



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

7 December 1995

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

LAW REFORM (ABOLITIONS AND REPEALS) BILL 1995

MRS CARNELL (Chief Minister) (10.31): I present the Law Reform (Abolitions and Repeals) 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, the Law Reform (Abolitions and Repeals) Bill 1995, which I introduce now, is one of a number of initiatives by this Government in a comprehensive program of measures to repeal, update and simplify ACT laws and regulations. This Bill repeals three archaic common law rules and 50 Acts, comprising well over 100 pages of law. I will briefly describe the common law rules we are abolishing, before I deal with the laws.

The estate pur autre vie are estates granted for life and the common law rule dates back to the tenancies of feudal times. It has not been used for a very long time in any jurisdiction, and never in the ACT, being effectively replaced by modern leasing and ownership concepts, rights and obligations. The common law misdemeanours of criminal, blasphemous, seditious and obscene libel are, as the Community Law Reform Committee has advised, no longer appropriate alongside today's defamation law. The common law right in distress for rent has not been available in the ACT for over 50 years and has long since been replaced by modern remedies. It should be removed from the statute book.

We are repealing 11 old imperial laws. You may recall that the red tape task force report noted that there are some 75 imperial laws applying in the ACT. These old laws operate in the Territory by virtue of laws enacted at self-government to continue the entire body of law then applying and which date back to those inherited by the ACT when it was established in 1911. As well as the imperial laws, the application of some New South Wales law was continued. The imperial laws we are now repealing, drawing on advice from the Law Reform Commission, relate mainly to property and are now unused and superseded. The oldest dates back to the thirteenth century. I may take that as an example. The Statute of Marlborough of 1267 is concerned with the old concept of waste. In this context waste means a deliberate and active change to a property which diminishes the value of the estate, increases the burden on the estate or impairs evidence

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of title. This area of law has been replaced by provisions in ACT leases and subleases. An example of a New South Wales law still operative in the Territory is the Crown Lands Act of 1884. This Act allowed access across crown land for property owners and is superseded in the ACT by the Land (Planning and Environment) Act of 1991.

Turning to ACT law, there are 14 revision and amending Acts listed for repeal. It is not necessary to retain these essentially machinery provisions. The relevant changes are retained by virtue of the Interpretation Act 1967. Laws which regulated the egg industry are repealed because the regulatory regime which they govern has now lapsed. The Police Offences Act of 1930 and associated legislation is repealed by this Bill. This body of law, comprising 12 separate Acts, now contains only one offence. The offence is committed by a person who keeps "a place of public resort ... wherein provisions of liquor or refreshments of any kind are sold or consumed ... and ... who knowingly permits or suffers persons of notoriously bad character to meet together and remain therein".

Mr Berry: Does this mean that two of your Ministers will be able to go to the pub now?

MRS CARNELL: I think there are probably a few bars around the ACT, Mr Berry, where certain politicians and members of the media may have contravened that legislation. The intent of this provision is adequately covered by the Liquor Licence Act of 1975 and other laws. Other laws in the list to be repealed either are spent or contain outdated or inappropriate provisions now more efficiently or more appropriately dealt with in modern legislation.

In summary, the measures in the Law Reform (Abolitions and Repeals) Bill 1995 are long overdue housekeeping of ACT law; but it is only the tip of the iceberg. The comprehensive program of law reform initiated by this Government includes action on a further 250 laws and regulations, including the imperial and New South Wales laws I mentioned earlier, which will be repealed, updated or simplified over the next two years. These also include laws to be updated in conjunction with the Commonwealth and the States where a uniform national code is agreed.

The Government has a strong commitment to regulatory reform. We are doing this through a series of integrated measures in addition to those already mentioned. A systematic review over the next two years of all ACT regulation will result in the removal of any unnecessary burdens, costs or disadvantages placed on business and the reform of legislation affected by the implementation of the national competition policy, while still protecting consumers, the community and the environment. This review is in addition to any actions that may arise following the Government's consideration of the findings of the red tape task force.

Taken together, the Government's reforms will result in a major change in the regulatory and legal climate in the Territory. They will facilitate business by removing unnecessary regulations and cumbersome processes, protect consumers in a just and efficient way, and make our law more accessible, relevant and effective. I made it clear when I became Chief Minister that I wanted to be remembered not for the many laws we passed during

our term but for how we were able to remove or simplify our laws. So far the Third Assembly has passed 46 laws. Our approach will mean that for the first time since self-government we will be getting rid of more laws than we pass in 1995. I think that has to be good news for business and for the community.

Debate (on motion by **Mr Connolly**) adjourned.

WEAPONS (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General) (10.39): Mr Speaker, I present the Weapons (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill introduces a number of amendments to the Weapons Act 1991. The need for these changes has become apparent over the years since its passage. The Territory's gun control laws are amongst the strictest in Australia and this Government is committed to maintaining these controls. The Registrar of Weapons must be satisfied that a person is a fit and proper person and has a genuine reason for holding a gun before he or she will be granted a licence. All guns are required to be registered on a licence. This Bill does not change these fundamental principles.

One of the more significant changes which this Bill introduces is the creation of a new category of licences for weapons which have been rendered inoperable. Such weapons may be of historical interest or may be kept for sentimental reasons. Provided that they meet the registrar's required standards of inoperability and that the licensee is assessed as a fit and proper person, this Bill will allow such weapons to be kept in approved storage arrangements.

The Bill prohibits the sale or transfer of semiautomatic weapons. Following the tragic killings in a Strathfield shopping centre in 1991 when such a weapon was used, all States and Territories agreed through the Australasian Police Ministers Council to ban their sale or transfer. Until now this has been achieved in the ACT by means of a consumer product safety order under the Consumer Affairs Act 1973, but it is more appropriate that the ban be included in the weapons legislation.

The Bill adds a number of dangerous items to the schedule of prohibited weapons. They include some dangerous types of knives such as butterfly knives, which have a concealed blade between two folding handles, and knives known as urban skinners. Certain martial arts weapons are also prohibited, including nunchakus, which consist of two or three pieces of wood or similar material joined by chain or cable and which when used in a flailing motion can cause serious injury or death. A number of other offensive weapons will also be banned by this Bill, such as blackjacks and coshes.

The Bill also proposes that certain items which are currently prohibited, namely silencers, may be licensed as dangerous weapons to those persons who are approved by the registrar and can establish that they have a genuine reason for using them. Specialised animal handlers, for example, may need silencers in order to carry out their work effectively. The Bill also requires that veterinary surgeons, who are currently exempted from the Act by virtue of their occupation, will have to satisfy the normal requirements in order to hold a dangerous weapons licence. These requirements apply to other occupational groups such as security guards, and there is no sound reason to distinguish veterinary surgeons.

This Bill also amends the current requirement for the registrar to refuse a licence to a person who has been convicted of an indictable offence in the past eight years. The policy of this legislation is to restrict the availability of guns to those persons who are not considered fit to hold them, particularly violent offenders. As the Assembly is aware, the Liberal Government is of the view that it is not reasonable, on the whole, to include fit and proper person tests in legislation without giving a corresponding definition of what it is that will determine whether someone satisfies that test. To that end, my department is currently working toward the development of alternatives to the fit and proper person tests for inclusion in relevant legislation. In this instance, however, I do not think there are reasonable grounds to object to the fit and proper person test as it relates to the proposed amendment.

The amendment makes it mandatory for the registrar to refuse a licence where the offence involved violence or the use of a weapon, but leaves it to the registrar's discretion where any other indictable offence is involved. Thus, for example, a person may have been convicted of what may be termed a "white collar crime" and may nonetheless be assessed as a suitable person to own a firearm for an approved purpose. In this sense the amendment makes more specific the criteria used to determine the suitability of a person to hold a dangerous weapons licence, in that where a person would once have been automatically excluded there is now discretion available to the registrar to weigh up the seriousness and implications of past indictable, non-violent offences.

The Bill also restricts the payment by the Territory of compensation for surrendered weapons. When the Weapons Act was first passed the provisions were drafted so as to allow for compensation to those persons who had lawfully held weapons under the previous less restrictive regime. Some years have now elapsed and it is appropriate to tighten that provision so that compensation may be paid only for those weapons which cannot be sold lawfully. This is to remove the possibility that gun owners may take advantage of this provision to dispose of unwanted weapons rather than make efforts to sell them.

The Bill formalises the arrangements when visiting foreign dignitaries are accompanied by armed security personnel. The Commonwealth approves the importation of hand guns by such people only in strictly limited circumstances, and makes arrangements with the police force in each State or Territory in which the dignitary may be travelling. Until now there has been no legislative provision in the Territory for this eventuality. The Bill will allow for the issue of temporary licences by the Chief Police Officer, subject to strict conditions.

The Bill also allows for the possible future introduction of photographic weapons licences. Photographic licences are already in force in some jurisdictions, such as Tasmania and New South Wales. Certain categories of licence in Victoria and the Northern Territory require a photographic licence. Such requirements have not, however, been introduced in the Territory at this point, pending further consultation with the police and other agencies to determine the financial and practical implications of this proposal. There are a number of other minor amendments which are outlined in the explanatory memorandum to the Bill.

The Territory has been participating with other jurisdictions in discussions about national uniformity in firearms laws, through the Australasian Police Ministers Council. It is a matter of regret that some other jurisdictions are not committed to registration of all firearms. While the ACT supports in principle the advantages of uniform firearms laws, through the interstate recognition of gun licences, for example, this Government will not adopt any lowest common denominator approach which would mean that our own strict standards would be lowered.

Members of the Australian Federal Police, particularly in the weapons registry, have been closely involved in the development of the Bill over the past two years. I would also like to record my appreciation for the input and assistance of the Weapons Control Advisory Committee, whose members have included the magistracy, the Australian Institute of Criminology, a representative of the Territory's shooting clubs, the police and other interested agencies. I commend the Bill to the Assembly.

Debate (on motion by **Mr Connolly**) adjourned.

LEGAL PRACTITIONERS (AMENDMENT) BILL (NO. 2) 1995

MR HUMPHRIES (Attorney-General) (10.46): Mr Speaker, I present the Legal Practitioners (Amendment) Bill (No. 2) 1995, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

Mr Speaker, the Legal Practitioners Act 1970 provides for the regulation of the legal profession in the Australian Capital Territory. The Legal Practitioners (Amendment) Bill (No. 2) 1995 has been prepared to amend the Legal Practitioners Act to refine the procedure provided for the regulation of solicitors' trust moneys and trust accounts.

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In 1994 the Legal Practitioners Act was amended to bring moneys owned by a client of a solicitor which the client has given authority to the solicitor to control, that is, “controlled moneys”, within the recording and auditing requirements of the Act. The Act requires a solicitor to record the funds of a client over which the solicitor has control. The definition of these “controlled moneys” includes “valuable securities”, that is, documents such as title deeds and share scrip. The Law Society submitted that, as there have been no known fraudulent dealings with such documents, the requirement imposes an unduly onerous administrative task on a practitioner.

Further, a solicitor often holds a sealed package for a client which would be likely to contain documents which would come within the meaning of a “valuable security”. In such a case, a solicitor could not comply with both the instruction of the client that his or her sealed package be held as is and with the requirement under the Act that the solicitor record all “valuable securities” held for a client. For these reasons, the Law Society asked that the Act be amended to delete the reference to “valuable securities” from the definition of “controlled moneys”.

I think the society's concerns are reasonable and the Bill removes the reference to “valuable securities” from the meaning of “controlled moneys”. Needless to say, Mr Speaker, this issue would be revisited should there be any suggestion that a defalcation related to documents which come within the meaning of “valuable securities” has occurred. Following consultation with the Law Society of the ACT, it was understood that the scheme relating to “controlled moneys” should include requirements that, when a client gives a solicitor authority to control money of the client, the solicitor should make an acknowledgment to the client of the taking of that authority. Accordingly, the Bill includes such requirements.

Related to the requirement that the solicitor acknowledge and notify a client in respect of the solicitor's control of the client's money is the audit of the solicitor's control of, and dealings with, the money of a client. The Bill provides for a quarterly statement to be prepared and provided to the client in respect of any payments by a solicitor out of the client's funds controlled by the solicitor. This quarterly statement would be a document within the meaning of those which an auditor may require to be produced for audit under section 103 of the Legal Practitioners Act. This means that an auditor may require a solicitor to produce for inspection any acknowledgments and statements prepared by the solicitor in respect of “controlled moneys” during the audit period. These amendments will bring the procedure providing for the accounting by a solicitor for “controlled moneys” more into line with that provided for the regulation of “trust moneys” under the Act and will have the effect of enhancing the protection of a client who engages a solicitor to undertake control of his or her funds. I commend the Bill to the Assembly.

Debate (on motion by **Mr Connolly**) adjourned.

ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE
Reference - Faunal Emblems

MRS CARNELL (Chief Minister) (10.51): I move:

That the Standing Committee on Economic Development and Tourism inquire into and report on the available options for faunal emblems to represent the Australian Capital Territory and in particular consider a suitable animal and/or bird emblem.

The royal bluebell was declared the ACT floral emblem in 1982 and has been accepted widely by the ACT community. However, interestingly, it has never been formally adopted by this Assembly. In June 1992 the Assembly passed a resolution requesting the ACT Government to take early steps to adopt floral and faunal emblems for the ACT. However, at present, no such process is in place to select faunal emblems for the ACT. Referring this matter to the Assembly's Standing Committee on Economic Development and Tourism will ensure that the matter is fully and expertly considered.

Mr Wood: Oh, expertly indeed.

MRS CARNELL: I think - unlike Mr Wood, obviously - that the committee will adopt an approach that will allow the community to have input into what many people in the general community would believe is an important decision. I am confident that the committee will access information or input from the general community and have a wide consultation process. Once a decision on the appropriate emblem or emblems has been made, this Assembly can formally adopt it or them. I think this is an appropriate approach. It is interesting that the ACT is the only State or Territory that does not have a flower, bird and animal as its emblems, and I think that is something that we should attempt to address, particularly as in June 1992 this Assembly did pass a resolution requiring that to happen.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 9 of 1994

Debate resumed from 24 August 1995, on motion by **Ms Follett**:

That the report be noted.

MRS CARNELL (Chief Minister and Treasurer) (10.53): Mr Speaker, I table the Government's response to the Standing Committee on Public Accounts Report No. 4, the Review of Auditor-General's Report No. 9, 1994 - "Performance Indicators Reporting". The Auditor-General presented his report No. 9, which provided the results of a review of objectives and performance indicators included in departments' annual reports for 1993-94, on 8 December 1994. The report recommended that a standard framework of concepts, definitions and terms for performance reporting be implemented across the ACT public service, and that the audit report be used as the basis to develop the standard framework.

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The Standing Committee on Public Accounts tabled its Report No. 4, which endorsed the Auditor-General's recommendations, on 1 June 1995. The PAC concluded that a standard framework for performance indicators, as recommended by the Auditor-General, would considerably assist better reporting by agencies, and that there should be a recognition within the framework of the need for qualitative as well as quantitative measures of performance.

The Government is committed to developing a customer focused public service committed to high levels of performance. The Government has endorsed the recommendations of the PAC and the Auditor-General's reports in this context. This Government has taken a number of positive and significant steps to improve both performance and accountability. The Government's financial management reform program has provided the basis for developing a more appropriate model for assessing the performance of ACT government agencies. This focuses on the planning, measuring and reporting of outputs. The quality, quantity, cost and timeliness of outputs delivered by agencies will be measured, rather than the traditional measurement of inputs - that is, staff, financial and other resources - consumed by agencies.

Under this approach we will know how effectively an agency is providing goods and specific services - that is, outputs - and how effectively these are contributing to achieving the Government's and, of course, this Assembly's, desired outcomes. This approach will better inform the Government in making choices about whether the public sector or the private sector will best provide a particular good or service. The Government, the Legislative Assembly and the community will also have available more meaningful information by which to assess the performance of the public service.

In the context of responding to the PAC and Auditor-General's reports, the Government has also defined a broad framework for performance reporting. This framework describes the various reporting requirements and accountability relationships, states who is responsible for reporting and what they are reporting on, and lists the range of performance reporting tools available for assessing performance. This performance reporting and accountability framework will meet the requirements of the financial management reform program and the Government's focus on transparency in accountability and reporting.

The framework also incorporates non-financial reporting and accountability requirements, such as reports to the Legislative Assembly, including the PAC and estimates committees, Ministers, the Government, the Auditor-General and, of course, the Commonwealth. The framework recognises that annual reports, budget papers, program reviews and evaluations, audit reports and Legislative Assembly reports together provide a comprehensive picture of agency performance. The Assembly passed the Government's annual reports legislation on 23 August 1995, and the Chief Minister's Department is developing proposals for information to be provided in future annual reports, including the use of performance indicators. The views of the PAC and the Auditor-General will be taken into account in this process. Mr Speaker, I commend the Government's response to the PAC and the Auditor-General's reports to the Assembly.

MR MOORE (10.58): Mr Speaker, I think this report of the Public Accounts Committee is particularly important, and its endorsement of the Auditor-General's stance says a great deal. It is an issue upon which this Assembly has concentrated, I think, since the beginning of self-government. It is interesting to see the view of the Chief Minister in response to it. She is setting out a new model for dealing with performance indicators.

One of the things that have concerned me about the legislation that will come before the Assembly later today, and I have discussed it at length with the Chief Minister's chief executive officer, Mr Walker, is the issue of performance indicators and contracts. If we cannot get performance indicators right, and we have tried again and again, why would we believe that we can get contracts right? I will speak about that later in the appropriate debate. That is one of the issues that I have been discussing with the bureaucracy in this area.

Mr Speaker, it is important for us to get these right. It is important for us to ensure that what is achieved is measured effectively against the task set, and that is what we have failed to do. Of course, there is a real interest in ensuring that we cannot do that easily. It seems to me that, with a number of notable exceptions that various estimates committees have drawn attention to, by and large the bureaucracy have not wanted to have their work measured. The irony is that, the higher we went in the bureaucracy, the worse the performance indicators got. Perhaps because of the consciousness of senior members of the bureaucracy, they needed to be sure that their work could not really be measured. There were many arguments that we heard; for instance, that once you get to the higher levels of the public service it is much harder to give specific measurable performance indicators. I do not believe that that is true.

What we have here, first from the Auditor-General, and then from the Public Accounts Committee, backing up innumerable reports from the estimates committees, is the challenge to say it is time to get these right. The Chief Minister's response has only just been tabled, and I have had a chance only to scan it. It will be interesting for us to assess whether these are achievable or not achievable, whether the system works, and whether we can have an effective contract system throughout the public service which will achieve these measurable outcomes. That is the challenge before the Chief Minister and the Government at the moment, and it is something that I think not only this Assembly and the individual members in it but also the community as a whole will be monitoring.

MS HORODNY (11.01): Mr Speaker, with governments focusing more and more on output funding, obviously the quality of performance indicators will be increasingly important, and the Estimates Committee highlighted this fact. Many of the performance indicators we have now are just not up to scratch. Even worse, the Government seems not to know how to evaluate performance in many areas. The Public Accounts Committee, which I joined part way through this inquiry, did emphasise the importance of qualitative as well as quantitative aspects of agency performances, and this is of great importance to the Greens.

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Performance indicators must be credible and able to be easily evaluated. They should also be informative and act as a tool for monitoring trends towards particular goals. The Greens are concerned that there will be too much emphasis on quantitative outputs. Maybe a way to address this is by providing some avenues for indicators to be responsive, and maybe even open to amendment and comment by users if they do not accurately reflect the nature of the objectives of a particular organisation or service.

Having had a chance to reflect on performance indicators during the budget process, it is also clear that there needs to be more consideration given to how performance indicators provide interrelated information across sectors, or there will not be integration across the whole of government. It is no use having good environmental or social performance indicators if they contradict performance indicators in business, for example.

I look forward to progress in integrating the Commissioner for the Environment's work more into the annual reporting and budget indicators, as well as more community input into setting the goals and standards by which we measure progress in our society. All these things are possible. Many local governments in Australia have made real progress in this area and maybe there are some lessons for the ACT from them. This Government has a long way to go. They have rejected outright the need for environmental indicators to be integrated through the budget, for example, and this is of real concern to the Greens.

MS FOLLETT (Leader of the Opposition) (11.04), in reply: I thank members for their comments on this Public Accounts Committee report and I also thank the Government for their response. As other speakers have indicated, the issue of performance indicators has been a topic for debate ever since we have had self-government. It has been something that has been worked upon in an attempt to get a better picture through successive public accounts committees and successive debates in this Assembly. I do not believe that this will be the end of the matter. I think we are going to see a continuing effort for performance indicators to be perfected, but I do want to say a couple of things about the current situation.

The first is that the written performance indicators are but one measure of a government's effectiveness in implementing its policies and performing its task of serving the community; but they are a very important measure because they are subject, year by year, to the detailed scrutiny that occurs through the Estimates Committee, through the Public Accounts Committee and so on, so it is important that we get them as useful and as accurate as is possible.

I notice, Mr Speaker, on looking at the Public Accounts Committee's report, that the Government, in effect, has adopted all of the recommendations of the Public Accounts Committee, and I commend them for that approach. I do want to say, however, that the Government's new model for looking at performance indicators, the outputs and outcomes model, is one where I think we need to exercise a little bit of caution, particularly in regard to the outputs measurement. It is the case, Mr Speaker, that outputs are usually the things that are fairly easy to measure, such as how many letters were written, how many garbage bins were picked up, and so on. Those things are reasonably easy to measure, and it is reasonably easy to get a standard framework for measuring such outputs.

I think there is a very big difference, though, between outputs and outcomes. It is the impact on the community of those outputs that I believe still has to be focused upon very closely. So it is the outcomes in terms of not just quantity but also quality of goods and services that the community is receiving that I think have to be focused on very closely. In adopting this new model, I do hope that the Government does not overdo the outputs and underdo the outcomes. That is just a word of caution about that.

Another matter I wanted to mention, Mr Speaker, is in relation to both outputs and outcomes, and that is that, as the Government proceeds on its path of contracting out a greater range of governmental goods and services, the accountability for both outputs and outcomes is diminished. Whilst you might contract for a particular level of service or a particular type of service to be delivered, the accountability when a contractor does that is not the same as when the Government itself does that. The accountability to this Assembly is particularly affected through areas like the Estimates Committee, the Public Accounts Committee and so on.

The fact of the matter is that we cannot haul the contractor up before us and make them account for every dollar that they have spent on behalf of the Government for every service they have performed; but we could do it if it were the Government Service still providing those goods and those services. So there is a diminution of accountability. This is a well-known fact, Mr Speaker, and I would ask the Government to refer to any of the literature on contracting out if they do not want to take my word for it. It is a fact that the same level of accountability is simply not there. The same amount of scrutiny is not possible either. So, Mr Speaker, that is another word of caution about the Government's new model for performance indicators measurement.

As I said, Mr Speaker, I do not think this will be the last time the Assembly debates the issue. It is clearly one which goes to the heart of the government's performance and one in which the Assembly, year by year, has expressed a great deal of interest in assessing the government's performance on some sort of standard format. I would like to echo what Ms Horodny has said about the importance of qualitative as well as quantitative measurement. I hope that, in this diagrammatic presentation and the attempt to standardise measurement, those qualitative outcomes will not be overlooked. I thank members for their contributions to the debate. It was a report that was produced last year, so it has taken quite a while to be finalised; but I very much doubt whether this is, in fact, the final word that will be said on it.

Question resolved in the affirmative.

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PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Watson, Section 61, Block 8 (Former Starlight Drive-In Site)

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

That the report be noted.

MR WOOD (11.09): Mr Speaker, I will not speak at great length. This was a reference that, on the recommendation of the committee and with the agreement of the Government and all parties, was deferred until the completion of the Stein report. That report is now down, so the consideration of this issue can proceed. I have not yet completed an exhaustive study of Stein, so I am not yet in a position to comment in full detail on what that report says. My first and rather rapid reading revealed to me that Stein certainly made comments about lease enforcement in this case, as in other cases, and made certain other comments. But I do not specifically recall in that first reading seeing highly critical comments that might suggest that this matter should not proceed. As I recall, Stein indicated that there was no suggestion of favouritism towards developers. That was one of the suggestions that had been bandied around. I would prefer to go into the detail a little later, when I complete my comprehensive reading of Stein.

A couple of other recommendations were included in the report, one of which was that the approach of selling units off the plan should be carefully examined. I think that is a sensible proposal. It is the case these days, it seems to me, that banks will not lend money for developments of this nature unless units have been substantially sold in the first instance. They want to know that they are not going to have a bummer on their hands, so they have fairly strict requirements in lending. That does not stop developers who consistently sell off the plan before the plans are approved. In almost all circumstances, information material has a rider that the plan is dependent upon approval. That is a necessary rider. But it is the case on some occasions that developers who are anxious to move things along start selling off plans rather earlier than they should.

Mr Speaker, I will make some points about the North Watson proposal generally, which of course includes an area well beyond the Starlight Drive-In site. It includes the area around Antill Street, down to Northbourne Avenue and across to the existing development in Watson. That has always been a sensible proposal recognised in this Assembly, which passed the draft variation. It was recognised as a proposal that was economically sound and environmentally sound and therefore should proceed. Mr Humphries, in a comment recently, one that I do not think I fully understand yet - and he might clarify the situation for me - indicated that residential development on the government leases, as distinct from the Starlight Drive-In site, would be deferred or delayed as this was not the time to proceed with extensive new housing. If that was his comment, I certainly agree. With the downturn in the building industry, with the decline in the rate of population growth, there has not been strong demand in the last year or so for new premises. If that is the reason that Mr Humphries has indicated a deferment, I am quite satisfied. If he is considering putting off the proposal altogether, I would be very disappointed, and I think the ACT community would be disappointed. I think that is something that we might hear some more detail about.

Broadly, the proposal for North Watson was a very sensible one because it would enable us to use existing infrastructure. The people moving into that area would have the use of the local shops and school. The main problem with that draft variation and proposed development relates to increased traffic on the roads and the need to upgrade the water and sewerage mains. That is inevitable. Northbourne Avenue and perhaps some of the other major thoroughfares would become busier as a result, but that is going to happen to roads in other parts of Canberra as the population moves to more distant parts of Canberra.

It was suggested at various times that the North Watson area was a wonderful natural environment. It is really a pretty degraded environment. There are some very good trees that must be retained; but, search as people might, I do not think they found a legless lizard there and there was no evidence of any worthwhile native grasses in the area. This area, which had been grazed over by cattle, horses and the like over many years, has no remaining natural vegetation other than some fine trees that need to be retained. In all the circumstances, it was a sensible proposal.

The draft variation also wiped out the road reserve linking Gungahlin and Northbourne Avenue to Monash Drive. The Labor Government had always been quite clear that Monash Drive would not be built, and this was one step in that direction. I always thought that was a good proposal for the local residents. The option prior to the draft variation was for caravan parks, motels, accommodation facilities and the like, with the prospect of Monash Drive. The draft variation excluded motel-style accommodation in favour of residential accommodation and provided a buffer. There was to be no six-lane highway between residents and the new development. It seemed to me to be a very good proposal. I think it was broadly accepted by the community, though not by everybody in the community. This proposal for the Starlight Drive-In site, which may be part of that broad area of development, now comes back for further consideration and final judgment.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.18): Mr Speaker, I seek leave to speak again.

Leave granted.

MR HUMPHRIES: I am speaking again, Mr Speaker, only because Mr Wood, in the course of his remarks, posed a question which I thought I should answer. In the Government response we addressed other issues relating to the report, and I hope that those comments more or less stand. Mr Speaker, I have made comments about North Watson in the past. It is unfortunate that when I describe to journalists what I mean by North Watson in this context - that is, North Watson other than the Starlight Drive-In site - they tend to refer to the area in a shorthand way as just North Watson. It is true that I have indicated very clearly my view that North Watson should not go ahead, for the reason that there appears to be simply too much land in the ACT marketplace at the moment and there is a strong case for reining in the volume of available land and the government land release program in order to achieve some retention of the value of land in the Territory, particularly in areas of established housing. It is the view of the Government that, for that reason, the North Watson development should be at least postponed.

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There are other concerns that I have discussed with resident groups. When we return to the issue of North Watson, we should canvass those issues afresh, much as that might cause some of us a bit of a stitch.

Mr Wood: What do you mean by “canvass afresh”?

MR HUMPHRIES: The residents have raised issues about the amenity of that area which, I have to say, I retain an open mind about. What I am saying is that the reason for the Government's deferral of North Watson was not related purely to a view about the need to restrict the flow of land to the ACT marketplace. It was also based on some concern that the residents may have had some justification for their concerns.

Ms McRae: For their horses.

MR HUMPHRIES: I put it no more highly than that at this point. That is a very strange comment from the Labor Party expressing contempt for this point of view. My impression is that there is a fairly strong feeling - - -

Ms McRae: Horses before people every time, Mr Humphries. Very good!

MR HUMPHRIES: There has been a strong view among people in North Watson. It might not be Ms McRae's electorate, but there is a strong point of view there.

Ms McRae: Two people.

MR HUMPHRIES: That is not true.

Ms McRae: Four or six, then.

MR HUMPHRIES: That is not true. The Liberal Party has doorknocked that area in the last 12 months, and the point of view there is quite strong. I know that those opposite would like to write it off because they think it is not important, but of course they will also excoriate us later on today for ignoring community opinion and not consulting with people. I do not know quite where we will end up on that issue with those opposite, but I am sure that whatever we do we will be wrong. That can be assuredly stated.

Mr Speaker, development of the old Starlight Drive-In site will proceed. A clock stop was voluntarily imposed on it when the Stein inquiry was announced. As I understand it, that has now been lifted and we will proceed to deal with the proposal as expeditiously as possible. I hope that the issue is resolved very quickly. Purely from the point of view of allowing people to make decisions about investments in that area, there has been a very long delay in proceeding with work in that area. I acknowledge that some of it has been due to decisions made by the owners of the site but; by the same token, it is also appropriate that we now proceed to lift government barriers to a quick decision on that site. I therefore hope that there will be a decision very soon on what is to be built on that site.

MR MOORE (11.22), in reply: Mr Speaker, when one brings down a report, it is refreshing to see a government response to the recommendations that says, "Agreed, agreed, agreed". I think that is a positive response.

Ms McRae: It is, to your reports.

MR MOORE: Ms McRae says "your reports". I am very proud of the fact that I chaired the committee, Ms McRae; but it was a unanimous report by your colleague Mr Berry, Ms Horodny, Mr Kaine and me. In a sense, it is my report, but only in the sense that there is ownership by each of us. We work particularly hard on the Planning and Environment Committee to get a unanimous report, as indeed I understand almost all committees do. I believe that, if we get a unanimous report, then we are much more likely to get an effective response from the Government.

Mr Speaker, I could digress, as Mr Wood did, and deal with some of the issues in North Watson and some of the issues associated with Justice Stein's report on the administration of the ACT leasehold system, but I think it is appropriate for us to wait until that comes back to the Assembly and then deal with those issues thoroughly. Like Mr Wood, I have read through the Stein report once. I am going through it now in finer detail, looking at the full ramifications of what it says. I would like to emphasise that the Stein report is linked inextricably with this report on the Starlight Drive-In site because it was out of issues raised in respect of the Starlight Drive-In site and a couple of other areas that the Stein report arose.

Mr Speaker, it is important to emphasise that the committee recommended that the Starlight Drive-In site development could go ahead, and it is appropriate for the Minister to facilitate it going ahead in the light of the recommendations on how the lease should be handled. But it is also important for us to ensure that we recognise that the Stein report is about looking forward, not about looking back. It is about ensuring that the problems with the administration of the leasehold system and with planning can now be dealt with through appropriate structures. That is really what the report is about. Justice Stein himself said that he did not attempt to go back and try to dig up anything to do with corruption or any of those areas. What he wanted to do was to identify where there were problems in administration and problems with planning, and he did identify those.

Mr Wood: But he did go back. How many files did he examine?

MR MOORE: I get an interjection from Mr Wood about how many files he examined. Yes, he did go back. He went back specifically to look at files, to look at how things were administered, not to look for corruption. He said that himself, but I think we can come back to that in further debate.

MR SPEAKER: Might I suggest, Mr Moore, that we try to restrict ourselves to your report.

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MR MOORE: I will, but I refer Mr Wood to page 12 of the Stein report. Paragraph 1.48 is where Stein makes a statement. I am quite happy to leave it at that until we debate that report more thoroughly. I am pleased about the response of the Government and believe it is now appropriate for development of the Watson Starlight Drive-In site to proceed.

I draw one small issue to the Minister's attention. It has to do with the notion of selling off the plan and the appropriate protections when selling off the plan. It has been drawn to my attention that this is currently going on at another site in Canberra. Rather than making it a public issue, because it can easily be misconstrued, I am quite happy to mention to the Minister what the other site is so that that can also be inspected to ensure that the appropriate processes go ahead. Mr Speaker, I thank the Government for their positive response and look forward to the development proceeding.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE**
**Report on Inquiry into Possible Changes to Planning Legislation -
Government Response**

Debate resumed from 19 September 1995, on motion by **Mr Humphries:**

That the Assembly takes note of the paper.

MR WOOD (11.27): Mr Speaker, this is one of the reports that Mr Humphries has in front of him and that are giving him, I am sure, a quite severe workload. He has this well-considered report from the Planning Committee; he has the Stein report; he has the Mant/Collins report. He has a whole host of information that he now has to wade through in order to come up with a consolidated approach to changes in the Land Act and anything else.

Mr Humphries: So much for Christmas.

MR WOOD: Mr Humphries, you have that big task ahead of you. I am not sure that at the end of that task you are going to satisfy the whole community any more than the material we have already worked from has.

Mr Humphries: I guarantee I will not.

MR WOOD: I think that is right.

Mr Humphries: That is a promise.

MR WOOD: I will second that motion, if you like. There is no guarantee that anything that happens will satisfy people who have a different opinion about whether a particular project ought to go ahead or not. Very often, when people have different opinions, they will blame the process or the legislation and not concede that maybe they do not want something to go ahead because they believe it will affect them. Mr Speaker, for these reasons, I am not going to get into the detail of this report. It is going to be impacted upon so much by Stein and Mant/Collins that to get into a heavy debate at this stage would be fairly aimless. I encourage Mr Humphries in his task and wish him good luck in what he is doing.

MR MOORE (11.29): Mr Speaker, I want to take a couple of moments to support some of the things that Mr Wood has said. In fact, there is a series of issues before the Government and the Planning Minister at the moment that have come through a series of reports that go back to before the Lansdown report. Those reports include this report of the Planning Committee in the previous Assembly, when Mr Berry was chair, drawing attention to a series of problems. There is no doubt that there are problems in the planning area. Those problems have been identified. One step forward will be developing a whole-of-government strategic plan of which the land use and planning strategy can form a part. That is something that I will speak about when I make a statement of behalf of the Planning and Environment Committee later today.

The challenge is there. I believe that it ought to have been done four or five years ago, certainly in the last three years; but at least the issues are now on the table and ready to be dealt with. I want to assure the Minister that I will do what I can to work with him, with the Government and preferably with the Opposition and the Greens to move it forward, rather than allowing it to get bogged down, as has happened in the past, to ensure that the community work together, to ensure that the community understand how planning will develop, to ensure that residents, developers and all other people involved in issues understand exactly what is proposed and how it should proceed. In that way we can get a positive environment in which all can work and live.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.32), in reply: Mr Speaker, I echo the comments made by others on the floor of the chamber. In fact, I have here a Government response to the committee report; but I will not be tabling it and members will not get to see it, because unfortunately it has all been superseded by the Stein committee report. I think it would be pointless to put on the table a series of responses that need to be comprehensively worked over in light of that report.

Ms Follett: You have already tabled a response.

MR HUMPHRIES: I am sorry. I thought I had not tabled it yet. You are right. Of course, I have tabled it. There you are - we are an open government. We put everything on the table. We even surprise ourselves with how open we are sometimes! Mr Speaker, this open and consultative Government likes to be able to put things on the table. As I say, this response has been superseded and it will be necessary now to develop a comprehensive new response.

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With the many problems in the planning system, the temptation to point the finger at so-and-so and say, "It is your fault", or whatever, is perhaps a strong one but one which none of us should succumb to. The fact is that the planning legislation was the product of the work of two governments - the Alliance Government and the succeeding Labor Government. Indeed, it was very much a product of the whole Assembly's input. The planning problems are the responsibility of all of us, in terms of our authorship of them and our need to resolve them collectively. Perhaps the only party we can truly point the finger at and accuse without fear of response is the Residents Rally, which was responsible for a great many amendments to the planning legislation in 1991. It seems to me, from my point of view, that a great many of the problems in the Land Act at the moment relate to particular amendments moved by Mr Jensen.

Mr Speaker, I hope that we can correct some of those problems and make a number of attempts to refine the system. It will not, of course, solve the problems. I acknowledge that freely, as Mr Wood and Mr Moore have; but I think that we can certainly do a great deal better. That will be the challenge before us.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 1 of 1995

MS FOLLETT (Leader of the Opposition) (11.35): I present Report No. 9 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 1, 1995 - Government Passenger Cars", and I move:

That the report be noted.

Audit report No. 1 was presented to the Assembly on 21 June. It provides an independent opinion on the efficiency of ACT government passenger car use and the effectiveness of processes which are used for the purchase and disposal of passenger cars. The audit also made findings in regard to legal liability for loss of, or damage to, ACTEW cars being used for private purposes, fringe benefits tax and the reconciliation of ACT Fleet fuel issues.

Mr Speaker, the audit findings reveal a number of matters worthy of further examination by the Government. Those matters include the fact that many cars are unused during working days; that average business travel is some 13,000 kilometres a year, a very low figure; that many cars travel less than 20,000 kilometres a year; that most agencies have not analysed the efficiency of car use; and that about 75 per cent of non-SES cars are home garaged and running costs are not considered in determining home garaging. Other findings were that fringe benefit tax liability of some agencies has been overstated; that secure parking options are not adequately examined and many cars which are home garaged for operational needs outside normal working hours have little or no actual use for these purposes; that fuel usage is not effectively monitored; and that ACTEW officers were offered the use of cars without any bargaining for productivity improvements. I might say that the use of those cars was offered at a very attractive rate indeed.

The committee sought and received from all Ministers comment on the audit findings, although the relevant Minister did not comment on the audit findings in relation to ACTEW cars, so in effect there has been no comment to this committee on that aspect of the Auditor-General's report. The committee supports the 14 audit recommendations and, in turn, we have made a range of recommendations of our own. I think it is fair to say on behalf of the committee that we believe that agencies have been rather less than zealous in their approach to reducing and making more efficient the use of government passenger cars.

The Public Accounts Committee recommended that the Government provide a comprehensive report to the Assembly within six months on the extent of adoption of the audit recommendations and that it report quarterly thereafter, with reasons, on those recommendations which have not been implemented. The committee further recommended that the Government actively pursue a further reduction in the numbers of government owned and leased cars; that it examine and report to the Assembly within six months on the feasibility of pooling car parking at appropriate centres; that it ensure that all buildings owned or leased in the future for government purposes have adequate on-site secure car parking; and that the Office of Financial Management prepare guidelines for calculating fringe benefits tax and for minimising the liability arising for the ACT.

It is of concern, Mr Speaker, that ACTEW has entered into a quite generous arrangement with its senior officers to allow them the private use of ACTEW cars without any offsetting productivity improvements by those officers. It seems to me that, in addition to the question of use of public funds, there is also a question of equity both with ACTEW's other officers and with officers throughout the ACT Government Service. The committee has therefore recommended that the Government review the circumstances of the offer to ACTEW senior officers and that it report to the Assembly on what productivity improvements are agreed with those officers in return for the benefit provided. An associated recommendation is that ACTEW seek urgent legal advice on its liability for loss or damage to ACTEW cars used by officers for private purposes and take action to protect the public interest.

This is not the first time that the matter of government passenger vehicles has been examined and I believe that, as with the issue of performance indicators, this will not be the last time it is examined either. I do, however, believe that it is time that the agencies themselves actually got a bit tougher about this. I think government cars, like some other matters, have been regarded as a bit of a freebie. Agencies have handed them out rather freely to non-SES officers. We have not looked very closely at the use of SES cars. Cars appear to have been handed out without enough regard for the actual cost of that amenity. It seems to me that in successive governments we have seen continual criticism by the public on the numbers of ACT government cars, on the use of those cars and on the apparent waste of public funds that those cars represent. I think it is quite disappointing that both the audit report and the Public Accounts Committee have again found there is a great deal of room for improvement.

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I know that the Chief Minister has made statements about reducing the number of cars. I would certainly support those statements. I look forward to the Government reporting in due course, if they accept this report of the Public Accounts Committee, on a rather more zealous approach to limiting the use of what is a significant community resource. There are very good reasons. Mr Speaker, first of all, government cars are not free. The cost of acquiring them, the cost of fuel and the cost of maintenance and upkeep are borne by the ACT community. I do not believe that agencies are suffering sufficiently through their budgets in their own use of government cars, and it may be that we need to make some adjustment to how those costs are borne by agencies. There are also very significant environmental reasons for the ACT Government setting a good example to the rest of the community in being as frugal as possible in its use of private passenger cars.

I have been interested to have another look at this issue. I certainly hope that the Government is able to achieve some reductions and some greater efficiencies in this area. I express again particular concern about ACTEW's actions, for which we have yet to receive any explanation from them. I know that this is an issue that Mr Kaine has previously expressed a great deal of interest in and certainly did throughout the committee's examination of the audit report. I know that Ms Horodny also has a particular interest in this area, perhaps more in the environment area than in the efficiency area; but it is a concern that, in my experience, is shared by the whole Canberra community, and rightly so. I believe it is time that some rather more drastic action was taken. Successive governments have tried a gently, gently approach, a "let the managers manage" approach; and on all the evidence that we have before us it has not worked terribly well. So perhaps it is time to get a little more hard nosed about this issue. If that is the Government's intention, then they have my support.

Debate (on motion by **Mr Moore**) adjourned.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 5 of 1995

MS FOLLETT (Leader of the Opposition): I present Report No.10 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 5, 1995 - Annual Management Report for the year ended 30 June 1995". Mr Speaker, this is a brief review of the Auditor-General's annual report for 1994-95. It has been dealt with in other places, so I will not speak on it.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Inquiry into a Strategic Plan

MR MOORE: Mr Speaker, I wish to make a statement regarding the Planning and Environment Committee's inquiry into a strategic plan.

MR SPEAKER: Pursuant to standing order 246A, I believe.

MR MOORE: Mr Speaker, the committee reported to the Assembly on its work on a strategic plan for the ACT. One of the issues that the committee dealt with was the calling of tenders for a scoping study for that strategic plan. In fact, those tenders arrived on Friday a couple of weeks ago, Mr Speaker, the very same day that the Chief Minister and the former Deputy Prime Minister announced that they would work on an overall strategic plan for the Australian Capital Territory. The scoping study that the committee had called tenders on was to do with land use planning rather than a full strategic plan.

The committee, in considering its position, delegated me to have a number of discussions with Mr John Walker and Mr Michael Ratcliffe, who are coordinating this strategic plan. We determined that the most effective way that we could work together would be if those tenders were passed to that strategic planning committee so that they would be able to get on with their work as quickly as possible. In fact, they are seeking to have a scoping study for that done by Christmas Eve - in other words, before the break.

Mr Speaker, with the permission of the committee - indeed, there was a resolution to that effect - that has been done. Whilst the committee will retain its interest in strategic planning and will keep the inquiry on board, we will use that to monitor, and to be involved in, the development of the overall strategic planning, including land use strategic planning. I hope that other members of the Assembly will also be included in that process and at appropriate decision-making junctures will have significant input to the strategic plan. The committee felt that it was appropriate for us to inform the Assembly that there were changes in the way that we were approaching that strategic planning issue. That is why I have made this statement today.

SOCIAL POLICY - STANDING COMMITTEE
Inquiry into Mental Health Services

MS TUCKER: I wish to inform the Assembly, pursuant to standing order 246A, that on 1 December 1995 the Standing Committee on Social Policy resolved to inquire into and report on the adequacy of mental health services with particular reference to:

- (1) coordination of service provision and issues surrounding continuity of care;
- (2) the interface between mental health services and other services (especially police and housing); and
- (3) any other related matter.

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The committee has decided to await the coroner's report on the death of Warren I'Anson before consulting with the community. Mr Speaker, as chair of the Social Policy Committee, I have been approached by a number of people over the last few months, and in particular in the last three weeks, about the need for an inquiry into mental health services. This is obviously a very important issue, and I hope a part of the committee's work can be to highlight the need for ongoing community education about mental illness.

The terms of reference for the committee are very broad, which will enable a number of issues to be addressed, as it is clear that any particular issue cannot be addressed in isolation from a number of other issues. Obviously, we will be looking quite closely at service levels and coordination of services as well as other areas of government which impact on people in the ACT with a mental illness. The inquiry may draw in issues such as the adequacy of the ACT mental health plan, the level of resourcing for mental health, particularly community-based projects, and issues surrounding recruitment of staff.

The Social Policy Committee of the last Assembly recommended in its report on the inquiry into the Mental Welfare and Crimes (Amendment) Exposure Draft Bills that the government of the day must report to the Standing Committee on Social Policy every six months on the provision of services, including legal services, for people with a mental dysfunction. The committee is very disappointed that the first report is six months late, which has delayed the committee's work in this area. On Tuesday Mrs Carnell expressed her regret about the lateness of the report but assured the Assembly that it would finally be ready next Friday.

The committee looks forward to working cooperatively and constructively with all members of the Assembly on this very important issue. We commend the Government's initiative, which Mrs Carnell announced last week, to set up a friendship house, which will be a community-based service providing, on a self-referral basis, respite accommodation and support for people experiencing mental health problems.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1995

Debate resumed from 19 October 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MS FOLLETT (Leader of the Opposition) (11.51): This legislation achieves an objective of Liberal Party governments throughout Australia, in fact their ideological colleagues throughout the world, and that is privatisation. The contracting out or contracting in within the public service is the privatisation of labour, just as surely as the sale of buildings, nursing homes, health centres and the car fleet is the privatisation of public assets. The Australian Labor Party disagrees with the philosophy underlying this legislation. The role of public service managers is not just to seek the maximum personal return and to focus on the bottom line. It is to have a set of values that include service to the public. We do not believe that removing the career aspects of the public service will improve the standard of service the public receives. We believe that public servants,

where appointed as a result of public service procedures and not as a result of government decision, are entitled to be free from political interference. We believe that the public service is best developed as a professional organisation dedicated to serving the government of the day, whatever its political composition. In other words, we believe in preserving the very best of the Westminster tradition. The difference with the Government is in many ways a difference in ideology. We believe in the public sector. We believe in the role of the public service. We believe that the role of government is more than just picking up the market failures. We believe that government has a positive role in contributing to our community. Unlike the Chief Minister, we believe that it is the role of government to provide services.

Mr Speaker, the Government and the Chief Minister sometimes wonder why the Canberra community and, in fact, this Assembly do not trust them. Mr Osborne stated yesterday that he was naive but that he is learning. Those of us who have been here a bit longer than Mr Osborne have already learnt. To take the most recent example, Mr Speaker, on Tuesday Mrs Carnell said:

The committee's report was provided to me on 29 November, and, in accordance with my undertaking, I responded by way of a note to each member on Friday, 1 December.

They were Mrs Carnell's words. At the time I said, "I did not get that". Mrs Carnell continued, "Well, everybody did get it, last Friday". Mr Speaker, I seek leave to table a copy of my letter from the Chief Minister. As members can clearly see, that letter was signed by the Chief Minister on Monday, 4 December, and was received in my office on the same day.

Leave granted.

MS FOLLETT: Mr Speaker, is it any wonder the public servants who have been told that they will have job security, like the casuals at Jindalee or the senior officers who are told that they are still a career service as long as they sign a contract to take up an executive position, do not actually believe this Government either? If they cannot tell the truth about simple matters like the date of a letter, then I believe that it is a very poor lookout indeed.

Now the Government is trying to tell the Canberra community that these changes will save \$2m. Mr Speaker, as I have said before, these "savings" are simply illusory, and it is very important that people understand that. The Chief Minister herself said in this Assembly on 19 October:

Under the new employment arrangements there will be some recompense for the loss of tenure.

That is what Mrs Carnell said. If that recompense is only the same as that determined by the Commonwealth Remuneration Tribunal - and there is no reason, I presume, to believe that it would be any less - then there will be no savings at all. Indeed, if some salaries of

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chief executives are increased, as has been rumoured in the *Canberra Times*, then the cost to the ACT community may actually increase. Mr Speaker, the Chief Minister said on Tuesday:

I think the area where the committee missed most badly, though, was in trying to equate the ACT public service with the Commonwealth Public Service ...

She went on:

The Commonwealth is much more of a policy-related arena. It simply does not work the same way as a State-based operation.

Mr Speaker, I wonder whether Mrs Carnell has ever had a discussion over the work of the Department of Social Security. Indeed, she might well have. That department is responsible for a very great deal of service delivery, as even the most casual conversation would tell you, and it is one of the largest Commonwealth departments. Another very large Commonwealth department also heavily into service delivery is the Department of Employment, Education and Training, which includes the CES. There is a great deal to be learnt from the Commonwealth, Mr Speaker, which has traditionally been the leader in public administration in this country. More importantly, as I said on Tuesday, the Commonwealth is the larger of the public services here in Canberra, and it probably always will be. This means that the ACT public service will benefit most from being able to recruit from the Commonwealth and having its own public servants gain experience at another level of government without leaving the national capital.

Mr Speaker, we do not believe that this Bill provides for public sector reform at all. It represents simply the implementation, within the top ranks of the ACT public service, of the Liberal Party ideology of belief in the private sector marketplace, an ideology which is intrinsically anti-public sector. Another conservative Liberal Party ideology which is also incorporated in this legislation is the opposition to those in the community who have carer responsibility or other needs in their lives that prevent them from being employed full time. Despite all the rhetoric from those opposite, their true colours are demonstrated by the words of the legislation. The fact is that all chief executives and all senior executives must be full time. The existing provisions which enable chief executives and senior executives to be part time will be removed. The Government has stated in its own legislation that all of those positions will be full time.

Another aspect of this legislation that has not received much public debate is the fact that the legislation removes conditions of employment from about 150 public servants.

Mr Berry: I raise a point of order, Mr Speaker. Ms Follett is delivering a very important contribution to the debate. Mr Moore is trying to make sure that Mr Osborne does not hear this part of the debate. It would be nice to have a little bit of order so that people can listen to what is going on. Mr Osborne can make up his own mind.

MR SPEAKER: There is no point of order, Mr Berry. If the volume of conversation in the chamber rises to such a degree that I feel it is affecting the person delivering a speech, I will certainly draw attention to it. However, I really cannot stop members from speaking together and I certainly cannot interpret what they are thinking or what their motive might be in so doing. Continue, Ms Follett.

MS FOLLETT: For the benefit of Mr Moore and Mr Osborne, I will just recap. I was pointing out that under this legislation no chief executives or senior executives will be able to work part time; they must all be full time. Another aspect of this legislation that has not received much public debate is the fact that the legislation removes conditions of employment from about 150 public servants. It is our view that it is highly inappropriate that legislatures remove conditions of employment from public employees. Mr Speaker, that principle is especially important where the public employees are effectively precluded from attempting to influence the legislature by virtue of their positions within the public service.

Finally, Mr Speaker, I want to destroy one of the urban myths that this Government has attempted to create in order to justify its destruction of the career structure within the ACT public service. That is that the Government is currently somehow hamstrung by the existing Public Sector Management Act. That is simply untrue. This impression can be given only by a government which attempts to mislead and can be successful only if others are in fact ignorant of the existing provisions of the Public Sector Management Act. The existing section 30 enables the Chief Minister to transfer a chief executive, while subsection 126(1) enables the Chief Minister to terminate the appointment of a chief executive. The Act then allows for a chief executive, with 28 days' notice, to be demoted to a position within the Senior Executive Service or, if they so choose, to be retired from the service. I know that will come as news to many members of this Assembly, probably including Mrs Carnell. There exists also within the current Act, Mr Speaker, provision for the chief executive of a department to spill all the SES officers in a department and to alter the executive structure of the department. Section 80 provides for the option of fixed term appointments - that is, contracts - for a period of up to five years.

Mrs Carnell: But that is not a performance contract.

MS FOLLETT: I wonder whether you might protect me from Mrs Carnell's constant interjections, Mr Speaker. On Tuesday the Chief Minister asserted:

A fixed term contract just means that the contract finishes at a particular time. There are no requirements for performance during that period.

Mr Speaker, I wonder whether Mrs Carnell really understood what she said on that occasion. What she is saying is that officers employed on fixed term contracts at a senior executive level to do a specific job can simply bide their time until the contract period runs out, with no requirement whatsoever for performance. I think nobody whatsoever with any experience in the public service would even contemplate such an absurd proposition. It is mere rhetoric on Mrs Carnell's part.

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The system that I have just outlined, Mr Speaker, is the same system as that used in the Australian Public Service. I will quote again from Mr Tony Ayers, the Secretary of the Department of Defence. I trust that Mr Kaine will actually listen to this. He might understand some of the facts, or at least some of the facts which escaped him on Tuesday. This is what Mr Ayers said about Defence and contracts:

On the question of extending fixed term contracts to senior executive officers, I have no problems with the present system in the Australian Public Service. In fact, in Defence, we recommend to the Public Service Commission fixed term contracts in appropriate individual circumstances, such as external appointees in time limited posts, and the system works well.

Mr Ayers knows how to use a contract in the Department of Defence. I have no doubt that he makes proper arrangements for monitoring the performance of officers under those contracts as well; and, in his words, the system works well.

Mr Speaker, for the reasons that I have elaborated, the Opposition regards this legislation as based on false premises and lacking an intellectual basis. There is little that the Government asserts that it wishes to do that cannot be done within the existing framework of the Public Sector Management Act. The proposed new provisions seem likely to reduce the standing of the ACT public service in this city and to lessen its attractiveness to career public servants. The overwhelming majority of the Bill is unacceptable to the Opposition. Mr Speaker, if it should pass the in-principle stage, then I will be proposing a significant number of amendments to implement fully the recommendations of the majority report of the Public Accounts Committee. Those amendments have been circulated to members this morning. I point out to members that, whilst I sought drafting of these amendments the very moment the Public Accounts Committee report was made public, it has taken a considerable amount of time for the amendments to be drafted. They were in fact finalised only this morning.

Mrs Carnell: Was that not last Wednesday?

MS FOLLETT: Indeed it was, and that is when I issued drafting instructions, Mrs Carnell. As you can see from the date on the amendments, they were finalised this morning, and I circulated them as soon as they had been finalised. It was a complex task, and there are many interrelated amendments proposed in that set. Mr Speaker, I am unable to say whether it was the complexity, the length of the task or the workload within the parliamentary drafting office that led to the late presentation of these amendments. Nevertheless, they are here now. I should say to members that there is no real need to be daunted by the amendments. There are two principal amendments, and a vast raft of others hang off either of those two principal amendments. When we come to debate them, I will certainly speak to them in greater detail; but I wanted to explain to members why those amendments had not been provided to them earlier. Had they been available, I would certainly have distributed them earlier.

MS TUCKER (12.06): Mr Speaker, the reforms to the public service proposed by this Bill are predicated on virtually no public debate about what the public service in the ACT should look like in the future. As Ms Horodny said on Tuesday in debating the Public Accounts Committee report, there are some good arguments for cultural and administrative changes in the public service. However, the Greens do not support changes which are predicated on paying top executives more, so widening the gap between the rich and the poor in our public sector. We are not saying that everyone should be paid the same, but the Greens do not see the fairness or equity in some people earning over \$200,000 while others earn less than \$30,000. Mr Speaker, there is a growing gap between the rich and the poor in Australia which reflects trends around the world. There are a number of ways to tackle this problem, some of which are beyond the jurisdiction of the Territory. However, this local Government must not ignore the issue and certainly should not pursue policies which make it worse.

I acknowledge that this flies in the face of the current wisdom which says that you get what you pay for - a pretty depressing view of humanity and society. The Government is lucky that we do not rely on this argument for the community sector, which delivers many essential services on a shoestring or for nothing at all. People in this sector often have responsibility for large sums of money and large numbers of people, yet are volunteers themselves or are paid relatively small salaries. They do not do it for the money alone. Obviously, they do not, if they are not being paid at all. They take these jobs because they are committed to what they are doing. In fact, very few people make decisions on financial factors alone. The Greens believe that very many good people are prepared to work for under \$200,000 and that we have the capacity to train local people, make greater use of peer assessment and think of other innovative ways of developing the talent and vision that we need in our public service.

Mr Speaker, the top bureaucrats in the Territory should carry a vision of how we can make the ACT a better, more equitable and cleaner place to live. The system proposed by the Liberals could be seen to be inviting cowboys and cowgirls who are more committed to their hip-pocket than the public good, always ready to move to the next, more lucrative job when it suits them. The other obvious problem is that good people with a commitment to the ACT and its future could feel job security concerns which undermine their capacity to offer fearless advice and long-term planning.

In its current form, this legislation is about privatising and further politicising the bureaucracy and setting up a culture of efficiency rules in the higher echelons of public sector management. I would like to pick up something Mr Moore highlighted this morning - an issue that is also of great concern to the Greens. We have spoken about this in earlier debates. That is: How do we measure performance? We must acknowledge that performance itself is a subjective assessment. One may be very good at delivering services but not so good at finding the efficiencies, or vice versa. Governments on the whole are moving towards a more narrow definition of performance, based on efficiency and outputs rather than outcomes, as Ms Follett described. Mr Moore referred more specifically to the need to get our performance indicators right, and this is true.

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As Ms Horodny mentioned this morning, some quite innovative models which have been applied in local councils around Australia are more holistic, comprehensive and responsive than the indicators we have at present in the ACT. Another problem for the Greens is that we do not see any integration in indicators for economy, social policy and the environment across programs. Even if we do refine our indicators, it is of no use if performance objectives in one department undermine the objectives of another department.

The final issue I would like to touch on is that there is no discrimination in the application of contracts in this legislation. It is predicated on the notion that contracts are best, no matter what the job. There has been no thoughtful consideration of which jobs may be more appropriate to place on contracts and which jobs can be fulfilled only through experience and stability. Given this fact, as Ms Follett said on Tuesday, it is hard to agree with Mrs Carnell that the legislation is only about good management and not ideology. Mrs Carnell continually claims that it is about management, not politics or ideology. Managerialism is, of course, an ideology. It is a current fashion, along with purchaser-provider splits, output-based funding and so-called customer-orientated service, all of which are very much about financial bottom lines and little else. Ms Follett was with me last week when we were at a seminar at the ANU on competition policy reform. A speaker from Victoria mentioned how offended Victorian citizens were to be described in a letter from Mr Kennett as customers. This is a trend that the public and the community are fearful of - and with good reason, in our view.

Mr Speaker, the Greens have serious concerns about this legislation, and we will not support it in principle. We will reconsider our position if proposed amendments are successful, as these will provide more accountability at the chief executive level and remove the application of contractual arrangements across the senior executive level of the public service.

MR KAINÉ (12.12): Mr Speaker, the significant feature of the approach of particularly the Opposition seems to be, "We have always done it another way, and therefore we will not change now". I cannot imagine anybody but the Labor Party approaching today's world with that kind of closed mind. I made the point the other day that I had been a senior public servant for about 13 years. If anybody was going to be conservative and dig their toes in and say that we should not change it in this chamber, I would have thought it would be me, because I am a bit conservative and I do not adopt change for the sake of change.

One of the things that struck me about the public service in my day was its inflexibility. There was a sort of in-built inertia in the public service. You always did the thing "this way"; you never did it any other way. Innovation was not looked upon favourably. They were the social mores of the public service. One never dobbed in a mate if they did not do the right thing. There were all these strange notions. Many of them were built around the concept that you started in the public service when you were 16, 17 or 18, and you stayed there your whole life. You worked your way up in the same way as the telegram delivery boy who got to be departmental secretary. It always seemed to me at the time that this was strange. Here we were moving into the 1980s and the 1990s;

yet the public service at the Commonwealth level, where I worked, was not susceptible to new thinking, innovation and change. The world around it has changed. What is it about the public service that makes it sacrosanct and a place where no change is permitted? One may not even think about changing it.

The Leader of the Opposition quoted Tony Ayers. Tony Ayers is a departmental secretary at the Federal level, and a very innovative person. He would never say that the public service that he is in today is anything like what it was 10, 20 or 30 years ago. It is totally different. There has been massive change in attitudes about the public service everywhere else in Australia, and indeed throughout the world, except Canberra, where only a year and a half ago the then Chief Minister created our new public service. All she did was change the names and the dates, not anything else.

Attitudes outside the public sector have also changed considerably. One of the factors that have forced the changes is the fact of life in today's world that a high percentage of the population has been, and will continue to be, unemployed. There has been a rethinking in the world generally about what constitutes work, how you go about your work and whether you must do it in your office at the workplace designated by the boss. The whole question of what constitutes employment is changing. So it should. As part of that change, contract employment is becoming more and more common.

People take a job with a specific task, with specific remuneration attached to it, and they do that job. At the end of it they look for something else, perhaps somewhere else, that is challenging for them and that is conducive to their lifestyle. In between contracts they may travel for recreation or to enhance their knowledge. If they are good at their job - and most professionals are - they may even take a contract outside Australia, get new ideas and come back with new and different approaches to problem solving in the workplace. That makes jobs available for some of those who are unemployed.

I think that this flexible approach to the workplace, what constitutes work and how it is done and where it is done is a good thing. In the private sector many businesses are moving towards the stage of not having office space for a lot of their staff. Staff cannot come in and roost in their office for days on end and perhaps not be as productive as they might otherwise be. They are forced to be out and about, doing whatever it is that they are contracted to do. I have not seen any of that in the public service yet, but it is a good idea. We might do that next year. More importantly, we might do it to members of the Assembly. Only half the Assembly members will have an office at any one time, and the other half will have to be out doing something productive. Would that not be a new thought?

MR SPEAKER: Innovation, Mr Kaine, not miracles.

MR KAINE: I am fascinated that the Labor Party brings to this debate the notion that we cannot change the way the public service works or the way the public service looks; that we cannot introduce innovations that have proved in other sectors to be beneficial to the organisation, to be beneficial to the workers and to be beneficial to the people for whom the service, whatever it is, is being delivered.

This closed mind is quite astonishing, because I do not see it anywhere else. I do not see it in the Australian Public Service, where the very things that the Chief Minister is talking about putting into place in the ACT are already being practised. They are being practised in New South Wales; they are being practised in Queensland. Yet the Leader of the Opposition comes here and says, "No, we cannot have any of that. You cannot touch it with a barge pole, because some people might be upset by it". Whenever change occurs, some people are upset by it, because some people cannot handle change. I suspect that the Leader of the Opposition is one of them. She says, "If we did not do it like this last week and last year, then we cannot do it differently now". She feels uncomfortable when things are changing around her. I think the evidence of that is, in fact, the way she established the ACT public service, as I said before.

Ms Follett: Who signed the contracts?

MR KAINE: There was no review - - -

Ms Follett: Who signed them all up without even an interview?

MR SPEAKER: Order!

MR KAINE: There was no review of what the public service - - -

Ms Follett: You never even advertised the jobs. You just signed what was put in front of you.

MR SPEAKER: Order!

MR KAINE: Who was who it a few minutes ago said "no interjections", Mr Speaker? The Leader of the Opposition means no interjections only when she is speaking. She has two standards, just as she has one standard when she is Chief Minister and one standard when she is Leader of the Opposition.

MR SPEAKER: Mr Kaine has the floor.

MR KAINE: The public service that the former Chief Minister established made no changes whatsoever. There was not even a review of what the new public service was supposed to do. It was obviously assumed that whatever it had been doing for the last 20 years was what it would continue to do. There was no questioning about whether all of those functions were required. There was no questioning of whether perhaps the public service ought to be performing new functions that it had not performed before. Any organisation needs to be reviewed from time to time and redundant functions deleted; but not under the former Government. Obviously, if it had been doing it before, we had to continue doing it and we had to continue doing it in the same way. All we did was change the names and change the titles and get some new letterhead. That was my criticism at the time.

I do not believe that in the 1990s and going into the twentieth century we or anybody else can adopt that attitude. We have to recognise that the world around us is changing. Some great innovations are being implemented. We, as the managers of this Territory, have to make sure that we are at the forefront of that kind of change. If it is beneficial change, then we should implement it. We should adopt it, not close our minds and say, "No, we will not even contemplate that, because that is not what we did yesterday or last week or last year". Mr Speaker, I think that the concepts inherent in this Bill are the right ones. It sets the climate for change which I think is beneficial change, and I support it.

MR MOORE (12.21): Mr Speaker, I rise to support this legislation in principle. Some of the issues that are fundamental to the way that I believe we should be operating have to do with the way I see parliament delegating responsibility to the executive service. When Rosemary Follett as Chief Minister introduced the Public Sector Management Bill, I supported that Bill in principle, although I sought some modifications to it. Exactly the same situation applies now that Kate Carnell as Chief Minister wishes to deal with her public service in specific ways. If I believe that the long-term impact on the public service will be negative, I will either support amendments or move my own amendments. But the general concept is that, while she is in charge of that role that we have delegated, she has the ability to carry out those changes.

Earlier today - and Ms Tucker has referred to this - I talked about performance indicators and how the concept can be transferred into contracts. Mr Speaker, that was the basis of a discussion that I had about the openness of contracts with a couple of the senior public servants Mrs Carnell made available to brief me. The issue is that, if we have completely open contracts, then the public interest is served and the advantages are quite clear. That is where I am inclined to go. On the other hand, the downside is that, if you have completely open contracts, then they may well go the way of performance indicators to ensure that nobody is caught out by a very tight performance indicator that allows people to say publicly in a political context, "Why has this person not been fired? Why has this person not achieved this?". If they are used in that way, then what will happen is what happens with performance indicators. They will tend to be written in a very soft way, a way that ensures that there are no hooks which would enable political opponents of the government, including people like me, to say, "This is what it is about".

In those discussions I think there is a halfway measure that needs to be considered. It applies to members of this Assembly; it applies to the Executive. We can make declarations of interest. Those declarations of interest can be held, in our case by the Clerk, and can be examined if there is an appropriate reason to examine them. One situation occurs to me. Let us say a senior officer or an officer on contract is the subject of scrutiny for a report, such as the Stein report. It would be appropriate then for us to say, "Was that examination really about the individual officer, was the individual officer carrying out their contract or was the contract in fact the problem?". I think that would be a valid reason for wanting to know what was in the contract. In such a case I think it ought to be made available. I will be interested to see what amendment the Government can make to achieve openness in contracts. I think there is a good argument either way. There are two quite interesting principles of efficiency and accountability that are effectively in conflict on how this should be dealt with. I think that is an issue that needs to be dealt with appropriately.

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This morning I spoke to Mr Colin Miller of the Association of Professional Engineers, Scientists and Managers, who suggested that their association, their union, has more SES officers in its membership than the CPSU does. I also had a letter from the CPSU expressing concern about this piece of legislation. Mr Miller suggested to me that their association had no objections in principle to this legislation. In fact, they have been part of organising and working with governments around Australia in developing contracts. It is a quite interesting factor in this general debate that the majority of officers themselves and their representations are not at odds with this. However, I must also highlight that we had the opposite view from the CPSU, which argues that there are major fundamental problems with this legislation.

Mr Speaker, a number of amendments will be moved. I have discussed the one about openness. The Greens have an amendment on that. There are also the amendments that Ms Follett tabled this morning. Ms Follett explained why they were not tabled earlier. I have been assured that those amendments reflect the Public Accounts Committee majority report. It is quite clear, Mr Speaker, that I need to look at those to ensure that that is exactly what they do. Indeed, I imagine that Ms Follett has probably had her staff working very carefully last night and this morning to ensure that that is the case. Therefore, I will be seeking to adjourn the debate after the in-principle stage so it can be continued next week, after we have had time to examine the proposed amendments. That is if indeed the Bill passes the in-principle stage. Mr Speaker, with those few comments, I think we can look forward to an interesting debate at the detail stage to ensure the best possible legislation.

Debate interrupted.

Sitting suspended from 12.29 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Government Service - Senior Executive Service

MS FOLLETT: Mr Speaker, I direct a question to Mrs Carnell in her capacity as Chief Minister. According to the *Canberra Times*, you have received the Cullen Egan Dell report on the job sizing exercise for the senior ranks of the ACT public service. As the report is to recommend a reduction in the number of senior executives employed by the Territory and an increase in pay for those who remain, will you make this report available to the Assembly by tabling it? If not, why not?

MRS CARNELL: There is a first draft of the Cullen Egan Dell report available, but at this stage I do not have a final report of the Cullen Egan Dell approach. Cullen Egan Dell have been asked to have a look at our whole Senior Executive Service and determine what is the best management structure for the sort of service that the ACT and the ACT community need from its senior management. That process has been a fairly difficult one, as you can imagine, but it is something that Cullen Egan Dell have done for every other State government around Australia, so they are very experienced at it. The final position

is still a matter of discussion, as you can imagine, Ms Follett, with all of the senior players. When I have a final report I will be very happy to make it available to members of this Assembly. I will be happy to organise a briefing for anybody who may choose to have one.

MS FOLLETT: I have a supplementary question, Mr Speaker. Mrs Carnell, will you provide a briefing on the recommendations of the Cullen Egan Dell report to Assembly members before the Assembly considers the detail stage of the amendments to the Public Sector Management Act, so that members can be aware of the impact of their votes on the amendment Bill and also on the jobs and nature of our career public service?

MRS CARNELL: I have never resiled from the fact that the Cullen Egan Dell report does recommend a reduction in the number of SES officers in the ACT. The number that it recommends is between 20 and 25. I think that is public knowledge at this stage. That does not mean that, at the end of the day, that is the number of positions that will go. What will happen is that the new structure will be placed upon the table, all current positions will be declared vacant, and all new positions will be filled on the basis of merit. That is the issue that we will be debating.

Mr Berry: And compatibility.

MRS CARNELL: On the basis of merit, Mr Berry. That is the basis of this legislation; not how many positions there happen to be, or what the management structure happens to look like, but that all positions will be filled on merit. Yes, there will be fewer positions than there are now - we have never suggested anything else - but the management structure will relate to the services that are required to be provided by the departments.

ACTEW - Pricing Tribunal

MR HIRD: Mr Speaker, my question is to Mr De Domenico, the Deputy Chief Minister, who is responsible for ACTEW Corporation. Having regard to our colleague Mr Osborne's concern last month regarding possible delay in establishing a pricing tribunal for ACTEW, can the Minister inform the parliament whether there has been any further progress with the establishment of the body to regulate ACTEW's charges?

MR DE DOMENICO: I thank the member for his question. Mr Speaker, as Mr Hird said, the Assembly would be aware that Mr Osborne inquired about the progress of this matter on 22 November. At that time I reiterated the Government's commitment to establish such a body. I made it clear at the time that there were a number of options that the Government needed to look at before establishing the tribunal. Contrary to comments made at that time, considerable work had been done by the Government so as to ensure that a pricing tribunal is established before the next round of price adjustments is due to be made in July 1996. ACTEW has also been involved in this process, as it realises the benefit in having this regulatory framework in place.

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For the information of members, and Mr Osborne in particular, I am happy to advise the Assembly of what developments have taken place to date. The realistic options available to the Government are to set up its own tribunal from scratch, use the services of the Australian Competition and Consumer Commission, or use the tribunals of other jurisdictions. It should also be noted that the Government regards the establishment of the tribunal as an essential part of its complying with the competition principles agreed by all State and Territory governments. One of the criteria that the Government is mindful of when investigating the best ways of achieving a pricing oversight mechanism is what is the most justifiable and cost-effective to ACT consumers. It is also important to retain as much consistency as possible with other jurisdictions.

At this stage the Government's preference is to seek the assistance of the New South Wales Government Pricing Tribunal. The tribunal has already indicated to us its willingness to assist the ACT Government in this regard. Accordingly, the Chief Minister has written to the Premier of New South Wales seeking his in-principle agreement to the tribunal undertaking pricing oversight activities for the ACT Government. Legislation currently before the New South Wales Parliament will permit the tribunal to undertake such tasks for other governments, with the agreement of the New South Wales Premier. We expect that the regulatory framework will be in place in the first half of the new year, certainly well before any price rises are contemplated by ACTEW. I assure members that the process in establishing this pricing oversight body will be transparent. I will keep members informed of further developments.

Parliamentary Counsel

MR MOORE: Mr Speaker, my question is to the Chief Minister, who is in charge of the public service. Chief Minister, over recent weeks and months the chief parliamentary counsel has had no time available to meet with me and to discuss the legislation that I wish to present to the Assembly. Does the Chief Minister agree that it is now time to transfer responsibility for parliamentary counsel to the Speaker?

Ms Follett: Hear, hear!

Mr Humphries: You did not want to do it.

MRS CARNELL: That is certainly true. This is an issue that has been discussed a lot in this Assembly. In opposition we - - -

Mr Berry: When he was telling the truth.

MRS CARNELL: No. We supported it in principle at that stage and we are certainly willing to discuss the matter, Mr Moore. We have to ensure that parliamentary counsel is available to members of the crossbenches and members of the Opposition, just as it is to the Government. I am disappointed that you have had as much trouble as you have had in getting such an appointment to discuss legislation that is important to this house. I certainly will do everything in my power to ensure that that meeting occurs.

Woden Valley Hospital

MR CONNOLLY: Mr Speaker, my question is to Mrs Carnell as Minister for Health. Minister, can you confirm that as part of the Booz Allen review of the hospital, and in particular the radiology department, the Booz Allen consultancy team has identified savings of close to half a million dollars - in fact, \$468,000, to be precise - that can be achieved simply by adjusting the balance between staff specialist and VMO arrangements for radiology services in favour of specialists as against VMOs? Can you also confirm that unions have been told that this option is off the table and that, instead of making savings of up to \$468,000 simply by adjusting VMOs versus specialists, nursing and other positions are under threat?

MRS CARNELL: At this stage the balance between VMOs and salaried specialists in radiology is being examined by this Government. We have, of recent days, had some concern about that balance and I undertake to make the results of that investigation available to this Assembly. There is no doubt that at this time the usage of VMOs in radiology is substantially higher than we would like it to be, and we are doing everything in our power to address that, Mr Speaker.

MR CONNOLLY: I ask a supplementary question. Can the Minister also confirm that, while a fence seems to have been built around the potential savings of \$468,000 by reducing VMOs, to achieve a saving of less than \$20,000 you are going to close the mammography service at Woden Valley Hospital?

MRS CARNELL: The closure of the mammography service was recommended by Booz Allen, as you would be aware. The reason it was recommended is nothing to do - - -

Mr Connolly: Are you going to do it? Are you going to close mammography to save \$20,000 when you can save nearly half a million by standing up to VMOs?

MR SPEAKER: Order! If you wish to hear the answer, I suggest that you let the Minister for Health answer the question.

MRS CARNELL: Nobody is closing mammography, Mr Connolly. As you would be aware, there has been a very big upsurge in mammography in the ACT via the mammography service in Civic. In fact, the number of women going through mammography screening in the central Civic surgery or offices has gone up substantially. In fact, the ACT is doing better, I think, than any other State, or as well as any other State, in terms of mammography screening. What has been recommended is that we do all of our screening in one location in the ACT. That does not mean that we do not do mammography for people who are in hospital, people who are non-ambulatory or whatever.

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Mr Connolly: Yes, it does.

MRS CARNELL: No, it does not, Mr Connolly. What we are talking about is ensuring that the service and the expertise that we have are best used. I believe that, while we have in the ACT one of the best mammography screening services in Australia, we should be using it to maximum benefit. We have a very big mammography screening office or service in central Canberra. We plan to make sure that that is the mammography screening centre for Canberra.

Mr Connolly: It does not mean that patients will be referred from Woden to Civic?

MRS CARNELL: It does not mean that we are going to take people in ambulances from Woden. I can guarantee this will not happen, Mr Connolly. Nobody will be going in an ambulance into Civic, into central Canberra, to have a mammography screening. What we will do is ensure that, wherever possible, those sorts of services are centralised - not just because the equipment is very expensive, but because it means that we can use the expertise that we have to best effect.

Mr Connolly: Mr Speaker, I seek to table the departmental document which shows that there will be no mammography services at Woden and that patients will be required to be referred away from Woden Valley Hospital.

Leave granted.

Mrs Carnell: That is not true.

Mr Connolly: It is your document, Chief Minister. I believe that more than I believe you.

Mrs Carnell: I said no-one will be required to go in an ambulance, did I not?

Mr Connolly: Catch a bus. That is sneaky. You have been caught out. Weak and sneaky!

Public Accounts Committee

MR KAINE: If Mr Connolly will permit it, Mr Speaker, I would like to direct a question to the Leader of the Opposition in her capacity as chair of the Public Accounts Committee. Ms Follett, I refer to the *Hansard* of 5 December, when the Public Accounts Committee's report on the Public Sector Management (Amendment) Bill was tabled. The Chief Minister said in that debate:

I find it fascinating that the committee did not even bother asking ... a number of people from the States who have had an extraordinary amount of experience in this sort of area.

You said:

We did. They did not have time.

Ms Follett, can you give us the names of the people who were invited? When were they invited to attend the committee hearings, and by what means was the contact made?

MS FOLLETT: Mr Speaker, clearly, I will have to take that question on notice. I will need to consult with the committee secretary. I can advise that the list of people that Mr Kaine offered to the committee by way of possible attendees or makers of submissions to the committee were contacted by the committee secretariat and, as I said in my report on the committee's inquiry, most of them were not able to respond because of a lack of time.

Mr Humphries: You said "all of them" before.

MS FOLLETT: We did get some submissions, Mr Speaker, as the report indicates. I can undertake to make that information available.

MR SPEAKER: For the information of members, this question is being asked under standing order 116.

MR KAINÉ: I ask a supplementary question. Was any attempt made to accommodate these people in terms of their ability to attend? If not, does this reflect the fact that you really did not want expert opinion to contradict your own biases and prejudices?

MR SPEAKER: Order! Ignore the last reference.

MS FOLLETT: I will advise Mr Kaine and the Assembly, yet again, that the deadline on our committee's work was imposed by the Government. Our attempts to make a full and proper inquiry, as I have said, were constrained by that deadline. Most committee inquiries, in fact, all inquiries where there has been a general attempt to draw submissions and to attract people to give evidence to those inquiries, have had, first of all, the benefit of a decent timeframe. Secondly, they have had the benefit of being able to advertise that their inquiry is being undertaken and to give organisations and individuals, most of whom need at least a month's notice to come up with a submission or to come up with a joint point of view, time to make such a response.

In the case of this inquiry, members will recall that I had initially asked for a deadline of, I think, February. I think that would have been a reasonable timeframe in which to permit the Government to have its legislation considered with the benefit of a full and proper inquiry.

Mr Humphries: That is not the question you were asked. Be relevant.

MR SPEAKER: Order!

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MS FOLLETT: Mr Speaker, if members opposite do not want to hear the answer to their colleague's question they should not have let him ask it. The fact of the matter is that we were constrained by the time limits, and I made that clear both in the report and in my speech on that report. I believe, and I am being quite open about it, that the time available was insufficient. I have been quite open about that. If members will recall, Mr Speaker, Mrs Carnell was out in the lobby there threatening to resign if we tried to extend that deadline. That is the fact of the matter. She chucked on a little turn, as we saw again yesterday, she chucked a little tantrum, until she got the deadline she wanted, and that was the course of action followed by this Assembly. If, in the future, Mr Kaine wants the Public Accounts Committee to conduct a full and proper inquiry into a matter, I would ask that he vote with me to give us sufficient time to do just that.

WorkCover Investigation - Padua College

MR OSBORNE: I would like to clarify one of Ms Follett's points. It was actually here that Mrs Carnell threatened to resign, not out there. Mr Speaker, my question is to Mr De Domenico. I gave him notice about this question during the lunchbreak. Minister, I draw your attention to the activity of ACT WorkCover inspectors in September this year in relation to an accident at Padua College in Wanniasa. Minister, are you aware that threats were allegedly made by these inspectors to the staff of Padua College of a \$10,000 fine or a gaol sentence, during the course of conversations about this incident? Are you also aware that Padua College, through its legal representatives, has tried to resolve any problems that might exist, but has not received any assistance or cooperation? Is it the usual practice for WorkCover inspectors to turn up at a school classroom unannounced, demand an immediate interview and threaten a teacher who is currently teaching a class? Do you condone this gestapo-like approach, Minister? If this is the normal practice, will you do something to change the policy to prevent this disgraceful incident from happening again?

MR DE DOMENICO: I thank Mr Osborne for his question and for giving me prior notice during the lunchbreak. Yes, I am aware of the allegations made regarding the actions taken by inspectors from ACT WorkCover. Mr Speaker, a number of serious allegations were made by the people concerned, including intimidation and threats being made against the staff at Padua College.

Mr Berry: Why did you not send your staff out there to interfere?

MR DE DOMENICO: I will answer that in a minute. This requires prompt action. Mr Speaker, I have asked the secretary to provide me with a full brief on this matter as soon as possible. I have also asked him whether legal advice is warranted in relation to a number of the points raised. This is a matter of significant seriousness, as a number of allegations relate to potentially improper behaviour. This is not a matter of interference in any investigation. To answer the interjection, my office will continue to examine any allegations made - - -

Mr Berry: Interfere at every opportunity.

MR DE DOMENICO: If that means interference, Mr Berry, so be it. We will not sit on our hands like you did. If there are any allegations made of this nature, my office and this Government will automatically make sure that those allegations are investigated. WorkCover inspectors, like other people in the public service, have a role to perform, but in performing those duties they must adhere to the law and act in a responsible manner. That is a minimum standard that we will require under this Government. All members of the public service should deal with the community in a courteous manner.

I will keep Mr Osborne and the Assembly informed of the progress in this matter. I repeat: Once allegations of this nature are made against any public service officer under my jurisdiction, and under this Government's jurisdiction, this Government will leave no stone unturned, even if it means sending members of our staff, Mr Berry, to make sure that the community of the ACT is treated with the courteousness that they require as taxpayers.

Children with Disabilities - Summer Programs

MS McRAE: My question is to Mr Stefaniak in his capacity as Minister for Education and Training. Minister, you have advised parents of severely intellectually handicapped children - I believe that you spoke to them yesterday - who previously took advantage of the Malkara holiday program that they will now be offered only places in everyday school holiday programs. Minister, are you aware that many parents have expressed deep concern about the safety of their children if they take part in these programs, which will largely be supervised by people - many of them still very young - who have no training or minimal training or experience in caring for children who can often be very violent? What have you said or done to allay their fears?

MR STEFANIAK: I thank the member for the question. What Ms McRae is talking about is a problem with supervision in the 1995 Malkara program, according to advice by my department. This new program, which now has some 63 places in some 10 organisations, is all about providing a proper program for each of these individual children in the best way to assist them. I am looking forward to the program and to seeing how it goes. I am advised that, far from a lot of parents being really concerned, some 20 have now spoken to the staff in the focus programs unit and have talked about the individual programs for their children. As far as I am aware, there is one parent who still has some problems, but she has been invited to talk to the programs unit to ensure that her child is adequately cared for. I do not agree with Ms McRae, who seems to be indicating that there is widespread concern. I think the parents who have rung the programs unit now are very happy, on the whole, in terms of what is being provided. It will be a much better program, I am sure, than what otherwise would have been provided.

MS McRAE: I ask a supplementary question. You seem to know very little about what is happening, and you certainly seem to have done very little yourself to allay the fears, Mr Stefaniak. To say that they have spoken to the focus programs people is absolutely outrageous. Parents of these children have been told that if their disabled children are disruptive they will be ordered to leave the program immediately. As these children are often profoundly disruptive and potentially dangerous to themselves and to other people,

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what is your rationale for offering places to children where there will be no proper care, and then telling their parents that if they are disruptive, which is the reason why they are in a special school in the first place, they will be thrown out of the program? What are you doing to remedy this?

MR STEFANIAK: Mr Speaker, as I have said now, probably, on about 10 occasions, there will be proper care. That is the whole idea of these 10 organisations with the 63 places, and each individual parent is working it out with the focus programs unit so that the individual needs of their child will be looked after in what should be a very good integration program. In relation to the behavioural problems, as Ms McRae is no doubt aware, Malkara, like any school, could send children home if they were severely disruptive. That applies, I think, anywhere. We are trying to ensure that the needs of these children, including ones who might cause some disruption, are properly catered for, with people able to look after them in the programs in the various organisations which are now at various places around the city, which is a much more convenient arrangement for many parents.

Community Health Centres

MS HORODNY: My question is to the Minister for Health and Community Care, Mrs Carnell. Have any of the salaried medical officers currently being offered redundancies been asked whether they would be willing to resume their duties as SMOs, and, if not, why not? Will the Government guarantee that SMOs are returned to the health centres if 100 per cent bulk-billing doctors cannot be found?

MRS CARNELL: The position of the Government on this has been clear the whole way through. If we can get 100 per cent bulk-billing doctors into our health centres we will do so. All of the doctors that you are talking about - I think it is all of them now; there might be one who still has not - have indicated to us that they are leaving the system. They have given us dates on which they are leaving the system, and they have even, in most circumstances, told us exactly where they are going. In other words, they have sorted out what they are going to do. In most cases, which I think is very good, the doctors involved will be practising in the same sort of area as the health centre so that their patients will be able to go with them. That is not the case with all of the doctors involved. I am very pleased that at least some of them are in a position where their patients will be able to follow them from a regional perspective. They all have other jobs. That is really what it comes down to.

MS HORODNY: I have a supplementary question. How will the Minister ensure that low income earners are protected, given that she cannot guarantee 100 per cent bulk-billing doctors or salaried medical officers? Many low income earners do not have access to health care cards or equivalent forms of ID that prove that they are on low incomes. Does the Minister expect these people to beg for free health care services?

MRS CARNELL: I should say that I will refer your question immediately to Carmen Lawrence. What you are actually saying in that question is that the Federal Government's Medicare system is not working in this country. If there are low income earners in this country who cannot get access to GP services, I can tell you what; it is not this Government's fault. It is a Federal Government responsibility, as I have said regularly.

We have said time and time again that we believe that, wherever possible, we should get 100 per cent bulk-billing GPs into our health centres. We have said, though, that, if that is not possible, we hope that this Assembly at some stage in the future will accept bulk-billing GPs who bulk-bill people who are on pensions, health care card holders and low income earners. That is the best that this Government can do under the circumstances. Like you, I want to make sure that everybody has access to primary health care. Primary health care is not only GPs; they are important, but they are not all of it. Our responsibility is to provide all the ancillary services that go with primary health care in this city - things like physiotherapy in our centres, social work, dietitians, child health and so on. We will be concentrating on the services that we are responsible for and making sure that they are the best that is possible in Australia.

Government Service - Enterprise Bargaining

MR WHITECROSS: Mr Speaker, my question without notice is to Mr De Domenico in his capacity as the Minister for Industrial Relations. Mr De Domenico, why have you adopted a practice of sending consultants to conduct enterprise bargaining negotiations with the unions instead of using your own industrial relations staff?

MR DE DOMENICO: I thank Mr Whitecross for his question. Mr Speaker, this Government will send whoever it wants to send to negotiate on its behalf. It will not send those people that are acceptable to either the Trades and Labour Council or the Opposition. You have asked about Mr Houlihan, perhaps, or somebody else. As I said, this Government will continue to send whoever it thinks is best qualified to represent the Government's viewpoints in those negotiations.

MR WHITECROSS: I ask a supplementary question. Minister, am I to take it from that that you do not believe that your own staff are capable of presenting the kind of bargaining approach that you want, and you therefore have to use consultants with a particular style of bargaining in order to achieve the outcomes that the Government is trying to get from this enterprise bargaining round?

MR DE DOMENICO: The short answer, Mr Speaker, is no. However, I should explain to Mr Whitecross. I will repeat it for him. This Government will send whoever it sees fit to send in order to represent the views that this Government wants to put across. It will not ask permission from either Mr Whitecross or the Trades and Labour Council. As much as the Trades and Labour Council might disregard the services of Mr Houlihan, he is a very qualified person in terms of negotiating industrial relations.

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Mr Berry: He is confrontationist.

MR DE DOMENICO: Mr Berry says he is confrontationist. He happens to be from a different faction from that which Mr Berry comes from. This Government, as I said, will send whoever it sees fit to send, and will not ask permission from the Trades and Labour Council, and especially not from the Labor Party.

Government Service - Enterprise Bargaining

MR BERRY: Now that the Government has decided to employ that well-known confrontationist, Mr Houlihan, to advise it on how to do its dirty work in industrial relations, and the Government itself in turn has decided to threaten its employees with lockouts - - -

MR SPEAKER: Mr Berry, I would draw your attention to standing order 117(b), which says:

Questions shall not contain:

- (i) statements of fact or names of persons unless they are strictly necessary to render the question intelligible and the facts can be authenticated;

...

MR BERRY: Indeed, Mr Speaker, and this one is necessary for the course of the debate.

Ms Follett: The Minister mentioned the name.

MR BERRY: The Minister mentioned him long before I did.

MR SPEAKER: Yes, but he did not make certain allegations.

MR BERRY: Mr Speaker, if you are going to be so even-handed I suggest you try that sort of stuff on the Minister as well.

MR SPEAKER: Yes, but he did not make certain allegations, Mr Berry, and that is what I am drawing attention to.

MR BERRY: Now that the Government - - -

Mr Kaine: I raise a point of order, Mr Speaker. I really do not think that you should allow yourself to be intimidated by Mr Berry standing over you as he just did. If he keeps it up I suggest you invite him to have the rest of the day off.

MR SPEAKER: Thank you, Mr Kaine.

MR BERRY: I thought that Mr Kaine was looking for a ministry; but it is obvious that he wants to be Speaker, because he is able to give you a bit of advice. Will you tell him that the job is not available?

MR SPEAKER: If you keep this up you will be looking for an early mark this afternoon.

MR BERRY: Tell him that the job is not available. Mr Speaker, let us - - -

Mr Moore: I take a point of order. Mr Speaker, I think the standing order that is critical here is 117(b)(iv), which refers to imputations. The question here is more about imputations. I do not know the person at all, nor do I know him by reputation; but it seems to me that, whereas the Minister talked about somebody in a job he was doing, there was an imputation in the way that Mr Berry presented the matter. I think that is the critical point as to whether the question is out of order or not.

MR SPEAKER: I will have to listen to that, Mr Moore. Frankly, to date, Mr Berry has not asked his question, and I would like him to do so.

MR BERRY: Thank you, Mr Speaker. It is about members in this place. The expert on standing orders might want your job as well. Mr Speaker, the Government has decided, in turn, to threaten its employees with lockouts.

Mr De Domenico: What is the question and to whom is it addressed?

MR BERRY: The question is to Mr De Domenico. You can deny that you have threatened - - -

MR SPEAKER: Just ask the question.

MR BERRY: Will the Minister now rule out the use of scab labour to do the work of those they might lock out?

MR DE DOMENICO: Mr Speaker, I am quite happy to take on that question from Mr Berry. I will say this, Mr Berry: This Government will not weaken at the knees with a gun held to its head, Mr Berry, because this - - -

Mr Connolly: Rambo Tony.

MR DE DOMENICO: It is not a matter of being Rambo Tony, Mr Connolly. Had the Trades and Labour Council been a little bit more intelligent than they were, they would not have filed under section 170 of the Federal Industrial Relations Act. That means, Mr Speaker, that the Government's hands are now tied. The only alternative left to the Government is to consider lockouts. That has been conveyed to the unions. It is the only option available under the law, Mr Speaker. This Government will always abide by the law. Notwithstanding what Mr Berry might think from time to time, we will abide by the law. If that means lockouts, so be it.

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MR BERRY: I have a supplementary question. Mr Speaker, all I would like to get from this Minister is an answer, and I asked him specifically whether he will rule out the use of scab labour to do the work of those they keep away from their employment in the course of their refusal to negotiate with the unions.

MR DE DOMENICO: Mr Speaker, I do not know what the term “scab labour” means, so I cannot answer Mr Berry's question.

Jindalee Nursing Home - Casual Staff

MS TUCKER: My question is to the Minister for Health and Community Care, Mrs Carnell. Will the Government guarantee that casual staff at Jindalee employed for six months or more will be offered jobs and retraining in other parts of Health or, alternatively, redundancy payments?

MRS CARNELL: The Government's position on this issue has been very clear, and that is, as I said in the Assembly, that long-term casuals will be covered under the triple R award. Long-term casuals, as I said before - - -

Mr Berry: Over six months. That is not what you said. Publicly you said “everyone”.

MR SPEAKER: Order!

MRS CARNELL: I did say “long-term casuals”. That is exactly what I said, Mr Berry. Long-term casuals will be covered under the Act. That means that they will be able to get redundancies, retraining or redeployment.

MS TUCKER: I have a supplementary question. Mrs Carnell, I cannot imagine why you would have thought we were reassured by your commitment to looking after long-term casual staff if we thought you were referring to those who are legally looked after anyway. How do you justify giving us the impression that you were going to be looking after those people not covered already by the triple R award? That was one of the reasons why we supported the contracting out of Jindalee.

MRS CARNELL: I made it very clear that we were talking about full time, permanent part time and long-term casuals. All three were alluded to in my statement in this Assembly. I made it clear that the first two categories are covered under the triple R award and that long-term casuals would be part of that approach. We stand by that undertaking.

Government Service - Pay Increases

MR WOOD: Mr Speaker, my question is to the Chief Minister in her capacity as managing public service matters. Chief Minister, now that you have revealed that 20 to 25 jobs will be lost as a result of the Cullen Egan Dell report, will you also reveal what pay increases the survivors can expect? Will it be more or less than 20 per cent as in the Commonwealth, and how does this compare with the derisory one per cent pay offer to the rest of the ACT public service?

MRS CARNELL: The derisory one per cent pay increase was a pay increase that was not traded off against anything, Mr Wood. In other words, it was real, up-front money for Christmas that the unions, for whatever reason, determined they did not want for their members. A trade-off that senior public servants might be involved in will be a trade-off for tenure. As I explained earlier, and I will explain again, the Cullen Egan Dell approach has resized the ACT Government Service. Their final report will be available, I hope, in the near future. It will mean, as I think I have even said in the media, that all senior executive jobs will not be at the levels that they are at now; that all agency heads will not be at the same levels; that those jobs - - -

Ms Follett: How much?

MRS CARNELL: They are being resized, so you simply cannot say what the increase will be. I can guarantee for Ms Follett that it will be substantially less than 20 per cent when we get to that stage. This has to be the basis of making sure we have everything on the table for the people involved.

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

Personal Explanations

MRS CARNELL: May I make a personal explanation?

MR SPEAKER: Yes, under standing order 46.

Mr Connolly: Yes, I would if I were you.

MRS CARNELL: No, I do not think I would, from your perspective, Mr Connolly. The papers that Mr Connolly tabled earlier, which he suggested were some papers that I was party to in some way, turn out to be working party recommendations. As we see from this, the working parties are groups that have been set up in each area of the hospital to look at the implementation of Booz Allen. Mr Connolly suggested that they were my documents. In fact, I think he said that they were my documents. I have to say that I am not on any of the working parties. The working parties are made up of people who work in those particular areas and union representatives. I am not at any of the meetings.

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In fact, interestingly, I do not actually get the recommendations at this point in time. Any implication or imputation that somehow this was my document, or any implication that I was somehow implementing a recommendation at this stage, was simply a misleading of this Assembly and of those listening.

MR CONNOLLY: Mr Speaker, I seek leave to table the second page of that document, which shows that these drafts were agreed to at the management meeting held on 15 November 1995.

Mrs Carnell: I also was not at that.

MR CONNOLLY: The management meeting of your department. Again we have blown the whistle on your sneakiness.

Leave granted.

MRS CARNELL: I seek leave to make another personal explanation.

MR SPEAKER: Certainly.

Mr Berry: This could go on all day.

MRS CARNELL: It could, because, interestingly, I also am not present at management meetings. In the end, certainly, the implementation of Booz Allen will be approved by me and my office; but Mr Connolly said categorically that this was my document, that I was party to it, and that is simply not the case. I have also said that, yes, these were recommendations of Booz Allen, and yes, we are looking at them. We are; but to suggest they were my documents and somehow I had misled is simply untrue.

MR BERRY: Mr Speaker, I would like to make a personal explanation. Mrs Carnell has tried to point out that this chamber - - -

Mr De Domenico: Under what standing order?

MR SPEAKER: Is this under standing order 46?

MR BERRY: Yes, indeed.

MR SPEAKER: What is your personal explanation?

MR BERRY: In relation to this matter, it was everybody's fault but her own.

MR SPEAKER: Order! There is no personal explanation. You are out of order. Resume your seat.

Cabinet Documents - Confidentiality

MR HUMPHRIES: Mr Speaker, I have a question to answer. On 1 June Ms Follett asked me a question about the tabling of documents that had been provided to her in January of this year concerning the move of the old Department of the Environment, Land and Planning to Gungahlin, or the non-movement, in fact. She asked me who would provide me with information about that matter, or would provide me with the documents. I was under the impression that I had answered that question subsequently, but in the report of the Public Accounts Committee tabled last month Ms Follett noted that I had not replied to it. I will do so now by tabling a minute I received on 17 October from Mr Townsend.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1995

Debate resumed.

MR CONNOLLY (3.12): The points of principle Ms Follett made this morning, in the Opposition's principal response to this Bill, about the traditional methods of public accountability and the importance of that, as opposed to a sort of cowboy approach to public administration, could hardly have been demonstrated more effectively than in the performance of the Chief Minister and Minister for Health as witnessed in question time.

We say that the traditional method of public sector administration that has existed at least since the Northcote/Trevelyan report in the 1860s in Britain, in the then colonial administrations, in the Australian Public Service and the reforms of the 1970s and the reforms of the 1980s, inherited when this body politic was set up in 1989, firmly establishes that the person responsible is the Minister. The government of the day, accountable to this place, are the persons responsible, and the public servants are there to carry out without fear or favour the wishes of the government of the day. They survive changes of government, changes of administration; their personal political views are irrelevant; their compatibility or otherwise is irrelevant.

They are the principles, which Mr Kaine attacked us for being conservative about and not prepared to change, that we stand for, and we are worried about this sort of cowboy approach to public administration that we see is behind a lot of the thinking in this Bill. Mrs Carnell's performance today demonstrates the risks of this. We have already pointed out that the sign on her desk should be not Harry Truman's "The buck stops here" but "The buck stops there", because it is always somebody else's fault.

I obtained a document, which I tabled, showing plans at Woden Valley Hospital to scrap the mammography service to save a paltry \$20,000 or less, as opposed to serious reforms that might affect visiting medical officers. I having tabled page 1, and it shows that it is a working party recommendation, Mrs Carnell gets up and is terribly wounded, saying, "You cannot accuse me of this as Minister for Health. I am just the Minister for Health. This is just a working party. I am not responsible. It is those awful people on the working party. It is their fault".

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Mr Humphries: Cannot people throw these ideas up?

MR CONNOLLY: Cannot people put ideas up? Then I tabled page 2 of the document, which shows that the recommendation on page 1 was agreed to at the management meeting held on 15 November 1995. So this is not just a working party report. This is the agreed views of the management of the Department of Health, the department for which Mrs Carnell is responsible. Yet she still tries to say here, "It is not my fault; it is not my fault".

This is the danger of this approach and philosophy of public administration that is behind this Bill and this is why the Labor Party is adopting what could fairly be called a traditional approach. We do accept a traditional approach that the Minister - - -

Mr Humphries: Who are the conservatives here?

MR CONNOLLY: The conservative approach, Mr Humphries, is that the Minister is responsible and the Minister is responsible for the policy positions of his or her department.

Mr Hird: Even before a decision has been made?

MR CONNOLLY: I am afraid, Mr Hird, that you should not necessarily listen to what your Chief Minister says or, if you listen, you should not necessarily believe it. This is the Department of Health's position. A decision has been made by the Department of Health. The Department of Health is heading down the track to administer this, and Mrs Carnell is responsible for that decision. Unless Mrs Carnell runs around and signs every chit in the hospital, which I doubt that she does as Health Minister, she is responsible for the administrative decisions taken in her department.

We have seen today the sorts of postures we can expect to see as the norm under this style of administration. Under this style of administration, the traditional Westminster approach, which is that if there is a stuff-up in your department you wear it as Minister because you are the one who comes in here and subjects yourself to cross-examination by the Opposition and by the crossbenches, that traditional approach where the ultimate penalty has been demanded in this place, will not apply any more. It will be the public servant who is at fault, the public servant who can be sacked at the whim of anyone, the public servant who, Mrs Carnell says, must be accountable. No, Mrs Carnell, the Minister is accountable. You are accountable today for what you plan to do, what your department, for which you are responsible, is planning to do to the mammography unit at Woden Valley Hospital.

Under this new philosophy that you are trying to foist on the ACT, I can see the performance we saw today becoming the norm. Whenever there is something unpalatable, whenever there is something unpleasant - like sacking doctors in a health centre, for which we had to force responsibility upon you, although I think you still say, "They were not really sacked; they just wanted to go; they are still accessible; you can fly to Tasmania", that sort of nonsense - we will see increasingly a pattern where the

responsibility for decisions will not be fairly and honestly copped by the Minister of the day, but will be shoved out to the public servant. It will be the public servant who loses his job when something becomes politically unpalatable or politically untenable. That is a fundamental shift in the traditions that have applied in this place and in all parliaments in Australia for a very long time.

For that reason, Ms Follett's principal objections this morning could nowhere have been better demonstrated than by Mrs Carnell's performance after question time today, where she clearly tried to duckshove and say, "No, no, no; it is just recommendations". "It is just recommendations", she says. It is the view of the management of your department, for which you are responsible as Minister. Joh Bjelke-Petersen could not explain responsible government in a Westminster system, and nor can you, because you consistently blame somebody else.

Mr Humphries: Mr Speaker, if Mr Connolly wants to make his fatuous points, he is entitled to; but to shout them across the chamber, I think, is not really in the spirit of parliamentary debate.

MR SPEAKER: It is uncalled for, I agree. I uphold the point of order. We must not have shouting matches, if we can possibly avoid it. We do not need to shout across the table anyway.

MR OSBORNE (3.18): Mr Speaker, I rise to say that I will be supporting the Bill in principle.

Mr Berry: Shame, shame, shame!

MR OSBORNE: There is no shame, Wayne. I have no problem with senior public servants being placed on contract. I think it should have been done a long time ago. I think that public servants, with the roles they fill today, the departments they take care of and the amount of money they are paid, should be accountable. If they do not perform, I do not believe that the taxpayer should be forced to keep them. We are all in that. We all have three-year contracts here. If we do not perform, we are not here. I have played football: If you do not perform, you do not get a new contract. Why should public servants be any different? Public servants, I believe, can have a long career in their chosen field, as long as they perform. I think it is outrageous to suggest that this is anything other than requiring them to be more accountable.

I do have some problems with a few things in the Bill. Like my colleague Mr Moore, I have not had a chance to look at Ms Follett's amendments, but I believe that we are going to adjourn the debate today and I will attempt to do that over the weekend. My big concern, along with Mr Moore, is about the disclosure of the contracts and also the compatibility clause.

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Mr Berry: When did you tell the electors that this was going to be the way you would go in regard to the public service?

MR OSBORNE: I told the electors I would be sensible, Mr Berry, and I think this is a sensible approach. As I said, I have a problem with trying to hide the contracts, but I will listen with great interest to what the Chief Minister has to say. I also have a problem with the compatibility clause. There are often times, as I said on the radio this morning, when I do not find myself very much in agreement with Mr Moore, who sits next to me, and I would like to rip up his contract because I do not find our views to be very compatible.

Ms Follett: I thought he was your captain.

MR OSBORNE: But I will put up with my captain. Mr Speaker, as I said, I support this Bill in principle, and I will listen with interest to the debate on the amendments, which will take place next week.

MR HUMPHRIES (Attorney-General) (3.22): Mr Speaker, I am sorry that Mr Connolly is not here to hear the rebuttal of the comments he made about that document he tabled during question time, but they are quite important. If what Mr Connolly said were true, I think it would give us some concern about the way in which management of these important issues might be handled in any new wave public sector management model, and that is a point that is worth making. Unfortunately, they were not accurate, and he needs to go back and ask himself whether it is wise for him to jump to conclusions, particularly in such a voluble way on the floor of this place. Mr Connolly described that document he tabled, particularly page 2, as a recommendation accepted and to be implemented by the management committee of the Department of Health. The management committee referred to in that document was not the management committee of the Department of Health. It was the management committee of the Booz Allen reform process within the Department of Health, and that process does not have the power to implement decisions. It has the power to recommend to the - - -

Mr Berry: You did not read it either.

MR HUMPHRIES: I have read it, Mr Berry.

Mr Berry: Well, it did not soak in.

MR HUMPHRIES: You tell me where it says in there, "Management committee of the Department of Health".

Mr Berry: It says management have decided.

MR HUMPHRIES: No, that is not the point. There are lots of management committees around the place. There would be dozens of management committees.

Mr Berry: Put the old spin on it, Gary. Go for your life.

MR HUMPHRIES: You people love to do that. You love to take a word and twist it. The fact is that that is not the management committee of the Department of Health. Listen and you will learn. It was a management committee of the Booz Allen reform process and, as such, it does not constitute a decision for implementation; it constitutes a recommendation.

Having said that, having exposed the distortion that those opposite are involved with to try to prove their nefarious points on this Bill, let me say that the Government does not resile from the thrust of that recommendation. It is one the Government will be very willing to accept because the Government believes that it is important to be able to provide services in the most efficient way and the way best designed to consolidate the best quality of care within our system, particularly in the Department of Health. I stand by a process of supporting the establishment of centres of excellence, so to speak, within our health service, to be able to ensure that what we are offering is not mediocre services on a large number of sites but very high quality services at central locations.

There are very few people who can walk to the Woden Valley Hospital. Almost everybody who goes to the Woden Valley Hospital will be travelling there by some form of transport, be it private or public. Similarly, those who use the consolidated mammography service in Civic - - -

Mr Connolly: Just like the health centres, we have blown the whistle on another - - -

MR HUMPHRIES: No, you were not here, Mr Connolly.

Mr Connolly: I was listening to what you were saying, Mr Humphries.

MR HUMPHRIES: You will have heard that you owe the Chief Minister an apology for having suggested that that was the management committee of the Department of Health.

Mr Connolly: Oh, come on! It is her department that is involved in this process.

MR HUMPHRIES: No, Mr Connolly - - -

Mr Connolly: They are departmental officials involved in this. This is being driven out of the - - -

MR HUMPHRIES: I am not so sure that they are, actually. I think some of them are consultants.

Mr Connolly: Some of them might be, but the department is involved in this.

MR HUMPHRIES: Some of them might be? Will you accept, if you cannot prove otherwise, that that was not the management committee of the Department of Health, as you told the Assembly it was?

Mr Connolly: Gary, you are squirming because we have blown the whistle on an attempt to cut a fundamental health service. You people are contemptible.

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MR HUMPHRIES: Clearly, Mr Speaker, Mr Connolly acknowledges that he knows it was not the management committee of the Department of Health. Will he also acknowledge that that comment is only a recommendation of that particular sub-unit of the department? Will he acknowledge that fact and acknowledge that it does not of itself constitute a decision for implementation? Will he acknowledge that? No, I do not think he will. You can interject if you like.

Mr Connolly: I will. I will interject by pointing out that the document shows that - - -

MR HUMPHRIES: You have to stand up to interject.

MR SPEAKER: Order! Sit down.

Mr Connolly: The document shows that the savings are already projected in the budget which you have tabled.

MR SPEAKER: Sit down. You are out of order.

Mr Connolly: Read that bottom line.

MR SPEAKER: And do stop shouting.

Mr Connolly: "Savings have already been projected in the Budget". You are responsible for this.

MR HUMPHRIES: Indeed.

MR SPEAKER: Mr Humphries, you have the call.

MR HUMPHRIES: It is the task of anybody on any of these working parties within the Department of Health to be able to find processes to make those savings projected in the budget brought down by the Chief Minister. That is their job, and they do it by producing recommendations. If that committee had recommended that we bury a large number of patients in a hole somewhere, I can assure you that that would not have been accepted by the Government. Indeed, all the recommendations in that process are just that - recommendations.

If those opposite are too petty to admit that they have misread a document they have waved around and shouted about from the rooftops - and from below the roof at the same time - the veracity of which they have shouted to the chamber, that is just too bad for them. The fact of the matter is that the approach of this Government is to allow consultation on these sorts of issues and discussion within the administrative framework of our Government. We do not hand down all decisions and all wisdom from the Olympian heights of the second floor of the Assembly building. We expect people within our public service - we not only ask, we expect - to exercise judgment and discretion and to develop ideas, which in turn can characterise the way in which we implement decisions made within the broad framework of the budget. I support that process. It is a process that is strong and vital and indicates a public service that is doing its job.

If those opposite, facile as they think it might be, are pretending that they did not engage in that kind of industrial democracy when they were in government, they are posing a very tawdry lie. I do not think they would even do that, frankly. I think they would admit that they did, when they were in government, and would do in future were they ever fortunate enough again to get the treasury bench, engage in a process of allowing people within the system to be able to contribute to industrial decisions and to issues of budgetary savings and other processes that implement the broad framework of government policy. I stand by that process, as I am sure Mr Connolly did when he was Minister for Health. It is the only way of making decisions that are sound and sensible.

Mr Connolly very cheerfully described himself as a conservative on this issue. He said that he felt that they were taking the traditional approach towards management and public sector issues against those opposite.

Mr Moore: Mr Connolly seems to be a conservative on almost every issue - DLP.

MR HUMPHRIES: I accept his self-description. Mr Berry might have a few problems with that, but I certainly do not mind him saying that. Mr Speaker, unfortunately, I do not think we on this side of the chamber can describe ourselves, as the corollary to that, as radicals, because we are not. On this issue, we are simply playing catch-up with virtually every other jurisdiction in this land. They have gone down this path already. The economic rationalism that is inherent in this Bill is an approach accepted and implemented vigorously by Labor governments across this land. Mr Connolly ought to be honest enough to admit that, if he were a member of the Federal Labor Government, the New South Wales Labor Government, the Queensland Labor Government, or one of the other Labor governments that have bitten the dust in the last couple of years, he would have been on this side of the chamber making the sorts of statements I am now making. He would have been here carrying the flag for these reforms.

These reforms are not radical. They acknowledge the fact that in a complex city-state such as ours, in a complex polity, we need to be devolving some decision-making to people who accept real responsibility. You cannot expect Ministers in the Government to be able to make minute decisions about all of these areas. You must devolve responsibility - and you do not devolve it to automatons; you devolve it to people who accept a real level of responsibility for decisions they make, and you remunerate and acknowledge appropriately that level of responsibility. That is why this Bill is before the chamber today. It will put in place a more effective, more modern, more responsive public service, and I hope members will acknowledge that that is the case and support it to the hilt.

MR BERRY (3.31): I will not speak for long, but I want to point to a couple of the hypocritical remarks that have been made by Mr Humphries. Mr Humphries seems to be trying to indicate that the only way you can hold senior public servants in some sort of accountable arrangement is under the proposals that are being put forward by the Liberals opposite. Before I get onto that, let me talk a little about management. This is the Government that has been talking about the managers managing, handing over the

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responsibility for managers to manage. When managers make a decision with the imprimatur of the Government - the Government has given them the task and they have made the decision - the Government then says, "It is not our fault; it is somebody else's fault. It is not right. We are going to change it. It will not happen".

You cannot get out of it that way. You cannot say on the one hand, "Our policy is to let the managers manage", and then avoid the responsibility for handing over that job to your managers. The fact of the matter is that it is your responsibility, and you have it under the current arrangements; you do not have to change it. That is why you have been severely embarrassed today. Mr Connolly quite rightly - - -

Mrs Carnell: Mr Connolly has, because he lied.

MR BERRY: Mr Speaker, the Chief Minister just interjected, "Mr Connolly has; he lied". I would ask you to have the Chief Minister withdraw that.

Mrs Carnell: I am happy to withdraw that.

MR BERRY: We have a position where Mrs Carnell is trying to blame anybody in sight and out of sight for decisions she has given people the responsibility to enact. Fair enough; if that is the way she wants to run the business, she can do that under the current arrangements. But she has to take the responsibility herself. What is she trying to tell us about the new arrangement? Will there be some other special way she can avoid the responsibility by handing it over to the special managers she puts in place? I am telling you, and I am sure that other members in this place will tell you, that you are kidding yourself, so why are you doing it? It is absolute nonsense. It is just an ideological plan that falls into line with the old Liberal plans to have everybody on individual contracts, to move it right down through the work force. It is the same sort of cowboy industrial relations that we see occurring out there in the workplace, with Mr De Domenico threatening to lock workers out and refusing to rule out the use of scab labour in the workplace. It is all that really heavy redneck stuff, and it is all part of the old Liberal ideology.

Mrs Carnell, I think you are trying to mislead the community into believing that there is something special about what you are doing and that there is not an appropriate way to control the public service with the existing arrangements. We went through this on 22 July 1994 in putting together the public sector management arrangements. Where were the Liberals then with these new and bright ideas? The people could have assessed the Liberals for what they were at the last election, and other people could have shot holes in all of these changes that are being proposed. No, keep them under wraps, a bit like John Howard. Do not tell anybody about them; keep them all under wraps until the last minute. Smother it with honeyed promises and sugary words to try to avoid any assessment of what you are on about.

I am glad that Mr Humphries has come back, because he is the one who a moment ago was trying to convince us in a mealy-mouthed sort of way that the new arrangement they are proposing would make people more accountable in this new system. What about the chief executive of Health, whom you did over, Mr Humphries? He was pretty accountable. Have you forgotten that? I will bet he felt pretty accountable when he

got the chop. Do not give me any of that nonsense about senior officers not being accountable under the current arrangements or any other arrangements, because the government of the day, you in particular and your colleagues, Mr Kaine and so on, were able to fix that person up. He might not have felt very fixed up as a result. He probably felt done over. At the end of the day, it was your Government that was able to do that under different arrangements from those you are proposing now, so do not give me any of that tommyrot.

MRS CARNELL (Chief Minister) (3.36), in reply: I think it is time for this Assembly to be very clear about the real issues in relation to our proposal to move senior executives to performance contracts, and I stress performance contracts, because there seems to have been some misunderstanding about what a contract actually is. This is not a debate about whether we should blindly follow Commonwealth models or State models. We all know that performance-based tenure is now the norm and that most jurisdictions prefer performance contracts. It is about responsiveness and delivering the kinds of policies all parties represented in this chamber are committed to, that is, policies to achieve a better Canberra.

The proposed new arrangements are designed to ensure that our public service is focused on delivering to the people of Canberra the services and the outcomes agreed and determined by the Assembly and the Government in an expert, fair and dedicated way. Executive performance contracts will put beyond doubt that the expectations of our community, represented by its government, can be delivered, no matter what their political colour at any time, in relation to the management of our Territory. They will move us away from the hazy days when governments could say, as Mr Connolly was just saying, "It is all the public service's fault".

Ms Follett: That is what you said.

MRS CARNELL: No, I did not. This will move us away from governments being able to say, "It was the public service that let us down", or the public service saying, "But that was the fault of the Government or the Minister of the time". It will put beyond any doubt, in the relationship between Ministers and chief executives and between chief executives and their senior executives, exactly what is expected, who is responsible, what outcomes will be achieved, and at what cost.

There has been some suggestion that removing ambiguities in what is expected of the public service via employment performance contracts will somehow lead to politicisation. Quite the reverse is true. These contracts will place obligations on Ministers too. If the Public Accounts Committee can be bothered, or is even able, to discuss with other jurisdictions their experience with performance contracts, which we know they did not, they would have heard - - -

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Ms Follett: Whose fault was that?

MRS CARNELL: Yours. They would have heard of many frank and fearless exchanges between officials and Ministers where effectively the contract assisted the strength of the public official's argument. The reality is that, while ever there is not a clear and unambiguous expectation of performance and conditions of employment tied to this, there is just as much opportunity in the current scheme for so-called politicisation to occur.

Mr Humphries: Hear, hear!

MRS CARNELL: Hear, hear; that is right. It is worth reflecting on the words of the current Secretary to the Prime Minister's Department, Dr Michael Keating, as spelt out in the Government's submission to the PAC. Dr Keating, again not a noted Liberal, I would have thought, said:

... the integrity of the public service is founded more on its quality and the respect for it than its tenure.

At least, under our proposed contract system, an official will always be able to look the Government in the eye and point to the requirement in a performance agreement portion of the contract for him or her to provide frank and fearless advice. What we are saying is that there will be a requirement in those contracts to provide frank and fearless advice. This will be measured by the quality and the breadth of such advice, by the outcomes that result from such advice, and by the judgment by this Assembly of the effectiveness of that outcome. At the end of the day, it is this Assembly that assesses what the outcomes are. Under this approach we will know, unlike the past.

There has been much talk about what our proposed contract system will do to the public service. Let us not forget that it is a very long bow to draw to suggest that contract-based employment will suddenly create a political, ineffective and secretive public service. The fact is that this has not happened in other jurisdictions that have introduced this approach, in Australia or overseas. Why has it not happened? If you listened to those opposite, you would think it was absolutely necessary, that that would just be an inevitable outcome. It is because most public officials worth their salt will not sacrifice their integrity by providing advice or service that is not professional or objective, and I would have hoped Ms Follett would realise that. The days of the yes people in public administration will continue to be very limited.

We all know that public services across this country have become much more expert and professional over the last few years. Mr Kaine made the point that the public service we see today is nothing like that of 15 or 20 years ago, nor should it be. As recognised by a multiplicity of reports from organisations such as the Industry Commission, States such as New South Wales and Victoria are leading the way in reforming the quality and cost of services to the community. In the case of the Commonwealth Public Service, impressive reforms have also been achieved. None of this would have been achieved without the right people and the right degree of professionalism in respect of public sectors in these jurisdictions.

However, the fact is that the States I have mentioned, like the ACT, have their primary role in service delivery and local and regional issues. Much as Ms Follett in her speech argued that somehow this was not the case, the reality is that in the ACT we are about services, not about ethereal policy, as can sometimes be the case in the Commonwealth. Those States have recognised in their senior executive employment policies the eventual need for performance contracts in ensuring successful outcomes. The former head of the New South Wales Premier's Department, Dick Humphry, said recently that, in his experience, significant benefits were to be gained for the effectiveness and efficiency of public administration by continuing the move by Australian governments to performance-based employment of senior public service executives. Mr Humphry is not somebody who you could suggest does not know anything about the public sector. Mr Humphry also said that, in his experience formerly as head of the Premier's Department in New South Wales and Auditor-General in Victoria and now as managing director of the Australian Stock Exchange, there was no alternative but to continue the transition from lifetime tenure for senior public service executives to true performance-based employment.

You can rest assured that we will spell out in the contract the basic requirement for each position, for example, the particular services that will be required to maintain a city amenity or to ensure that park areas are suitably maintained. The contract will also contain the basic standards of service - for example, the number of garbage collections, the quality of certain services provided.

Unfortunately, the PAC did not consult with public service leaders in the other States. To some extent, the debate on this issue has been derailed by a political agenda with a very narrow focus on the senior executive group. The important point, which has been overlooked in the public comment and the PAC report but which was clearly covered in the Government's presentation to the Public Accounts Committee, is that the changes are really about building a performance management culture across the whole of the public service, and beginning this process at the top. This is why each agency will be required to have a performance management plan, to be accredited by the Chief Minister's Department, which will ensure that senior executive performance agreement targets are, in effect, filtered down through the respective agencies. As part of this initiative, all of our people will have the benefit of clear and unambiguous job descriptions and targets. They will all know how their jobs contribute to the delivery of services and what their particular contribution will be to a better Canberra. This empowerment must surely be seen by this Assembly as a positive move.

Mr Speaker, I know that there has been some concern about the question of incompatibility. Let me say clearly now that these proposals are an attempt at recognising in a mature and open way that there are occasionally circumstances where relationships between employers and employees irrevocably break down. We must deal with this in an open and honest way through a recognition that a contract could be terminated for reasons of breakdown in that relationship. The potential for such breakdown is unfortunately a fact of life. It has happened in this Assembly; it has happened in the ACT government since self-government, I suspect, on more than one occasion. Should the Assembly decide not to support this open and innovative approach, such occurrences will still take place. I assume, human nature being what it is, that inevitably these things will happen. How we deal with it is the issue here.

On the question of whether our contracts should be public or not, there are a number of issues. Confidentiality will be important to executives from other States seeking positions on contract. Publication of such contracts in the ACT will act as a significant deterrent to this mobility. Contracts are essentially administrative mechanisms to ensure the outputs required. The Ministers and the chief executives remain publicly responsible for their organisations. Publication raises the spectre of unwanted political intrusion into the administrative processes, not the overall output. This spectre will significantly limit the detail contained in any arrangement. I think Mr Moore said that very well earlier on. The last thing we want is a situation where the contracts are somehow watered down simply because they need to be tabled in this place. Finally on this point, I believe that we expect our managers to manage. This they should be able to do within a broad agreed political framework. Release of contracts would work against this, in our view. Having said that, I believe that chief executives and executives should have the right to make them public or be satisfied that there is an appropriate release process if it is necessary in the community or political context.

Much has been said in recent days about the Government's approach to sticking to its commitments. It is time that, as an Assembly, we reflected on the question of how consistent and how fair dinkum are the policies and previous pronouncements of a number of parties and individuals. We have made it abundantly clear in opposition, during the election campaign and now that this is what we support. In fact, I have here a *Canberra Times* article on an interview with me, dated 2 March this year, headed "Public Service Bosses on Contract". It is not exactly something that was kept secret during the election campaign or after the election campaign or, for that matter, last year when we were discussing Ms Follett's Public Sector Management Bill.

Ms Follett now wants us to blindly follow the Commonwealth, as she said in her speech, to continue to be disciples of the Commonwealth. This has not always, interestingly, been the view of Ms Follett, has it? In a submission in August 1993 to the Assembly committee, Ms Follett waxed not lyrical, I must say, but certainly long on the need to seize the opportunities presented by self-government to move to a new and more appropriate form of government. Hear, hear! I would like to quote Ms Follett's words. She said:

The self-governing ACT, because it is relatively unfettered by the status of entrenched practice, has a unique opportunity to shape a machinery of Government suited to its own needs and purposes ...

I agree absolutely. She said that the public service, "will not be a smaller version of the Australian public service". She also said:

The ACTGS will be tailored to the needs of the ACT, not the Commonwealth, and will extend to a review of structures, management and culture as well as new legislation defining the characteristics of the ACT public service.

Mr Kaine: It is a pity she did not do that.

MRS CARNELL: It is a pity she did not do that and a pity now that they have backed away from the statements she made. She said that she did not want ours to be a littler version of the Commonwealth Public Service. She said that she wanted an ACT government service that was tailored to the needs of the ACT, not the Commonwealth, and would extend, as she said, to the review of structures, management and culture - exactly what we are doing with this Bill. I am surprised that those opposite have backed away from what 12 months ago was an innovative approach. Does being in opposition make you backward looking and horribly conservative? It obviously does to those opposite.

Despite all this rhetoric, of which I am pleased to remind all members, Ms Follett now criticises the Government for daring to change the Commonwealth approach to senior executive appointment and employment. This is a previous Chief Minister who last year spoke about a public service that was very much our own public service, that did not reflect the Commonwealth. This is something to do with Ms Follett's very special line dance, something we know Ms Follett is very keen on: One step forward and five steps back. Last year it was one step forward, but, boy, we have gone backwards since then.

The PAC report, that is, Ms Follett's so-called majority report, and I stress so-called, implies unfairly and inaccurately - - -

Ms Follett: On a point of order, Mr Speaker: I think it is a reflection on the committee to call it a so-called majority report. It was, in fact, a majority report. I think that imputation should be withdrawn.

MRS CARNELL: I certainly withdraw any imputation on the PAC. (*Extension of time granted*) The PAC's report, that is, the report Ms Follett brought down, unfairly and inaccurately said that there was not proper consultation with our SES. She is wrong, wrong, wrong. There has been more consultation on this issue than on just about any other.

Ms Follett: It is the union that said that.

MRS CARNELL: Through you, Mr Speaker, I will suggest that Ms Follett stop and listen just for a moment. If she did, she would hear that our public service wishes to see the Commonwealth Public Service as its poor cousin instead of a continuation of the current myth, and I believe it is a myth, that we are theirs. Our SES want to be recognised as professional and the best and most innovative in their field. I spoke to just about all SES officers in the consultation period that led up to this Bill. That means I went out myself and spoke to them. I know that we have some of the best SES officers in this country, and they want to show just how good they are.

I also draw a matter to the attention of the crossbenchers, particularly in relation to some of Mr Moore's policies in this area. Mr Moore has always been very forthcoming, shall we say, in areas such as performance and accountability. In fact, Mr Moore's policy statement seeks to promote innovation, initiative, continuity. He seeks to ensure

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budgeting and reporting across all government agencies, as well as cash flows on an accrual basis. He seeks to reduce red tape. He seeks long-term strategic planning, and a whole range of other admirable and visionary outcomes.

Mr Moore: Very sensible ones.

MRS CARNELL: I would agree. The reality is that the performance contract system proposed by this Government is all about delivering exactly that range of quantitative and qualitative outcomes that Mr Moore's own policy speaks about. A more focused and performance orientated public service is the only way the Government can achieve the outcomes that not only we as the Government want but also that this Assembly wants, and that the people of Canberra want.

The Greens purport to be acting in the interests of a cleaner and healthier Canberra. How can they sit there, then, and oppose legislation that will help us to get there? The status quo certainly will not. They are concerned about the lack of focus on performance and too much emphasis on the bottom line. Surely contracts with service targets will enhance performance? It is an obvious way for us to get to those ends that the Greens rightly support.

Mr Connolly made some comments about ministerial responsibility. I alert Mr Connolly again to section 29 of the Act, which is not changing and which reflects ministerial responsibility by saying that a chief executive shall be responsible, under the relevant Minister, for the administration and business of his or her department. That says it very succinctly, and that area is not changing. Certainly, responsibility is still there.

Ms Tucker made the comment that somehow there had not been public debate on this issue. Debate cannot be endless. We have gone out and spoken to SES officers. Our policies were very clear before the election. Newspaper articles and so on have made it very clear what our approach to this issue would be. We have made sure that, in the discussions we have had with SES officers, we have addressed the problems they raised, and there were a few, and they are in this legislation. So consultation has occurred with the people who are involved in this, and it has occurred at length, and I stress that. A representative committee was elected by the SES officers to be part of the drafting of this whole approach. In fact, it really is a piece of legislation that those SES officers have had input into the whole way through.

The bottom line of this piece of legislation for the people of Canberra is that it is about accountability. It is about ensuring that our senior managers are in a position of having to perform and knowing what it is they are expected to achieve, knowing very definitely, in contract terms, exactly what Ministers expect or what chief executives or agency heads expect, and having the outcomes of those contracts recorded in annual reports. How much more public and accountable can you be than that? The reality is that those opposite are now opposing the Bill simply because we put it up, in my view.

Ms Follett earlier made the comment that we could still have contracts for senior executives, or SES officers. That is true; but, for a reason I will never know, the Public Sector Management Act stopped us putting agency heads on contract. We can put the people under agency heads on contract, but not agency heads. Those contracts were not performance based; they were fixed term appointments. There have been a number of those people put on fixed term appointments. To address the politicisation question again, if Ms Follett believes that the Community Advocate, the DPP, and a number of the other people who are on fixed term contracts are somehow politicised in their positions, I suggest that she should withdraw that in this Assembly. I do not believe that any of those people who are currently on fixed term contracts have had their positions politicised. In fact, a number of those people have had their contracts expire since I took over as Chief Minister and predominantly they have had them extended. That does indicate that we are not talking here about politicisation; we are talking about good management and real focus on what we in the ACT can achieve. It is about continual improvement. It is not about waiting until it is broke to fix it. It is about making sure that we are the best we can be, and I would have assumed that the Assembly would support that.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 8

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

NOES, 7

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together

Debate (on motion by **Mr Moore**) adjourned.

CRIMES (AMENDMENT) BILL (NO. 3) 1995

Debate resumed from 23 November 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (4.03): This Bill implements something that both Mr Humphries and I publicly said last year should be done and so will have the support of the Labor Opposition. In late 1993, through early 1994, public concern was directed at the issue of female genital mutilation. There was concern around Australia about what should be done about this practice, which, it was feared, was growing within certain sections of the Australian community from a background beyond our shores where this was regarded as an acceptable cultural practice. At the time, the advice I received, and this is pretty much confirmed in Mr Humphries's speech, was that in all likelihood the practice of female genital mutilation was currently an offence. It amounted to an assault under the Crimes Act. You cannot consent to an assault. Certainly, a young child cannot consent to the practices involved in genital mutilation in order to prevent it from being an assault.

The view we took in government, which a number of other States took, and this was discussed quite extensively at a meeting of Commonwealth, State and Territory Attorneys-General, was that it would be better to have a specific law relating to this issue. Some States took a different view at the time and said, "No, it is covered by assault, so there is no need for special legislation". As Attorney-General last year, on behalf of the then ACT Government I announced that we would move to introduce special laws in this area but that we would seek to work with other States and Territories that were like-minded as far as possible to have commonality of laws. New South Wales, in fact, moved very quickly. The other States and Territories waited a while and, as is explained in the in-principle speech Mr Humphries has presented, this year some model provisions emerged and were settled upon, I think, at the July meeting of State and Territory Attorneys-General.

As Mr Humphries says, in this Bill there are some minor departures from the model laws. We would not say that this is an area where there must be absolute 100 per cent uniformity, but we would agree that it is sensible that our laws are basically modelled on the national laws. For that reason, they do have our support. Mr Moore had some concerns about this. I hope I am not pre-empting him, but can I just say that we would not have been minded to go down that path because of uniformity, although we acknowledge that the points Mr Moore was making were quite powerful points and that, if this law does not achieve its desired effect and if the sorts of abuses Mr Moore is concerned about occur, he may well find more support. Indeed, he may well find support on both sides of the house.

I hope this law will not need to be used, that it will serve its function as an educative law. For that reason, I would specifically note in the Opposition's response that we would accept what Mr Humphries himself acknowledges is an unusual commencement provision, where this law, quite unusually, will not have the standard ACT commencement provision, which requires automatic commencement if it is not enacted within six months.

I think we would all agree that that is a desirable practice. The reasons given by the Minister are that there needs to be a fairly extensive education program, otherwise this could have a counterproductive effect in certain non-English-speaking communities. The Minister notes that the Commonwealth Government is working to provide a national education program and, for that reason, he cannot give a commitment to enact the law within six months. I would accept that as a responsible and reasonable approach to take in the circumstances. For that reason, we would accept that unusual commencement clause, but I confidently hope that that would not become the norm.

MR MOORE (4.07): Mr Speaker, I am rather fortunate that in the last little while somebody suggested that I read, and I did read, a book called *Nine Parts of Desire*, by Geraldine Brooks, which provides some understanding of the cultural issues that are behind such things as female genital mutilation. That book makes a very powerful case that it is not religion, as some people mistakenly believe, that leads to female genital mutilation but, rather, cultural things that have been adopted in some parts of the world as part of religious practice. It is driven not by religion but by the cultural areas.

One of the things that concern me is not the fact that we are talking about a sentence of imprisonment for up to 15 years, which is an extraordinary sentence for this practice, and imprisonment for seven years for someone who actually takes what could be another person, but is most likely a child, out of the country in order to have this assault practised. It seems to me that it is very difficult in our cultural circumstances even to begin to comprehend how somebody could go about this sort of mutilation, but we do know that it is a widespread practice in certain parts of the world.

What had concerned me most when I read this Bill after Mr Humphries tabled it was that the original victim is likely to be a victim in the second round as well. What I mean by that is that it is a woman who herself has probably been through this process, is herself mutilated, who would be the person most likely to be charged with an offence under this Act and would invariably be the person who, although mutilated herself, is now also subject to imprisonment of 15 years or, in the lesser case, seven years - still a quite extraordinary prison term.

The other part, and the part that Mr Connolly referred to, was that it occurred to me, in discussion with a number of other people, that it would appear that the person most likely to be not included under this legislation would be the spouse, the male involved in the situation. My wife put it to me fairly succinctly - by the way, my wife had also read the book I referred to and can recommend it to members - when she said, "That would be typical. Once again, it will be the woman, who has been the victim in the first place, who will be blamed and will be the victim again, while the male who sets the cultural standards and plays an important role in maintaining, if you like, family discipline will be let off scot-free".

It was those circumstances that prompted me to give drafting instructions, and parliamentary counsel drew up an amendment for me, although the chief parliamentary counsel and the person drawing it up did draw my attention to some of the difficulties with this amendment. The intention of the amendment was to reverse the onus of proof

to say that the spouse would be considered to be involved in such a crime automatically unless they could prove that they were not involved. The proposed amendment, as new subsection 92W(3), is to insert after the new subsection (2):

Where a person who has been found guilty of an offence against subsection (1) is a parent or guardian of the person on whom the female genital mutilation was performed, in proceedings against the spouse of the first-mentioned person for an offence against that subsection in relation to that mutilation by reason of the operation of section 345 it will be presumed, in the absence of proof to the contrary, that the defendant is guilty of the offence.

The difficulty in reversing the onus of proof to that extent, amongst other things, is that a separated or perhaps even divorced spouse, or someone who is out of the country at the time, would effectively be guilty of an offence unless they could prove that they had acted in a different way. Basically, it would almost require a male to give instructions, to put something in writing and leave a copy with his lawyer, saying, "I have given instructions that no female genital mutilation can possibly take place, and that is my instruction". We would not expect that to happen. The point was made, I think fairly powerfully, by Mr Hunt and others that what I was trying to achieve was already achieved in the Act in some ways and that it would be a too-powerful instrument to put into the Act. I am still concerned with the general principle, and I think this is what Mr Connolly was referring to, and Mr Humphries in our conversation too, who had some sympathy with what I was trying to achieve; but to do it by reverse onus of proof would be not an appropriate way to go, particularly when we are talking about an offence that carries something like 15 years' imprisonment.

Nevertheless, when we are dealing with situations such as this, whilst we have a responsibility to ensure that such mutilations do not occur and that we take whatever action we possibly can to prevent them, there is, even for us, a cultural barrier that makes it almost incomprehensible. I simply cannot comprehend how somebody could commit such an assault. I do not think it would matter how much reading we do, I do not think it would matter how many people we speak to; it is something that to our society is basically incomprehensible.

I am supporting the Bill, of course. I think the most significant aspect of it is to ensure that the community as a whole understands that this is not something that is supported in our culture in Australia, and that that message gets through to people who move to Australia, who must understand that this sort of action is simply unacceptable, is simply not on. That is the importance of the legislation. I think it is a pity we cannot spread the responsibility in a clearer way between both spouses, but it certainly is a very important first step.

MR HUMPHRIES (Attorney-General) (4.15), in reply: Mr Speaker, I think anyone reading this debate would appreciate the very strong position of the Assembly that, as Mr Moore has just put it, there is a view that such practices ought not to take place in this country and that we, like other jurisdictions around Australia, are prepared to indicate our strong abhorrence of the practice of female genital mutilation.

Mr Connolly: You had just better hope the commas are in the right place.

MR HUMPHRIES: Yes, I hope the commas, indeed, are in the right place. This is a matter where it is appropriate for us to engage in some educative law-making. Let me say that I do not foresee many prosecutions under this legislation. Indeed, it is quite conceivable that the legislation will have been effective, notwithstanding the lack of any prosecution under it, in that it makes very clear what perhaps is not entirely clear, that is, that the carrying out of such practices for cultural or other reasons is not appropriate in our nation and that we therefore make a very clear statement that such practices should not occur.

I gave my wife *Nine Parts of Desire* for Christmas. I have not yet had the chance to read it, but I intend to read it when I finish the book I am reading at the moment, which takes rather a long time in my household because I do not get much time for reading.

Mr Moore: Maybe she could give it back to you for this Christmas.

MR HUMPHRIES: That is a good idea. It will save money, too. I think we need to be very clear that, although educative, it is also a matter of some concern as to the impact this legislation might have around the country. It might be a slight danger, but there is a danger that some practices that have been carried out in a semi-public or semi-acceptable way within some communities might be carried out more surreptitiously, in other words, driven underground to some extent. There is some danger that we could end up losing the interaction with the medical community or with the health sector generally that might be able to pick up such cases and assist them when they come to the attention of the public. There is that danger; but the Government's assessment, and I think the rest of the Assembly agree with this assessment, was that it would be better for this practice to be clearly outlawed in our legislation, so that we educate members of communities from elsewhere in the world who come to Australia that this particular practice, although perhaps a venerated one in their own homeland, ought not to be carried through to Australia.

I have to agree with Mr Connolly about the problem of targeting husbands in these circumstances. My advice is that female genital mutilation is almost exclusively a female practice, that it is conducted by women on other women, and it is therefore quite important that we not - - -

Ms McRae: For men, so they will marry those women. Come on! It is for male needs. They will not marry a girl if she has not been treated that way. So come off the grass!

MR HUMPHRIES: I do not know that that is the case. I do not know that it is because men - - -

Ms McRae: You should be careful what you say.

MR SPEAKER: Order!

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MR HUMPHRIES: Mr Speaker, I am acting on the advice I am given, and I am very happy to table that advice. In fact, I will table the advice I have received in that matter. Ms McRae testily cries across the chamber, but let me read my advice on this subject. I quote from a female officer in the justice section. I do not know whether her advice is any better than the advice I have heard, but this is the advice I have received about female genital mutilation:

In practice, men are not involved in the performance of FGM. In fact the Family Law Council has stated at para 2.11 of its Report dated June 1994 that "Female genital mutilation is believed to be performed almost entirely by women, generally midwives or elder women". FGM is a deeply rooted cultural practice - it is not a matter of a husband forcing his wife to perform FGM or forcing his wife to remove a child from the jurisdiction for the purpose of having FGM performed.

My attention is also drawn to the Family Law Council's report at paragraph 2.11, where reference is made to that same issue - that it is "performed almost entirely by women, generally midwives or elder women". A further quote indicates that women, who generally perform the operation, are often paid for the service and have a position of respect and authority within the community.

Ms McRae: Of course they are, because the girls cannot be married otherwise.

MR HUMPHRIES: It may well be that men approve of this practice or somehow encourage the practice - - -

Mr Berry: Approve of it? Demand it.

Ms McRae: They cannot marry otherwise, and without a husband they have no property.

MR SPEAKER: Order! Is this a sexist debate or is it a debate on a matter of legislation? I call Mr Humphries.

MR HUMPHRIES: Mr Speaker, I think it is most unfortunate that members have chosen to disagree on this issue. It is a matter about which we should be sending a very firm signal to the community. I do not doubt that there is some involvement by men in this practice; but the point I am making, and it is the same point Mr Connolly made, is that it is not appropriate to target men, or at least husbands in this context, in the process of prosecuting, if we ever go down that path, people who perform female genital mutilation.

My advice is that it is a practice that is conducted within the female side of the community, perhaps with the approval of men, but one in which women are mostly involved. It may not be that men have enough involvement in the actual conduct of this practice to be able to specifically target them and say, "Why have you consented in this particular issue of mutilation? Why have you consented to this particular daughter or wife or whatever being involved in the mutilation?". Maybe there are cases where men are

involved enough to be able to provide for the kind of presumption Mr Moore was talking about. In general, my advice is that that is not the case, and therefore it would be inappropriate to take on board the suggestion Mr Moore made and, admittedly, did not proceed with.

Notwithstanding the comments from those opposite, I do hope this sends an unequivocal signal to the community that we are opposed to this practice and that we can indicate in an educative fashion that the Assembly wishes this practice not to be one that is adopted by people in this country. Mr Speaker, I table that advice.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 4.22 pm until Tuesday, 12 December 1995, at 10.30 am

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ANSWERS TO QUESTIONS

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 95

Education and Training Portfolio - Consultancies

Ms Follett - asked the Minister for Education and Training - In relation to consultancies for each and every Ministerial portfolio held by you -

- (1) What are the current consultancies let or proposed to be let within each Department/Agency in your portfolio.
- (2) What is the cost of each consultancy.
- (3) Why could the work of each consultancy not have been performed by public servants within the Department/Agency or elsewhere in the ACT Government Service.
- (4) Is any consultant exercising any delegation in relation to public servants.

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

The current consultancies let or proposed to be let within the Sport and Recreation portfolio comprise of:

· **Data Base for the Sport and Recreation Development Grant Program**

- (1) Consultancy to Australian Technology Resources for the development of a data base for the Sport and Recreation Development Grant Program to more effectively monitor the statistics of organisations applying for funding and the program's effectiveness.
- (2) Estimated cost is \$22,000.
- (3) The consultancy required specific skills in the area of computer programming. Resources and expertise in this area of programming were not available in the timeframe necessary.
- (4) No delegation is being exercised by the consultant in relation to public servants.

· **Data Base to Record and Control Activities of Licensed Bookmakers**

- (1) Consultancy to CHOGware Pty Ltd to develop a data base to record and control the activities of licensed bookmakers, including sportsbetting bookmakers, in the ACT.
- (2) Estimated cost is \$9,000.
- (3) The consultancy required specific skills in the area of computer programming. Resources and expertise in this area of programming were not available in the timeframe necessary.
- (4) No delegation is being exercised by the consultant in relation to public servants.

· **Computerised Booking System**

- (1) Consultancy to Integrated Software and Training to develop a computerised booking system for the sportsgrounds managed by the Bureau of Sport, Recreation and Racing.
- (2) Estimated cost is \$27,000.
- (3) The consultancy required specific skills in the area of computer programming. Resources and expertise in this area of programming were not available in the timeframe necessary.
- (4) No delegation is being exercised by the consultant in relation to public servants.

· **ACT's Soccer Bid**

- (1) Consultancy to Strategic Sport and Recreation to assist with the development of the ACT's soccer bid for the 2000 Olympic Games.
- (2) Estimated cost is \$10,000.
- (3) The consultancy required specific skills in compiling sporting information. Resources and expertise in this area were not available in the timeframe necessary.
- (4) No delegation is being exercised by the consultant in relation to public servants.

· **Marketing the ACT as a Training Destination**

- (1) Proposed consultancy to prepare marketing material to market the ACT as a training destination for international sporting teams in the lead up to the 2000 Olympic Games.
- (2) Estimated cost is between \$60,000 - \$80,000.
- (3) The consultancy will require specific skills in the area of design and marketing. Resources and expertise in this area were not available in the timeframe necessary.
- (4) No delegation is to be exercised by the consultant in relation to public servants.

· **Economic Benefit of Sport**

- (1) Proposed consultancy to undertake a study on the economic benefit of sport which is to commence following the release of ABS statistics in June 1996.
- (2) Estimated cost is \$50,000.
- (3) The consultancy will require specific skills in the area of statistics.
- (4) No delegation is to be exercised by the consultant in relation to public servants.

· **Siting of Swimming Pools**

- (1) Proposed consultancy to undertake a study on the siting of swimming pools in the ACT.
- (2) Estimated cost is \$50,000.
- (3) The consultancy will require specific skills in the area of planning, demography and recreational issues. An independent review of the aquatic facilities in the ACT is preferred.
- (4) No delegation is to be exercised by the consultant in relation to public servants.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No: 98**

Chief Minister's Department - Chief Executive

MS FOLLETT - Asked the Chief Minister upon notice on 23 November 1995.

In relation to your statement to *The Canberra Times* Assembly reporter, quoted on the front page of *The Canberra Times* of 11 October 1995, "Chief Minister Kate Carnell said the head of the ACT Government Service, 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."; your statement on ABC radio on 19 October 1995, when you said in reply to a question whether you would make the contract of the CEO of the Chief Minister's Department public, "At this stage, John Walker doesn't have a contract"; and your reply to Mr Osborne's question of 21 November 1995 -

1. What is the basis of Mr Walker's appointment.
2. Had he been appointed as the CEO of the Chief Minister's Department in accordance with Section 28 (1) of the *Public Sector Management Act 1994*.
3. When was this appointment made.
4. When was it notified in the *Gazette* as required under Section 28 (2) of that Act.
5. Why was there such an extraordinary delay between your appointment and the required formal notification of that appointment.

MRS CARNELL - The answer to the member's question is as follows:

In relation to the media reports you referred to I can advise that *The Canberra Times* article of 11 October 1995 was incorrect. The ABC Radio transcript of 19 October 1995 correctly stated the position that Mr Walker is not currently appointed under contract.

1. Mr Walker has been appointed as a permanent public servant.
2. Mr Walker has been appointed under Section 28 of the *Public Sector Management Act 1994*.
3. The instrument of appointment was signed on 25 May 1994. The appointment was to take effect from 6 June 1994.
4. The notice has appeared in the *Gazette* of Thursday, 30 November 1995.
5. The delay was due to an administrative oversight in the Office of Public Administration and Management. This notification is of a technical nature and does not effect the validity of the appointment.