



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

13 February 2001

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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.

Resignation of member

MR SPEAKER: On 13 December 2000, I received a letter from Ms Kate Carnell, dated 13 December 2000, in which she resigned from her office as a member of the Legislative Assembly for the Australian Capital Territory. Pursuant to section 13 (3) of the Australian Capital Territory (Self-Government) Act 1988, I present the following paper:

Letter of resignation in accordance with subsection 13 (3) of the *Australian Capital Territory (Self-Government) Act 1988*.

Announcement of member to fill casual vacancy

MR SPEAKER: The Clerk has been notified by the Electoral Commissioner that, pursuant to sections 189 and 194 of the Electoral Act 1992, Mrs Jacqui Burke has been declared elected to the Legislative Assembly for the Australian Capital Territory to fill the vacancy created by the resignation of Ms Kate Carnell. I present the following paper:

Legislative Assembly for the ACT—Casual vacancy—Declaration of the polls—Minute from the Electoral Commissioner, ACT Electoral Commission to the Clerk, Legislative Assembly for the ACT, dated 18 January 2001.

Oath or affirmation of allegiance

MR SPEAKER: In accordance with the provision of the Oaths and Affirmations Act 1984 which requires the oath or affirmation of a new member to be made before the Chief Justice of the Supreme Court of the Australian Capital Territory or a judge of that court authorised by the Chief Justice, His Honour Chief Justice Miles, Chief Justice of the Supreme Court of the Australian Capital Territory, will attend the chamber.

The Chief Justice attending accordingly—

Oath of allegiance by member

Mrs Jacqui Burke was introduced and made and subscribed the oath of allegiance required by law.

The Chief Justice having retired—

MR SPEAKER: On behalf of all members, I bid you a warm welcome to the Assembly, Mrs Burke.

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Inaugural speech

MRS BURKE: Mr Speaker, I ask for leave to make my inaugural speech.

Leave granted.

MR SPEAKER: Before I call Mrs Burke, I remind members that, this being the member's inaugural speech, it is traditional that it be heard in silence.

MRS BURKE: Mr Speaker, today obviously marks a very special occasion, not only for me but also for all those people who have stood by me and believed in me, particularly over the past four or five years. I must particularly thank the people of Molonglo, who have, by their choice, given me this opportunity to serve them. To them I say that you are very special and important people, and I promise to the best of my ability to do my utmost to represent you in the fairest way I can.

I would at this point seek your indulgence for a couple of minutes to enable me to say a big thankyou to some other special people in my life. I naturally give thanks and glory to God for who I am and where I am today; to my husband, Lindsay, and my daughter, Zoe, for their undying love, support and encouragement; to my dad in the UK, who is my greatest inspiration for working at something, not quitting and thereby succeeding; to my parents-in-law, Ken and Sylvia Burke, for their constant love and encouragement; to the ACT Liberal Party; to all the very many tireless behind-the-scenes helpers, who are so often the unsung heroes for all of us in the political arena; to all the other friends and supporters, including Pastors Steve and Jill Janes and all at CCC Tuggeranong; to the excellent administrative support staff who have been so extremely helpful to me over the last few weeks; and last, but by no means least, to all my Assembly colleagues and their staff, who have made me feel so very welcome in this place. To you all, may I express my heartfelt thanks.

I believe I stand here today as a result of the passion, love and commitment I have for this awesome city, the place where my family and I have lived for the last 15 years. We have played here; we have worked here. We arrived from the UK 15 years ago. I am truly honoured to be standing in this place today.

The multicultural diversity of Canberra is a great attraction to me. Besides being the great city of the bush, Canberra has an eclectic mix of culture that makes it what it is—truly unique. I look forward to continually strengthening my involvements with the many diverse and colourful cultural groups in Canberra who have come to Australia, as my family and I did, to add their own uniqueness.

My family and I feel truly blessed with being brought to a place such as Canberra. We are a quick journey down the road to snow or beach or bush. The many and varied venues that we have ready access to for a range of activities leave you breathless. There is always something to do in this place. Let us never forget to take time out to appreciate just what we have here and to each determine never to take Canberra, this magnificent city, for granted. Most Wednesday mornings, Lindsay and I have the wonderful opportunity to marvel at just a small part of this awesome city as we enjoy our involvement with the Rotary Club of Canberra Sunrise at Regatta Point.

I believe it is incumbent upon us all in this Assembly to ensure that Canberra continues to grow and become the capital city of the future for all Australians to enjoy, take a renewed national pride in and be proud of. As part of the Liberal team, I am very actively committed to pursuing this goal.

For me, this responsible, exciting and challenging job is the culmination of the past five years of my life. It is so awesome to be in the right place at the right time, doing what you know you are supposed to be doing at that time of your life. It will be a particularly memorable time for me, given that this, of course, is Australia's centenary of federation year.

I am not under any illusion. The next few months ahead will be a very busy and demanding time but one I will attack with cheerful confidence and a determination to enjoy the challenge before me.

I am a Liberal because I value the broad-based political philosophy from which Liberalism derives its enduring values—values such as individual freedom, choice, diversity, opportunity and the importance of strong families and communities. I find it interesting, as a matter of personal observation, that we are all essentially, in the broad sense, liberal-minded people, which unites us and so ensures that there is agreement on more things than not in this place. I ask you to consider, as I have, the Prime Minister's remarks made during the 1996 Menzies Lecture:

Where there are genuine differences of view, they need to be debated directly and robustly, but not in a personally abusive way.

Nor does our political system benefit from instinctive political 'oppositionism'. Where there is broad agreement I believe that nothing is lost by recognising that fact.

I believe that we are in this place for a time such as this. We are all unique individuals with unique gifts and abilities to be used for the good of this vibrant, thriving, dynamic city. It is a beautiful city; it is the place we call home—Canberra.

We must continue to look to our future, trying not to dwell too heavily on halcyon bygone days. However unpalatable they may be to us, progress and change are inevitable, but it is through these sometimes uncomfortable processes that we can grow and develop character as individuals and corporately.

The future of any community is its youth. To that end I look forward to continuing with my work on forging stronger links between the community at large and our young people. Young people today, more than ever before, need to have an established, strong sense of hope within, so that they can look to the future with optimism and so realise their full potential in life.

Another aspect of being able to fulfil that potential is that linked to general health and wellbeing. Without good health, we naturally face many unwanted day-to-day challenges. It is therefore with enthusiasm that I look forward to having the opportunity of serving on the relevant standing committees of this Assembly.

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Another valuable role I can and will fulfil is that of being the eyes and ears for the government in the wider community. I will continue my active role and involvement with the many business and women's networks I have been associated with over the past 13 years.

Technology has taken, and continues to take, the world by storm. In response to this, I am excited by, and committed to, the opportunity of heading up a task force to look at matters concerning the digital divide in our community and to identify ways of helping those in our community who are socially disadvantaged and who, as a consequence, are not accessing the knowledge-based, information-based economy.

Apart from the task force, a very valuable support reference group has also been established, drawing on the expertise from all sectors of our community. More information on this matter will be released shortly. However, as a matter of courtesy, I will await any release of names until I am satisfied that all involved have received their confirmation of involvement.

Mr Speaker, I believe, as I am sure do we all, that the continued pursuit of, and striving for, excellence of governance, positive progress and high standards of service delivery are of paramount concern to us. Building on the tremendous foundations that have been laid by this Liberal government over the past six years cannot be ignored. We must not allow ourselves to become complacent or have short memories. Let us just remember where we have come from and what has been achieved to date. Canberra is now well known, both nationally and internationally, as a city of ideas, innovation and creativity.

I am proud to be a Liberal from where great ideas have emerged through their ranks throughout Australia's history. It is worthy of remembering here that in recent times Canberra owes much to Kate Carnell, who during her time in this Assembly was a great thinker and innovator and who pushed hard to ensure that Canberra took its rightful place on both the national and international stages.

As someone once said, the difference between ordinary and extraordinary is that little extra. I was brought up to believe that you always go the extra mile. As a member elected to this Assembly by the people of Molonglo, I promise to give that little extra, to go that extra mile, to ensure that I will be a vital and energetic member of the Liberal team as long as I hold this elected office.

I am delighted to be in this place as part of a bigger team, believing that I have something unique and individual to offer not only to the Liberal Party but also to the people of Canberra. I have recently been quoted as saying that I would bring a "whole lotta love" to this place. For this I make no apology.

However, Mr Speaker, the love I speak of is a strong, unconditional and compassionate love for and towards other people. It never gives up, cares more for others than for self, does not want what it does not have, does not strut, does not have a swelled head, does not force itself on others, is not always "me first", does not fly off the handle, does not keep score of the sins of others, does not revel when others grovel, takes pleasure in the flowering of the truth, puts up with anything, trusts God always, always looks for the best, never looks back but keeps going to the end.

This is certainly not a weak, warm and fuzzy kind of love, as some may have imagined I was referring to. For me, this kind of love is a prerequisite in dealing with and understanding people, and I will constantly strive for excellence in this area.

So, Mr Speaker, to quote Nelson Mandela's famous words, I intend to "let my light shine". He said:

Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure. It is our light, not our darkness, that most frightens us. We ask ourselves, who am I to be brilliant, gorgeous, talented and fabulous?

Actually, who are you not to be? ... Your playing small doesn't serve the world. There is nothing enlightened about shrinking so that other people won't feel insecure around you. We are born to make manifest the glory ... that is within us. It is not just in some of us; it is in everyone.

And as we let our own light shine, we unconsciously give other people permission to do the same. As we are liberated from our fears, our presence automatically liberates others

Finally, Mr Speaker, it is with enthusiasm, energy and commitment that I put my best foot forward to serve and represent the people of Canberra, and more specifically the people of Gungahlin, North Canberra, Central Canberra, South Canberra, Weston Creek, Woden Valley and Oaks Estate, in the best possible way I can. Thank you.

Standing committees—membership

MR MOORE (Minister for Health, Housing and Community Services) (10.53): Mr Speaker, pursuant to standing order 223, I move:

That:

- (1) Mr Hird be discharged from attending the Standing Committee on Education, Community Services and Recreation and in his place Mrs Burke be appointed as a member of the Committee;
- (2) Mr Hird be discharged from attending the Standing Committee on Health and Community Care and in his place Mrs Burke be appointed as a member of the Committee.

Question resolved in the affirmative.

Education, Community Services and Recreation— Standing Committee Report No 7

MS TUCKER (10.49): Pursuant to order, I present the following report:

Education, Community Services and Recreation—Standing Committee—Report No 7—1999-2000 Annual and Financial Reports of the Department of Education and Community Services and Related Agencies, dated 12 February 2001, together with a copy of the extracts of the minutes of proceedings.

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I move:

That the report be noted.

The committee has come out with some suggestions for government. We have raised a couple of issues we raised last year when we looked at the 1998-99 annual report for DECS. We noted that the annual report was not available on the Internet, although there is a reference to it on the department's Internet site. We have asked again that that be sorted out so that we can see the annual report on the Internet site. Other departments make their annual reports available in that way. We pointed that out last year.

The second recommendation is about inadequate detail on the financial information, in particular the difference between the GPO (government payment for output) and the total cost in government school education. Once again, the committee has expressed concerns about this. The government responded in its notes that the reason for the difference between total cost and GPO is that DECS receives other revenue as well as GPO, and funding is not provided for above benchmark costs. We did not feel that that was enough information. The government, in its response to the committee's report on the 1998-99 annual report, gave us as its reason for not providing more detailed information the fact that agencies are required to provide notes at a total department level but not for each output class, as the provision of notes for each output class would significantly increase the volume of financial statements.

The committee still has the view, expressed in its report on the 1998-99 annual report, that more detail should be provided, and does not consider it would increase the volume of financial statements significantly. In fact, based on the information provided to the committee in response to a question on notice concerning this matter, a breakdown of the difference between the GPO and total cost and how it is represented in each of the outputs would add about two lines to each note.

We also raised again the issue of a quality effectiveness measure for services provided to schools by CHADS. We asked for that last year as well. We have seen significant change across various areas of government services over the years, and any indicator that is going to help us track the impact of that change is useful. Even though the government did respond positively to that last time, they still have not done it. So we hope to see some action on that one as well.

We were also a little bit concerned about the way the government presented its information on computers across the education system. We noted that it was not appropriate to include computers that are used by teachers in the overall ratio. We have made comment about that.

We also looked quite closely once again at the SAAP sector, the supported accommodation assistance program sector. Members of this place have had a lot of feedback over the last few years about that sector and how it is struggling. Particularly significant to that sector has been the introduction of the SACS award. That has been raised in many forums over the last few years by Labor Party people and me, and I think sometimes by other members of the crossbench as well.

The SACS award has been of concern for us for some time. Other issues for the SAAP sector are well documented in their analysis of their clients, which shows that the clients who are using the SAAP sector have increasingly complex needs and that the under-resourcing of this sector is putting workers in the sector at risk. OH&S issues are major. People are not staying in the work, which is a problem, and clients are suffering as well. We were pleased to see that the government has acknowledged this and that there has been an injection of funds. The SACS award is going to be supported by the government. We know that there is growth funding. We know that there is a review of the sector. We are pleased to see that this work is being done by government, and I am happy to give credit for that.

There were other subjects we looked at in detail. Indigenous education is always of concern to the committee and, I would think, to many people in our community. The issue of retention rates and of students dropping out after year 10 and students dropping out between the beginning of year 11 and the completion of year 12 is also of concern and has been raised in other forums since we did this report. We mention in this report again and ask the government to provide much more detailed analysis and take more interest in what is happening to students who are dropping out. As we know, since we did this report, we have had community public debate on this, and the government has said that they are prepared to look at it. We are also working with this issue in the committee's inquiry into young people at risk of not completing their education.

The last point I make is that we commented on Parentlink. Parentlink is funded by the NRMA, as well as by the government. The committee commented on this arrangement, because it is a significant shift. It is happening to some degree in other areas, but it is the first time I have seen it to this degree in human service delivery. I am concerned—and the committee supported that concern—that the government is shifting responsibility for funding essential services to the private sector. We need to have a much clearer picture from government. If this is a strategy they intend to pursue and to further integrate into their idea of the role of government, then we need further debate on that if we are to understand the detail of what that will mean, what the corporate sector will get for that, what it will mean for quality and what it would mean if the private sector pulls out.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Finance and Public Administration—Standing Committee Report No 9

MR QUINLAN (10.59): I present the following report:

Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Finance Committee Report No 9—Report on Chief Minister's Department Annual and Financial Reports 1999-2000, Department of Treasury and Infrastructure Annual and Financial Reports 1999-2000 and Legislative Assembly Secretariat Annual and Financial Reports 1999-2000, dated 18 January 2001, together with a copy of the extracts of the minutes of proceedings.

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I move:

That the report be noted.

It was quite an interesting exercise. It is unfortunate that there was not more time to cover this area. We need to revisit the review of estimates process we have with draft budgets and the select committee on budget parameters. I do not think sufficient time is allocated to the estimates process, and it ought to be simplified.

I will touch on a few of the findings. We looked at the Chief Minister's report and we found that there are internal audit committees within the administration. In the 12 months from July 1999 to June 2000 the internal audit committee in the Chief Minister's Department met once. In a year when audit was the flavour of the times and when there were problems with accountability within the administration, we had an audit committee that met only once. That is quite an eloquent statistic. Obviously the committee has recommended that that situation be changed.

We looked at the use of consultants and contractors by government and expressed concern in this report that the administration is losing its corporate memory and its operational capacity by virtue of heavy reliance on consultants who come and go and who take away with them some of the benefits of the experience and exposure that might best be retained within the administration itself. I might relate an anecdote. During the hearings, we had a discussion about the turf at Bruce Stadium. We asked whether it was too hard or not? The immediate response was: "We have a consultant looking at it." I think it takes us to the extreme when we have a consultant to tell us whether the surface at Bruce Stadium is too hard.

We expressed some concern—concern that has been underscored by revelations today—in relation to the two planning authorities that exist in the territory. Our focus was on Brindabella Business Park, where substantial commercial rental space is being constructed—sufficient space to have an impact on the total market and the overall planning of the territory, but we have absolutely no control. Today we see other activity relevant to Commonwealth planning and disposable land and the impact upon both the residential and commercial markets.

We looked further at the airport. We believe that the airport should develop a long-term plan to which they and the government are committed, so that the various stakeholders at the airport know where their future lies and what the likely long-term tenure is to be. General aviation at the airport seems to be the poor cousin and is gradually being shoved further and further into a corner, with no assurance that there is a future for general aviation there. Therefore, that business sector needs a little bit more assurance from the government.

We recommended that the government revisit recommendations that our committee made in its report on the implementation of service purchasing arrangements in the ACT, because quite clearly there is still a paucity of information being provided on what the government wants from its NGOs and the purchaser/provider implementation process. A promise of information was made initially in the government's strategy for the implementation of purchaser/provider, but it has been ignored and I think was later repudiated by government in its response to the report—a very curious situation.

The committee is concerned to ensure that this Assembly still receives performance information following the establishment of the ActewAGL joint venture. We are anecdotally aware of complaints about the level of maintenance, the level of preventative maintenance and the number of outages that are occurring with electricity supply. There are reasonably comprehensive statistics contained in the Actew reports of the past. We would like to be assured that this house and the people of Canberra are still given that information, even though we have flogged off half of our public utility.

We believe that a user liaison committee ought to be set up for the users of InTACT and the Office of Information Technology and Multimedia. There are a lot of unhappy campers amongst the ACT administration because of the service they get from InTACT and the price they pay for it. It would appear that their complaints fall on deaf ears. We think the government has a responsibility to set up some sort of user group to ensure that there is a formal channel by which users can express their needs and their dissatisfaction with the process as it is set up today.

We recommend that the government undertake a review of the options for reporting superannuation investments when we look at annual reports. In this territory we have seen a budget for the last completed financial year which predicted a deficit of \$3 million. We have also seen a report that says that the final position was a surplus of \$87 million, which has given rise to a lot of proposals for further expenditure, et cetera. We asked for a reconciliation of those figures, as you would, and we found that there is considerable impact on that number by the transient value of investments with market fluctuations and a specific measure taken on 30 June. This can distort results, and we think investment performance and investment values should be separated from the reporting of the bottom line. It is a most important consideration, given the debates that are building up now, as we move towards an election, about what government should spend.

Various people have made recommendations about how the government should handle its surplus. First of all, we should assure ourselves that it is a real number. We know that, because of changes the government has implemented in the accounting systems, in excess of \$20 million of any surplus is totally illusory. It is about accounting adjustments to correct previous errors, previous overstatements, which were included in a figure of \$344 million, as I recall—a figure the government keeps throwing around quite dishonestly. It is a figure inflated by an overstatement that is still being corrected by a different accounting method. After three years in this place I have come to understand how averse this government is to putting out the facts.

Mr Humphries: The Auditor-General said it was the right figure. Don't you agree with him?

MR QUINLAN: The Chief Minister interjects that the Auditor-General said that it was the right figure. The Auditor-General said over a year ago in an estimates hearing that it was a backcast figure that only got a cursory glance, because he was auditing the next year's figures. I refer you, Mr Humphries, to the *Hansard* of those estimates, to when we had decent estimates hearings before they were corrupted by the processes that you introduced. I recommend that you access *Hansard*, have a look and get somewhere near the facts—a passing acquaintance.

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We also recommended that the government get on with the review of the Financial Management Act. At one stage they referred it to the public accounts committee. We called in the department and they said, "We are working on that. We are going to draft legislation." So our committee quite logically said, "Please refer your draft legislation to the committee." That was 18 months to two years ago, and little has been done, as I understand it, since that time. Mr Humphries, our Chief Minister, is very quick to criticise committees that do not meet deadlines, but the evidence is that this government does not meet deadlines. That exercise has been hanging around for quite some time. That promise of a redraft of the Financial Management Act, of draft legislation to amend it, has been around for more than a year.

Mr Humphries: You say it has not met the deadline. What is the deadline?

MR QUINLAN: A reasonable time will do, Mr Humphries, but not forever. Mr Humphries, you referred it to the committee to keep them busy, then we found that some work was supposed to be at the department. We said, "Can we see that?" It has not been done. The committee, with no resources, is told, "You can do it and meet a deadline." But the government, with all its resources, cannot.

We also recommended to the government that they examine instructions and contracts with a view to avoiding the situation where the government has made a commitment for expenses but is not in a position to control. Bruce Stadium is the classic example. They signed up to a contract over which they had no control, and even within that exercise we had the crazy exercise of the Deutsche Bank, again where the fee would be set after the job was done and be set by the contractor.

We recommended that the government undertake a review of its processes and procedures and control in relation to the QIC development and Ainslie Avenue redevelopment, given that the extension of the Canberra Centre, the retail space of section 56, has been around for 12 months and it is still under negotiation. It means that QIC, the owner of the Canberra Centre, virtually has a hold over the property next door to it, but nothing has been done to establish the development, the space, the community facilities, et cetera in that area.

We recommended that PALM be sufficiently resourced to allow planning to be conducted in a proper sequence. We have seen evidence that planning has not been conducted in a proper sequence. I am sure Mr Corbell will be very happy to give you many more examples of that problem, which he has pointed up on a regular basis.

We recommended that the government take a good hard look at promoting business activity in the Gungahlin area, even to the extent of making some effort to put part of the ACT administration in the Gungahlin area so that there is an employment base there. Some of the traffic problems might be alleviated by fewer cars leaving Gungahlin, and some activity in the centre of Gungahlin will give it a real feeling of community and some employment opportunities for locals.

I will pass over some of the recommendations, as I am getting to my time limit. We recommended that the government review the cost-benefit of competitive tendering by the department of housing. What we see here is what we have seen also in CityScape.

Government instrumentalities can be priced out of a contract for maintenance. They then gear down, because they obviously cannot keep the equipment and staff associated with that work. They are no longer in the game. (*Extension of time granted.*) And all of a sudden the government is effectively competitively priced out of an exercise. You cannot take a loss in order to gain long-term business. Once priced out of it, the government all of a sudden finds itself at the mercy of one or two contractors, and we end up paying more for that. There are examples of that around the territory now.

I refer to a curious claim that the incinerator at Totalcare can be rejigged so there are zero emissions. We recommended that government examine the situation and confirm that that is the case before pursuing business outside the ACT for that incinerator and perhaps becoming a net importer of pollution.

We recommended to government that they adopt a strategy to maximise the potential for local industries to participate in the development of Kingston foreshore. We recognise that planning parameters dictate that we want some conformity and that we do not want it to turn into a bitty development. I have said before in this place that I am not particularly enamoured of Kingston as it stands today, because of the piecemeal way it has been redeveloped. However, we would still like to see local industry get the maximum chance to participate in that Kingston development. Obviously today there are some other revelations in relation to land release on the south side that may impact upon the Kingston foreshore.

We recommended that the government undertake a review of the Australian International Hotel School, as we recommended in our report of last year, as a matter of urgency.

We further recommended that the business interests of members of boards and directors of territory-owned corporations that have a commercial role be quite clearly declared in annual reports.

I thank the Assembly for receiving the report. I recommend that it be adopted, and I recommend that the government take note of the full suite of recommendations in the report. They have not been put together lightly. The committee, within the limited space of time I referred to earlier, did a fairly firm job of examining the suite of annual reports that was presented to it.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Health and Community Care—Standing Committee Report No 8

MR WOOD (11.16): Mr Speaker, I present the following report:

Health and Community Care—Standing Committee—Report No 8—Report on Annual and Financial Reports 1999-2000 for the Department of Health and Community Care and related agencies, dated 7 February 2001, together with a copy of the extracts of the minutes of proceedings.

13 February 2001

I move:

That the report be noted.

Mr Speaker, this is a fairly brief report making recommendations on two aspects of health delivery, while making comment and having some discussion about a number of other matters. The first of our recommendations is that the government should look at the gaps in detoxification services, especially services for young people. The youth magistrate has made a strong statement about the difficulty in this area. There are not detox facilities specific to these people, and they are much needed. It is the case, sadly, that some of the youth detox activity is carried out at Quamby, and that is perhaps not the best place for that to occur. We want the government to have a careful look, to assess the needs, to listen to people such as Magistrate Madden and to take some action in that respect.

Once again, as we have over a period, we looked at the problem of indigenous drug use, noting various claims of young indigenous people, up to 500 in number. It is a bit hard to determine the exact number. The highest number I have heard quoted is 500. It may be something less than that, but it is altogether too many, whatever the number of young people having trouble with drugs.

In hearings elsewhere, the committee heard of the work of Gugan Gulwan, which is based at the old Red Hill Primary School, and we were very favourably impressed by what we heard from those people. They seem to be doing a very sound job. It is one area where it is possible to move young Aborigines and young Islanders away from some of their habits, to get them involved in some activities.

We heard also that the site in Red Hill is not really a great site. That was recognised at the time it was allocated to Gugan Gulwan. That was in the time of the Follett government. I recall the debate we had at the time. It was really an emergency. There was this group that had previously been somewhere else and that avenue changed, and overnight we had to find a place for them. They were put at Red Hill more or less as a temporary arrangement. They are still there. The people there are still doing a good job, but it not the right place. As you can imagine, Red Hill is not really a centre of high indigenous population. So Gugan Gulwan need to be located somewhere more central. I think it is an urgent task for the government to pick that up, have a look at it, and see where else might be a better spot. I ask the government to consider those two recommendations and to take note of other comments in the report.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Justice And Community Safety—Standing Committee Report No 12

MR OSBORNE (11.24): I present the following report:

Justice and Community Safety—Standing Committee—Report No 12—The 1999-2000 Annual and Financial Reports of the Department of Justice and Community Safety and Related Agencies, dated 8 February 2001, together with a copy of the minutes of proceedings.

I move:

That the report be noted.

I thank other committee members for their participation in this inquiry. I also thank our secretary. We made a number of recommendations. I will speak briefly to a couple of them. The majority of the recommendations relate to information and information gathering and are very similar to things other committees have said.

One of the recommendations relates to the Quamby gym. The committee is united in its feeling that the gym should be fast-tracked within the government's budget. The committee visited Quamby a number of months ago, and it was very clear to all of us that there is a need for these young people. I hope the government looks very closely at that.

In a similar vein, the committee recommended that the government look at some of some of the things that the Children's Magistrate, Mr Shane Madden, has been saying recently, in particular in relation to youth rehabilitation and options available to him, so I look forward to the government's response to that.

The committee also recommended that the Assembly be provided with some more information on the unmet need for drug rehabilitation in a wider sense.

The final recommendation I will speak about is in relation to probity checks. There was some concern in the committee's ranks that perhaps consultants, such as those hired to look at the prison, had not gone through the proper probity checks. It is obviously a concern to us. Nothing untoward was suggested about any person hired, but it is only proper that it be done properly.

Once again, I thank members for their participation, and I commend the report to the Assembly.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Planning and Urban Services—Standing Committee Report No 63

MR HIRD (11.25): I present the following report:

Planning and Urban Services—Standing Committee—Report No 63—1999-2000 Annual Report of the Department of Urban Services, dated 6 February 2001, together with a copy of the extracts of the minutes of proceedings.

I move:

That the report be noted.

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The report notes some interesting departures in 1999-2000 financial year from the position in the Department of Urban Services in the 1998-99 financial year. In particular, we draw attention to the fact that in 1999-2000 the department had to bring into account such important assets as parks, stormwater infrastructure and roads. These used to be regarded as territory assets. However, they are now seen as departmental assets. Members will realise that this means the department has to provide for appropriate depreciation of these assets. This, of course, greatly affected the department's bottom line for the year.

I am sure my colleagues join me in thanking Minister Smyth and his staff for their cooperation in the process of examining the annual report and the financial statements. As chairman of the committee, I commend this report to the house, as it clearly indicates the effectiveness and efficiency of the department for the year.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Justice and Community Safety—Standing Committee Scrutiny Report No 1 of 2001

MR OSBORNE: Mr Speaker, I present the following report:

Justice and Community Safety—Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 1 of 2001, dated 13 February 2001.

I ask for leave to make a brief statement.

Leave granted.

MR OSBORNE: *Scrutiny Report No 1 of 2001* contains the committee's comments on eight bills, seven subordinate laws and two government responses. I commend the report to the Assembly.

Surveyors Bill 2000

[Cognate bill:

Surveyors (Consequential Amendments) Bill 2000]

Debate resumed from 29 June 2000, on motion by **Mr Smyth:**

That this bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this bill concurrently with the Surveyors (Consequential Amendments) Bill 2000? There being no objection, that course will be followed. I remind members that in debating executive business order of the day No 1 they may also address their remarks to executive business order of the day No 2.

MR CORBELL (11.26): Mr Speaker, the presentation of these bills by the government follows a review conducted under the auspices of the national competition policy review of the operation of the current Surveyors Act. The Surveyors Act sets

out a range of mechanisms for the registration of surveyors, the conduct of surveyors and disciplinary measures, and other related mechanisms in relation to the surveying profession.

Following the review, a range of options was presented to the government in relation to the future operation of the Surveyors Act, the office of the Chief Surveyor, and the Surveyors Board. Options considered in the range of comments provided by the national competition policy review were the removal of the capacity for having some sorts of disciplinary measures and the appropriateness of having a registration mechanism for surveyors in the territory.

I am pleased that the government did not choose to undertake the reform proposed by the national competition policy review and instead adopted what I would have to say is a more moderate approach to the review of the operation of the Surveyors Act. As a result, we have before us the Surveyors Bill 2000 and the Surveyors (Consequential Amendments) Bill 2000.

The Surveyors Bill removes the office of Chief Surveyor and replaces it with a Commissioner for Surveys. The commissioner will be a statutory officer. The bill retains provision for the registration of surveyors, retains disciplinary measures for surveyors, and gives the minister certain powers in relation to direction of the commissioner.

From my discussions with representatives of the surveying industry, there is general acceptance of this bill. Whilst there may be some remnant of concern that we will no longer have an office of Chief Surveyor, it is clear to me that overall the bill will not have any clearly detrimental impact on the operation of the surveying profession in the territory and, as such, the Labor Party will be supporting the legislation this morning.

MR RUGENDYKE (11.29): Mr Speaker, I too will be supporting this legislation as presented. The concerns I do have revolve around the deregulation of the registration of surveyors, if that is to be the case. I will monitor the situation and if it were seen to be the case in the future that surveyors of insufficient qualification were somehow surveying in this territory, I would be prepared to bring back amendments and revisit that. I see that as a major downfall of the legislation, if there is to be one. On balance, I think it is necessary to support this legislation, bearing in mind that concern.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.30), in reply: Mr Speaker, I thank members for their support for the two bills before them, which are taking a sensible step forward. We believe that we need to ensure that the cadastre is protected at all times. It is the basis of all land management for the ACT and it is important that we get it right.

I think that Mr Corbell's summary of the intent of the bills was accurate. When we go into these reviews it is important that we take into account how they affect individuals and that protection is there for the rights of individuals. That is included in these bills and I thank the Assembly for its support of these bills.

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Question resolved in the affirmative.

Bill agreed to in principle

Leave granted to dispense with the detail stage.

Bill agreed to.

Surveyors (Consequential Amendments) Bill 2000

Debate resumed from 29 June 2000, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

MS TUCKER (11.31): I want to put on record the Greens' position on this bill. It is something that we have thought about a fair bit as we have tried to work out the correct position on it. This legislation arose out of a review of the Surveyors Act, as required of all legislation, under the national competition policy. It seeks to remove from the existing legislation what the national competition policy regards as anti-competitive behaviour. However, I have to question the need for this legislation and whether the government, in its drive to deregulate, has removed significant controls over the surveying profession.

The result of the national competition policy review was released in December 1998, over two years ago, and this legislation was introduced over six months ago. I therefore have to wonder whether there is a real need for these reforms. The surveying profession does not seem to think so and is actually opposed to significant elements of it. It has to be remembered that the main reason for regulating surveyors is to ensure that the cadastre is accurately and reliably maintained. The cadastre is the system by which property boundaries, road boundaries and other administrative boundaries are defined. The cadastre forms the basis of our system of land titles, which for many people are the biggest assets they own.

If there were any loss of confidence in the integrity of the cadastre, there would be significant public concern. There would be no certainty that the boundaries of your property are where you think they are and there could be increased disputes between adjacent land owners about where the property boundaries are, which can be a significant issue in neighbourhood disputes.

There does not seem to be any disagreement with the need to regulate the people who undertake surveying work through requiring them to have certain qualifications and be registered and for the accuracy of survey plans to be monitored. The bill updates and streamlines these requirements, which is a good move. However, opinions appear to differ over the most appropriate administrative mechanism for applying these regulations. At present, the regulatory oversight is undertaken by the Surveyors Board, which consists of the Chief Surveyor and five other members, four of whom must be registered surveyors.

The review concluded that this board was too large relative to the small number of surveyors in the ACT and that its domination by registered surveyors could lead to bias and protectionism. I agree that there is a need to look at the composition of the board to ensure its independence and efficiency. However, the government has chosen to go to the other extreme. This legislation abolishes the Surveyors Board entirely and replaces it with a single Commissioner for Surveys.

The surveying profession is concerned that this is concentrating the regulatory power too much and that it will be hard to find a person for this position who will be totally impartial as, by necessity, they will have had a previous involvement with the surveying industry. This is particularly relevant where the commissioner has to investigate and discipline a surveyor over professional misconduct. If there were a board, then at least there would be checks and balances between the members of the board that would make it act more impartially.

It has to be admitted, however, that some checks on the commissioner's power have been built into the legislation, such as the right of a surveyor to appeal to the AAT over the commissioner's decisions. The commissioner is to be appointed for a term, rather than on a permanent basis, and the commissioner is obliged to consult with the surveying profession on proposed practice directions.

Overall, I think that there is a genuine need to update the existing legislation and that there are some good aspects of the proposed legislation that deserve support. However, I remain to be convinced about the benefits of abolishing the Surveyors Board. Unfortunately, I do not have the resources to rewrite the legislation for the government. The surveying profession itself also does not seem to be clear about what would be a better alternative. I am therefore not going to oppose the legislation, but I will monitor its implementation and, if any problems arise, then I or the Greens that are here will be happy to support a revisiting of this legislation.

MR KAINE (11.36): Like Ms Tucker, I have some concerns about why the government is moving as it is with this legislation. The particular aspect of it which I find unconvincing is the doing away of the board. The minister has given no justification or reason for doing away with the board. He has not said that it would make the industry more efficient or more effective. It is not going to make it work better in the public interest. It is not going to cost less; if it is, he has not told us that.

I do not know what is the government's motivation for doing away with this board, which leads to further questions. I just made a cursory inspection of the acts and regulations in my office and it took me about three minutes to pick up the fact that there is a Podiatrists Board, a Psychologists Board, a Medical Board, an Agents Board and a Nurses Board. I found out just by going through my red folders at random. How many boards are in existence in the territory that relate to particular professions and why has the government selected only the surveyors for doing away with their board? If the objective is self-regulation, are the surveyors somehow less deserving of self-regulation than all other professions in the territory?

I think that the minister has to explain to us whether this is a one-off and, if so, what is the justification for it. If it is not a one-off, over what period of time does the government intend to do away with all the other boards that exist? I notice that the

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surveyors were scarcely consulted on the matter. The Surveyors Board did not even know that such a review was being taken. They were not consulted and they were not informed. All they could do was pick up from time to time what was happening after the event.

Is that going to happen to all the other regulatory boards in the territory? Perhaps there are not very many surveyors, so there is not going to be too much of a hassle, but what is the government going to do when it gets to abolishing the Nurses Board, the Medical Practitioners Board or, for that matter, the Agents Board? I think that the minister has some explaining to do as to why he is doing away with this board. What is the government's objective? What do they seek to gain by it? Why have they disregarded the interests of the surveyors in this territory in proposing what is inherent in this legislation? Is this a harbinger of similar activity in connection with every other professional self-regulatory board in the territory?

Perhaps the minister will answer those questions as part of the debate. If he cannot answer them or if his answer is unsatisfactory, quite frankly, I am simply going to oppose the legislation. I acknowledge that there are some useful things in it. The act is a 1967 act. There is no doubt that it is a bit out-of-date, a bit obsolete, and needs updating to recognise modern technology, among other things. But the simple act of disestablishing the board without any apparent justification whatsoever and with little, if any, discussion with the industry that it purports to regulate is totally unacceptable.

This government is supposed to be an open, consultative government. In fact, they crow about it all the time. I do not think that the surveyors believe that the government has been very open and consultative on this matter. The indications are that the surveyors do not agree with this proposal, but they were not asked about it, they were not consulted. The minister has to convince me of the necessity for it. I am not convinced at this point. If he cannot and if he cannot signal the government's intention in connection with all of the other boards that exist, then I put him on notice that I intend to vote against his bill.

MR MOORE (Minister for Health, Housing and Community Services) (11.40): Mr Speaker, I feel that I can be helpful to Mr Kaine because I have responsibility for a fair number of the boards that he cited. This process is applying to pretty well all boards in the ACT, certainly all the ones that are part of the health process.

Mr Kaine: When was that policy announced, Minister?

Mr MOORE: Mr Kaine asks when that policy was announced. In fact, just after I became a minister we began a very long process under the ACCC, under the competition policy, of examining each board. If my recollection serves me correctly, it was actually announced under Labor that the ACT would agree to this process. We are going through the process very thoroughly. There has been a very long process with regard to all the health boards. The health boards also include the veterinary board. In fact, last night the draft legislation went to cabinet, which will then go through a process. We hope to have it introduced in time to be passed before the Fourth Assembly retires towards the end of the year.

A number of boards already know that they are being considered for deregistration as boards; for example, the one for surveyors which we have before us. The one for dental prosthetics is another. We have given a clear indication to those performing dental prosthesis that we consider that the need for them to have a board for the protection of public safety has not been demonstrated.

Mr Kaine: Has the need to have one not been demonstrated? Has the need to have one even been looked at?

MR MOORE: I am saying to you that the process has been extraordinarily thorough and the process is continuing. I think that it is very important to understand that. The need for the Medical Board, the Nurses Board, the Physiotherapists Board and the Psychologists Board has been demonstrated very clearly, although I have to say that this Assembly has put us in a position where the chair of the Psychologists Board, if I can say so as an aside, has come to me very concerned about legislation passed by this place that limits its ability to protect the profession.

I have to say to Mr Kaine that I was very disappointed, in as far as I can avoid reflecting on a vote of the Assembly, in his approach on that issue, where the very opposite of what he is saying here happened. It is appropriate at times to protect public health, to protect the public interest and to protect a profession through the use of a board, but that protection ought to be understood for what it is. That is what the competition policy is all about.

The policy was announced donkeys years ago, Mr Speaker. Yes, this legislation is part of a process that we are going through with all boards. It is very clear and public to all the health boards, including the veterinary boards, that they are being examined and we are changing their processes. We have been in consultation a couple of times. Once the legislation is drafted, we will go out for further consultations. The process is a long process and an appropriate process and this is not just a one-off example. It is part of the whole process. Mr Kaine, having answered your questions, I look forward to your support of this bill.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.44), in reply: Mr Speaker, I am surprised that the accusation should be made that there was a lack of consultation with the board. The person who wrote the bill was, in fact, the chairman of the board and I know that he did consult with the board, so it strikes me as strange that somebody should stand up and make the accusation that there was a lack of consultation. I know that the surveyors did the rounds. This bill has been sitting in the Assembly for a period. We seem to have been busy late last year. I saw just about all the surveyor groups and spoke to a large number of them at many surveying functions.

The purpose of the bill is to streamline the system to make the act work far better. It is to streamline disciplinary procedures and get advice out. The current board meets every two months or so. To have this position of commissioner would allow any information that comes to light to be passed on immediately. If there are issues that need to be addressed, they can be done so speedily and efficiently.

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The new bill does protect the registration of surveyors. The registration of surveyors has been retained. Indeed, the report actually suggested that postgraduate practical training of surveyors be discontinued, but we said no to that as we need to see what happens in the other jurisdictions. I understand that it is the intention of all the other jurisdictions to keep the postgraduate training and we will be in line with that because we do not want to disadvantage surveyors as individuals, we do not want to disadvantage the industry as a whole and we certainly do not want to have people saying that our cadastre is not up to standard.

Mr Speaker, I think that much of what Ms Tucker has said has been addressed here. You can go to the AAT for a review of the commissioner's decision and then you can always take it further through the court system. The ability to do that has been retained. This bill is about making the act work better not only to the benefit of surveyors but also to the benefit of the community by enabling us to have faith in the knowledge contained in the cadastre and providing a clear path forward so that surveyors can get on with surveying, instead of being caught up with responding to the board.

I believe that all the concerns that Ms Tucker raised have been covered here. Mr Rugendyke said that he would like to see a review of the operation of the new act, if passed. I am happy to have it reviewed, as we always do. We always make sure that there is an ability to come back to look at what we do, and we should. We should always review what we put in place and, if it is not working properly, we should change it. I believe that this legislation is a good way forward. I believe that it will work well. I thank the Assembly for its support for this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Crimes Amendment Bill 2000 (No 3)

Debate resumed from 7 December 2000, on motion by **Mr Humphries**:

That this bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (11.47): Mr Speaker, this bill was introduced by the Attorney-General on 7 December 2000, principally to make it an offence to keep a person in sexual servitude. Sexual servitude is defined as the condition of a person who provides sexual services and who, because of the use of force or a threat, is not free to stop providing sexual services or to leave the place or area where the person provides the sexual services. It is pleasing to see that the bill closely matches the model provisions recommended by the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General. Similar legislation has been passed in South Australia and is proposed for other jurisdictions.

The bill complements amendments introduced by the Commonwealth to modernise the law relating to slavery. It is interesting to note that there is an offence if a person conducts a business involving the sexual servitude of others. Conducting a business includes providing finance for the business. A question there that the Attorney may wish to address in his remarks on the bill is whether banks and other credit providers can be prosecuted under this provision if the owner of the premises takes an otherwise respectable mortgage to finance the business.

Another issue that the Attorney may be proposing to address in any remarks that he makes on the bill is the one raised by the scrutiny of bills committee. I think that it would be of interest to members of the Assembly if the Attorney were to address the issues there around the decision by the government to introduce into this bill an offence of recklessly causing someone to enter into or remain in sexual servitude. The scrutiny of bills committee has raised a question, quite rightly, about the basis upon which the government made the decision to expand this offence in a way that does make it criminal, even though there may not have been a criminal intent to cause a person to enter into or remain in sexual servitude. It is an interesting point, the sort of point rightly raised by the scrutiny of bills committee, and it may be appropriate for the Attorney to seek to address that.

Included in this bill are minor amendments to the Crimes Act relating to definitions. The principal change is to delete several definitions of "offensive weapon" to ensure that only one definition is used, that is, the definition inserted in the Crimes Act by amendments made in December to address the significant problem of stalking. If I might refer to them as such, the stalking amendments to the Crimes Act which were inserted in December introduced a new definition of "offensive weapon" and it is proposed through the amendments contained in this bill to utilise just that definition of "offensive weapon" in the Crimes Act.

I have some concerns about that. The Labor Party has some concerns about that. I acknowledge that we acceded to the amendment in December in relation to stalking. Basically, it was out of regard for the seriousness with which we hold the offence of stalking and the need for it to be controlled, prescribed or prohibited in the strongest possible terms. But the exclusive definition of "offensive weapon" that the ACT will be left with as a result of the amendments proposed in this bill causes anything a person possesses to be regarded as an offensive weapon. For instance, the Attorney's briefcase, the Attorney's umbrella or anything else one cares to name that may be used offensively becomes automatically an offensive weapon.

It is analogous to the old offence of being in possession of housebreaking implements. It is actually reducing the definition of "offensive weapon" to that old offence which fell into disrepair and some disgrace of being in possession of housebreaking implements when anything that one carried in the boot of one's car fell very neatly within the definition of "housebreaking implement", and the fact that one carried any tools in one's boot led, prima facie, to one being guilty of the offence of being in possession of housebreaking implements. This definition of "offensive weapon" has the same effect. It actually creates a circumstance in which whatever one happens to be carrying or whatever one happens to have in one's possession, whether it be a briefcase, a handbag, a walking stick or an umbrella, becomes under this definition an offensive weapon.

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I will not persist at this stage with comments that I would wish to make about a more appropriate definition of “offensive weapon”. I believe that the definition of “offensive weapon” contained in the New South Wales Crimes Act would be appropriate for adoption in the ACT, to the extent that it does require that there be at least some intent in relation to the possession of the offensive weapon. It does provide a much more objective criteria by which to measure whether a particular item is an offensive weapon.

I might just note that in correspondence with the Attorney-General in relation to another bill I did raise this issue of the definition of “offensive weapon”. I note that the Attorney, in his response on that bill to this issue, advised me that the new broad definition of “offensive weapon” has not proven problematic during the many years in which it has applied in the ACT.

I have to say that I am not quite sure what the Attorney is referring to there, having regard to the fact that the broad definition which we are discussing and which I wrote to him about is the definition that was inserted only in December by the Crimes Amendment Bill 2000 and it is quite probable that the new definition of “offensive weapon” has not yet been relied on at all by the police in the ACT, so I really do not fully understand his response on that occasion.

The situation is that until recently the ACT Crimes Act had four separate definitions of “offensive weapon”, all of them different from each other, all for use in different circumstances, and all of them much tighter and much more prescriptive than the sole definition which we would be moving to if the amendments contained in this bill were successful.

As I said, we do not object to the definition that was included as a result of the stalking amendment. We actually supported it at the time and we do not object to it out of hand. I do not regard it as totally objectionable. But it contains a phrase which, if used universally, creates quite serious problems. There is a diminution of rights that is unnecessary and, I believe, unacceptable to the extent that the definition of “offensive weapon” in the stalking amendment contains as a qualifier the phrase “anything capable of being used as an offensive weapon”, which means anything at all that could be used as a weapon, absolutely anything.

It is a retreat in terms of the sorts of definitions that are now used around Australia. It is a significant retreat from the provision which is used in the New South Wales Crimes Act, the provision that I propose be inserted in our Crimes Act, and that is the substance and force of the amendment which I have circulated.

At this stage, Mr Speaker, I am happy to say that the Labor Party is happy to support this bill in principle. We support the very desirable intention of outlawing sexual servitude. We do know that this is a significant issue round Australia, with some of the very unsavoury, unacceptable and unlawful behaviour that does characterise some sections of the sex industry in Australia, particularly in relation to sex workers who sometimes travel here in various guises from other places.

This is desirable legislation. The ALP is happy to support it in principle, but we have just that concern around the desirability of this very broad definition of “offensive weapon” which will apply across the board in the ACT if this amendment is successful. We are going from a definition of “offensive weapon” which had some basic objective criteria to a definition of “offensive weapon” which renders any object, irrespective of the purpose for which it is being carried or used, an offensive weapon. We believe that it is a retreat, we believe that it is unacceptable and we believe it to be unnecessary.

If the police force of New South Wales is satisfied with a provision that requires that there be at least some notion of intent in relation to the possession of the item, I am surprised that the police force in the ACT cannot pursue its duties on the same offence with the same effectiveness.

MS TUCKER (11.58): I am a bit concerned, having listened to Mr Stanhope speak about this bill. As well, I got the scrutiny of bills committee’s report about five minutes ago. I just want to put on the record, once again, that I do not like this process. I do not know what the Assembly would think about putting off this bill until a later time this day, but I will make general comments on it and I will listen to what other members say. Hopefully, other people will speak on it, so that I will have time to consider further what we should do with this bill and whether it is desirable to delay its passage until a later time this day so that we can have a bit more time to look at it.

The first part of this bill will make sexual servitude a crime in the ACT, its already being a crime under Commonwealth law when there is some overseas connection. This bill implements the model criminal code developed by the model criminal code office of the Standing Committee of Attorneys-General. It is a legislative response to trafficking in people, women and children in particular, for sex work, for prostitution.

The Greens will be supporting this legislation, we think, although, having listened to Mr Stanhope, as I said, I have to listen to the response from the government. The Greens will be supporting this legislation, depending on the further debate. Forcing someone to do sex work should be a crime, just as forcing someone into sex of any kind is a crime.

The Commonwealth initiative responds particularly to an international trafficking of women and children, usually from less developing countries, to “work” in Western countries. In the law report on Radio National last November, a former Australian Federal Police agent who had worked in a sex slavery investigation unit for three years described some of the situations he had witnessed. He reported finding Thai women who were brought to Australia illegally, false papers having been prepared, and arrived with a debt owing to the operators of a substantial sum. He gave the example of \$20,000 to \$30,000 in debts.

Some of the women knew to begin with that they were going to work as sex workers, but some of them believed that they were going to work as waitresses. Some of the women had not left a brothel in the time that they had been there. He said that some did not even know where they were. Some did not even know of places beyond their rural villages and did not even know that Australia existed. From other witnesses, we have heard of drugs being given or withheld as a means of keeping people quietly in

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employment. Threats against families still at home are another means of keeping them in silence, as is straight physical violence and threats of deportation or imprisonment by Australian authorities should they complain.

The bill before us today will apply to people whose crime is committed entirely within Australia, as the Commonwealth has jurisdiction over situations where any part of the crime is committed overseas. Sexual servitude is defined as forcing a person to provide commercial sexual services, with some latitude for reasonable contractual arrangements for sex work. The actions involved in this crime—forcing or being involved in the forcing of someone to have sex—are covered to a large degree by the sexual crimes part of the Crimes Act. That includes abduction. But this bill additionally criminalises those who profit from or manage the business of forcing someone to have sex, which does seem to make it clear who is at fault.

We hope that in the ACT, with regulated brothels, we have minimised the opportunities for this kind of operation, for enslaved sex workers. But Sheila Jeffries of the campaign against trafficking in women claims that the decriminalisation of prostitution in Victoria preceded an increase in this kind of sexual servitude, including the overseas component. The aim of decriminalising prostitution was largely to ensure better protection and working conditions for sex workers. I would like to hear from the Attorney-General on whether he can assure this Assembly that regulation here does not mean that sexual servitude could be going on unnoticed.

I am sure that none of us here want this legislation to be only the appearance of caring about the fate of people who are brought into this situation. However, it seems that the federal government may be more concerned about keeping people out of this country than it is about violations of human rights. In Sydney there was a special operations group responsible for tracking sex trafficking, but it was disbanded last year. This unit had operated for three years, but there were no prosecutions.

It seems that not many women are willing to be witnesses, as the Commonwealth legislation does not include any protection for witnesses who may be here without visas, the paperwork having been arranged by their captors. They also face the prospect of waiting possibly years in a detention centre for the case to come up, without any way of working and earning an income, and the organisers of the trafficking are not likely to let go of such a money-spinner very easily.

Chris Payne, a former AFP officer of the Sydney unit, said:

The system is geared to pick up illegal workers, and if they don't leave voluntarily, stick them into an immigration detention centre. They're not going to put women like this into the witness protection programs which are probably full of people giving evidence in drug cases, and are extremely expensive to maintain. So somebody's got to decide how we're going to look after these women when they come forward and want to give evidence. And nobody has, nobody wants it.

I am disappointed that the drive for "no amnesty for illegals", as a poster sporting Mr Ruddock says, is more important federally than giving the protection needed to get witnesses, so that the people who arrange this abuse of human rights can be prosecuted. It is a great shame that some form of witness protection is not part of the Commonwealth legislation. The fact that there was a police unit operating prior to this

law demonstrates that it is not solely a legislative problem. That would have changed the legal landscape in a more functional way. The context of the ACT's legislation is not really as good as it should be and I hope our government will lobby for a better approach from its federal colleagues.

The second part of this legislation just tidies up the Crimes Act, according to Mr Humphries, the then minister, but those changes include changing the definition of "loaded arms" so that any firearm pointed at someone is taken to be loaded, unless the defendant can prove otherwise. In fact, this shifts the burden of proof on loaded arms to the defendant. That is more than tidying up, and we have just heard about more of the so-called tidying up from Mr Stanhope. I do believe that the Assembly should have had the benefit of the scrutiny of bills committee's report earlier and a more accurate description of the change in the explanatory memorandum. The Greens will agree to this change following advice, but I would ask the minister to be more careful in future in describing changes as merely tidying up.

Consultation on this bill was left largely to the efforts of the Commonwealth, through the Modern Criminal Code Officers Committee, and they did consult extensively. However, in the ACT the government arranged for the Canberra Rape Crisis Service, the sex industry reference group and the Migrant Resources Centre to be approached. I understand that the Migrant Resources Centre did not respond. Perhaps it was not the ideal group to approach. I hope that the outreach following passage of this bill will improve on this record. Without the Commonwealth protection for people here without visas and without witness protection, the community will be left to offer what support it can to anyone thinking of assisting with a prosecution.

MR STEFANIAK (Minister for Education and Attorney-General) (12.06): I thank members for their comments and their support in principle for the bill. I will come to Mr Stanhope's amendment to the definition of "offensive weapon" which he has just given to me, but I will deal first with other points that he raised. This legislation is model legislation. It is legislation that was agreed would be implemented across the country. I understand that South Australia has already implemented basically the legislation that we have here and other states will be doing so.

Mr Stanhope raised a question about the application of proposed subsection 92ZB (2) to someone providing finance to someone else actually conducting a business, which reads:

A person commits an offence if the person—

- (a) conducts a business that involves the sexual servitude of others; and
- (b) knows that, or is reckless about whether, the business involves the sexual servitude of others.

"Conducts a business" includes taking part in the management of the business, exercising control or direction over the business, or providing finance for the business. The explanatory memorandum is of assistance here in that it says:

The definition is inclusive so that other conduct that amounts to conducting a business would also be caught by the provision.

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That means, effectively, that we should go back to knowingly conducting a business or being reckless about whether the business involves the sexual servitude of others. Mr Stanhope raised the question of a bank. Obviously, for a bank to be guilty of that it would have to know what the business was being conducted for or be so reckless about it that it came within the act here. I would think that most banks would be very wary of those types of things. I think that is really quite clear.

In terms of the other issue raised by the scrutiny of bills committee report, and we have all only just got it, again I say to members that this legislation is model legislation. It has already been enacted in South Australia. Indeed, the particular proposed subsections referred to, 92ZB (1) and 92ZB (2), basically need two elements in terms of the committing of an offence of sexual servitude, that is, if a person's conduct causes someone else to enter into or remain in sexual servitude and, as well, the person intends to cause or is reckless about causing someone else to enter into or remain in sexual servitude.

I have already read out proposed subsection 92ZB (2), which provides that someone commits an offence if that person conducts a business that involves the sexual servitude of others and knows that, or is reckless about whether, the business involves the sexual servitude of others. That merely reflects what one of the fundamental tenets of the criminal law is all about, that is, that there has to be mens rea, and mens rea is basically criminal intent. However, criminal intent can include recklessness, and this provision is actually putting that in there.

There are a number of offences where, quite clearly, recklessness is terribly important. The offence of culpable driving is an example, Mr Speaker. I do not think that there would be too many defendants, certainly there were not too many in my experience, who would go into a car intending to seriously injure or kill someone as a result of their driving. It would be a different offence if they did that. More likely than not they would probably be charged with murder, malicious wounding or something similar.

But with culpable driving it is quite clear that the actions taken are deemed to be reckless to amount to an offence. Often with that offence which I have given as an example of someone who drinks to excess and, as a result of their impaired driving ability, has a collision and kills someone or seriously injures someone, the court deems that that person is guilty of culpable driving. Those types of things are indicative of just where recklessness is very much a part of these offences.

I do not find any cause for alarm there. Indeed, I would bring to Mr Stanhope's attention the fact that to commit an offence there are two elements to meet and they are quite clearly set out here. This piece of legislation is the result of a lot of effort and a lot of consultation, as is everything in the model criminal code. A lot of work has gone into that. I understand that the various groups which have seen it, including groups in which one would expect people to have a concern, such as legal aid groups, are quite comfortable with it.

I understand as well that they are quite comfortable with the definition of "offensive weapon". As Mr Stanhope has just tabled an amendment, I will be quite happy after the bill is agreed to in principle to have the debate adjourned to a later hour this day to enable me to have a close look at what he is proposing there. We can then commence

the debate on his amendment at a later hour this day. From a cursory look at it I suspect that the government may well be opposing what he is proposing, but I want to do him the courtesy of looking at his amendment and taking some advice from my officers in relation to it, rather than just jumping in now having only just seen it.

I thank members for their comments to date and I thank them for agreeing to this bill at the in-principle stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

Debate (on motion by **Ms Tucker**) adjourned to a later hour.

Estimates 2001-2002 Budget—Select Committee Report

MR OSBORNE (12.13): I present the following report:

Estimates 2001-2002—Select Committee—Report—Broad parameters of the 2001-2002 ACT Budget, dated December 2000, together with the minutes of proceedings.

Mr Speaker, you authorised the printing, publication and circulation of the report on 15 December 2000, pursuant to the resolution of the Assembly of 18 October 2000. I move:

That the report be noted.

Unfortunately, my speech will be very brief as I do not have a copy of the report. I will be looking for assistance from my colleagues on the committee; in particular, Mr Quinlan. First, I would like to make special mention of the secretariat in relation to this inquiry and the preparation of this report. It was one in which I was thrust into the position of chairman through no fault of my own. It was a bit like one of those movies where five people are lined up and four people step back that I happened to end up as chairman of the committee.

I do want to thank the people behind the scenes. It was my first inquiry with Judith Henderson and she was outstanding; as was Fiona Clapin, my trusty secretary from the justice committee; and Jenny Aked, who came on as a consultant and helped us, apart from Mr Quinlan, to understand what we were doing. I think it would be fair to say that without those three ladies—and, of course, Mr Quinlan—the report would not be quite as weighty as it is at the moment and I thank them.

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Mr Speaker, I will speak about a couple of the recommendations. The first recommendation is about the draft budget process. The committee looked at it and felt that it would be a better option if all the standing committees were required to look at the budget. I understand that there will be a motion on that coming before the Assembly today and I am sure that members will speak further to that issue.

There are a number of recommendations about consultation and dealing with the community. I think it is fair to say that the community groups that appeared before the committee are quite open to a better consultation process; but there was concern from some members of the committee that if we are to continue down this path of having draft budgets, broad parameters and those types of inquiries, it is important that the government continue to do its own consulting with the community as well and not leave it all up to non-executive members. I am sure that other members will speak about that.

Mr Speaker, there are a number of recommendations in relation to the information provided which, again, I am praying Mr Quinlan will speak to. I have to say that I found it a worthwhile exercise. I think that most of us on the committee are looking to a more open and consultative process in relation to the budget. Obviously, we all have different ideas on how that is best achieved, but I think it is much better to have some input than to have none at all, which has been what has happened in the past.

I have taken up four minutes, Mr Speaker, which is about 3½ minutes more than I thought I would. I thank my committee members for being patient and I look forward to their adding to my very weighty comments. I commend the report to the Assembly, Mr Speaker.

MR QUINLAN (12.18): Firstly, let me compliment Mr Osborne on his incisive chairmanship of this committee. Recommendation 1 says that, if we continue with a draft budget process, the consultation processes involving standing committees should not be optional. Let me point out that that is a majority recommendation; some of us do not think that the draft budget process is as useful as others. Nevertheless, we all involved ourselves in this process because that was the will of the Assembly.

I have to agree with Mr Osborne that the support was exemplary, particularly from Jenny Aked. Out of our quite wide-ranging hearings and meetings, she put together a rather sensible report, albeit one that might be a little weighted towards some presentational technicalities, but we should not allow those to subsume some of the important recommendations that are contained herein.

Mr Osborne has already mentioned the recommendations that relate to promotion and information to community groups and business groups to involve them in the budget process. We should not allow the layers of budget process that we now have to inhibit the process of stakeholder communication directly with government. With the best will in the world, no committee can communicate directly what it has been told without placing some sort of interpretation on it, because we all hear things through our own subjective standpoints and pass them on. We have all been involved in the humour of Chinese whispers. There is a solid base for that humour.

There are a few things that I would like to comment on in relation to the recommendations. For the first time, I think, the government has accepted the fact that Canberra has not changed much in terms of its public sector/private sector balance. In a briefing that the committee reported on 9 November, as much was said. I would love to read it into *Hansard*, but I have already done that, doing so last year at the first opportunity.

But it is recognised by at least the Treasury officials who prepared the Treasurer's briefing to us that in large part the improvement in the ACT economy has been through the public sector, through the Commonwealth spending, through Y2K expenditure, through increases in staff within the taxation department as a function of its reorganisation and, of course, the GST implementation, that little vote winner that Mr Howard brought in, and the National Museum on the construction side.

There are a number of recommendations here and, again, I do commend to members of the government that they do at least look at them. A lot of them are about saying, "Please set out the information that comes forward to the Assembly in a fashion that we can understand and that we can know precisely what is happening so that we can make informed decisions." That includes an analysis of what the ACT government thinks is the impact that Commonwealth government expenditure and policies will have on the ACT economy.

We have seen an increase in Commonwealth funding to the ACT and we can see that change, given that our financial circumstances have changed. The Commonwealth Grants Commission analysis is about offsetting disadvantages. If those disadvantages are not biting—I do not want to say this too loudly—there could be a change in the level of Commonwealth funding that the territory receives.

There are a number of recommendations that I will not bore members with. I do want to focus somewhat on superannuation. Let me go back a bit. A couple of years ago, almost the same players, or at least several of the same players, were involved in the Select Committee on the Territory's Superannuation Commitments. That committee made some observations and recommendations. Among those was the observation that if we sold ACTEW and we cash funded our superannuation liability we would be holding a lot of paper investment and we would be subject to the vicissitudes of the equity and bond markets.

We saw the result of that when we got a reconciliation from government. This committee asked for a reconciliation from the government as to why the last completed financial year had improved by \$90 million. Some \$33 million of that was a result of change in the value of investments and a lot of that was a function of the depreciation of the Australian dollar and the consequent appreciation of offshore investments. These things can disappear as quickly as they appear, yet we are reporting results that are encouraging a certain approach by various stakeholders in relation to budget figures.

I firmly recommend to this government that it separate the accounting for superannuation and set up a superannuation trust, or at least examine the possibility of doing so, like many businesses do and virtually all governments do so that the results of superannuation investment do not distort the operating bottom line and we will not

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get volatility at the bottom line. We have seen, as I have said, an estimated \$3 million deficit turn into an \$87 million surplus in one year. We then saw a budget come down for a \$4 million surplus and the government has changed that to, at the last announcement, a \$35.5 million surplus. That is what the Acting Treasurer, Mr Smyth, said. The Acting Treasurer was still back on a \$4 million surplus, but maybe he does not read his papers. At this point in time, except for a press release from the Chief Minister and Treasurer, we do not know what our bottom line will be for this year.

The thing that concerns me is that, if the reporting cycle is like the one for last financial year, we will not know the results for the current financial year until after the next election. If the government is to be honest, it has to bring its estimates up to date. We take pride in the fact that we have a system of monthly reporting to the Assembly, but that monthly reporting does not appear to contain much information. The expenditure seems to come at a rush at the end of the year when we do a bit of catch-up accounting, so all the other monthly reports are inadequate in terms of expenditure recognised. Further, the estimated outcome for the year is not revised with any consistency either.

If we are going to have information flow to this Assembly, let it be useful and accurate information. It is about time that the government recognised that, if the administration is putting out monthly and quarterly financial reports, it is duty bound to bring the estimates involved in that up to date so that at least we know and the people of Canberra know what the numbers are and we can go into an election year with some modicum of information that the government has at hand.

There are recommendations about reporting on borrowing because some of the presentation is confusing. I do not know why we picked on borrowing, because a lot of the presentation is confusing. I will not go into too many of those. We did recommend that the government improve its transparency in the process of allocating funds in the so-called social capital program. That was done in response to objections raised by community organisations. It has to be said again that this government does not have a good relationship with the NGOs, the community organisations, out there. You have only to ask them, Mr Moore.

We have had changes to the administrative orders and we have had changes to the bureaucracy. If the government wishes to change the administrative orders or wishes to rearrange its bureaucracy, it is also duty bound to recast its budget so that the budget that we are looking at is in line with the likely annual reports that we are going to get at the end of the day. Each year I have been here there has been an inability to relate reports coming through with the budget that has been set down. Like a lot of the things that have been done in this place, there is more show than go in the processes of this government.

We recommended that the Auditor-General be asked to conduct, effectively, a performance audit on the government's performance measures and to see whether they are, in fact, truly indicative of what is happening within any part of the administration. Coincidentally, subsequent to this report being prepared, several of us attended the biennial conference of the Australasian Council of Public Accounts Committees and the same question arose—just how good are performance measures?—and it seems that governments are putting out a whole lot of numbers, but

those numbers are not necessarily telling us whether we are doing the job or whether we are not, and there is no reporting, if you like, in between those numbers so that the focus is only on numbers and we are missing the wider picture of the quality of service and the satisfaction levels that can be measured for the recipients of government services.

We also make a request for governments, wherever possible, to include in budgets the marginal cost of service—the marginal cost of teachers, nurses, policemen, et cetera—so that we can avoid that awful situation where some of us go out on the hustings and make election promises and the government says that we have got our sums wrong. In the spirit of goodwill and cooperation which is supposed to underpin the draft budget process, please give us the information that will allow us to form our policies and initiatives in the election year. I also commend the report to the Assembly.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.31 to 2.30 pm

Questions without notice Bruce Stadium redevelopment

MR STANHOPE: My question is to the Chief Minister. Mr Speaker, when the Chief Minister issued his apology to the people of Canberra over the Bruce Stadium redevelopment fiasco he said in a media release:

We made mistakes, we acknowledge them, and we are taking action to prevent them happening again.

This was a significant admission in view of the long trail of denial walked by the Chief Minister and his predecessor. But the Chief Minister fell short in his admission—he did not detail the mistakes. Mr Speaker, can the Chief Minister now list what mistakes he acknowledges the government made? Does he finally acknowledge that the most serious of them was to break the law—to spend money that had not been appropriated by this place in breach of the Financial Management Act and the self-government Act?

MR SPEAKER: Not a legal opinion, Chief Minister.

MR HUMPHRIES: Indeed, Mr Speaker. I thank Mr Stanhope for that question. It is good to see that, despite a two-month break, Mr Stanhope and no doubt others on that side of the chamber have not had the opportunity to take a new approach on any of these issues. They have the same agenda to run and that is good for them. Consistency pays off, I suppose, one of these days, Mr Speaker.

It is also interesting to note that the opposition has been consistently making the point in the last few years that the government needs to take this issue seriously, that it needs to understand that there is a problem with the approach to Bruce Stadium, and that there is a series of issues raised by the Auditor-General to which it should respond seriously. Despite the fact that when that finally has occurred, at least in the eyes of the opposition, the response from them is that the government is crying crocodile tears;

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that somehow the government's expression that it wishes to work with the Auditor-General's report to enhance the capacity—

Mr Corbell: I take a point of order. Relevance, Mr Speaker. The question was quite specific: can the Chief Minister now say what mistakes he now acknowledges the government made? It is a simple question. He is yet to answer it.

MR SPEAKER: There is no point of order. The Chief Minister can answer questions as he sees fit.

MR HUMPHRIES: Mr Corbell should be patient. The fact is, Mr Speaker, that the government has indicated very sincerely that its view is that the report of the Auditor-General on the Bruce Stadium needs to be taken seriously, and the implications for government need to be taken seriously as well—implications either at the level of the bureaucracy or of the government members themselves, that is the ministers—and the government, in doing so, has sent the clear signal to the ACT community, and perhaps to the opposition at the same time, that it intends to deal with the issues given rise to by the Auditor's statement in the most forthright, direct and comprehensive fashion that it can.

Mr Quinlan: Put the blame where it belongs—sack the tea lady.

MR HUMPHRIES: Mr Quinlan says it is belated. Belated or not, Mr Speaker, it is there. If the opposition is serious about wanting to put rigour back into the process of government decision-making in areas such as this it ought to support that process and support the exercise we have undertaken to reform, for example, a range of areas of government where, in the view of the Auditor, a less than appropriate process was used to deal with the redevelopment of Bruce Stadium.

As far as mistakes are concerned, Mr Speaker, first of all I will not presume to speak for the former Chief Minister. I think she has been accused of many things in this place. Members have made many statements about her role in this place. Indeed, the former Chief Minister has paid the ultimate price for her role in the Bruce Stadium redevelopment.

Mr Wood: Yours is yet to come.

MR HUMPHRIES: Thank you for the threat, Mr Wood. I look forward to meeting my executioner, Mr Wood. That would be a very exciting prospect indeed. Mr Speaker, mistakes at the level below the ministry have been detailed at length by the Auditor-General and I do not propose to rake over those. The opposition will do plenty of that.

As far as the government itself is concerned, I have to indicate very clearly that, on coming to the office of Chief Minister, I perceived that there was a resistance at a number of levels of government to the view that the Auditor's report ought to be taken seriously, at least in all respects. I can only indicate, in the clearest possible language, if not necessarily to those opposite then to the broader community, that the hallmark of the government that I lead will be an openness and a responsive to criticism when it is raised, and a preparedness, at least initially, to treat all criticism on

face value and to take seriously recommendations, particularly from quarters such as the Auditor-General, for change to occur within the government.

As members know, Mr Speaker, there are no recommendations associated with the Auditor's report, although I understand some may yet be forthcoming. I think that any government needs to take such a report seriously, and I have indicated in no uncertain terms that that is the process that we will use as well.

Mr Speaker, I do not lead a government which is immune from the weakness of making mistakes. Neither did Mrs Carnell. Neither, might I say, will anyone on the other side of the chamber. But the difference between a good government and a bad government is whether it will be prepared to acknowledge and deal with mistakes once they are made. That is what I have said to this community I intend to do—that is, to acknowledge and fix mistakes that have been identified. That is what I intend to do to indicate that this government will be a good government.

MR STANHOPE: I have a supplementary question. I thank the Chief Minister for his, albeit, very uninformative response. Acknowledging that the Chief Minister was the Deputy Chief Minister and Attorney-General during all the decision-making in relation to Bruce Stadium, can he tell us what mistakes he acknowledges he made personally over the Bruce fiasco? Can he say whether the fact that his apology was made a day after the Auditor-General wrote to him seeking support for a broadening of the Auditor's powers was purely coincidental to the making of the apology?

MR HUMPHRIES: Mr Speaker, on that latter point, I had not seen the Auditor's letter to me at the time I made those comments. Those comments in fact had been prepared some days beforehand and discussed in fact with a variety of people within the government. So I could not have known what the Auditor was going to say to me on that subject.

Mr Stanhope is very keen to assign personal blame here to members of the government other than the minister or ministers who were responsible for the development of the Bruce Stadium. I come back to the statement that, first of all, governments are collectively responsible for what they do. There is a degree to which any mistake made by a minister will have to be accounted for by all the ministers at the time that the government, for example, goes next to the people.

As Mr Stanhope will be well aware, that issue will no doubt be put before the electors. He will be aware of that because no doubt he is planning to do so himself. We will need to account to the ACT community for our handling not just of the Bruce Stadium but the aftermath of that redevelopment and indicate very clearly what we have done about that redevelopment and the report of the Auditor-General.

Mr Stanhope has been keen to attribute some blame to me as Attorney-General sitting in cabinet for apparently not offering suitable advice to cabinet about the legal advice offered by departments about the Bruce Stadium. I might note that I do not recall my predecessor as Attorney-General offering to resign from the ministry of the day because he had not offered the appropriate advice to his colleague the minister for sport during the VITAB fiasco. So I would simply say to Mr Stanhope that he had better be consistent in the approach that he takes.

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I come back to the view which I have placed before the Assembly very clearly that the government will deal with these issues in the most forthright way it can. If your position continues to be one of sitting on the sidelines criticising that, that is fine but it does not say much for whether this falls into the categories I indicated before of being a good government or a bad government.

Schools—class sizes

MR HIRD: Mr Speaker, my question is to the Minister for Education and Attorney-General. Last week the *Canberra Times* revealed that the government is proposing to reduce—

Mr Quinlan: Are you ready for this, Bill?

MR HIRD: Just a minute. You will hear some wise words and you may learn something. The *Canberra Times* revealed that the government is proposing to reduce class sizes to 21 for kindergarten through to Year 2 students. Minister, what is the timetable to implement this wonderful initiative?

Mr Stanhope: Shame—absolute shame!

MR STEFANIAK: Mr Stanhope says, “Shame.” I would have thought he would say, “Good initiative.” So I do not know what this “shame” is. I would think that this is a wonderful initiative. Certainly, far from being shameful, as Mr Stanhope would have it, we on this side of the house are very proud of this initiative.

I think someone opposite said that this was something that the government suddenly conjured up overnight. No, no—wrong, wrong, wrong. That was not the case. It has actually been under consideration by me and the government for the past 12 months.

Mr Hird, the reason that we were able to bring forward an initiative like this was the good financial position that the territory finds itself in now after six budgets under the Liberal government. It would have been rather hard to do so two or three years ago when we were still suffering from the effects of that \$344 million deficit. But this is an indication of the social capital that can actually be delivered when a budget does go into surplus.

Mr Hird, you asked for details. This is a very well thought-out and thoroughly costed project which details not only the underlying educational philosophy but also the basis on which it will be brought into practice. It is certainly not a knee-jerk reaction. Local and also international research has shown that the early years of schooling, particularly in what we call in the ACT kindergarten to Year 2, covering children from the ages of five to seven generally, with closer individual attention from teachers will have very beneficial outcomes for those children concerned, especially in the crucial core skills which they will need for the rest of their educational and working lives. I am talking about the basic things—the ability to read, to write and to count.

With the support of and close advice from a close-knit group of senior officers in the department and, when the issue came up, my cabinet colleagues—and I thank them for their support for this package—we have developed this package which will enable the smooth implementation of this policy over several years; in fact over the next three years.

I issue a challenge to Mr Stanhope and his colleagues and to Ms Tucker and anyone else who might be thinking about voting against the budget: will you vote against the budget that will provide smaller class sizes in the ACT; will you vote against such a budget as you voted last year against the budget that included teacher salary increases of up to 12 per cent? Will you vote against this budget? Will you try to block the recruitment of the first group of 46 additional teachers? I certainly hope not.

Our plan is that the extra teachers will take up their positions in classes at the beginning of next year—that is, the February 2002 school year. The class sizes for Years 1 and 2 will drop to 25, which is the kindergarten size. That is the first step.

The same process will then occur for recruitment for 2003. A further 46 teachers will be engaged so that in 2003 the class sizes for the full cohort—kindergarten to Year 2—will drop from 25 to 23. During the recruitment round of 2003 a further 48 teachers will be recruited for the start of the 2004 year and all class sizes in February 2004 will reduce to 21 for kindergarten to Year 2.

Of course, there are a few logistical arrangements that will need to be put in place. So this program will be accompanied by the need to provide some additional classrooms in some schools. Logically this will be in the growing areas of Canberra such as south Tuggeranong and Gungahlin. Also, some of our older larger schools will require additional classrooms which will be provided by way of demountables. I think we have already announced that the cost of those demountables is some \$3.5 million. The entire program, by the time it is fully implemented three years from now, will require 140 extra teachers and an additional 117 classes. The annual ongoing full cost of implementing this policy, which will affect over 9,000 primary school students in government schools, will be in the order of \$11 million to \$12 million a year.

This is a major change to our school structures. It is not possible to implement such a change in one year. You need to do things like recruit teachers, and early childhood teachers at that.

Mr Stanhope: And how much money do you—

MR STEFANIAK: Stop carping, Mr Stanhope. Your colleague Mr Quinlan claims that we are spreading the cost out for political and financial purposes. Nothing could be further from the truth. The advice I have is that we do need time to bed down those changes and a graduated implementation process is the best way to do it. It is commonsense. I have already mentioned that we are ensuring that we get the right teachers. It is as simple as that. Unlike those opposite, Mr Hird, we listen to the experts. It is quite obvious that this is something that those opposite cannot or will not do.

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MR HIRD: My supplementary question is: what has the response been from the community in respect of this announcement?

MR STEFANIAK: A hell of a lot better than it was from those people opposite. I was delighted to hear statements from, for example, Mr Clive Haggart, president of the ACT branch of the AEU, who, commenting on the plan, said it was “the most significant education policy in the ACT since self-government”. And guess what? That actually puts back into the ACT system almost an identical number of teachers—I think it was 143, Clive said—to those who have left since self-government. And guess who took 100 of those out? Those people over there when they were in.

Now the president of the ACT Council of Parents and Citizens Associations, Ian Morgan, said that the plan was an excellent one that would “undoubtedly make a difference”. The *Canberra Times* wrote an editorial on Sunday on it, and it said, “The universal support for the proposal” would make it “unlikely that the Labor Party would derail a move towards small class sizes.” Having heard some of the comments opposite, I hope they’re right, Mr Speaker. I hope that this lot will not try to derail it.

You see, the dilemma for those opposite is that they have a history of opposing every budget since we came to government. I have already mentioned, Mr Hird, that last year they voted out a budget that gave teachers an 11.5 per cent pay rise, plus money for professional development. Absolutely amazing. So I wonder if those opposite will be prepared to incur the wrath of voters by again trying to vote down this government’s initiative.

As the *Canberra Times* pointed out in its editorial, “the promise of the full implementation of the plan comes with a vote for a Liberal government”. I look forward to hearing from those opposite what they intend to do. So far we have had nothing but negative carping from the opposition, and more of that today. We have had no indication of policies or any idea about how Labor proposes to ensure that education and our schools remain at the forefront of outcomes for our students. And if their track record under the Follett government is anything to go by, woe betide the ACT government education system.

Act-of-grace payments

MR QUINLAN: My question is to the Chief Minister and Treasurer and it relates to an act-of-grace payment made to the struggling Deutsche Bank for aborted financial arrangements associated with a large project near Bruce. Can the Treasurer tell the Assembly if delegations exist under section 64 of the Financial Management Act, covering significant act-of-grace payments, say in excess of \$20,000? If there are delegations, can the Treasurer say which officers hold them, what limits apply to them, and whether they are publicly available?

MR HUMPHRIES: Mr Speaker, there are delegations in place covering a number of powers under the Financial Management Act, including the power to make act-of-grace payments below a certain level. It would be wrong to try to recall what that level was without getting the information, and therefore I will return to the Assembly with that information. I will take that question on notice. The officers, as I recall, include

the Commissioner for Revenue, who is delegated. That person is acting in that position at the moment, but I will get that information to Mr Quinlan and take it on notice.

MR QUINLAN: A supplementary question which may not have to be taken on notice is this: was the Treasurer's approval given to that particular act-of-grace payment, which was \$100,000 plus about \$60,000-odd in expenses?

Mr Humphries: When was this?

MR QUINLAN: This was made last year to Deutsche Bank in relation to the aborted financial arrangements for Bruce Stadium. I think we were paying Deutsche Bank to talk to the Commonwealth Bank, us being unable to talk to the Commonwealth Bank ourselves, somehow.

MR HUMPHRIES: Mr Speaker, I hesitate to categorically say yes or no to that question because I have to say that I do not recall it, but it is quite possible that it is among the very large number of papers which come across my desk on a daily basis. Again, I will take that question on notice and inform the house of my answer.

Canberra Hospital implosion—inquiry

MR KAINE: Mr Speaker, my question, through you, is to the Chief Minister. In the aftermath of the tragic Canberra Hospital implosion on Sunday, 13 July 1997, the government which you now lead appointed Major General Neville Smethurst to conduct a detailed investigation under the Inquiries Act into the circumstances which led to the death of Katie Bender and the injury of several other members of the public who had the misfortune to be present on that tragic day.

But then, about a month after this powerful investigative process was constituted, the Chief Minister's Office announced that, in view of reservations expressed by the Chief Coroner about possible conflict with the inquest into Katie Bender's death, the Smethurst inquiry would go into recess while the issue of criminal charges was resolved. Chief Minister, in view of the recent announcement by the Director of Public Prosecutions that criminal charges brought against certain individuals arising out of the Bender inquest are to be dropped, will you now inform this Assembly of the current status of the Smethurst inquiry?

MR HUMPHRIES: Thank you, Mr Kaine, for that question. As members will recall, there were two attempts at that time to set up inquiries under the Inquiries Act, one led Mr Tanzer and the other by Major General Smethurst. I have to say that it is my view that the issues that the coroner covered in his report on the death of Katie Bender were comprehensively dealt with by the coroner in that process.

Members will be aware that that process lasted a very long period of time. It was one of the longest, if not the longest, coronial processes that have ever been undertaken in the ACT. The report was very thick and it resulted in a number of administrative changes being made and, indeed, it resulted in a very fierce debate in this house, among other things.

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My view is that, if technically the Smethurst inquiry is dormant rather than non-existent, it should not in fact be revived or renewed at this stage. I do not believe that there are any issues that have not been dealt with comprehensively by the coroner.

Mr Stanhope: A lot of people did not give evidence. A lot of people did not speak.

MR HUMPHRIES: To answer the interjection from Mr Stanhope, that would not be because they did not have the appropriate opportunity, in the coroner's dealing with those issues, to do so. If Mr Kaine or any other member has information that he or she feels contributes to the picture on that matter that has not been properly considered before the coroner, I would be very happy to consider the question of whether there should be some further inquiry.

Mr Speaker, I think the comprehensive nature of the coroner's report and the process he used to produce that report obviates the need to go back and have another inquiry under a different piece of legislation.

MR KAINE: I ask a supplementary question. It is clear that in the minds of many people in this community there are a lot of issues that have not been resolved. It does not say anything about the comprehensiveness or otherwise of the coroner's report. It flows from the fact that the DPP has decided not to proceed with criminal charges. Because there is great public concern about the many unresolved questions and a concern that those questions will not ever be resolved, I ask the Chief Minister whether he will immediately reconstitute the inquiry in order to get to the truth of these matters so there is no longer any doubt in the minds of many members of the public about these very important issues.

MR HUMPHRIES: Mr Kaine's question presupposes that having a further inquiry which, for argument's sake, could come to the same conclusions as the coroner reached would put at rest the minds he referred to that are not satisfied with the outcome of the coroner's inquest. I doubt that would be the case, to be quite frank. There are probably still people today who would want an inquiry into whether Elvis Presley was dead, because they do not believe he is, and no amount of inquiries would satisfy them on that score.

I do not want to be flippant, but I think it is important to emphasise the fact that a process has been used which is very comprehensive. If there is some flaw or problem with that process, we should identify it. We should not respond to the fact that there are some people who assert that the inquiry was inadequate or assert that other information was available which was not examined, or whatever it might be.

The territory has only a limited amount of money. The territory has spent a very large amount of money on that process, and I do not think I can, in all conscience, promise a further inquiry when I have no information about any further matters that could come before that inquiry which were not before the last inquiry and when I could not indicate how that would help satisfy the minds of some people who may never be satisfied on the issues that were before that inquest.

Crime investigation—expenditure

MR HARGREAVES: My question is to the minister for police. Minister, according to the latest Productivity Commission report, the largest increase in expenditure on crime investigation occurred in the ACT, with expenditure rising \$10 per head of population. The figure for victims of unlawful entry in the ACT has increased, rising over the term of this government, over a five-year period, to 47 per cent, and motor vehicle thefts in the ACT are now the highest in the country. Why is it, Minister, that the ACT increases expenditure but crime levels continue to escalate?

MR SMYTH: The problem for those who take a simplistic analysis of the Productivity Commission report is that they will get caught out when they do not represent the present. I put out a press release on this information. The information is public. The government's initiative in the current year's budget has seen extra police officers and extra funding available for police activity. The trend this year so far is a 19 per cent reduction in burglary and a 32 per cent reduction in motor vehicle theft. If you want to take a simplistic analysis of year-old data and try to present it here in the Assembly as the present situation, you will get caught out.

MR HARGREAVES: I thank the minister for that enlightening answer. My supplementary question is: Minister, are you aware that New South Wales decreased its expenditure on crime investigation, yet in 1999 they had a downturn in motor vehicle thefts and victims of unlawful entry. Why is it that New South Wales can decrease expenditure and crime but the ACT has the opposite result, with an increase in expenditure and crime over most of the areas reported?

MR SMYTH: I am sorry I do not have the chart with me, but if you look back at the Labor years you will see that in five years of Labor government the number of police officers in the ACT went down. Under this government, sound financial management has allowed us to put extra resources back into the police force and turn the trend around. If you want to take a simplistic analysis of year-old data presented by the Productivity Commission, that is fine. The people of the ACT will know you for your analytical abilities. But the reality is that if you want to get the up-to-date figures, I say again that the trend data for this year shows a 19 per cent reduction in burglary offences and a 32 per cent reduction in motor vehicle thefts.

Gold Creek School

MRS BURKE: My question is to the Minister for Education, Mr Stefaniak. On Sunday, 11 February, in the *Canberra Times*, there was an allegation that a class of 60 Year 1 students had been established at Gold Creek school.

Mr Corbell: It is true.

MRS BURKE: Minister, what are the facts with respect to claims by some parents and by Mr Corbell?

MR STEFANIAK: Mr Speaker, might I say how honoured I am to get the first question from our newest member, and it is a wonderful question. I heard Mr Corbell say, "It is true." Nothing could be further from the truth.

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Mr Corbell: It is true.

MR STEFANIAK: You really are misleading people if you keep that up. Members could not have done better than to listen to the principal of the school speaking on 2CC this morning who, I understand, gave an excellent explanation of exactly what occurred there. Whilst I might not give quite as good an explanation as Bill Maiden, the principal, did, I will endeavour to do so, Mr Speaker.

To start with, I think it is about time that members of the Assembly took a much more responsible attitude to their duty to provide the facts and not just jump in and say, "Ho, ho, here is a good story," without checking the facts. It is a very simplistic approach from Simon. I would invite Mr Corbell to go to the school, visit the class in question and have a good look, not just jump in saying, "Here's a good story." No doubt he thought, "Here is a good story. A class of 60 with maybe only one teacher after the government has announced a reduction for primary school classes. Wow. What a beauty." Check out the facts first.

Here are a few facts. At Gold Creek this year, Mr Speaker, we did have 29 more students enrolled than the demographers had planned, but across the whole of Gungahlin our enrolments were 13 below what they had forecast. The cohort is some 1,400. That is pretty good. The demographers were wrong by about a percentage point, which I think is quite reasonable. In fact, over my six years as minister the work of those demographers has been pretty good because invariably they are very accurate. This is the case here, although there are a few more at that school than need be.

I point out to Mr Corbell that the government has indicated it will commence on some new schools in Gungahlin and by 2004 we expect to have a new preschool and a primary school at Amaroo.

Mr Corbell: That will be handy. They will be in Year 5 by then.

MR STEFANIAK: The following year a new high school site will commence. Just listen, Simon, and you will get some facts. This school will be modelled on the Gold Creek K-10 school. It will provide a primary facility to cover K-5, a purpose-built middle school covering Years 6 to 8, and a high school for the remaining years. We have committed some money for design and siting next year. You will see that in the budget. The estimated cost of the whole school is in the vicinity of \$25 million.

I reject any suggestion that this government has either delayed or neglected the educational needs of Gungahlin students. Far from it. I think you just have to look at the Gold Creek school to see what an excellent facility it is.

When it was discovered that an additional class would be required in the week before school started, the school took a decision—that is, the principal and the teachers took a decision—to locate two Year 1 classes in the school resource centre on a shared campus between the primary school and the Holy Spirit Catholic School. That area is used by both schools—it has been for the past five years—and it is the same size as two standard size classes each built for 30 students. There is a concertina which divides the space into two normal class sizes. Because it was proposing that the future

demountable scheduled to be completed before the end of term 1 would be of an open space design, the school decided that it would place those two classes into that area of the school.

Here is something that Mr Corbell obviously did not know before he shot his mouth off. There is still another classroom vacant at the Gold Creek Primary School site which could accommodate a further 30 students. I repeat: there is a vacant classroom, so space is not a problem, Mr Speaker. The two classes, not one, of Year 1 students have a combined enrolment of 58 students. At the time of the Corbell-generated media frenzy yesterday, there were two teachers teaching that group and there were 51 students present in the classes. That is an average of 25.5 students per class.

Mr Corbell: Well done, Bill.

MR STEFANIAK: Do you like that? That is well below the class average for Year 1 students in the ACT at present, which is around 28 to 30, but it is going to come down with our new initiative provided we get the budget passed. So, Mr Speaker, as I said earlier, let us not get the facts in the way of a good story. I think Mr Corbell should have made an approach to look at the classrooms. He should have spoken to the principal or my office, and the whole matter would not have been a total beat-up and a waste of time for everyone. Also, perhaps, he would not have needlessly concerned some people in the community who might have believed everything that was put in front of them before the facts started coming out.

Mr Corbell: Go and tell that to the parents. You go out there and tell it to the parents.

MR STEFANIAK: Go and have a look at the classrooms. Go and have a chat to the principal, Simon. Go out there and—

Mr Corbell: You go out there and tell that to the parents.

MR STEFANIAK: If any parents have a problem they should see the principal and the teachers. The principal, as I think he said on radio today and on other media last night, has said that the school took that decision for good educational reasons. I respect the ability of our principals and teachers in our system to do that. So, Mr Corbell, go and have a look at it in operation, and next time try to check your facts.

MRS BURKE: I have a supplementary question, Mr Stefaniak. Mr Corbell and some media commentators have suggested, however, that this issue of class sizes at Gold Creek is a breach of the government's commitment to reducing class sizes for our younger schoolchildren. Can the minister advise the Assembly whether the Gold Creek situation is a breach of the government's announced intention to reduce class sizes?

MR STEFANIAK: No. As I said, nothing could be further from the truth. As I pointed out, there were 51 students there yesterday. The total is 58, which is 29 a class. There are two teachers. Quite clearly, that fits in exactly with the current average of 28 to 30 students that we have currently. The actual number of students is about the level we intend to bring the classes down to next year, that is, 25, so it is wrong of Mr Corbell to claim that we have done a backflip within days. I am sure he

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thought it was a lovely story. He did try to indicate that, but I think he has fallen flat on his face on it. The facts are quite different from what he was hoping to prove.

Land stock register

MR CORBELL: My question is to the Minister for Urban Services. Minister, a press release issued by your office on 7 November last year relating to your now infamous land stock assessment prepared by Infrastructure and Asset Management in the Department of Treasury and Infrastructure stated:

It is simply a register of all our unleased land, not a list of sites for development.

That is what you said. However, a briefing noted by yourself on 6 November 2000 advising you of the purpose of the land stock register clearly states its true purpose. It says:

The purpose of this work would then lead to further investigation of alternative land use opportunities.

Will the minister explain the contradiction between his press release and the brief noted by him in relation to the purpose of the land stock register, a brief he read one day before he put out his press statement?

MR SMYTH: Mr Speaker, it seems like it is the day of the simplistic question. Mr Corbell has been given boxes of documents from which he has taken one document. From that document he has chosen about seven words which he quotes out of context. He says, "This work leads to" and then goes on with his seven simple words. What he does not read are the five dot points above it. This is quite interesting. He tried to get this up a couple of weeks ago in a nice article in the *Saturday Canberra Times* which pointed out that, shock, horror, this is what the minister said and he is wrong. We presented to the *Canberra Times* journalist the five dot points that clarify exactly what I said and he printed them. I note that Mr Corbell did not read out those five dot points. Perhaps he would like to read to the Assembly the whole of the statement.

MR CORBELL: Mr Speaker, I ask a supplementary question. Far from being a day of simplistic questions, it is a day of simplistic answers. Can we hold out any hope that the minister will apologise to the Canberra community for misleading them as to the true purpose of the land stock register, as you were so clearly advised on 6 November last year?

MR SMYTH: I guess the answer to that is: can we hold out any hope at all that Mr Corbell will actually read the whole briefing into the record to tell people the full story? But it is interesting: he reads these seven words in order to weave this web. It is more fairy floss again from the opposition spokesman on planning. But he has been caught out again.

This is the man who said that the 5 per cent open space rule of thumb was this government's. Yet it was put in place by Bill Wood. This is the man who said that it was the government's grab for land. In fact, we had sold only 3,000 blocks in five

years when they sold something like 11,000 blocks in three years. This is the man who said that the government was selling or approving—and he still has not retracted—something like 500 dual occupancies a year when the number was something like 400 over the five years of this government. Yet it was something like 600 over the three years of Bill Wood. It goes on.

This is the man who said that we were going to sell all these blocks of land and again misquotes—

Mr Corbell: On a point of order, Mr Speaker: my question was very clear. I asked: will the minister apologise, yes or no?

MR SPEAKER: There is no point of order. I am becoming rather irritated by the constant interjections.

Mr Moore: Mr Speaker, I would like to take the opportunity to take a point of order. Mr Corbell has hardly had his mouth closed the whole way through this and other answers. It really is unacceptable behaviour.

MR SMYTH: Mr Speaker, this is the man who said the government is eating into green space and yet we are the ones who, through Mr Humphries, moved an entire town centre. We have now said that the Jerrabomberra development will not go ahead because of the controls that we have put in place. He refuses to speak about the 100 hectares of yellow box and red gum that we have put back into the reserve. If anybody should apologise in this place it should be Mr Corbell for his simplistic approach to question time and his simplistic attempts to delude members of the ACT public.

Mr Stanhope: A big porky. What a porky!

Mr Corbell: You lied—that is the reality; you lied.

Mr Moore: On a point of order, Mr Speaker: the Leader of the Opposition said that this is a porky and Mr Corbell said, “You lied.” Both of these comments—and certainly Mr Corbell’s—ought to be withdrawn.

MR SPEAKER: If those words were used, withdraw, please, immediately.

Mr Corbell: I withdraw the comment, Mr Speaker.

Mr Moore: Mr Stanhope should withdraw the word “porky”.

Mr Stanhope: Mr Speaker, if you rule that the word “porky”—

MR SPEAKER: We understand what the word “porky” means in this place. Please withdraw it.

Mr Stanhope: It means a number of things. It means slightly overweight.

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MR SMYTH: Mr Speaker, having been on a very vigorous program of exercise and having lost some weight in previous years, I am offended.

Nurses—Canberra Hospital

MR OSBORNE: My question is to the minister for health, Mr Moore, and is about his ongoing dispute with the nurses at the Canberra Hospital. Minister, last week the nurses union rejected your offer of a 12 per cent pay rise, based on their claim that it was funded by job losses caused by combining positions and changes to rostering. Do you agree that your offer contains a forced trade-off of jobs? Is the offer still on the table and are you currently negotiating with the union?

MR MOORE: I thank Mr Osborne for the question. Let me answer the last part of the question first. It is certainly not the situation that I am negotiating with the union. I am not negotiating with the union. I never have been negotiating with the union. I asked the union to come into my office when the government made the offer and I pointed out that from then on the negotiations would be with the management of the three areas—the Calvary Hospital, Community Care and the Canberra Hospital.

Mr Osborne may recall that some of the workplace reforms that we asked for when we made the 12 per cent offer have been presented erroneously. For example, the offer is very specific about the introduction of shift-length flexibility, the 12-hour shift and the three-hour shift, saying that it will not be forced on any individual. It is very specific. To suggest that it would be forced is simply a lie. To suggest that 40 jobs will be cut is simply a lie.

The sort of scuttlebutt and misinformation that have gone through to the Canberra Hospital nurses is particularly disappointing. It has been seen through by the Calvary nurses, who have overwhelmingly accepted the government's offer—83 per cent. Because they agreed to go to a vote on it on, I think, 22 December—certainly before Christmas—their pay rise will start from 22 December. I hope that that pay rise will be in their pay packets the next time they receive a salary payment.

Unfortunately, the scuttlebutt and misinformation that are around have caused some nurses to feel unnerved about what is an excellent offer. There is also the sense that after the election, no matter who is voted in, the nurses will have a better chance—certainly if Labor is in—of getting a much better offer than 12 per cent. Before Mr Stanhope jumps up and says, “Yes, we will do that,” he ought to be aware that what he would need to do for the nurses to catch up with that offer by January or February of next year is to offer as the first-up pay rise something in the order of 12 per cent.

The offer is a genuine one. One thing that is somewhat distressing is the level of distrust that has existed between the nurses union and management for the many years since Mr Berry was a minister.

Mr Berry: It is you, mate, not the management.

MR MOORE: We have only to look back at your record, Wayne Berry, to understand that. There is some reluctance to accept this offer on the part of some members of the union. There is no doubt in my mind that if a democratic process operates—a secret ballot, as happened with the 83 per cent of nurses at Calvary—and if this misinformation stops, we will see an overwhelming willingness to accept this offer. I think the union ought to agree with management that the appropriate thing to do is to go to a vote and ask the nurses themselves what they think of the package.

MR OSBORNE: I have a supplementary question, Mr Speaker. Minister, I understand that the union put some of its concerns to you in writing last Thursday. Is that so? Have you given the union a response? If not, when do you intend to do so?

MR MOORE: No, that is not the case. It is the case that I have seen a copy of the resolution passed. That resolution starts by saying, “We will bypass management and negotiate with the minister.” That is not possible because I will not negotiate with them. It is appropriate for management to negotiate that offer with them. That is not my role and it has never been my role; I have never done it.

Should the union seek a meeting with me I will be happy, as always, to meet with them. I have deliberately stayed completely out of the negotiations because I think that the matter is one for the management of the hospital, community care and Calvary to negotiate with their nurses. In the case of Calvary there were extra negotiations. They had some flexibility and they worked that into their negotiations. I would not mind if the Canberra Hospital did that. The government has said that it will put in a level of money if it gets a particular return for it.

It should be remembered that it is not just a case of saying that the pay rise will be approximately 12 per cent. For some nurses it will be much more and for some nurses it will be a bit less. But for those nurses working night shifts there will be a very significant increase in their salary package. I would strongly urge nurses to take advantage of what is the most generous offer that any government in Australia has made for as long as I can remember.

Commonwealth properties—proposed sale

MR WOOD: My question is to the Chief Minister. Mr Humphries, you would be aware now that the Commonwealth government proposes to sell three prime sites for development—one at Barton adjacent to the Kingston foreshore project and two car parks in the south-western sector of the CBD. And I understand that there may be others. Mr Humphries, when did you become aware of the Commonwealth’s plans to sell these sites? Was it only yesterday? Apart from the considerable planning concern, what impact will the sale have on the government’s strategic planning for the city? In particular, what impact will the redevelopment of the two central district car parks have on the government’s plans to sell the car park it owns on the corner of London Circuit and Edinburgh Avenue for a mixed commercial/residential development?

MR SMYTH: I might take that question, as it comes more appropriately within my portfolio. We have ongoing negotiations and conversations with the NCA and the federal government about release of their land. The curious thing about this is that Labor’s planning spokesman just months ago was saying that we should be selling off

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underutilised car parks and building high-rise. Perhaps the Labor Party internally ought to caucus so they understand that when their leader goes out slating what the Commonwealth is doing it is actually what their planning spokesman wanted to happen.

MR WOOD: I ask a supplementary question.

Mr Berry: He won't answer the question.

MR WOOD: As Mr Berry says, there was no answer to the question. I can only assume from the minister's answer that he heard about it yesterday. He nods assent to that. You mentioned ongoing talks. Is that not the case? I think we are together on this. Minister, would you not agree that the inner ring around City Hill between Vernon Circle and London Circuit, of which this Assembly is part, is not for high-rise, not for residential, but should be reserved for significant public buildings? Would you agree with that statement? Secondly, is it not a fair proposition, if not a difficult one, that if the Commonwealth does not want the land, does not need it, it should cede it to the ACT?

Mr Moore: I take a point of order, Mr Speaker. The first part of the question asks for an expression of opinion or the announcement of policy, but I am sure Mr Smyth will be able to handle the second part of the question.

MR SMYTH: Mr Wood raises a couple of issues. Perhaps some of these are the constant planning mistakes Bill Wood made that Simon Corbell constantly refers to. We are still waiting for Mr Corbell to list those mistakes of Mr Wood. Mr Wood asked a couple of things. I am sure we have not ever said that the ring between Vernon Circle and London Circuit has been designated for buildings of national significance. It is land under the control of the federal government. As we all know in this place—and this is one of the dilemmas—there are two plans that govern the territory, one of which is the National Capital Plan, which has primacy over our own.

I was speaking with Mr Humphries earlier today about this issue. He tells me that he moved a motion or that there was a motion in the Assembly in about 1996 calling on the establishment of one territory plan. That is something I have also put forward. Yet every time we suggest there be only one plan Mr Corbell says, "How dare you undo that." Clearly, there is disagreement on the other side about how we advance these issues. This side has always said that we would like to see one plan. Except for the national capital areas—possibly the parliamentary triangle and a few other areas—we should be in control of the territory.

The last part of your question was about what agreements were in place that saw the return of unused Commonwealth assets or land. I have a recollection that some deal was struck at the time of self-government that when the Commonwealth no longer needed such assets they were to be returned to the ACT. I have asked my department to track that down for me. I understand that the former Chief Minister wrote to the Commonwealth and they wrote back and said that that was not their understanding of the argument. But it is an argument certainly worth having.

Deakin oval

MS TUCKER: My question is directed to the Minister for Urban Services. I did give the minister notice of this question. It relates to the agreement the government has made with the Croatia Deakin Football Club regarding the redevelopment of the Deakin soccer oval. Minister, under this agreement, the football club surrendered its lease over the oval, and the government then subdivided this land into three new blocks. One of these blocks is for a new oval, one is to be developed by the club into residential units, pending a variation to the Territory Plan, and the third is to become public open space. The block for the new oval—block 16, section 36, Deakin—has already been given to the club by direct grant, but when you announced this in the Assembly last year you did not say under which determination this direct grant of land was given. You referred to determination 228 of 1997 for other leases granted at the same time, but this determination is only about grants of land for commercial, industrial, residential and tourism purposes and not for sporting facilities. Could you therefore clarify the legal basis on which this grant of block 16, section 36 was made?

MR SMYTH: I thank Ms Tucker for her notice of the question. She rang my office and told them she would be asking it. She refers to disallowable instrument No 131 of 2000. The section under which the regrant is made is section 163 of the land act. It was a regrant of land, under a disallowable instrument, to a community organisation.

MS TUCKER: I ask a supplementary question. The Deakin oval and surrounding land are currently zoned as public land under the Territory Plan, and under sections 208 and 209 of the land act the executive may not grant a lease over public land except on the written recommendation of the conservator. Could you therefore advise whether a recommendation of the conservator was sought regarding that direct grant of block 16, section 36 and, if so, could you table the recommendation?

MR SMYTH: I will have to get further information on the process that was followed. I will answer the member's question later.

AC/DC rock concert

MR BERRY: My question is to the Minister for Urban Services. It is a further opportunity for him to demonstrate that he is on top of things. At the recent AC/DC concert, fans were not allowed to take water into the event. Minister, the concert took place in the middle of a very hot summer and was after the tragedy that occurred at the Big Day Out in Sydney. Minister, can you inform the Assembly what risk assessment was undertaken by WorkCover before the event and why fans were not allowed to take their own water into the event?

I also understand that there was some difficulty with exit routes. Given the government's concern about major events that might create a hazard for the people who attend these events—I hope they have that sort of concern these days, after the hospital implosion—could you tell me again what risk assessment was undertaken; why the fans were not allowed to take water into the event; and what the government will do to ensure that so-called safety precautions are taken at these sorts of events?

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MR SMYTH: Mr Speaker, that is not information I have to hand. I will have to take the member's question on notice.

Surveyors declaration forms

MR RUGENDYKE: Mr Speaker, my question is to the Urban Services Minister. Minister, I have a copy of the standard surveyors declaration form that is a scheduled form in the Land Titles (Unit Titles) Act 1970, relating to the duties of surveyors as part of the building certification process. I also have a copy of a completed surveyors declaration form for block 4, section 22, in the city, otherwise known as the Globe building. I seek leave to table these two forms, for the benefit of the minister and members. They relate to the question.

Leave granted.

MR RUGENDYKE: I present the following papers:

Surveyor's Declaration forms (2) (*Land Titles (Unit Titles) Act 1970*)—
Uncompleted copy of form.

Units Plan No 1903—Completed copy of form related to City, section 22, block 4, dated 13 October 2000 and registered on 20 November 2000 (Sheet No 3 of 51).

Minister, the standard form says that "the surveyor's diagram must include any encroachment by a building, including any material attached to it". But the Globe form has been changed to say that the diagram "must include any encroachment, not including any material attached to it". The word "not" has been inserted by the Unit Titles Office and signed off by the delegate of the minister.

Can the minister explain why the form signed by the surveyor for the Globe has been changed to the degree that it reverses the intent of the scheduled form under the act? If you take the question on notice, would you provide an explanation by the close of business today so that surveyors know where they stand?

MR SMYTH: Mr Speaker, I have never seen the forms. I will have to take advice from the department on why it was changed, and I will get back to the member as quickly as I can.

MR RUGENDYKE: Minister, I am aware that the Registrar-General's Office has legal advice concerning this scheduled form and his officers are refusing to sign that portion of the document, in some cases. Could the minister outline the concerns of the Registrar-General and provide a copy of the legal advice, also today, so that surveyors once again will have confidence in the process of carrying out their obligations?

MR SMYTH: Again, Mr Speaker, I will have to seek advice from the various officers in the various departments that cover this issue. I will endeavour to get it back as speedily as I can. I certainly cannot guarantee that it will be by close of business today.

Mr Humphries: I ask that further questions be placed on the notice paper, Mr Speaker.

Act-of-grace payments

MR HUMPHRIES: During question time Mr Quinlan asked me about an act-of-grace payment to Deutsche Bank. I am advised that a \$100,000 payment was authorised under delegation to the Under Treasurer, Mr Ronaldson. I will take on notice the other parts of Mr Quinlan's question.

Executive contracts

Papers and statement by minister

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): For the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long term contracts:

Sandra Lambert, dated 20 December 2000.

David Boadle, dated 17 January 2001.

Louise Tucker, dated 20 December 2000.

Michael Zissler, dated 5 February 2001.

Gerry Cullen, dated 24 January 2001.

Brad Page, dated 17 January 2001.

Temporary contracts:

Paul Dugdale, dated 2 and 30 November 2000.

Sue Ross, dated 15 December 2000.

Angel Marina, dated 9 January 2001.

Schedule D variation:

Graeme Dowell, dated 9 and 17 January 2001.

Alan Towill, dated 7 and 11 December 2000.

Phillip Thompson, dated 7 December 2000.

Robert McConchie, dated 14 and 21 December 2000.

Garrick Calnan, dated 7 and 11 December 2000.

Performance agreements:

Colin Adrian, dated 21 November 2000.

Tony Bartlett, dated 7 and 14 November 2000.

Gordon Davidson, dated 11 and 21 September 2000.

Allan Eggins, dated 20 October and 14 November 2000.

Dorte Ekelund, dated 2 November 2000.

Beverley Forner, dated 22 September 2000.

Elizabeth Fowler, dated 8 November 2000.

Lincoln Hawkins, dated 22 September 2000.

Ken Horsham, dated 21 November 2000.

Hamish McNulty, dated 2 November 2000.

Brad Page, dated 15 and 21 November 2000.

Stephan Ryan, dated 10 November 2000.

Guy Thurston, dated 1 November 2000.

Peter Wallace, dated 20 and 28 November 2000

I ask for leave to make a statement in relation to the contracts.

Leave granted.

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MR HUMPHRIES: I thank members. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Members will recall that contracts were previously tabled on 6 December last year.

Today I present six long-term contracts, three short-term contracts and 19 contract variations, 14 of which are revised performance agreements. The details of the contracts will be circulated to members.

As usual, I would like to alert members to the issue of privacy of personal information contained in the contracts and ask members to deal sensibly with the information in respect of the privacy of individual executives.

Papers

MR SPEAKER: I present the following papers:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8—Authority to broadcast proceedings in relation to:

Assembly proceedings relating to the swearing in ceremony for Mrs Burke and for her inaugural speech for today, 13 February, dated 7 February 2001.

Public hearings of the Standing Committee on Education, Community Services and Recreation on 1 and 8 February 2001 for its inquiry into adolescents and young adults at risk of not achieving satisfactory education and training outcomes.

Public hearings of the Standing Committee on Planning and Urban Services for its inquiries into:

Draft Variations to the Territory Plan Nos 118, 162 and 166 on 2 February 2001.

Draft Variation to the Territory Plan No 158 on 9 and 16 February and 9 March 2001.

Proposed Athllon Drive Housing Development on 23 February 2001.

Draft Variation to the Territory Plan No 155 on 2 March 2001.

National Competition Policy Review of ACT Taxi and Hire Car Legislation, dated 23 March 2001.

Public hearing of the Standing Committee on Health and Community Care on 26 February 2001 for its inquiry into Aboriginal and Torres Strait Islander Health, dated 30 January 2001.

Performance report

Financial Management Act, pursuant to section 25A—Legislative Assembly for the Australian Capital Territory Secretariat—Performance report for the December quarter 2000-2001.

The quarterly report for the Legislative Assembly secretariat was circulated to members when the Assembly was not sitting.

Mr Humphries presented the following papers:

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Chief Magistrate, Magistrates, and Special Magistrates—Determination No 69, dated 29 December 2000.

Master of the Supreme Court—Determination No 70, dated 29 December 2000.
Chief Justice of the Supreme Court (Additional Allowance)—Determination No 71, dated 29 December 2000.
Commissioner for Public Administration—Determination No 72, dated 29 December 2000.
Part-Time Holders of Public Offices—Determination No 73, dated 29 December 2000.
Travel allowances—Determination No 74, dated 29 December 2000.
Chief Executives and Executives—Motor vehicles—Determination No 75, dated 29 December 2000.
Part-Time Holders of Public Offices—ACT Law Reform Commission—Determination No 76, dated 16 January 2001.
Chief Executives and Executives (Relocation allowance)—Determination No 77, dated 16 January 2001.
ACT Government Workforce Statistical Report—
Fourth quarter 1999/2000 (30 June 2000).
First quarter 2000/2001 (30 September 2000).
Administrative arrangements—Notification of appointment of Ministers (Gazette S71, dated 18 December 2000).

Administrative arrangements

Statement by minister

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): Mr Speaker, I ask for leave to make a statement in relation to the paper on administrative arrangements.

Leave granted.

MR HUMPHRIES: Mr Speaker, I have been very pleased to table the administrative arrangement orders of this government, together with the new ministerial arrangements. The changes to the administrative arrangements follow the resignation of Mrs Carnell last year. The changes very briefly are as follows: Mr Moore, previously the Minister for Health, Housing and Community Care, has taken on responsibility for family services and corrective services and is now Minister for Health, Housing and Community Services. Urban Services Minister and Deputy Chief Minister, Mr Brendan Smyth, becomes Minister for Police and Emergency Services in addition to taking on business, tourism and the arts, formerly the responsibility of Mrs Carnell. The Minister for Education, Bill Stefaniak, will become Attorney-General, encompassing fair trading and the Registrar-General's Office.

The changes spread responsibility across the four ministers and allow me to place more focus on community affairs and on whole of government strategy. These new ministries have not involved structural change to any ACT government departments. These new arrangements continue the streamlined approach we as a government have taken to efficient and effective government in the ACT.

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Legislation program—autumn 2001

Paper and statement by minister

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): Mr Speaker, for the information of members I present the following paper:

Autumn 2001 Legislation Program, dated 13 February 2001.

I seek leave to make a statement.

Leave granted.

MR HUMPHRIES: I thank members. Mr Speaker, I am pleased to present the government's legislation program for 2001. As the parliamentary year is shortened by the October election, there will only be one government legislation program covering both autumn and spring sittings.

The focus of this program combines financial and business matters that require annual attention with the government's drive for responsible management of the territory and responsiveness to community concerns. In the time available to me I will comment on only a few items that are a priority for the government. There are a number of items on this program which I invite members to look at in more detail.

The most critical bill for the operation of this territory, of course, is the 2001-02 Appropriation Bill which will be tabled on 1 May. The passage of the bill by the Assembly will authorise the maximum amount of public money that can be legally made available to departments for the 2001-02 financial year. As part of the budget package, amendments will be proposed to sections 13 and 22GM of the Rates and Land Tax Act 1926 to prescribe any required changes to the rating factors for 2001-02.

Mr Speaker, it is proposed that there be a further three stages of amendments to the Duties Act 1999. Stage one was introduced during 2000. Stage two will remove avenues of avoidance on certain transfers of dutiable property resulting from voluntary transfers of a commercial nature under a Commonwealth act, put and call options and share rights alterations. Stage three amendments will be designed to improve the overall administration of the act to strengthen divisions to prevent loss of duty and provide an extension of concessions as necessary. In addition, it might be necessary to further amend the act to respond to the effect of Commonwealth amendments to the Corporations Act to make all Australian companies "incorporated in Australia", thus severing the current jurisdictional nexus. Amendments may be necessary to maintain a nexus for marketable securities so the ACT can continue to receive duty on share transactions.

Mr Speaker, it was announced in the 2000 budget that the insurance levy would cease to apply after 30 June this year, and to give effect to that initiative the government will introduce a bill to repeal the Insurance Levy Act 1998 to ensure that the commissioner is not required to issue advanced assessments in May this year.

New legislation will be introduced to facilitate the provision of telecommunications infrastructure to the ACT community and to support improvements in government procurement processes. The government is proposing to establish a government procurement board. The Government Procurement Bill will create a board with responsibility for the ongoing improvement of procurement practices and purchasing skills in government agencies. The board's foremost responsibility will be the establishment of a procurement accreditation system to govern purchasing activities and ensure that only officers with accredited skills and competencies perform major procurement activities and that these officers use agreed procedures.

Mr Speaker, of particular interest to members are the proposed amendments to the Superannuation (Legislative Assembly Members) Act 1991. In addition to some technical changes responding to federal laws, the amended legislation will provide the opportunity for members to better match their superannuation responsibilities and arrangements with their individual circumstances.

The Community Title Bill is another government priority for this year. It will provide for a form of subdivision that allows people to have separate ownership of a primary lease, while having a shared interest and responsibility over common land on adjacent crown lease. It will provide the security of ownership of a separate lease and grant flexibility in use of the land, and variations to the scheme are providing for a wider mix of land uses under one scheme.

The Territory Records Bill will provide a legislative framework for standards for the creation, management, protection and preservation of the records of the ACT government and for monitoring adherence to those standards.

The School Education Bill 2001 is an important part of the government's legislative program. This legislation is a government commitment to update and consolidate existing legislation in relation to schooling in the territory, presently provided under four separate acts, into a single effective act. This legislation has been developed through extensive community consultation and review by the Legislation Review Committee chaired by Professor Don Aitkin, the Vice Chancellor of the University of Canberra. The bill will not only consolidate and update existing law but will provide legislative support for flexible and innovative schooling and, most importantly, it covers both government and non-government sectors of schooling.

Since the handing over of responsibility for administration of the ACT Supreme Court in 1992 to the ACT body politic, appeals from the ACT Supreme Court have been heard by the Federal Court of Australia, a Commonwealth court. More than 10 years after self-government, it is inappropriate that appeals from the ACT Supreme Court continue to be heard by a non-ACT court. It is time to establish a new ACT appeals process and to do so the government proposes to legislate to establish a specially constituted bench of the Supreme Court. This legislation will, of course, be dependent on the passage of Commonwealth legislation but we expect this to be achieved during the first part of the year.

There have also been a number of recent Supreme Court decisions concerning restraining orders, which have highlighted deficiencies in the legislation relating to restraining orders. Legislation relating to these orders has been reviewed with a view

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to addressing both the procedural difficulties identified by the Supreme Court and also its consistency with the protection orders provisions of the Domestic Violence Act 1986. Restraining and protection orders serve similar purposes and are issued using similar procedures. The proposed legislative changes will provide a single consistent procedure for both types of orders, whilst recognising the different purposes served by the two types of orders.

The government will bring forward legislation to streamline the operation of our corrections system. This legislation is needed to provide a sound statutory basis for two new forms of corrective sentence, namely imprisonment here in the ACT and the use of home detention orders for non-violent offenders.

In the area of health the government is also proposing to put forward a range of amendments and new legislation. Mr Speaker, the government intends to introduce a bill to authorise persons to be appointed under a community visitors scheme. The scheme supports initiatives in the Disability Services Strategic Plan 1999, will encompass quality service and advocacy issues, is complementary to the Mental Health Official Visitor and independent of all existing service providers and funding bodies.

The government will bring forward a bill to condense several existing pieces of health professionals legislation into one with complementary revisions to the Veterinary Surgeons Act 1965 which shares common provisions with the health professional acts and in particular is operationally reliant on the health professions boards procedures and elections acts.

Amendments are also proposed to the Drugs of Dependence Act 1989 to facilitate the early destruction of seized cannabis, and the Community and Health Services Complaints Act 1993, to update the commissioner's powers and make minor amendments to the general operation of the act.

Finally, the technical amendments program will continue to tidy up ACT laws and provide an avenue for addressing technical amendments that are required.

Mr Speaker, as mentioned earlier, these are but a few initiatives proposed in the 2001 legislation program. In tabling the 2001 program, the government is once again indicating to members the legislative items it considers are important. I seek the cooperation of members in the timely consideration of these bills. I am pleased to present a legislation program which continues to build on the legislative achievements of this government. I commend the program to the Assembly.

Papers

Mr Humphries presented the following papers:

Financial Management Act, pursuant to section 26—Consolidated Financial Management Reports for the months and financial year to date ending 30 November 2000 and 31 December 2000, respectively.

Mr Smyth presented the following papers:

Land (Planning and Environment) Act, pursuant to paragraph 229A (7) (b)—Statements, pursuant to section 229A, relating to the revocation of:

Development Application 20006155—Homeworld, dated 20 December 2000.

Development Application 20005202—Manuka Plaza, dated 20 December 2000.

Purchase agreement Paper

Mr Smyth presented the following paper:

Purchase agreement between the Minister for Business, Tourism and the Arts and the Chief Executive of the Chief Minister's Department for the period 20 October 2000 to 30 June 2001.

Leases Paper and statement by minister

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services): Mr Speaker, for the information of members, I present the following paper:

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 October to 31 December 2000, including leases granted to Argos Pty Limited, Defence Housing Authority and Decoin Pty Limited

I ask for leave to make a short statement.

Leave granted.

MR SMYTH: Section 216A of the Land (Planning and Environment) Act specifies that a statement be tabled in the Legislative Assembly outlining details of: leases granted by direct grant; leases granted to community organisations; leases granted for less than market value and leases granted over public land. The schedule I now table covers leases granted for the period 1 October 2000 to 31 December 2000. I am also tabling two other schedules relating to variations approved and changes of use charges for the same period.

Mr Speaker, in September 1997 my colleague the Chief Minister, then the Minister for Environment, Land and Planning, tabled Disallowable Instrument No 228 of 1997 for the direct grant of land for any or all of commercial, residential, industrial and tourism purposes. In the tabling statement, Mr Humphries indicated that a copy of the lease and a statement setting out why the lease was sold would be tabled in the Assembly. I wish to table for the benefit of members copies of three leases granted under Disallowable Instrument 228 of 1997.

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The first such lease was granted to the Defence Housing Authority, the DHA, over block 87, section 24 of Stirling for the development of housing for defence personnel. In December 1999 the ACT and Commonwealth governments jointly announced a major expansion of defence housing in Canberra to meet the needs of the Australian Defence Force. The ACT government agreed to assist the program by initially providing land in Stirling for 50 dwellings and a site in Bruce for 10 dwellings by direct grant at current market value.

The grant of this lease in Stirling to DHA is associated with the decision to expand the Defence Force college in Weston Creek and to co-locate the three service staff colleges there. This has put added pressure on DHA to provide additional housing at short notice.

The college will provide significant economic benefits to the territory, both from the direct cost of the development by the Commonwealth of \$28 million and the ongoing employment opportunities flowing from this important national institution. It will also support local businesses and other community facilities such as schools.

Mr Speaker, the residential rental market in the ACT is very tight, with limited opportunities to rent or buy suitable housing close to the college. The site of this lease within the established residential area of Stirling is within five kilometres of the college and has good access to other defence locations throughout Canberra.

The DHA will construct 50 quality dwellings, initially to meet demands for expanded students and staff at the college. The estimated project cost of \$11.5 million will significantly benefit the ACT economy, while the increase in residents and their children into the territory will not only benefit the Weston Creek community but will have a broader economic impact across Canberra. The land is being sold at market value. The Australian Valuation Office has determined the value of the land at \$2 million.

Mr Speaker, as I have outlined, the government believes there will be significant benefits to the territory to support the DHA's development in Stirling. These economic benefits justify a direct grant of land to assist DHA to meet its expanded housing program.

The second lease was granted to Argos Pty Limited to enable the expansion of a small supermarket at the south Kaleen local centre. The additional land, known as block 35, has an area of approximately 328 square metres.

Members will be aware of the pressure on Canberra's retail structure through a range of factors including changes in the retail market and consumer expectation. The government released a policy direction last year on the retail sector which responded to these changes. At the local centre level it recognised the importance of supporting local retailer rejuvenation initiatives which reflected local themes and character. This proposal is one such initiative.

The proposed development offers a number of benefits which support the sale of the land by direct grant. There will be improved shopping services available to people in the local area. By enhancing the competitiveness of the supermarket there should be

flow on benefits to the other shops in the local centre. There will also be employment benefits during construction and once the expanded centre is operating. The land is being sold at market value. The Australian Valuation Office has determined the value of the land at \$58,000.

Mr Speaker, the government's recognition of the importance of retailing to the overall fabric of Canberra is shown in other ways. Since coming to office in 1995 the government has invested almost \$6.3 million in local and group centres through the precinct management program. The commitment was continued in the recent budget when a range of initiatives was announced to improve some of the key shopping centres. This included \$500,000 for minor new works at identified shopping centres around Canberra.

The government will support the initiative undertaken by Argos at the south Kaleen local centre and I believe that there will be benefits to the territory which justify a direct sale of land to Argos so that it can extend the operations of its existing facility.

Mr Speaker, the third lease was granted to Decoin Pty Limited over block 63, section 22, Hume. The lessee will develop its unique building formwork business, Corcon, that has great export potential in the Asia Pacific region.

Support for the project is based on the projected employment growth of 96 positions over five years and the fact that the project is likely to bring new industry to the ACT. The Australian Valuation Office has determined that the value of the land is \$265,000. The lessee has opted to take up the rental option of a minimum rent of \$26,500 per annum for the first six years. The rent will then be reappraised.

The company has entered into an ACTBIS assistance agreement and provided the company meets the performance targets during the term of the agreement—that is, five years—the ACT government has also agreed to a waiver of the land rent of the lease to a maximum of \$150,000.

Mr Speaker, as I have outlined, I believe that there will be significant benefits to the territory from all of these direct sales.

Purchase agreement Paper

Mr Stefaniak presented the following paper:

Purchase agreement between the Minister for Education and the Chief Executive of the Department of Education and Community Services for the period 15 December 2000 to 30 June 2001, dated 31 January and 1 February 2001.

Papers

MR MOORE (Minister for Health, Housing and Community Services): Mr Speaker, for the information of members, I present the following papers:

Subordinate legislation (including explanatory statements, unless otherwise stated) and commencement provisions

Administration Act and Mental Health (Treatment and Care) Act—Delegation—Instrument No 364 of 2000 (No 51, dated 21 December 2000).

Agents Act—Appointments to the Agents Board of the Australian Capital Territory—

Members—Instrument No 374 of 2000 (S73, dated 21 December 2000).

Member and Chair—Instrument No 375 of 2000 (S73, dated 21 December 2000).

Betting (ACTTAB Limited) Act—Rules of betting—Instrument No 8 of 2001 (S4, dated 2 February 2001).

Board of Senior Secondary Studies Act—Appointments to the Board of Senior Secondary Studies—

Chairperson—Instrument No 383 of 2000 (No 3, dated 18 January 2001).

Alternate Members—Instrument No 384, 386, 388, 393 and 395 of 2000 (No 3, dated 18 January 2001).

Members—Instrument No 385, 387, 389-392 and 394 of 2000 (No 3, dated 18 January 2001).

Blood Donation (Transmittable Diseases) Act—Approval of Donor Declaration Form—Instrument No 362 of 2000 (No 51, dated 21 December 2000).

Building Act—Building Regulations Amendment—Subordinate Law 2000 No 54 (No 51, dated 21 December 2000).

Canberra Institute of Technology Act—Appointments to the Canberra Institute of Technology Advisory Council—

Chairperson—Instrument No 352 of 2000 (No 49, dated 7 December 2000).

Members—Instruments Nos 353 to 357 (inclusive) of 2000 (No 49, dated 7 December 2000).

Children and Young People Act—Children and Young People (Modification) Regulations Amendment—Subordinate Law 2000 No 49 (No 49, dated 7 December 2000).

Crimes (Forensic Procedures) Act—Crimes (Forensic Procedures) Regulations 2000—Subordinate Law 2000 No 56 (S69, dated 21 December 2000).

Cultural Facilities Corporation Act—Appointment of members to the Cultural Facilities Corporation—Instrument No 2 of 2001 (No 5, dated 1 February 2001).

Gungahlin Development Authority Act—Appointment of members to the Gungahlin Development Authority—Instrument No 360 of 2000 (No 51, dated 21 December 2000).

Housing Assistance Act—Variation to Public Rental Housing Assistance Program—Instrument No 376 of 2000 (S73, dated 21 December 2000).

Justices of the Peace Act—Appointment of Justices of the Peace—Instrument No 367 of 2000 (S69, dated 21 December 2000).

Land (Planning and Environment) Act—

Determination of criteria—Calvary Hospital—Instrument No 7 of 2001 (No 6, dated 8 February 2001).

Land (Planning and Environment) Regulations Amendment—

Subordinate Law 2000 No 55 (No 51, dated 21 December 2000).

Subordinate Law 2001 No 1 (No 4, dated 25 January 2001).

Legislative Assembly (Members' Staff) Act—Arrangements for the employment of staff of Members pursuant to subsection 10 (2)—Instrument No 6 of 2001 (No 6, dated 8 February 2001).

Liquor Act—Liquor Regulations amendment—Subordinate Law 2000 No 58 (S69, dated 21 December 2000).

Occupational Health and Safety Act—Determination of fees—Instrument No 358 of 2000 (No 50, dated 14 December 2000).

Public Place Names Act—

Determinations of street nomenclature—
Gungahlin—Instrument No 366 of 2000 (No 51, dated 21 December 2000).
Nicholls—
Amendment to Determination No 7 of 1995—Instrument No 363 of 2000 (No 51, dated 21 December 2000).
Instrument No 365 of 2000 (No 51, dated 21 December 2000).
Revocation of Instrument No 365 of 2000—Instrument No 4 of 2001 (No 5, dated 1 February 2001).
Public Sector Management Act—Management Standards—No 7 of 2000 (No 4, dated 25 January 2001).
Rates and Land Tax Act—Determinations of interest rates—
Instrument No 380 of 2000 (No 2, dated 11 January 2001).
Instrument No 382 of 2000 (No 2, dated 11 January 2001).
Rates and Land Rent (Relief) Act—Notice fixing rates of interest—Instrument No 3 of 2001 (No 2, dated 11 January 2001).
Road Transport (Driver Licensing) Act—Road Transport (Driver Licensing) Regulations Amendment—Subordinate Law 2001 No 3 (S3, dated 31 January 2001).
Road Transport (General) Act—
Declarations—
A provision of the road transport legislation not to apply to certain persons and vehicles—Instrument No 377 of 2000 (S1, dated 2 January 2001).
Australian Road Rule No 185 not to apply to drivers of certain vehicles—Instrument No 359 of 2000 (No 50, dated 14 December 2000).
Road transport legislation not to apply to certain vehicles and persons—Instrument No 351 of 2000 (S67, dated 30 November 2000).
Part 10 of the *Road Transport (General) Act 1999* not to apply to certain persons and vehicles—Instrument No 378 of 2000 (S1, dated 2 January 2001).
Certain provisions of the road transport legislation not to apply to traffic marshals—Instrument No 371 of 2000 (S69, dated 21 December 2000).
Number plates—Revocation and determination of fees—
Instrument No 350 of 2000 (S67, dated 30 November 2000).
Instrument No 1 of 2001 (No 4, dated 25 January 2001).
Restricted taxi operator licences—Revocation and determination of number of licences—Instrument No 361 of 2000 (No 51, dated 21 December 2000).
Road Transport (Offences) Regulations Amendment—Subordinate Law 2000 No 57 (S69, dated 21 December 2000).
Road Transport (Safety and Traffic Management) Act—Road Transport Legislation Regulations Amendment—Subordinate Law 2000 No 52 (No 50, dated 14 December 2000).
Supreme Court Act—
Corporations Law Rules Amendment—Subordinate Law 2000 No 53 (No 51, dated 21 December 2000).
Supreme Court Rules Amendment—Subordinate Law 2000 No 50 (No 50, dated 14 December 2000).
Taxation Administration Act—Revocation and determination of the ambulance levy payable by health benefits organisations—Instrument No 5 of 2001 (No 5, dated 1 February 2001).
Transplantation and Anatomy Act—Appointment of designated officer for The Canberra Hospital—Instrument No 349 of 2000 (No 49, dated 7 December 2000).
University of Canberra Act—Courses and Awards Amendment Statute 2000 No 39—No 348 of 2000 (No 49, dated 7 December 2000).
Utilities Act 2000—Notice of commencement (1 January 2001) of provisions with the exception of Parts 11 and 12 (1 March 2001); Division 16.3 (to be notified);

section 249 (30 June 2001); and section 250 (1 June 2001) (S69, dated 21 December 2000).

Utilities Act—

Determination of industry codes—Instrument No 368 of 2000 (S69, dated 21 December 2000).

Determination of technical codes—Instrument No 369 of 2000 (S69, dated 21 December 2000).

Notice of exemption—Instrument No 370 of 2000 (S69, dated 21 December 2000).

Utilities (Consequential Provisions) Act 2000—Notice of commencement (1 January 2001) (S69, dated 21 December 2000).

Victims of Crime Act—

Victims of Crime Regulations 2000—

Subordinate Law 2000 No 51 (No 50, dated 14 December 2000).

Appointments to the Victims Assistance Board of the Australian Capital Territory—

Members—Instrument No 372 of 2000 (S73, dated 21 December 2000).

Members—Instrument No 373 of 2000 (S73, dated 21 December 2000).

Water and Sewerage Act 2000—

Notice of commencement (1 January 2001) (S69, dated 21 December 2000).

Water and Sewerage Regulations 2000—Notice of commencement (1 January 2001) (S69, dated 21 December 2000).

Water and Sewerage Regulations 2001—Notice of commencement (18 January 2001) (No 4, dated 25 January 2001).

Water and Sewerage Act—Water and Sewerage Regulations 2001—Subordinate Law 2001 No 2 (No 4, dated 25 January 2001).

Corrigenda

Water and Sewerage Act 2000—Water and Sewerage Regulations 2000—Retraction of incorrectly notified commencement of the Water and Sewerage Regulations 2000 in Gazette S69, dated 21 December 2000 (No 1, dated 4 January 2001).

Performance reports

Financial Management Act, pursuant to section 25A—Quarterly departmental performance reports for the December quarter 2000-2001 for the following:

Department of Business, Tourism and the Arts.

Chief Minister's Department.

Department of Education and Community Services for the Minister for Education and for the Minister for Health, Housing and Community Services.

Department of Health, Housing and Community Care.

Department of Justice and Community Safety.

Department of Treasury.

Urban Services (Schedule 2).

The quarterly reports were circulated to members when the Assembly was not sitting. I also present the following paper:

Out of order petition

Genetic engineering—Five year freeze—Ms Tucker (233 citizens)

Purchase agreement Paper

Mr Moore presented the following paper:

Purchase agreement between the Minister for Health, Housing and Community Services and the Chief Executive of the Department of Education and Community Services for the period 15 December 2000 to 30 June 2001.

Questions without notice Nurses—Canberra Hospital

MR MOORE: Mr Speaker, while I am on my feet, I would like to elaborate on an answer I gave in question time with regard to the ANF coming to my office. I think Mr Osborne asked had the ANF sought a meeting. I received a fax on the evening of 8 February communicating a series of resolutions from a union meeting, which I mentioned earlier. I will table the fax as evidence of the misrepresentations by the ANF, of which I have spoken.

The fax made reference to union desire to negotiate directly with me over the variation. The minister, as I explained, is not the proper party to negotiate a variation under the industrial rules. It is a matter for the Canberra Hospital, et cetera.

I challenge the ANF to stop vetoing rights of staff to vote on this issue and to stop misrepresenting the details of the package to nurses. False statements in the documents I will table include attempts by the Canberra Hospital and ACT Community Care to extract concessions. There have been no such attempts. The draft variation includes the matters outlined in the package.

Secondly, Mr Speaker, they claim that nurses have not been provided with copies. The Canberra Hospital has engaged in a very extensive information campaign and management have attempted to assist the ANF with last minute photocopying issues. Note that photocopying reproductions for the purposes of union member discussions is certainly not an obligation of the Canberra Hospital, but they have been prepared to assist with it and cooperation has been provided to try to further the negotiations.

Finally, Mr Speaker, it has been claimed that a forced trade-off of jobs and conditions is fused to the offer. The ANF is misrepresenting roster flexibility as a trade-off when in fact there is a voluntary benefit available to nurses only with their agreement. References to jobs being traded off is simply false, and I table the following papers:

Australian Nursing Federation—EBA negotiations—Facsimile copies of:
Letter from Secretary, Australian Nursing Federation, Australian Capital Territory Branch to Mr Michael Moore, ACT Minister for Health, dated 8 February 2001.
Media release authorised by Secretary, Australian Nursing Federation, Australian Capital Territory Branch, dated 8 February 2001.

Public service Ministerial statement

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (3.54): Mr Speaker, I ask for leave to make a ministerial statement concerning the future direction of the ACT public service.

Leave granted.

MR HUMPHRIES: Mr Speaker, I am pleased today to outline the future direction which I have set down for the ACT public service. The ACT has a professional, honest, hardworking, collaborative, dedicated and dependable public service. It is a great asset for the people of Canberra. Through its strong record of commitment, innovation and quality of service, our public service has made a major contribution to ensuring that Canberra is the clever, caring capital.

The public service can rightly be proud of all that has been achieved and of the high standard of service that continues to be provided. But we also need to recognise that there are significant areas where performance can be improved. The outcome I am seeking is the provision of an even higher standard of service to the people of Canberra.

There are four fundamental principles that summarise my requirements for the ACT public service: accountability and openness; a commitment to innovation; a focus on performance at both the individual and agency level; and a continuing commitment to renewal. A number of initiatives are linked to each of these principles.

Accountability and openness

Within the next few weeks the government will publish the second annual State of the Territory Report. This report is a groundbreaking commitment to open government. Our aim is to provide the community with a comprehensive, warts and all assessment of the quality of government services, and other quality of life, economic and social indicators. I have instructed all public service executives and leaders of other government agencies to use this report as an agenda for action, to move quickly to assess and address those areas where we could be doing better.

To complement the State of the Territory Report, the Commissioner for Public Administration will from this year produce a state of the service report, providing key data analysis on the ACT public service itself. The implementation of the initial stage of Canberra Connect from 1 March will provide another mechanism to give effect to our commitment to openness. At shopfronts, over the phone, via the web and from kiosks, Canberra Connect will progressively provide citizens with access to a much wider range of government information services and an improvement in both the range and quality of the transaction services.

Information will be made available through a much improved and linked web presence structured from the viewpoint of the citizen rather than from the organisational perspective of government agencies. This is an openness with a citizen focus.

I intend to extend this citizen focus to the area of freedom of information. The government will remove the requirement for individual ACT citizens to pay application fees under this act. I wish to ensure that we remove all unnecessary procedural barriers to the reasonable access of information by citizens in this territory. We will review the operation of the fee-free FOI changes in due course to ensure that the system is not being abused.

The government has also recently supported the passage of the Public Access to Contracts Act 2000. This act requires the disclosure of the terms and conditions of all contracts valued above \$50,000 and the provision of a public outline of any confidential clauses. The use of commercial-in-confidence clauses in future should be based on absolute necessity, not mere preference. The maintenance of high standards of accountability means that it is important to recognise and acknowledge mistakes when they occur and to immediately take action to deal with such mistakes and learn from them.

As I again acknowledged today in the house, the redevelopment of Bruce Stadium included a number of mistakes that the government has already acted to rectify. The Auditor-General found that the requirements of the Financial Management Act were not fully understood, even within Treasury, and that some delegations and financial management guidelines were unclear. These guidelines and delegations have now been reviewed and revised. In addition, the government has accepted all the recommendations of an independent review of the structures and operations of the Central Finance Unit and the Superannuation and Insurance Provision Unit. The recently appointed Probity Adviser has also been undertaking awareness training of senior executives across the public service on the requirements of the Financial Management Act.

The initiation of the transactions that were subsequently found to be illegal was a direct consequence of the lack of a full understanding of that act, coupled with work pressures in that area of Treasury. In recognition of these staffing pressures and to ensure that we have the necessary skills to undertake essential functions, my government will be allocating at least an additional \$300,000 per annum to Treasury from the coming financial year to support the recruitment of additional key staff.

In recognition of the need to enhance management skills more generally, the current program under which one full-time MBA scholarship is awarded each year will be replaced by several short course scholarships directed at specific areas of management skills such as governance.

Other areas where the government has already acted in response to lessons learnt from the Bruce Stadium redevelopment include a full revision of the cabinet handbook, with particular focus on ensuring the quality of cabinet submissions and the ACT purchasing policy and principles guidelines. To provide added assurance in the improvement of procurement outcomes for the territory, we have announced our intention to establish a government procurement board. Pending passage of the necessary legislation, the board will be established on an interim basis. The board's roles will include the review and clearance of the proposed procurement strategies for major projects.

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The achievement of effective accountability requires the establishment of clear lines of responsibility. Reflecting this objective, while at the same time providing clearer links with key sectors of our community, I have announced a significant restructure of the Chief Minister's Department. An Office of Multicultural and Community Affairs has been established to support me in my role as Minister for Community Affairs and to provide improved coordination in the programs and assistance we provide to particular sectors of our community. This office will include a number of dedicated units that will provide significant points of access and a focus for initiatives in multicultural affairs, Aboriginal and Torres Strait Islander affairs, and women's policy. This office also will provide the government's central point of contact for the community services sector and for the important ongoing work in the area of general community consultation.

The key early focus will be the development of a comprehensive program of action in response to the findings of the recent poverty report. To ensure the best possible linkages of all these initiatives with the maximisation of social capital, the Office of Multicultural and Community Affairs will work closely with the policy group of my department.

An Office of Business, Tourism and the Arts has been established to support Brendan Smyth in his role as Minister for Business, Tourism and the Arts, and to provide a more coordinated approach to these key areas of enterprise and innovation. There is also a need to provide a much clearer focus on the delivery of improved quality and more extensive services to citizens and to provide an enhanced capacity to maximise the use of technology in support of these service.

To achieve these objectives, a new ACT information services agency is being established within my department. Making use of existing resources across government as well as funds from the government's \$18 million e-services budget, this agency will be responsible for both the implementation of Canberra Connect and the provision of an enhanced capacity to foster innovation in the areas of e-government and information technology. As a consequence of the establishment of this new agency, the role of the government's separate computing agency, InTACT, will be refined to focus on its core business of computing bureau and network services and telecommunications.

With the exception of the establishment of Canberra Connect, which will be funded separately, the cost of these changes will be met from within existing resources and there will be no net reduction in staff numbers.

Innovation

My second requirement of the public service is a commitment to innovation. Innovation today is the lifeblood of good government. Fortunately, the ACT public service has an excellent record in this important area. For example, the ACT leads the public sector in Australia in the full introduction of accrual accounting and the establishment of a comprehensive purchaser provider framework. Our common computing platform is the envy of other jurisdictions. The State of the Territory report is another first, as is the focus on building social capital. The establishment of Canberra Connect will provide a major opportunity to improve the way in which we

provide service and information to citizens. Innovation through the streamlining and rationalisation of supporting processes and business rules will provide a key foundation for improved service.

I want management processes which take the viewpoint of the citizen: processes that do not over regulate, that are simple, that break down the present barriers between agencies; processes that take advantage of the benefits of technology but are not a slave to technology. I want re-worked processes that ensure that we avoid the digital divide and provide the people of Canberra with the services and information that they need. This will be achieved through a delivery mechanism that is most useful to them and information in a form that is most helpful to them.

I believe that there is also scope for substantial innovation in the wider area of public administration. As part of our overall public service renewal program, the Commission for Public Administration and the chief executive of my department will host a public seminar on innovation in public sector management in the first half of the year.

A central element of my government's commitment to innovation is the development of an ACT innovation framework. Preparation of the framework has been under way for some time in consultation with business and academic leaders. To be finalised by April, this framework will build on Canberra's natural strengths as a centre for innovation and position the ACT to take maximum benefit from the Prime Minister's recent announcement. As I have already indicated, innovation will be a key theme in our 2001-02 budget.

Performance

The third requirement for the public service is a focus on performance at both the individual and agency level. At the executive level we already have employment contracts which include annual performance agreements, but I believe there is scope for improvement. We need clearer and more specific deliverables and an assessment of not only the outcomes that have been achieved but also the way in which those outcomes have been achieved. I am keen that the focus on performance is extended below the executive level. To meet that objective a new AWA remuneration framework has been introduced for the manager grades below the senior executive service. This framework allows the use of selective attraction and retention bonuses where needed and introduces a common structure performance assessment system with the opportunity for performance-based advancement or regression through salary increments across much wider pay bands.

As part of this year's budget, all agencies will be reviewing the quality and relevance of the measures that are used to assess performance against key result areas. Too many of these measures focus on inputs rather than outputs and rely on measures of activity that have little real meaning. We have a very good budget framework but we can do better.

Henry Taylor, a 19th century British civil servant, wrote this about reward in the civil service:

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He who has once advanced by a stride will not be content to advance afterwards by steps. Public servants therefore, like racehorses, should be well fed with reward, but not to fatness.

I would be surprised if anybody would disagree with the gist of that statement—that is, our public servants do deserve to be well rewarded for their effort. They deserve to be well rewarded for their effort. Their positions deserve to be competitive with similar positions in other parts of the public sector and in the private sector. But rewarding them to the level of indulgence, or fatness, is not in the interest of the community.

Mr Speaker, I have indicated that this government will reward effort appropriately, will focus on keeping public servants in general at a level where they can expect there to be comparability between their conditions and pay and those of others in similar conditions. That is a philosophy that I think members would be well advised to regard carefully. Members will see in our policy with respect to remuneration for teachers and more recently nurses the implementation of just that approach—an approach which emphasises keeping people in key positions at a comparable level with others in similar positions elsewhere in the community.

Renewal

Mr Deputy Speaker, the last of my four requirements for the ACT public service is a continuing commitment to renewal. The public service renewal initiative is tasked with meeting that objective. The first phase of this initiative involves a structured interview program to identify the central issues relating to the improvement of people management and organisation in the ACT public service. Ministers and the Auditor-General have been included in this interview program. I will be inviting the chair of the Assembly Standing Committee on Finance and Public Administration to take part as well.

In parallel with this survey, the Commissioner for Public Administration, Richard Moss, will be undertaking a review of the Public Sector Management Act and of personnel management systems within the service. This review will focus on employee development, work performance and organisation planning with a view to aligning these services with a desired culture of the service. Mr Moss has also commenced the development of a workforce planning framework to take a strategic view of the future development needs of individuals and the future wellbeing of the ACT public service as a whole. The results of the survey will be assessed at a seminar of the leaders of the ACT public service to be held in mid-March, with that seminar in turn developing a public service renewal strategy for government consideration by the end of April.

Conclusion

Mr Deputy Speaker, in conclusion, I want to say that this statement reflects my commitment and the government's commitment to supporting the ACT public service and to building on its record of success. Based on the four principles that I have set out—accountability, innovation, performance and renewal—we can have a public service that remains in the vanguard of public administration in this country. A service that is strongly citizen focused, open, responsive and accountable. A service that embodies high levels of personal integrity, that is agile, innovative, that values and

invests in its people and their development. A service that is collaborative in its approach, that works in partnership with the government, the parliament and the community. A service that is an attractive and rewarding place to work. A service of which we can truly be proud.

Mr Deputy Speaker, I present the following paper:

The future direction of the ACT Public Service—Ministerial statement, 13 February 2001.

I move:

That the Assembly takes note of the paper.

MR BERRY (4:10): Mr Humphries wove into the speech he has just made—I am reading from the printed speech and I think he used the same words—a range of adjectives in relation to the public service. I think he used the adjectives professional, honest, hardworking, collaborative, dedicated and dependable. But he forgot to add another adjective arising from an ACT workforce statistical report that was tabled in this place today. He should have said “shrinking” because it is very clear from that statistical report that there are fewer and fewer public servants to do the job here in the ACT, which is consistent with this government’s approach from the word go. I think it was the former Chief Minister who said that it was not the role of government to provide services. Indeed, Mr Deputy Speaker, over the years the ACT public service has been slashed and in fact this is what happened during the recession which hit the ACT when the Howard Liberals slashed their own public service.

My recollection is that this new era for the ACT public service is the second new era for the ACT public service during the reign of the Liberals. The former Chief Minister introduced a new era and that led us through all sorts of tragic circumstances, both financially and in human terms. We all have etched into our minds the disastrous Canberra Hospital implosion and we were told that that was not the fault of the government of the day.

Mr Deputy Speaker, the same approach is being taken by this new Liberal government in relation to the more recent economic circumstances which the government has had to deal with, namely the Bruce Stadium. Every time something goes wrong it appears that we are going to get a new era for our public service. In my view that simply boils down to public service bashing and blaming the public servants for the implementation of the government’s wishes of the day.

I look forward to a strong and independent public service which advises the government of the day fearlessly and without favour. It is not the pieces of paper that we see here today but the ideology of the government which establishes a strong and independent public service. That has been the problem all through the period of the Liberal government since they first came to office—a period of six years which is culminating in another new era during an election year. In my estimation, the only time that the ACT public service will enter a new era is when the government changes because if the ideology is the same the outcomes are not going to be much different, and that has been the record all the way along.

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I thought for a moment that Mr Humphries might not repeat the analogy that he has used of comparing public servants to racehorses. But he did so once again when he said:

He who has once advanced by a stride will not be content to advance afterwards by steps. Public servants therefore, like racehorses, should be well fed with reward, but not to fatness.

Mr Humphries relied for this expert advice on a Henry Taylor, a 19th century British civil servant. If we are entering a new era on the basis of what was said by a 19th century British civil servant, I think we are in a bit of trouble. I have to say that the comparison between public servants and racehorses in the year 2001 is just a little too much to take. Is Mr Humphries suggesting that public servants in the ACT might be satisfied with a reward of a couple of lumps of sugar and a bale of hay if they perform well? Or is there some other reward in the repertoire? Might they be satisfied with half a bale of hay in case they get too fat? This is just an extraordinary analogy that one would—

Mr Moore: You have got no sense of humour, Wayne.

MR BERRY: Mr Moore says that I have no sense of humour. Public servants are involved in a serious business and they should not be subject to some reference to—it would have to be a joke—a 19th century British civil servant's expert advice which we are going to take into account in the year 2001. I do not think that is going to take us very far forward.

This is merely an attempt by the government to distance itself from its recent past. And its recent past has not been a very pretty picture that one would want to be associated with. I know that Mr Humphries has apologised in some form or another for the events at the Bruce Stadium, as you would expect him to do in the lead-up to an election. I suspect that Mr Humphries will want to distance himself from the former Chief Minister who left this place in disgrace as a result of those issues which have to be confronted one way or the other by future generations in the ACT.

I want to deal now with the new era for public servants and the assessment of their performance. Mr Humphries has fallen back on the old ideological AWAs which were invented by his Liberal Party colleague Peter Reith, the discredited former industrial relations minister—the discredited secret Australian workplace agreements. If that is the sort of ideology that we are going to have introduced into our public service then I fear for the future.

Mr Deputy Speaker, research by the University of Sydney has found that union collective agreements were delivering highest wage outcomes and that Australian workplace agreements are running a poor third behind non-union collective deals. I think what Mr Humphries is suggesting is that public servants who sign up on Australian workplace agreements will be better off. Well, Mr Deputy Speaker, the expert research suggests that they will not be. Is Mr Humphries—

Mr Humphries: It is your research, is it?

MR BERRY: The University of Sydney. Expert advice suggests that they will not. Mr Deputy Speaker, this anti-union lot over here seek only to drive the union movement out of the workplace. They should also take a little look at the Workplace Relations Act when they are considering these things and in particular they should take note of the section which refers to Australian workplace agreements. People have to agree to enter into an Australian workplace agreement. Such an agreement cannot be forced on them. I think this government has made it clear that AWAs are going to be part of the workplace whether public servants like it or not.

Mr Deputy Speaker, this plan will lead to an even bigger gap between the salaries in the ACT public service and other public sectors, and in particular the Commonwealth public sector. We are already well behind the Commonwealth public sector when it comes to wages and working conditions.

Mr Humphries: That is why I am seeking reward but not fatness.

MR BERRY: Mr Humphries interjects that that is why he is seeking a reward but not fatness. Is he suggesting that the Commonwealth public service pay levels would lead to fatness? The facts of the matter are that the public service in the ACT will always be affected by the wage and salary conditions in the Commonwealth public service. For example, if you were working as a senior manager or senior officer in the Chief Minister's Department and you knew from the figures that the ACT public service was shrinking, why would you not accept a similar position in the Commonwealth paying \$3,000 or \$4,000 more a year if one became available? There is no reason why you would not do that. So, unless comparatively fair levels of wages and conditions are applied in the ACT public service, the leakage of quality public servants to the Commonwealth public sector is always going to present a difficulty for us in respect of providing a quality public administration.

There are examples of the government already agreeing to adopt this course. One of the reasons why the failed offer to nurses was made was to make it more attractive for nurses to come here because it was difficult to recruit. It was also one of the elements, as I recall, in the government's forming the view that it had to give teachers a reasonable pay rise otherwise they would be losing them across the border. This is not a business, this is a public service, so you do not exploit your workers to the fullest extent just to ensure that your profits increase. This is about providing a service to the community and a competitive wage market will be required if you are going to keep the best professional public servants in the ACT.

Why is it that the government thinks its secret Australian workplace agreements, with disciplinary wage regression as the stick built into them, are going to contribute to that? You will have the carrot on the one hand, where they can get a bonus if they behave correctly and in the way that the government wants them to, or, on the other hand, a stick if they do not—they will arbitrarily lose money if they do not perform well, in accordance with some secret wage agreement.

How the government can rely on those sorts of ridiculous propositions in the real world is beyond comprehension. Professional public servants ought to be paid what they are worth, no more or less. They do not need hidden performance bonuses to get

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them to perform adequately. They do not need punishing wage reductions to force them to perform within the public service.

Mr Deputy Speaker, I repeat my earlier comments. This approach to a public service is merely an effort to cut the government away from any attachment to the past sins of the Liberals in the ACT and to present a new image. It is an effort to try to blame the public service for what went wrong rather than accept responsibility for it themselves. It is not a new era. It is more of the same from the Liberals—a shifting of the chairs to create the impression that we are really embarking on some new program which will present better quality public service outcomes from the ACT.

This was an unconvincing performance, minister, and I think all experts who examine this proposal will see it as nothing more than an element of public service bashing and a public relations exercise to detach the government from the mistakes of its past.

MRS BURKE (4.25): Mr Berry, I am interested in something that you said. You made no bones about attacking the AWA process. It would seem to me that you are casting doubt on the fact that the Office of the Employment Advocate is not carrying out its role. As you well know, the Office of the Employment Advocate ensures that no-one is disadvantaged, so you have defeated your argument. I am a little bit lost here. No-one is to be exploited and nothing is hidden. Secret wage agreement? I do not think so.

MR QUINLAN (4.26): Mr Deputy Speaker, I will not take much of the Assembly's time. I just want to quote Petronius Arbiter:

We trained hard, but it seemed that every time we were beginning to form up into teams we would be reorganised. I was to learn later in life that we tend to meet any new situation by reorganising.

Mr Humphries used some quite saccharine terminology in his introductory remarks, describing the public service as “a great asset for Canberra”. However, I have to agree with Mr Berry's assessment that to a large extent the connection, the linking, of Bruce Stadium and what we are learning about Bruce Stadium, to improvements within the public sector does invite at least the casual observer to draw the conclusion that the main problem with the Bruce Stadium was the public service. That is simply not true. I think that the ACT public service, despite the Chief Minister's saccharine introduction, has been done a great disservice by that association.

I just want to make a comment about the Financial Management Act not being understood. For a long time during the Bruce Stadium imbroglio there was reference to section 38 and the immediate past Chief Minister continued to chant the mantra “some public servant forgot to issue guidelines”. In fact, the introduction of section 38 into this debate was the loophole found by the government's QC to try to justify or to dampen the impact of what had been done. Section 38 is incorporated in the Financial Management Act for the purpose of short term cash investment. It is just money management. There was an intent in fact to try to stretch that term investment. If the guidelines had been different then maybe in a strictly technical interpretation of the act you might be able to squeeze out of it.

But it was definitely a loophole sought and found by the government's QC. In fact, to test that, during estimates hearings I asked the Auditor-General specifically about section 38 of the Financial Management Act. His understanding of its inclusion in that act—to use his terminology, which is contained in the *Hansard* report of that public hearing—is that it would be purely about short-term investment of surplus cash to optimise the return to government.

So this nonsense that has been perpetrated—quite typical, I have to say—is exactly that. It is a nonsense and I do not think it does the new Chief Minister much credit to associate himself with it. I fully understand his desire to divorce himself from the Bruce Stadium project. I accept that within a public sector there is always room for improvement and some change now and then actually does focus the mind of people on what they are doing and what they should be doing. However, I think the close association contained in this document does a grave disservice to the public sector. Bruce Stadium was about a culture that was more associated with the executive than it was with the administration.

I do not believe for a moment—and this is a personal comment—that the illegal borrowing was a direct consequence of a lack of understanding of the act. I just believe it was an artifice, that it should not have happened. If you read the Auditor's report on Bruce Stadium, if you follow the logic, you find that the only reason those overnight loans were taken, those illegal loans were taken, was that the jig was up on the spending of unappropriated money. Otherwise, there was no logical reason to do it. It was an artifice to bury it in the statements, to change the balance sheet in one particular instance, and I do not believe that was the fault of the wider public sector in the ACT.

I will make a few other remarks on the paper presented by the Chief Minister. In relation to innovation, he talks in one paragraph about the introduction of accrual accounting and I might add that the program to do this commenced under a Labor government.

Mr Humphries: No it didn't.

MR QUINLAN: Yes it did. He also talks about the establishment of a comprehensive purchaser provider framework. As I mentioned in this place earlier today, if we have reached an age of enlightenment I suggest that he revisit the report on purchaser/provider implementation that was brought down by the committee that I chair, the Finance and Public Administration Committee. That implementation is deficient, and it is deficient by the standards set by the government. The implementation has not fulfilled the promise of the government's own program which, with the assistance of the Rogan Johnston report, was to be its blueprint for introduction.

Since the purchaser/provider implementation report that we brought down was delivered, the government has come back—and admittedly it was your predecessor, Chief Minister—and virtually said, "We are not doing that now. We are not fully implementing what we promised to implement. We are only going to do the business side of it; we are not going to do anything about information and service and cooperative effort with the NGOs that are going to actually deliver service."

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If there is truly to be change, I recommend to you that you have a look at that report, have a look at the government's response to that report, which was the standard "accepted in principle", which means "we can't argue with you but we're not going to do it anyway", and really do yourself, your own government and the community organisations out there a service by revisiting the needs of those organisations for information on what government wants in terms of service.

I will close by commenting on confidentiality clauses. I congratulate the government if they fully intend to reverse that process and to minimise confidentiality clauses. At a council of public accounts committees that I attended recently it was quite clear from the research that has been done across Australia that confidentiality clauses in contracts between the public sector and the private sector are almost universally introduced by the public sector; that it is not the private sector that is calling out for this level of confidentiality; and that the natural reticence, I guess, and desire on the part of the public sector to avoid scrutiny seems to be the more common theme.

I trust that from this point on the government is sincere in its reform and sincere in the description of our public service as an asset to Canberra. I think it is. I do not think it is fair for it, even by inference, to be linked to the Bruce Stadium fiasco.

MS TUCKER (4.33): I would like to make a couple of brief comments. I notice that Mr Humphries—I do not know if it was in exactly the same announcement—talked about the fact that he was setting up a women's policy unit. I am always interested in these different initiatives being brought together. I notice that Mrs Burke this morning spoke about as a woman being proud to be part of the Liberal Party. So I think there are some issues here that we need to debate further in this place.

If there is a genuine commitment by the Liberals, by this government, to developing a gender awareness across policy development in the ACT, then we have to see these different initiatives linked. I would like to refer to one small part of the WEL election form guide for 1998 on industrial relations, which is certainly part of this discussion with Mr Humphries and the Liberal Party generally linking the concept of deregulation and Australian workplace agreements in the initiative we are now debating.

Women generally occupy lower paid jobs and are more likely to be part time and casual than men. They also tend to work in the services, smaller businesses and lower levels of the public service. They are often not in a position to bargain effectively on their own behalf because of the structures of their employment. There is also the problem of different time needs, with men often trading into longer hours per shift and longer breaks, or shifting hours of employment with no fixed pattern within an overall limit. Where women have children in school or child care, predictability of hours and shorter time spans may be essential as they usually pick up children.

Decentralised bargaining has stayed with men. Recent studies in Australia indicate that where enterprise bargaining has taken place, larger wage increases have occurred in sectors where men work. Men are also more likely to be in agreements that provide for productivity payments. Industries where women work, such as hotels, retail and service industries, have seen smaller wage increases, and wage condition trade-offs. It

is more often the case that the reduction of penalty and overtime rates has occurred in women's work.

Individual contracts or Australian workplace agreements assume that an equality of bargaining power exists between any employer and any employee. Many women work in insecure and low paid forms of employment and have little bargaining power.

The point I want to make here is that we know that women are suffering disadvantage in this country. We know that women disproportionately carry the burden of poverty. We know that Mr Humphries has said that he is interested in integrating these concerns into his form of arrangements in the public service and so on. I want him to bring these different concerns together when he responds.

I am very concerned that we are going to see a tokenistic response to women's issues in this town. I believe that the way in which you arrange the public service and the way that the Liberal Party responds to labour issues are totally contradictory to any genuine interest in the place of women in our society.

While it is all very well at the moment for Mr Humphries to say that he is doing particular things and tinkering at the edges, we have to look at the structural policy position of any party when they are talking about these issues. We have to be very careful that we do not get these little bandaid responses because if we do not look at the structural issues we are not going to get a change across the Australian society.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (4.39), in reply: Mr Deputy Speaker, I have to express some disappointment at the response by members to the announcement of the range of initiatives which I have outlined today. A number of members have certainly in a very emphatic fashion made insistent claims on the government in the last couple of years to fully address a range of issues which have been placed before it. So I think it is a bit unfortunate to have a range of comprehensive measures which the government has put on the table being described as tinkering around the edges or bandaid solutions.

I would say to members in this place who do not believe for some reason that this is not adequate, that we should have gone further and that we should have done other things: tell us what it is that they think we should be doing.

Ms Tucker: I just did.

MR HUMPHRIES: You made reference to one issue, Ms Tucker. Mr Deputy Speaker, this mob opposite are the alternative government. The only thing that we hear from them is why they do not agree with what we propose to do or what we have done. We never seem to hear what they are actually in favour of. We have been asking for six years what you are going to do and we have not been told anything. The last time the opposition put on the table a substantive policy document—*Working Capital*—was over three years ago. I think we are entitled to ask ourselves now: what are the policies which you say we ought to be putting forward?

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Mr Deputy Speaker, we have worked hard to produce a range of measures in this statement, and they cover a wide range of areas where issues and concerns have been raised, where resourcing has been an issue, where the quality of work has been an issue, and where the way in which performance and assessment occurs has been an issue. All of those things have been talked about in this paper. Yet we hear people tell us that it is not good enough. Well, I am sick of hearing the claim: "It's not good enough." If people opposite or anywhere else in the chamber want to tell us it is not good enough, they should tell us what they would do instead.

Mr Berry: OK, ditch your AWAs for a start.

MR HUMPHRIES: Again, you are opposed to AWAs. What are you in favour of?

Mr Berry: Collective agreements.

Ms Tucker: Collective bargaining. I think we know what he is in favour of.

MR HUMPHRIES: Collective bargaining. Ms Tucker joins those on the other side of the chamber in favour of collective bargaining.

Ms Tucker: I want you to respond to the concerns I just raised.

MR HUMPHRIES: I will Ms Tucker. In due course I will respond to them. Obviously I will not do so today because I want to go back and research what you said. I want to give you a considered answer. That seems fair enough, don't you think?

Ms Tucker: That is fine. Thank you.

Mr Quinlan: Reorganising can be a wonderful method of creating the illusion of progress.

MR HUMPHRIES: Mr Deputy Speaker, the other speakers were heard in relative silence. I ask for a little bit of courtesy.

MR DEPUTY SPEAKER: Mr Humphries, that is correct. You have also been asking questions of other members in the chamber so that has encouraged debate. But let us have a little order.

MR HUMPHRIES: Thank you, Mr Deputy Speaker. The government has outlaid a plan and it at least has the merit that it is a plan. It is a basis for forward action. Mr Berry has described this as public service bashing. I quote again the second sentence of my remarks:

The ACT has a professional, honest, hardworking, collaborative, dedicated and dependable Public Service. It is a great asset for the people of Canberra.

If that is public service bashing I would like to be bashed more often by those opposite.

Let me respond to a few of the specifics that were raised in this debate. Mr Berry found reason to avoid talking about most of the issues that were mentioned in the statement, and he went on to basically other issues. He avoided what was in the statement but again make reference the size of the public service—to the fact, he says, that the public service is shrinking. I will say two things about that. First of all, yes, you are right. I am not denying it Mr Berry—it has been shrinking. It has been the government's policy to shrink the public service.

Let me make two observations about that. First of all, Mr Quinlan got up in front of the cameras today and, when talking the budget surplus, said, "The budget surplus hasn't been due to anything the government's done. It has been an accident. It has been a conspiracy of external factors which have delivered this surplus to you." So, Mr Deputy Speaker, we have been shrinking the public service, which Mr Berry tells us about today, but Mr Quinlan says that has got nothing to do with the fact that the government's budget bottom line is improving. Is there a slight inconsistency with those two statements? I would suggest that there is.

Mr Quinlan: What about the \$80 million Commonwealth funding?

MR HUMPHRIES: Sure, we have had some windfalls and so did you when you were last in office. But the fact is that we have had to make up a lot of money. Let us quote the figure again, shall we—\$344 million, as indicated by the Auditor-General on the public record. That is a large amount of money. Windfalls of \$80 million from the Commonwealth Grants Commission do not make the difference between \$344 million and nothing.

Yes, we have been shrinking the public service. But can I remind those opposite that that was exactly their plan in government as well and, indeed, I think a plan that they actually executed. The public service, as I recall the figures, was smaller when you left office in 1995 than when you entered it in 1991. It was smaller.

Mr Berry: Not by much.

MR HUMPHRIES: Mr Berry says, sotto voce, "Not by much." Well, indeed that is true. It was not as dramatically smaller than he would have liked because the opposition, when in government, invested very large amounts of money in public service redundancies. In fact, I think it was the 1992 budget which brought forward a budget item of \$17 million for public service redundancies. The gall of standing up here and criticising us for shrinking the public service, when you put 17 million bucks in a single year into knocking off public servants, is just a tad rich.

Mr Quinlan: But yours is on top of that.

MR HUMPHRIES: Oh, I see. So your cuts to the public service were okay? They were kind cuts; they were sort of slimming cuts; they were made to reduce a fat public service to a well-built medium public service; and our cuts have made the public service skinny and emaciated? Is that the line that you are running, Mr Quinlan? Well, I am sorry, it does not wash. You were as concerned to cut public service numbers as we have been for the very same reason, that the ACT simply had to have a capacity to

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afford to run its public service. It did not in the past but today it has because today we have a balanced budget.

Mr Deputy Speaker, I was intrigued by the comments that were made about Henry Taylor. Mr Berry says, “You cannot rely on Henry Taylor. He is no good. Why are we listening to this Henry Taylor, a 19th century British public servant?” I am just a bit intrigued. Why is it that his words from years and years ago are not worth listening to? Is it because he is British?—sorry, Mrs Burke. Is it because he is a civil servant?—oops, with 15,000 public servants, this is something for Mr Berry to worry about. Is it because he is a 19th century public servant? Is it a case of someone from Roman times, whom Mr Quinlan quoted, being okay because he lived a long time ago but someone from the 19th century is no good? I simply note, Mr Deputy Speaker, that Karl Marx also lived in the 19th century. Perhaps Mr Berry would want to have second thoughts about Karl Marx.

Mr Berry launched a predictable attack on Australian workplace agreements. Australian workplace agreements will endure because they are popular. Public servants have chosen to take those issues up as a basis on which to provide better workplace operating arrangements. The government has not forced anybody into an AWA. Public servants have negotiated for that, protected, as Mrs Burke points out, by the Commissioner for Workplace Relations. I think this has provided a very good framework for a large number of public servants in the ACT. They are not secret agreements. The information about those agreements is provided in annual reports, for example, and members can look at those if they want to see what is in those sorts of agreements.

Mr Quinlan says that accrual accounting was introduced by the Labor government. I have to say that when we came to office there was no evidence of any beginning on—

Mr Quinlan: How would you know, Gary?

MR HUMPHRIES: I was in government at the time, that is how. If talking about it, if putting out a media statement about it, amounts to introducing it then we are going to do a lot of introducing in the near future. (*Extension of time granted.*)

Mr Deputy Speaker, we have worked hard to develop a comprehensive response to issues facing the ACT public service. But in the course of the last few years it needs to be noted that there has been a lot of public service bashing. It has not just been by, according to Mr Berry at least, people in the government. A number of very unfortunate things have been said about ACT public servants and a lot of them have been said by people on that side of the chamber.

Mr Hargreaves: Not by this little bloke, though.

MR HUMPHRIES: I do not know what Mr Hargreaves just said, but I can quote some things that he said about public servants.

Mr Hargreaves: I said, “Not by me.”

MR HUMPHRIES: Well, that is funny because I seem to recall someone on your side of the chamber referring to Australian Federal Police as “Constable Plods” and “Keystone cops”.

Mr Hargreaves: They are not public servants. They are contractors. They are contract employees, Mr Humphries.

MR HUMPHRIES: Ah, they are not public servants.

Mr Hargreaves: You know the difference. You have Gary-ed yourself. Thy have Gary-ed thyself.

MR HUMPHRIES: Right, Mr Deputy Speaker, they are not public servants. Funny, I thought that they were public servants under the Australian Federal Police Act.

Mr Hargreaves: You have a contract, a private contract, with them. The ultimate piece of privatisation. The ultimate privatisation.

MR HUMPHRIES: I did not say that people had bashed only ACT public servants, Mr Hargreaves. I said “bashed public servants”.

Mr Hargreaves: Yes, you did.

MR HUMPHRIES: No, I did not. Go back and check the *Hansard*.

Mr Hargreaves: Oh, let us be semantic. Let us play semantics.

MR DEPUTY SPEAKER: Mr Humphries, will you address the chair.

MR HUMPHRIES: Yes, Mr Deputy Speaker. So if you want to have a debate, I can produce quotes and I can indicate to you what you have said, Mr Hargreaves, about public servants, and believe me they are not very flattering.

Mr Hargreaves: I haven't sacked them.

MR HUMPHRIES: You will, I am sure, if you ever get back into office, based on what Mr Quinlan and Mr Berry said earlier today.

Mr Deputy Speaker, the fact remains that we have sought today in this debate to reinforce above anything else in this debate the value that the ACT has in its public service. Despite the things that we say in this place, whether we perhaps mean it with hindsight or not, we have an excellent ACT public service, people who deliver in difficult circumstances and who deliver to a very high standard.

I met a former ACT public servant who joined the Commonwealth not very long ago and I asked her about the comparison between working in the Department of Justice and Community Safety in the ACT versus the Commonwealth public service. She said, “Look, there have been lots of good and bad points about the move but it is certainly clear that I have a much, much narrower range of responsibilities in the Commonwealth public service than I ever did in the ACT public service.” She was

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very flattering of the government and I would not like to say what she said about the opposition.

Mr Hargreaves: Was this at a meeting?

MR HUMPHRIES: Mr Deputy Speaker, could I again please ask for a chance to be able to speak.

MR DEPUTY SPEAKER: Mr Humphries, I would support you strongly but please address the chair.

MR HUMPHRIES: Thank you, Mr Deputy Speaker. She commented on how much more responsibility there is on the shoulders of ACT public servants. This is true. It is a significant factor that I think we need to take account of when we talk about the pressures on public servants and when we criticise them because undoubtedly, as a result of the work of governments on both sides of this chamber, the lesser number of public servants in recent years have had a great many more responsibilities placed on their shoulders.

I want to emphatically put on the record that the statement I have made today is in no sense whatsoever an exercise in public service bashing. Quite the contrary, it is an exercise in reinforcing and adding value to a public service which has been much criticised in a range of quarters in recent years.

I hope that in all the things we say in the course of the campaign this year about each other, our policies, the state of the territory and so on, we do not decide to include the public service in the scattergun fire that we tend to deliver. I do not think that the public servants deserve it. I think they have done a very good job for governments of both sides of the chamber and if anything comes of this it should be a sense of renewal and reinforcement of their role as servants of the ACT community.

Question resolved in the affirmative.

Government schools

Discussion of matter of public importance

MR DEPUTY SPEAKER: Mr Speaker has received a letter from Mr Berry proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The need for the ACT Government to ensure that our government schools set the benchmark for quality education.

MR BERRY (4.56): Mr Deputy Speaker, there is nothing that strikes the contrast between Labor and the Liberals more than the commitment to public education. If there is anything that has been emphasised by the last six years of this Liberal government it is the difference in approach to education. The recent panic-stricken announcement to reduce class sizes borne out of the shame of recent announcements will not, in an election year, convince anyone that this conservative government opposite has any commitment to public schooling.

All we have to do is take the Liberal government's and Michael Moore's shallow and simplistic commitment over many years to maintain education funding, reinterpreted at will as the need arose to fend off criticism. There has been a six-year-long barrage of claims by the ACT government of excessive funding in education as an excuse to sit on their hands. All this penny-pinching government could do was moan about the levels of spending, the levels of teacher salaries and the need to close schools. We have heard it ad nauseam. We heard it from this Chief Minister when he was Minister for Education. Nothing has changed with the advent of the Liberals into self-government or in opposition throughout the period of self-government. Really, the cat is now out of the bag.

The federal Liberals have been blatant. The Howard government has admitted that their aim is to force the shift of students from public to private sector education. They have not hidden it. They are caught in that ideological mindset. Minister Kemp is on the record as saying that the coalition sought to encourage students to move from government to non-government schools, and they do that. He has backed this up with a shift of emphasis from the public to the private sector. He has done it by rewarding the richer and more elite schools. The richer the more elite private school, the more money it has received under Minister Kemp.

Mr Humphries: Is this relevant, Mr Deputy Speaker?

MR BERRY: The figures from the relevant departments show that the average category 1 schools, the richer schools, will get \$800,000 per year and the average Catholic schools will get \$60,000. What that clearly shows—

Mr Humphries: Mr Deputy Speaker, I—

MR DEPUTY SPEAKER: Order! What do you have, Mr Humphries? A point of order?

Mr Humphries: The matter of public importance is "The need for the ACT Government to ensure that our government schools set the benchmark for quality education". I think talking about the federal government is outside the terms of reference for that matter of public importance. Much as I would like to have a debate about that, that is not the subject of this debate. If I start to talk about the federal government I will be asked to withdraw.

MR DEPUTY SPEAKER: It is early stages, Mr Humphries.

MR BERRY: As the treasurer, Mr Humphries, I would have been ashamed to stand up and say that because it sort of suggests that you don't know anything about the funding arrangements between the federal and the territory governments and how they are inextricably intertwined.

Mr Humphries: You are asking the ACT government to focus on this. Your motion refers to the ACT government.

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MR BERRY: So you can't talk about one and not the other. In this exercise the federal Minister for Education has been aided by his ACT counterpart. While the federal Liberals raided public education budgets and gave massive funds to the private sector, Mr Stefaniak and his cabinet colleague Mr Moore have sat numb, quiet. They never said a word about these highly discriminatory funding arrangements which have been embarked upon by the federal government. They, ultimately, will impact upon schools in the ACT, whether you like it or not. They will impact on schools.

At 5.00 pm the debate was interrupted in accordance with standing order 34. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR BERRY: It is designed to undermine confidence in the government school system. Kemp has made it clear. He has sought to encourage students to move from government to non-government schools. It is an ideological blockage that the Liberals have. It is more of that private sector nonsense which keeps coming up from the mindset they have about this particular sector and how it should be providing all of the services. Well, not education, Mr Deputy Speaker.

Mr Stefaniak was questioned in relation to this matter. He did admit that he had some concerns about the issue. I think it was forthright of him to do so, but what I found absolutely unacceptable was the failure of the government to make a submission to the Senate's States Grants Bill inquiry in relation to this matter. We should have been out there defending the public system for all we were worth and building confidence in it instead of letting Kemp and Howard undermine confidence in the public system. Where were we? Well, I can tell you where we were. We were quiet. We were sitting quietly by, just letting it happen, letting them do it to us. If the government now stands up and claims they have an interest in the public government schooling system they deserve to be branded as hypocrites. Through Mr Stefaniak's silence he has sacrificed our public education system in favour of loyalty to his political colleagues on the hill.

Mr Moore's previously strident defence of public education has been more than muted. He has attempted to defend the indefensible. He has gone on the attack. He has vilified anyone who has asked him to stand by his previous commitment to defend our public education system. In other words, Mr Deputy Speaker, the metamorphosis is complete. Where you sit is where you stand. Mr Moore's indifference to the plight of public education has exposed his attachment to the Liberal ministerial umbilical cord as complete.

For years questions have been raised about cuts to our education system, and those who have stood up to ask these questions have been denigrated and isolated. But the answers are now out. Mr Deputy Speaker, the Productivity Commission has collated the figures provided by state and territory governments, including the ACT government, and it has published them. We now have independent evidence, using the government's own figures, signed off by a senior government representative, which is very clearly demonstrated by the headline in the *Canberra Times* of 31 January, "ACT Falls Behind In School Spending". Again attacking the messenger, Mr Stefaniak lobbs out the next day and we see this: "Stefaniak Labels Commission Figures As A Dog's Dinner". Well, isn't it interesting—

Mr Stefaniak: Actually, I said breakfast.

MR BERRY: Well, okay, a dog's breakfast, Mr Deputy Speaker. The fact is that the figures which were used by the Productivity Commission were figures provided by the ACT government. There is a particular section in the commissioner's report which allows for an ACT government response wherein you will find not one word criticising the figures because they are, after all, figures from the ACT government provided at a very senior level to the commission. So this report in fact is damaging in the context of public education, but the minister's response in light of the facts is just unacceptable.

Mr Deputy Speaker, education spending has fallen between 1997-98 and 1998-99. ACT education expenditure has fallen in absolute terms, and it has fallen relative to other states and territories. Spending per student has fallen from the top to the middle of the national rankings—there is no denying that, according to the figures provided by the Productivity Commission—from \$6,906 in 1997-98 to \$6,782 in 1998-99. For the first time we now spend less per secondary student than the national average of \$7,150. We spend \$7,135. This drop took us from second to sixth place, and this is in spite of our high retention rates in a community where successful completion of secondary school is considered essential.

Mr Deputy Speaker, sitting on one's hands for six years cannot be displayed as a badge of honour with "We have maintained school expenditure" written across it. The fact of the matter is that while you have been sitting on your hands other states have been getting on with the job. We have always prided ourselves on being ahead; we must stay ahead. There is no doubt about that.

For years Canberrans have been proud of the quality of our education system. We have prided ourselves that we have a high-quality system and a high retention rate. We know it is expensive but it is important for our children and for our future. We have in the ACT fewer jobs in the unskilled sector of the work force, and we know we have to give our kids the best chance. That means completion of college with the option for tertiary education. But now we see that the main cuts in education are in government secondary schools—cuts to the total budget, the capital budget, and the recurrent budget—and the response from the minister is: "Shoot the messenger."

Herein lies the difficulty. Repeatedly we hear this government moaning about the public system being too expensive, saying that teachers are paid too much and there is too much space in schools. An extraordinary amount of negative information comes out of this government about the government schooling system.

It is not surprising, therefore, to see a headline in the *Canberra Times* today in response to Australian Bureau of Statistics figures which emerged, I think, yesterday showing that more in the ACT opt for private schools. On the one hand private schools will say, I am sure, that they will have difficulty coping with the influx and will require more funding, and so on and so forth.

I acknowledge absolutely the contribution that the non-government sector makes to our territory. They make an important contribution. About 30 per cent of children go to the non-government sector and it is an extraordinarily important part of our system.

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But we must not let ourselves fall into this mantra that the quality of the public provision is driven by the private sector. If we do that we will end up with a welfare education system. We have to ensure that the bar is set in the public system and that it is something for the private system to emulate. If we ignore that requirement our public sector will go into decline and it will be a sorry day for the territory, because in the end the community will suffer as a result.

This government's ideological mindset is not about excellence in the public sector. That's the difficulty for them. They cannot promote the public sector adequately because they just do not have that commitment. Their commitment is to the private sector. We have heard it continuously in here. It never stops. This government attacks anybody asking questions and denies the figures. We heard a claim that it was only the capital budget that was affected by these figures, and then competing figures were produced. Finally, there was this leak about the reduced class size commitment in an election year.

This government is in panic, trying to recover the ground lost over six years. That lost ground cannot be recovered. Nobody trusts you on education any more, and they have good reason not to because there has been a desert for six years when it comes to public schooling in the ACT and a barrage of commitment to the non-government sector. It is not good enough, Mr Minister. It is too transparent, and we do have memories of what happened over the last six years.

This should not be about getting elected. It's about our kids and their future. The government is good on rhetoric but the facts show the lies of the rhetoric. Mr Deputy Speaker, a knee-jerk reaction close to an election is not the way forward for quality public education in the ACT. The only way that we can demonstrate that we have a commitment to quality public education is to set the benchmark for all other schools to emulate. If they can beat it, good on them. Our job is to keep pushing the bar up higher and continuing to set the standard for education in the ACT. If we do not do that we have betrayed our community. I suggest to you, Mr Deputy Speaker and members, that over the last six years there has been an element of betrayal in our community.

MR STEFANIAK (Minister for Education and Attorney-General) (5.11): Mr Deputy Speaker, I would agree with Mr Berry on one point—it is very important to set benchmarks and to set the bar high, and I will come back to that in a minute. Mr Berry started off by making a correct statement. He said that nothing strikes the contrast so much between the ALP and the Liberals than a commitment to public education. Maybe it does, and I say that with some sadness, Mr Deputy Speaker, because I think this government has shown a far greater commitment to public education than the previous Follett government did.

Mr Berry: See if you can find somebody who will believe you.

MR STEFANIAK: I think we only need to go back to *Hansard*, Mr Deputy Speaker, back in May 1994. I am sorry; it does refer to you, Mr Deputy Speaker, as you were the minister at the time. Of course, you were part of cabinet and Mr Berry was a colleague there. We were discussing education. There was an MPI on education, and very timely it was then. Mr Moore, I think, had commented that you had cut or had

tried to cut some 80 teachers. You, Mr Deputy Speaker, made some statements and you said:

Education has not, over a four-year period, declined in funding to the extent that the ACT budget has. We are not in a position—I do not think anybody except a couple of members in this chamber asserts that we are—to increase funding for education.

Even the P&C, in their recent submissions and their recent comments, have indicated that, since self-government, the largest rise, on their figures, was under us from 1995 onwards for a three-year period. So I think those contrasts can be made and I do not think they are very favourable to the Australian Labor Party.

I think it's worth saying that during that time there were some real concerns. In 1993 teachers instigated an industrial campaign, including walking off the job in protest of the then government's plan to cut \$4.26 million from the education budget. In the case of the 1993-94 budget the Australian Education Union and the TLC wrote in a budget submission that the education budget had been reduced to a point where the quality of service and education outcomes were at risk. The P&C also had grave commitments because it wrote in its submission that a commitment to the goals of government schooling must be supported by commitments to adequate funding. So I think it was somewhat hypocritical for Mr Berry to make that first statement.

Mr Berry referred to cuts in education and to some of those reports. It is interesting to look at those reports, Mr Deputy Speaker, and I will mention something in relation to that. He mentioned that we have dropped to about fifth place in terms of secondary schooling. I think those very reports indicate that back in 1991-92 and 1992-93 the ACT was fifth. In terms of that Productivity Commission report, he refers to total government expenditure per student—

Mr Corbell: The dog's dinner.

MR STEFANIAK: I will come to that in a minute, Mr Corbell. Yes, I think that has us as fifth, having dropped, I might say, from second, second, second respectively in the three previous years. But what was it like under Labor? In 1991-92 and 1992-93 it was fourth in both years. So that is particularly interesting.

I will quote from page 74 of the Productivity Commission report where they say that “some concerns remain over the comparability of the results because jurisdictions use somewhat different methods of data collection”. They go on to summarise those differences in table 3.10 on page 75. It is interesting that no two states and territories really seem to be alike in any two categories, so caution does need to be exercised. I will table those two statements. I think they will be handy for the record. I present the following paper:

Government expenditure per student—Copies of:
Comparability of expenditure 1988-99—Table.
Government recurrent expenditure per student—Extract from Report on Government Services
2001 (page 74).

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Of course, we know that things like capital works are included there, and we know too that the ACT has not built terribly many schools in recent times. We also know from some recent figures quoted by the P&C that that does not include things like superannuation, and the ACT spends twice as much on that as other states, so caution needs to be exercised there. One thing we will certainly agree on is that other states are starting to spend more on education, and, Mr Deputy Speaker, I think that's a good thing. I think they need to catch up. That is very important.

This government has certainly got nothing to be worried about in terms of its commitment. Its commitment has been an ongoing one, and it has been an ongoing one in difficult times. Every year we have seen a budget brought down we have had an Estimates Committee. We have had annual reports. They are scrutinised. Those are the real figures. We did a KPMG audit, as it were, back in March 2000 to address some similar concerns about education funding, and what have we found out? Not only has this government, in six budgets, maintained its commitment to maintain education expenditure in real terms; it in fact spent some \$37 million as at March 2000 over and above that. When you add the \$3.2 million extra which we put in in the May budget on top of what was in the forward estimates for the teachers pay rise, that amounts to around \$40 million over and above our promise.

During most of those years the ACT had a deficit budget, having inherited \$344 million from Labor. We gave education a priority during those hard times. I think that is an irrefutable fact which has been proved by the scrutiny of each and every one of our budgets since that time—six budgets plus that KPMG audit. So I think it is rather churlish of Mr Berry to come in here and suggest that we have dropped education expenditure. Of course, we have announced more initiatives in this budget, the major one being the smaller class sizes. I am not going to go into that because we had that discussion in question time.

Mr Berry talked about building confidence in the system. I think people need to be rather careful when they talk about education and constantly harp about what they perceive to be problems in the government system. It can backfire rather badly on the system. It is a good system. Benchmarks are important. I will deal with a few benchmarks shortly which can show just how effective our system is and how important it is that we maintain it. That is something that this government will do.

Mr Berry said we did not have a commitment to public education and that we did nothing with the federal government. Well, the EBA has been abolished, Mr Deputy Speaker. I had a little bit to do with that, I would like to think, in terms of persuading my federal colleague on that one, along with a couple of other Liberal state ministers. I would like to mention that and the fact that we were never affected by it also as a result of some fairly effective representation from the ACT.

Mr Deputy Speaker, when we talk about benchmarks in education we need to look at the broad picture of what we are seeking as educational outcomes for our kids. We want to ensure that all our students in our schools receive an education that sets them on the right pathway for a broad and enriched life. We want to help our young people develop the strengths and the skills that they need to go forward into the community and so that they can make the most of life's opportunities. We want to encourage our young people to be self-confident and to make the most of their opportunities. Those

are the broad benchmarks that we are striving for, and I don't think anyone would say that they are not worthwhile aims.

I am very proud of our public education system. I am proud that we have so many dedicated professionals working with our children to achieve good outcomes. I was a product of the local education system, Mr Deputy Speaker, and I can compare the sort of education I received, good as it was, for example, at high school at Narrabundah from Years 7 to 12 back in the 1960s, with what is received there now, certainly in the senior years. I go back there and compare what I learned in Years 11 and 12 with what is on offer now. I think our system now has infinitely more to offer students than it did some 30 years ago. The public education system in the ACT, I think, has gone from strength to strength. If by "set the benchmark" Mr Berry means we do the very best for our students, I agree with that, and the government stands by its record in that regard.

Last year we had a funding boost of some \$11.5 million and, of course, a little bit, \$1.1 million I think, for the non-government schools. On top of that we have announced the initiative to decrease class sizes, and I am not going to go into that because that came up during question time.

As for quality assurance, a fifth of our government schools undergo school development every single year. In 2000 some eight ACT government secondary colleges were also reviewed. That means that every five years every one of our schools is going to be reviewed for assurance to make sure that they do provide the best possible service to our students. It's a key, and that I think is quite important in terms of benchmarks. What better way to see how good a school system is than to have benchmarks that are now starting to come out that can assess your students in terms of an agreed standard?

This government in 1997, against some opposition, I think—there was certainly some concern by the then Labor opposition—introduced literacy and numeracy benchmarks set for Year 3 and Year 5. We have extended that to Years 3, 5, 7 and 9. I think we were the first state or territory to have Year 7 and Year 9 assessment. That is crucially important. With those benchmarks, both the ones we get from the five strands of literacy and the nine strands of numeracy through those years, we are now seeing how those students are going and which students need assistance, and perhaps which schools need a bit more assistance. Those things are essential in terms of maintaining a benchmark and lifting standards all the time.

Now that we have national benchmarks I am pleased to see that last year, 2000, 90.8 per cent of our ACT Year 5 students in our government school sector—remember that we do not test the non-government sector yet; I do not know how they would go, and everyone but South Australia tests everyone—performed above the benchmark in reading tests. That was up from 90.4 per cent the year before in 1999. For Year 3, benchmarks have been set, finally. In 1999 it was 89.9 per cent. Last year, 2000, 94.8 per cent attained better or above the national benchmark. That is an excellent result. As a result of this testing, as a result of these benchmarks, we are able to identify kids who would otherwise fall through the gaps.

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Sadly, because we have only had testing since then, when we start testing some of our students, say at Year 9 level, we are seeing that some of the results are not as good as they are now for kids going into Year 5 who have benefit from the tests and the action taken because they did not have the benefit of that when they were in primary school. That is a benchmark that I think we are very proud of.

Last year we allocated some \$10 million over and above what we normally do for classrooms in additional resources for ESL and learner assistance programs to assist kids who were not quite making those standards. Those are all benchmarks that are indicators that we as a government are very proud of.

Another investment is information technology. We have gone from some 3,300 computers in 1997 to 8,215 in 1999. We instituted a program involving about \$20 million to ensure that our students had the best information technology that could be available to assist them with their education. Part and parcel of that was Pentium computers for each teacher. The student to computer ratio is now something like 1:4.8—one computer between about 4.8 students. Last year we trialled IT competencies for Year 10. This year we will be giving out certificates and we want to see 95 per cent of our students competent in IT. That is not just our students being able to use a computer; that is being able to use programs and do some of the more advanced stuff with a computer for educational benefit. Those students will be able to have a document that they can keep with them and show to anyone to demonstrate what they have achieved.

We are very committed to supporting our teachers by enhancing quality teaching. We all agree, I think, that the quality of teaching practice is dependent upon the professionalism of our students, and we are very committed to our high-quality teachers in our government sector. That is why the last certified enterprise agreement entered into set guidelines for developing a plan for the professional development of all teachers which will ensure that our teachers also have pathways to continue and enhance and develop their skills. The agreement also sets out guidelines for confidential, professional appraisal processes that will ensure that we have the best system for our schools.

If the Labor Party is committed to education, Mr Deputy Speaker, why did they vote against the budget last year? Why did they vote against an 11.5 per cent increase package for teachers plus extra money for professional development and extra incentive payments, a wonderful proposal which was achieved with a minimum of fuss—two hours of industrial disruption as opposed to 21 or 22 days disruption in New South Wales? Why did they vote against that measure in the budget if they have the dedication to education that they say they do?

Where is Mr Berry now? He is not even in the Assembly to take part in this important debate. I will mention briefly one more area, information technology. Some three or four years ago there were some 700 students doing vocational training in our schools. That number has increased to about 2,300 now. They will achieve a vocational qualification in at least one area. We have introduced other things too. People can study at senior secondary college and also do an apprenticeship at the same time. They get the benefit of their training and can go on to CIT and places like that. We realise that some 60 per cent of our students do not go on to university.

There is one final benchmark, Mr Speaker. Forty per cent of our students do go on to university compared to the national average of 30 per cent. That is another benchmark which we are proud of and wish to maintain. The government does ensure that our government schools set the benchmark for quality education. We have set in train a lot of programs in relation to that, and we will continue to do so because we are very proud of the quality of our government school education system.

MS TUCKER (5.26): This is a useful debate. I agree with Mr Stefaniak. I think if you look at the funding decisions over the years, it is not just this government that has been guilty of a lesser commitment to education than we might have liked. However, I think it is important to look at what we have now—

At 5.27 pm, as a result of a power failure, the sitting was suspended until the ringing of the bells.

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The bells having been rung, Mr Speaker resumed the chair at 10.30 am.

Statement by Speaker

MR SPEAKER: Members, you will recall that yesterday evening, due to a power failure, I suspended the sitting of the Assembly until the ringing of the bells. As the power supply was not to be resumed for over an hour, it was agreed the Assembly would not resume until today, Wednesday. As the Assembly did not adjourn, Tuesday's program is still before us.

However, I understand it is the wish of the Assembly to conclude the sitting for Tuesday, 13 February, yesterday, with the suspension of the Assembly that took place and, therefore, commence ordinary routine of business for Wednesday, 14 February 2001, forthwith.