift and lack of control in events within the police force here.

Mr Humphries: What about all these changes we announced the other day?

MR CONNOLLY: That involved you incidentally at the press conference, but that seems to be about the sum total of the involvement. The extraordinary situation with the abolition of the Major Crime Branch, as Mr Osborne said, was that the first Mr Humphries seemed to know about it was when he read it in the paper. The Government line on the abolition of the Major Crime Branch went from “This is purely a police operational decision” to “This is a brilliant Liberal initiative to put more police back on the street, to get police who are sitting behind desks and not doing anything out there doing real police work”. That was not the most thoughtful language to describe the work that many senior detectives had been doing. I would have thought it was rather insulting language from a Police Minister.

At first he would have had us believe that it had nothing to do with him; that it was purely a police decision. That seems to be very close to the truth and certainly is borne out by the timing and the way the decision came out. It then became a Liberal initiative which reinforced the Minister’s promise to put more police back on the street. Whether taking a very senior and experienced detective sergeant who has been working on major crime for many years and putting him on a radar gun is necessarily the best use of police resources is a question that members may wish to ponder. Such is the state of complete drift in control of internal events.

The abolition of the Fraud Squad and the Drug Squad would not have been debated publicly had it not been for Mr Osborne and the Opposition. Certainly, Mr Humphries did not say earlier this year, “We are looking at abolishing these specialist squads. We want to have a community discussion about this. We want to see what the best model for policing is”. It was clear that this was being driven by police management. Of course, police management have a legitimate role in driving these things. However, Mr Humphries's involvement in this whole thing was peripheral.

Mr Humphries: How do you know?

MR CONNOLLY: You were looking more and more puzzled as Mr Osborne and I were revealing more and more details of what was going on in the police organisation, which is supposed to be under your ministerial control. I take members back to the way we, in government, addressed issues of restructuring of the Australian Federal Police. We had to go through a massive restructure in the face of a budget which had been showing remarkable - - -

Mr Humphries: Fancy cutting it back by 9 per cent!

MR CONNOLLY: I would not talk about cutting back police budgets if I were you, Mr Humphries, unless you are going to get up here and say, “I recant. I will come good with my promise and I will restore the funds that I promised to restore. The police have now asked me. Mr Palmer has rung me up and said, ‘Thanks, Gary. I will have that \$1m you offered me but I did not take up last time’ ”.

The cost of the ACT Region of the AFP had been escalating very rapidly in the couple of years prior to self-government. The transfer of responsibility for policing to the ACT was fraught with considerable problems. Mr Moore might have something to say about that later on this afternoon. We had to impose some difficult budget decisions on the AFP to get them to a budget that Mr Humphries now says is the right budget, because he has not put a cent more in. Mr Humphries's budget this year is precisely our forward estimates figure. We said last year that we had completed the three years of trimming that we had to do.

At the same time we came good with our promise. It was not a cheap election stunt. You had the cheap election stunts which you have recanted on. You promised to put an extra \$1m into the budget. You now say, "Sorry, none of that". As for the police station for Gungahlin, you now say, "Oh, nothing is happening on that". In respect of the police station for Tuggeranong, you now say, "Watch this space". But you did say, "I will crown myself Police Minister". During our three years we put a massive investment into police infrastructure in this Territory, which had run down under successive Federal governments over the previous 25 years. There had been very little investment. We built for the future of Canberra. We put the Winchester police complex up. We put the Civic police station up. Those fabulous state-of-the-art facilities were built and paid for by Labor. We brought the budget to a situation which has the imprimatur of Mr Humphries. He has ticked it and endorsed it as his budget. He has said that it is an appropriate budget for policing and recanted on his promise to put more money into the budget.

In the meantime we are seeing this extraordinary process of restructuring. I have been watching in amazement since February as senior officer after senior officer leaves the force, as officers of all levels of seniority publicly say that morale is at rock bottom. I was staggered by the slide show the police presented on the restructuring. They explained morale as a J-curve. They said, "Yes, morale is going down. It will dip a bit further yet, but eventually it will start to go up". Police management at the most senior level admits that there is a huge morale crisis in the ACT Region of the AFP. It is no wonder that these officers, who work in a very dedicated manner for the people of Canberra, do not know what is going on. They have been disturbed by changes which nobody seems to be in charge of. They have been trying to find out what is happening. There is still great uncertainty about the role of specialist units.

I have given Mr Humphries the benefit of the doubt in accepting at face value his press release of last week in which he says that a specialist capability for fraud, drug and accident investigation will be retained. I hope that that is correct. If it is correct, it occurred because of the hue and cry that people like Mr Osborne and I have raised over the past few months and the enormous attention the media have focused on the abolition of specialist units. According to the police presentation, these cluster task forces might be anywhere in the city. They will come into being and go out of being. It is not entirely clear whether we still have a permanent presence of specialised officers to serve the whole of Canberra in those areas, particularly drug and fraud investigation. I hope that Mr Humphries's press statement reflects the truth, but I am not entirely certain of that. I think it is something that we will have to watch. Mr Osborne adverted to that in his remarks.

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There is still great uncertainty as to what is actually happening. You hear different views as to how this task force concept is going to operate, depending on whom you talk to. Mr Speaker, it is very sad that this organisation has been put through this chaos and has a morale problem. It causes me no pleasure at all to see this. Mr Humphries, having taken the title of Police Minister - we heard from Mr Stefaniak what a wonderful job Mr Humphries is doing and how totally in control of things he is - must bear some of the responsibility. (*Quorum formed*)

MR HUMPHRIES (Attorney-General and Minister for Police) (3.54): Mr Speaker, I am a bit confused as to what I am being attacked for. Mr Osborne says that the ACT Government and its Minister do not have enough control over policing and therefore I am just a popgun; I do not have any real control. Presumably, if I do not have any control I do not have any responsibility either. Mr Connolly, on the other hand, says that I am responsible because I am the Police Minister and I must accept responsibility for the low morale among police in the ACT. So it is a bit hard to work out how I can be without responsibility or power and have to bear responsibility at the same time. It is a bit confusing.

Mr Speaker, I deal, first of all, with a number of simple errors in Mr Osborne's remarks about policing in the ACT. He suggested that Mr Palmer appointed himself as Chief Police Officer of the Territory. That is not the case. Whatever his theoretical power may have been, he came to see both me and the Chief Minister to discuss the proposal that he be appointed to the position after the resignation of Assistant Commissioner Dawson. That suggestion was well received by the Chief Minister and me, and Mr Palmer became Chief Police Officer in those circumstances. I have no doubt that the reason that he was asking us for our views was that, if we had said, "No, we do not like the idea", he would not have appointed himself. I think that is a fair assumption.

Mr Osborne also made the fairly egregious suggestion that I as Police Minister and presumably the Government as a whole have had no say in how the police money is spent. Mr Speaker, that is a quite bizarre suggestion. The ACT spends about \$50m a year on policing in this Territory, and we have total control over how that money is spent. Mr Osborne's analysis of the situation was a good theoretical one if the legal principle that we could not actually dictate what we wanted was applied to the extent that the AFP did not actually ask us for our views, but that is not the case. I have never yet given an instruction to the Australian Federal Police which they have not complied with. On each occasion when I have sought information or to be consulted or to ask that certain things be done, my views have been respected, without exception. I think it is a gross exaggeration and very misleading to suggest that the ACT - this applied during Mr Connolly's day as well - does not have a real say in policy-making in the AFP. Of course, I do not direct where police cars will go, who will be arrested or things of that kind. They are operational matters. But we do have total say in policy matters.

Mr Osborne said that he hopes that we will have our new commissioner very soon. I have to disappoint him. It is most unlikely that we will have a new commissioner in the near future, because it almost certainly would involve Federal legislation to achieve that. I have asked the Federal Police how long they expect that that will take to organise.

Given the Federal election that is looming, the possibility of a new government at the Federal level and other problems, they believe that it could well be a year at least before the ACT gets legislation through the Federal Parliament to create a separate ACT-appointed police chief or police commissioner. I do not like that fact, but it is a fact.

Mr Osborne regrets that we are going to lose Lloyd Worthy. I have to disabuse him of one thing: Commander Worthy has not been an ACT regional policeman for more than five years and he has not worked in the ACT for almost two years. I regret that the AFP is going to lose him; but, to be quite frank, I do not think the ACT will much notice his departure. Mr Connolly referred to senior officer after senior officer leaving the force. Certainly, a number have announced their retirement, but off the top of my head I can think of only one, Ric Ninness, who is actually leaving the ACT Region.

Ms Follett: Mr Dawson.

MR HUMPHRIES: He went six months ago, Ms Follett. You are a bit slow to catch up. We had not actually announced any restructuring at that stage. Ms Follett has not quite caught up with this fact. The argument by Mr Connolly was that because of restructuring people were leaving. We cannot be blamed for Mr Dawson in those circumstances, can we?

Mr Speaker, Mr Osborne also said that the police had disregarded the unanimous recommendation of an Assembly committee. That is also quite wrong. The Assembly was told by the Government, not by the police, that there would be no further restructuring of the AFP before the handing down of the report by Mr Connolly's Legal Affairs Committee. That was the case. There was no restructuring before that point, but unbeknown to you the report had been handed down and three weeks afterwards the Government, in conjunction with the Federal Police, announced changes to the structure of policing. As I understood it, that was in accordance with the undertaking I had given to this Assembly. I sincerely hope that it is the view of the Assembly that we should be able to proceed with changes to the structure of policing between that report coming down and the outcome of that report, which might be the provision of some new structure at the Federal level that gives us an ACT chief police officer. Mr Speaker, I have to say that all those things are quite in error.

I make it clear that the redundancies in the AFP and the loss of positions have been produced by one thing. The Federal Labor Government imposed a \$4.5m budget cut on Australian Federal Police operations. The ACT Government did not impose a budget cut. We are sustaining expenditure on policing at the level for last year. It is very rich for Mr Connolly to complain about redundancies and officer after officer leaving the force when his colleagues on the hill have caused that to happen. We are trying to do something about this. The moment Mr Keating goes to the polls, we will do something about it; but we cannot very well do anything before that occurs.

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Mr Speaker, Mr Osborne referred to the goings-on in Sydney - presumably the police royal commission. I think what is going on there is a very serious indictment of policing in New South Wales. Unfortunately, it has even touched the Australian Federal Police. The structure that we have provided for the Federal Police in this Territory is expressly designed to avoid the kind of corrupt practices which have been so much in evidence before the Wood royal commission. That structure in New South Wales is precisely the product of the select, elite, cocooned specialist squads and units which have so much been a part of policing in the past in this country but which in the future will not be part of policing in this Territory. That is a very good indication of how we can avoid corruption occurring in the ACT police.

Mr Connolly spoke about the wonderful injection of capital funds by his Government over the last few years. It was a great pity about the concomitant 9 per cent reduction in recurrent expenditure which meant that the area it was important to have money for - police on the beat - was cut back by the former Government. I think it is wonderful to have a nice brand spanking new Winchester Centre and a nice brand spanking new Tuggeranong police station; but, unfortunately, you cannot actually use police stations to go out and catch criminals. You need the police to go out and do that. The 9 per cent cut imposed over the last four years on recurrent policing functions in the Territory caused the problems in policing in this Territory. Even if we had been able to carry forward a promise to deliver more money for policing, we, first of all, would have had to soak up those unpaid bills left to us by the former Government for furniture and fittings at the city police station, for the operation of the Winchester Centre and for other things outside the policing budget.

Mr Speaker, Mr Connolly accused me of a backflip on abolition of the Fraud Squad and the Drug Squad. I have never supported the abolition of those two squads. If you can find where I said it, I will shower you in gold coins. You find where I said that I wanted that to happen or I supported it happening or I was contemplating it happening, and I will shower you with gold coins. Mr Connolly, I will keep my money.

Mr Speaker, I stand by the changes which are occurring in the Australian Federal Police. They are designed to make our police force responsive, less corrupt than other police forces in this country and more cost-effective. They are designed to get more police out on the beat, where they should be and they always should have been. Those changes are positive ones. Let us debate that if we have a problem with it, but let us not joust with windmills. I cannot affect the fact that we do not appoint our own ACT police chief. I would like to, but I cannot. In the circumstances, we have to accept that that is our lot for the time being and get on with having a better police force. Let us debate the changes. That is what we are concerned about. That is not the debate we have had today, however.

MR MOORE (4.04): I could not let an opportunity like this go by without drawing attention to the Alliance Government's original acceptance of the police contract that was signed by Bernard Collaery. At that time I think I took a great deal of time to say that it was a silly contract; that it was inappropriate; that it ought not to have been signed. However, it is something that we have been left with. That mistake is still with us. The problem that Mr Osborne raised of not having an ACT police commissioner results from the failure of the Alliance Government and particularly Bernard Collaery - - -

Mr Humphries: I bet you are enjoying that, Michael. Twist the knife.

MR MOORE: I could hardly let the opportunity go by. I have not done that for about a year and a half, so I thought I would just have a go. Representation has been inadequate, and that is the problem that we face today. I would encourage the Minister, in responding to the report of the Legal Affairs Committee, to keep in mind the whole range of other possibilities for running our police force. The report is not just about having an ACT commissioner; it is also about our relationship with ACT police officers. A number of speakers today have spoken very positively about the police officers you meet on the beat. We all meet them regularly in different venues. I think we all feel positive about them. I am told that even when they flash the blue light and pull you over they deal with you very well. Fortunately, I have not had that experience for some time in the ACT and I hope that I do not.

The Minister does have the problem, which Mr Osborne has rightly identified, that effectively he is almost a Minister without portfolio. He is responsible for police but basically has very little control over them other than for handing over \$50m.

Mr Humphries: That is not true.

MR MOORE: I hear Mr Humphries saying that it is not true, but until we have a police commissioner who is responsive to the ACT Government and parliament we are in a position that I simply do not like us being in. I think we could do much better.

MADAM DEPUTY SPEAKER: The discussion is concluded.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Referral of Public Sector Management (Amendment) Bill 1995

Debate resumed.

MS FOLLETT (Leader of the Opposition) (4.08): Madam Deputy Speaker, I seek leave of the Assembly to amend the motion that I moved this morning in the terms that have been circulated.

Leave granted.

MS FOLLETT: Thank you, members. I amend the motion in the terms circulated, which read:

Omit all words after "That", substitute "notwithstanding the provisions of standing order 174:

- (1) the Public Sector Management (Amendment) Bill 1995 be referred to the Standing Committee on Public Accounts for inquiry and report, by 29 November 1995;

- (2) on the Committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting;
- (3) if the Assembly is not sitting when the Standing Committee on Public Accounts has completed its inquiry on the Bill, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders."

Madam Deputy Speaker, the amended motion that I have put forward reflects some informal discussion that has been held amongst parties in the Assembly. The main thrust of the amendment is to alter the reporting date of the Public Accounts Committee from 5 December, as I first proposed it, to 29 November 1995. I have also made provision for the Public Accounts Committee to present its report out of session and arrange authorisation for printing, circulation and publication. I believe that the amendment means that the motion which I first moved now should have the support of all parties on the floor of the Assembly.

There are a couple of points that I want to make in response to some of the comments that were made in this debate this morning. Mr Speaker, what I am requesting is that the Public Accounts Committee scrutinise the Bill to amend the Public Sector Management Act. This is in no way unusual. In fact, the Public Sector Management Bill, when it was first proposed, was subject to scrutiny by a select committee of this Assembly. That select committee comprised, initially, Mr De Domenico, Mr Lamont and Ms Szuty, and was altered at a slightly later stage so that Mr Kaine chaired it and the members were Mr Berry and Ms Szuty. The committee met over a couple of years, in fact, and inquired into a great many aspects of the change to the public service and the separation from the Commonwealth Public Service. The precise time that the committee spent in looking at the Public Sector Management Bill was seven weeks. This is noted in the report of the committee submitted in June 1994. They spent the period from 21 April until 14 June inquiring into the legislation that had been presented; so the period that I am asking for is entirely consistent.

Mr Speaker, there was also a comment made, I think by Mr Kaine, that in government I had resisted the move for that committee to be set up and for the committee to scrutinise my legislation, as it was then. I have made a very careful check of the *Hansard* of that period and I can assure the Assembly that I did not resist scrutiny by that committee of the legislation. In fact, I amended the motion that was put up referring this matter to a select committee. My amendments were to accommodate suggestions by Mr Kaine as to the membership and the reporting arrangements for the committee. Members who want to check the record on that matter can see that at no stage did I speak against the issue. In fact, the vote that was taken was not counted and was supported by me and by the then Government.

There is one other matter that I would like to refer to, Mr Speaker, and I again draw on the report of the Select Committee on the Establishment of an ACT Public Service. I would like to quote from the report which was submitted by Mr Trevor Kaine as the chair. In the preface to the report Mr Kaine said this:

In view of the complexity and importance of the issues raised during the inquiry, the Committee considers that another Committee should be established to investigate further these concerns and to oversee the implementation of the Public Sector Management Bill 1994 and related legislation, and the transition to a separate ACT Government Service.

In the first recommendation of Mr Kaine's committee they said:

The Committee recommends that a Committee of the Assembly be established to inquire into and report from time to time on the implementation of legislation establishing the Australian Capital Territory Government Service, and the transition to the Australian Capital Territory Government Service.

As I say, Mr Speaker, that was Mr Kaine's report of June 1994. Members will be aware that the committee which the Assembly accepted as having the role outlined by Mr Kaine was the Public Accounts Committee. When all is said and done, the action that I have taken in referring the Public Sector Management (Amendment) Bill to the Public Accounts Committee is entirely consistent with every scrutiny of this matter by the Assembly to date. It ought not to be resisted by the Government. In fact, they ought to welcome it as another opportunity for the very important issues in this legislation to be looked at by members of this Assembly, and also to be looked at or commented upon by the community that we serve and that the SES officers will be serving also. Mr Speaker, I commend the amended motion to the Assembly, and I trust that it will pass without dissent.

MRS CARNELL (Chief Minister) (4.14): The Government will be supporting the amended motion. We also give an undertaking to the Assembly that the Government will have its response circulated to the Assembly on 1 December. That means that the committee will report, I think, on the Wednesday, which is the 29th; the Government's response will be circulated on Friday, the 1st; and we will be looking forward to debating the Bill in the Assembly in the following week. The Assembly will have an opportunity over the weekend and for those few days to read both the Government's response and the committee's report. We can get on with the job of debating the legislation in that week that follows.

It is essential that this legislation be put to the Assembly as soon as possible, simply because there has been a quite long process already, a process that included a representative working party of Senior Executive Service members that was elected from various parts of the Senior Executive Service that have been through the whole process. I have had meetings with all of the SES officers. We have worked

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through this process. It really does need to go to the Assembly as soon as possible; but that first week in December will achieve the end that will allow us, if the Bill is passed, of course, to advertise the jobs before Christmas, and that is absolutely essential.

Motion, as amended, agreed to.

VOCATIONAL EDUCATION AND TRAINING BILL 1995

[COGNATE BILL:

VOCATIONAL EDUCATION AND TRAINING
(CONSEQUENTIAL PROVISIONS) BILL 1995]

Debate resumed from 21 September 1995, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Vocational Education and Training (Consequential Provisions) Bill 1995? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR BERRY (4.17): As has been said, the Bill provides for new arrangements to manage the vocational education and training system which, according to the explanatory memorandum, is in response to wide-ranging changes across the system at the national level. The memorandum also mentions the changes to the new authority. That will have 11 members, and I note that some of the representations have changed. My understanding is that the number of persons appointed from the Labour Council has been reduced, and there have been some changes throughout. One most important change is that a person will be appointed to the authority to represent the interests of the ACT Council of Parents and Citizens Associations. The Opposition will be supporting this Bill. One other matter was raised by the Scrutiny of Bills Committee. I have discussed this with the Minister, and I am grateful for the advice that was given by him and his departmental officers. I am satisfied that the Bill will work as intended. I repeat, Mr Speaker, that the Opposition will be supporting both Bills.

MR STEFANIAK (Minister for Education and Training) (4.18), in reply: I thank Mr Berry for his comments. As he indicated, the P and C are now on the body. We have sorted out that other matter with the help of Mr Peter Gordon from the VTA.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**VOCATIONAL EDUCATION AND TRAINING
(CONSEQUENTIAL PROVISIONS) BILL 1995**

Debate resumed from 21 September 1995, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**NATURE CONSERVATION ACT
Papers and Ministerial Statement**

Debate resumed from 24 August 1995, on motion by **Mr Humphries**:

That the Assembly takes note of the papers.

MS HORODNY (4.20): Mr Speaker, the work that has been done to develop the flora and fauna assessment criteria is significant. It is the result of thorough work by the knowledgeable group of people who formed this committee. It is critical that the spirit and sound scientific principles which form the basis for these guidelines are not ignored when development pressures might make it politically opportune. Loss of habitat and degradation of habitat can occur in many ways, such as through pollution of rivers and creeks by fertilisers and pesticides, land degradation from high impact activities such as four-wheel-drives and trail bikes, and, quite clearly, from resource extraction activities such as logging and mining.

The threats to the natural environment are not always quite so obvious. Habitat loss is, and will continue to become, an increasing problem as a result of climate change. If we are serious about protecting our natural environment and, in particular, those parts of it which are classed as rare and endangered, we must endeavour to do all we can across all sectors of the community to address environmental problems which face us. Not all which is of benefit to our environment is also considered aesthetically pleasing by all in the community. It is only the old eucalypt trees which have the significant hollows that provide a natural home to a wide range of animals, including bats, possums and birds.

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Perhaps, through our wisdom, we can, even in our backyards, help save at least some of our threatened species and threatened communities from being driven to extinction. It is therefore a pity that, while, on the one hand, the Government has declared its support for protecting endangered species, the same Government recently reduced the limited protection which, until now, has been afforded to remnant native vegetation in the form of ancient habitat eucalypts in residential areas. The work which has been done by this committee is encouraging, but true commitment will be displayed only through strong action. We will be scrutinising closely all Government initiatives, to ensure that we do protect our unique Australian flora and fauna.

MR WOOD (4.22): Mr Speaker, not surprisingly, I want to say something about these criteria, this Determination No. 99 of this year, since I was the Minister when this action was instigated. I am very pleased to be able to comment on the successful next stage in this important process. The Flora and Fauna Committee has now brought forward the procedures and the criteria for the declaration of endangered or vulnerable species, for the declaration of endangered ecological communities, and for the declaration of threatening processes. The formation of the Flora and Fauna Committee follows substantial amendments late last year to the Nature Conservation Act. Members would know that I appointed this committee in January of this year.

The ACT is fortunate that we have people of such high calibre who will serve on these committees. It was a difficult task to appoint that committee because there were so many highly qualified people who were prepared to give their services. The selection involved a balance of people representing a variety of disciplines that are encompassed by the work of the committee. These people came from academic institutions in the ACT, the two universities, CSIRO and other areas of the public service. It is a committee of experts, people with very specific knowledge. The same comments might be made about the report of the Commissioner for the Environment, which I expect to be debating after this matter.

Mr Berry: Not today, though.

MR WOOD: Not today. Well, soon enough. That report was aided immensely by the talent that was available. Some 50 people of high scientific competence gathered together to provide their knowledge in presenting an outstanding report. At the time it was impossible for me to put a cost on the value of their services, but if the Government had had to provide fees to consultants to do that work it would have been an immensely costly exercise. Indeed, I do not think we would have had a report of the quality that we finished up with. In both cases - in the report of the Commissioner for the Environment and in the criteria from the Flora and Fauna Committee - Canberrans have lent their time and their expertise for the benefit of the Territory. I am sure that this Assembly will acknowledge their contribution. This has now been received. After the committee's consideration and after extensive consultation, we now have these criteria as required in the amended Act. This now begins the important process of identifying accurately threatened species and communities. Some of those apparently "mutated" species that arise in some parts of our city are much on our lips these days! But there are other areas, other species or communities, that we may not even be aware of. We look eagerly to the action that might come to identify and then protect those species. Now is the time that we move forward to provide that further protection.

I might refer to page 11 of the document that the Minister put out at the time, the document of the Flora and Fauna Committee. I think this expresses the seriousness with which we have all viewed the work of this committee. The amended Nature Conservation Act obliges the Flora and Fauna Committee to make its assessments on the grounds of nature conservation issues only. I think that says a great deal. They make their recommendations to the Minister and the Minister then takes them forward; but this committee is not constrained by other considerations, and nor should it be. Mr Speaker, I think this is one of the more important events in the life of the ACT and in the period of self-government - that we have progressed this far and that we have established such a high-powered committee to do such important work. I look forward to the next stages in this process.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.28), in reply: Mr Speaker, I thank members for their support for this statement and for the determination which accompanied it. I share the views of members that this is a very auspicious development in the protection of threatened flora and fauna in the ACT. It is surprising, perhaps, that after a number of years of self-government we have only now come to the stage of being able to cement in place a fairly clear process whereby we can determine for our own jurisdiction how we identify and proceed to protect endangered species and endangered species communities. It is extremely important that we have this capacity. There are a number of native flora and fauna of this region which are not adequately protected by other processes. Our capacity now to deal with the implications of change in respect of those species and species communities is obviously important for us as a community.

The process whereby we have been able to achieve this, as Mr Wood indicated, has been one which depended very heavily on the good work of the Flora and Fauna Committee. Dr Landsberg's effort to produce that result, and her committee's work, are much appreciated by the Government and by, no doubt, the former Government that set the process in train. I hope that as we encounter other processes and develop other procedures to deal with such issues, some of which undoubtedly will be controversial, we will come back to and remember the solid foundation on which this process has been laid. There will be times when we will disagree about the appropriate level of protection for particular endangered or threatened species, and in those circumstances we should recall that, as Mr Wood was at pains to point out, we have based our determination of what is at risk and how we proceed to protect what is at risk on the work of this committee of experts - people whose work it is, whose life it is, to assess the environmental values of such species and who are in a good position to be able to offer impartial and considered advice to the Government, the Assembly and the ACT community.

I believe that the criteria laid down here are very good. I assume that the disallowable instrument which accompanies this is supported by the Assembly, although we cannot term that as a motion to disallow this instrument. We assume that the comments reflect support for the instrument. We also hope that, as problems occur in the future and as issues arise, we can refine this process so that it meets our needs. The development of action plans arising out of the identification of species and what steps need to be taken to protect them will be a process that will take some time to work out. The action plans

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have to be laid on the table, for example, for public consultation, and the need to be able to develop those plans properly will sometimes cause people concern. Some people will say that we are not moving fast enough to develop protection for particular species. Others will claim that the process does not give enough say to the community to determine what is important. There will be all sorts of criticisms. I am glad to note that the Assembly as a whole has supported the concept of this approach, and I hope that it will stand by it if and when difficulties arise in the future.

Question resolved in the affirmative.

ADJOURNMENT

Motion (by **Mr Humphries**) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 4.32 pm until Tuesday, 24 October 1995, at 10.30 am

ANSWERS TO QUESTIONS

**MINISTER FOR THE ENVIRONMENT, LAND AND
PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 70**

Leases - Joinery Businesses

Mr Wood - asked the Minister for the Environment, Land and Planning - In relation to joinery businesses in the ACT:

- (1) Would the Minister list the locations of all leases that have been granted for joinery businesses.

Mr Humphries - the answer to the member's question is as follows:

- (1) Many leases in commercial areas would permit the operation of a joinery business; these would include manufacturing, industrial or service trade leases.

There are no records kept of the location of individual joinery businesses in commercial areas.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 71

Physical Education and Sport - Teachers' Qualifications

MS McRAE - asked the Minister for Education and Training on notice on 19 September 1995:

- (1) What qualifications are required for secondary schools teachers who teach physical education and/or sport.
- (2) How many teachers in government schools are qualified to teach physical education and/or sport.

MR STEFANIAK - the answer to Ms McRae's question is:

PHYSICAL EDUCATION

Secondary school teachers who teach physical education are required to hold a recognised teacher qualification. In general, physical education teachers hold qualifications in the area. However principals have the responsibility for determining the suitability of a teacher to teach physical education or any other subject area.

There are approximately **100 secondary physical education teachers** in the government school system.

In general, primary teachers are qualified as part of their generalist studies to take physical education classes at primary level. As at the February 1995 census of schools, there **were 1004 primary teachers** in ACT government schools.

SPORT

The rules and skills of sport are taught within physical education classes.

Teachers supervising sport are expected to have some experience or knowledge or to hold a coaching qualification in that sport. The principal has the authority to deem a person as suitably qualified to supervise a particular sport.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 72

Physical Education and Sport - Accidents and Injuries

MS McRAE - asked the Minister for Education and Training on notice on 19 September 1995:

How many

- (a) accidents have happened during sport or physical education sessions in the last 3 years in ACT schools; and
- (b) students have ongoing injuries that happened as a result of sporting activity that prevent them participating in school sport activity.

MR STEFANIAK - the answers to Ms McRae's questions are:

- (a) The only figures available are based on information provided in school accident reports.

The department has received 3049 accident reports from the beginning of the school year in 1993 to 28 September 1995. These figures represent accidents from across all sectors of the system - preschool, primary, high school and secondary colleges.

The information collected does not specify whether sport or physical education sessions were in progress at the time of the accident. It is not possible to identify the number of these accidents.

Accidents or incidents reported range from a grazed knee from a fall in the playground to a broken arm.

- (b) This information is not specifically asked for or collected from schools.

Where students are unable to participate in school sport activity because of illness or injuries, the matter is handled by each school on a case by case basis.

The number of students unable to participate in school sport activity would include those who had been injured during school activities and during activities outside of school.

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MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 73

Physical Education and Sport - Students with Medical Conditions

MS McRAE - asked the Minister for Education and Training on notice on 19 September 1995:

How many students are there in ACT schools who have medical needs that would prevent them participating in competitive sport.

MR STEFANIAK - the answer to Ms McRae's question is:

There is no expectation that all students will participate in competitive sport.

Where students are unable to participate in physical education classes for medical reasons, each school takes such issues on a case by case basis.

Accordingly the Government does not collect data on students with medical conditions preventing them from participating in competitive sport on a system wide basis.

MINISTER FOR HOUSING AND FAMILY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 74

Housing Trust Properties - Inspections

Ms McRae - asked the Minister for Housing and Family Services - In relation to inspections of ACT Housing Trust properties -

- (1) How many Trust properties have been inspected in the last 3 months.
- (2) What was the duration of each inspection.
- (3) What problems with the properties were (a) noted and (b) how were they dealt with.

MR STEFANIAK - The answer to the Member's question is as follows -

- (1) The routine inspection program commenced in Belconnen on 12 September 1995. A total of 42 ACT Housing properties have been inspected under this program.
- (2) Approximately 40 minutes.
- (3) (a) The problems noted were only in relation to maintenance. The most common maintenance issues were mould in, and ventilation of, bathrooms and the condition of windows; and
(b) work orders have been issued to ACT Housing's contractors to carry out remedial work.

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MINISTER FOR HOUSING AND FAMILY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 76

Housing Trust Tenants - Financial Hardship Criteria

Ms McRae - asked the Minister for Housing and Family Services:

What is the criteria that will determine extreme financial hardship referred to in the proposals to charge a bond to new and transferring ACT Housing Trust tenants?

Mr Stefaniak - the answer to the Member's question is as follows:

I have asked ACT Housing to consider options and consult on a rent bond policy for public housing tenants. I have received comments from the community sector on a draft proposal. However, as yet, there is no formal policy nor the final details of such a policy.

When the policy is determined, I will make it available to the Member, including the criteria for determining extreme financial hardship.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 78

Physical Education and Sport - Teachers' Qualifications

MS McRAE - asked the Minister for Education and Training on notice on 19 September 1995:

- (1) How many teachers have paramedical qualifications that would enable them to deal with accidents at a sporting event.
- (2) Does every school have sufficient numbers of teachers qualified to supervise all sport and physical education activity that occur in schools.

MR STEFANIAK - the answer to Ms McRae's question is:

- (1) For the purposes of the question the term "paramedical" means possession of a current first aid qualification.

First aid qualifications allow the person on the scene to take appropriate action before arrival of trained ambulance officers, if required. Only those teachers leaving the school with sporting teams or a person helping to supervise the team require a first aid qualification.

Teachers supervising activities at school have access to their school's first aid officer in the first instance.

At present there are 288 employees of the Department of Education and Training who are being paid an allowance as first aid officers in schools. This is the only figure available and does not represent all holders of first aid qualifications. We would estimate this number to be about 600.

- (2) All teachers have a duty of care to their students.

All teams playing sport are supervised by an appropriately qualified person. Such a person may be a teacher, or a parent or member of the community with suitable qualifications who is assisting the teacher.

A qualified person is deemed to be someone with recognised experience or a formal coaching qualification in that sport. The school principal has the authority to deem a person as suitably qualified.