



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

26 SEPTEMBER 1996

Thursday, 26 September 1996

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Thursday, 26 September 1996

The Assembly met at 10.30 am.

(Quorum formed)

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

PETITION

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

By **Ms Follett**, from 51 residents, requesting that the Assembly continue the existing management arrangements of Rugby League Park with the ACT Leagues Club Ltd.

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

Rugby League Park

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that Rugby League Park (Northbourne Oval) is a valuable sporting facility for the whole ACT community.

Furthermore, the undersigned recognise that while the ACT Leagues Club Limited has been operating this facility on behalf of the community, the Club has paid for all maintenance of the grounds. This has allowed all sports wishing to use it to benefit for more than the last decade and therefore saving the government and the community a considerable amount of money.

Your petitioners therefore request the Parliament to continue the existing management arrangements of Rugby League Park with the ACT Leagues Club Limited.

Petition received.

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PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL (NO. 2) 1996

MRS CARNELL (Chief Minister) (10.32): Mr Speaker, I present the Public Sector Management (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

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

STAMP DUTIES AND TAXES (AMENDMENT) BILL (NO. 3) 1996

MRS CARNELL (Chief Minister and Treasurer) (10.33): Mr Speaker, I present the Stamp Duties and Taxes (Amendment) Bill (No. 3) 1996, together with its explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1996

MR DE DOMENICO (Minister for Urban Services) (10.34): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 3.

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

CREMATION (AMENDMENT) BILL 1996

MR DE DOMENICO (Minister for Urban Services) (10.35): Mr Speaker, I present the Cremation (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

I ask for leave to incorporate my presentation speech in *Hansard*.

Leave granted.

Document incorporated at Appendix 4.

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

26 September 1996

ELECTORAL (AMENDMENT) BILL (NO. 3) 1996

MR HUMPHRIES (Attorney-General) (10.35): Mr Speaker, I present the Electoral (Amendment) Bill (No. 3) 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 5.

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

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL (NO. 2) 1996**

MR HUMPHRIES (Attorney-General) (10.36): Mr Speaker, I present the Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave to have the presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 6.

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

WITHDRAWAL OF NOTICE

Ms McRae: Mr Speaker, on a point of order: Where is No. 7 on the blue paper? We go from No. 6 to No. 8, I have just observed.

MR SPEAKER: I have been informed by the Clerk that, pursuant to standing order 111, Mr Humphries wrote to him withdrawing notice No. 7, Executive business, relating to the presentation of the Liquor (Amendment) Bill (No. 3) 1996.

WITNESS PROTECTION BILL 1996

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (10.38): Mr Speaker, I present the Witness Protection Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 7.

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

BUSHFIRE (AMENDMENT) BILL 1996

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (10.39): Mr Speaker, I present the Bushfire (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave for my presentation speech to be incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 8.

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

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AIR POLLUTION (AMENDMENT) BILL (NO. 2) 1996

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (10.40): Mr Speaker, I present the Air Pollution (Amendment) Bill (No. 2) 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave for my presentation speech to be incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 9.

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

**LAND (PLANNING AND ENVIRONMENT)
(AMENDMENT) BILL (NO. 3) 1996**

MR HUMPHRIES (Attorney-General) (10.41): Mr Speaker, I present the Land (Planning and Environment) (Amendment) Bill (No. 3) 1996, together with the explanatory memorandum to this Bill and the Administrative Appeals Tribunal (Amendment) Bill 1996.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 10.

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

ADMINISTRATIVE APPEALS TRIBUNAL (AMENDMENT) BILL 1996

MR HUMPHRIES (Attorney-General) (10.42): Mr Speaker, I present the Administrative Appeals Tribunal (Amendment) Bill 1996.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

I ask for leave to have my tabling speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 11.

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

CHILDREN'S SERVICES (AMENDMENT) BILL 1996

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (10.42): Mr Speaker, I present the Children's Services (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: I move:

That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 12.

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

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Reference - Code of Conduct for Members of the Legislative Assembly

MR BERRY (10.43): I move:

That the development of a code of conduct for all Members of the Legislative Assembly be referred to the Standing Committee on Administration and Procedure for inquiry and report with particular reference to:

- (a) parliamentary and personal conduct;
- (b) conflict of interest;
- (c) gifts;
- (d) use of public office;
- (e) the application of section 14 of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth); and
- (f) a complaints and investigation procedure.

Mr Speaker, this motion arises from attendance by Mr Moore at an international conference on public sector ethics, past and future, held in Queensland from 5 to 9 August 1996. Mr Moore attended on behalf of the Administration and Procedure Committee. Arising from Mr Moore's attendance at that meeting, the Administration and Procedure Committee decided that this motion should be put before the chamber in order to develop a code of conduct for all members of the Legislative Assembly. As a result of his report to the committee, that move was endorsed by the committee and so it arrives in this chamber.

Over the years there has been much criticism of politicians, for various reasons, and I will go to the summary of issues raised at one of the sessions, which is described as an informal workshop of parliamentarians and parliamentary officers. It reads in part:

What are the purposes of a Code of Conduct?

Are Codes of Conduct being adopted for appropriate reasons?

I think we can debate that issue. It continues:

To what extent is it generally expected that Codes of Conduct will lift the standing of Parliamentarians in the eyes of the community? ...

To what extent, if any, will Codes of Conduct cover Parliamentarians' conduct in the Chamber, criminal behaviour, the breaking of election promises and everyday personal behaviour of Parliamentarians in community situations? ...

Will Codes of Conduct discourage “quality” Parliamentary candidates from embarking upon a parliamentary career?

Will Codes of Conduct unnecessarily inhibit Parliamentarians in their day-to-day activities? ...

To what extent will Codes of Conduct set only minimum levels to which Parliamentarians will aspire?

They are just some of the questions that were raised during that informal workshop. They are all questions that need to be addressed in a formal inquiry to develop a code of conduct for members of the Legislative Assembly. I know that the Government has determined a code of conduct for Ministers in the Executive, and I have been a critic of that code of conduct because it is quite different from the code of conduct that applied in the Follett Labor Government and the code of conduct that, in effect, applies under the Howard-led Federal Liberal Government. I must say that the code of conduct adopted by the Carnell Government seems to have been written around Mrs Carnell’s operation of her own pharmacy.

I want to touch on those areas that are dealt with in paragraphs (a) to (f) of the motion before the chamber. We would like the Assembly’s endorsement for an inquiry that would lead us to a report on issues such as parliamentary and personal conduct and how they should be dealt with. These issues have troubled members in the past. I recall Mr De Domenico’s difficulty with a wrongful dismissal case in dealing with an employee.

Mr Humphries: In which he was vindicated.

MR BERRY: Mr Humphries interjects. The fact is that it cost ACT taxpayers a heap of money to buy their way out of that. Parliamentary and personal conduct is one matter that ought to be dealt with, and it ought to be laid out in a form which is understandable to the community.

There have been many instances throughout the life of this Assembly where the issue of conflict of interest has arisen. Who will forget the first Speaker in this place and his interest in fluoride? While pressing to remove fluoride from the water supply in the ACT, the then Speaker rose to some notoriety because he was at the same time busy marketing filters to remove fluoride from the water supply. I am sure that that Speaker did very well in a business sense because he became well known for his interest in fluoride and I am sure that he sold many filters. I thought that was a very serious conflict of interest.

The next issue I wish to deal with is the Chief Minister. When in opposition, the very first piece of legislation that was supported by Mrs Carnell was a piece of legislation that would increase business in pharmacies. That was to do with the methadone program.

Mrs Carnell: I do not think it was the first piece of legislation.

Mr De Domenico: So would the plague. That would increase business in pharmacies.

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MR BERRY: I said at the time that one other member of the Government ought to deal with that issue, but Mrs Carnell chose to deal with it.

Mrs Carnell: We were not the Government.

Mr Hird: We were in opposition. As usual, you are wrong, Wayne.

MR BERRY: I think there was a very clear conflict of interest in a member being involved in legislation that could enhance her own business interests. There are a lot of interjections from people on the other side; but one of the most important issues about conflict of interest, and Mr Humphries would know about this, is the longstanding rule of law which determines what is a conflict of interest. That is, if the ordinary person in the street can come to the conclusion or raise the question that there could be a conflict of interest in the behaviour of a particular person, that is usually the test applied to conflict of interest cases.

The other day I raised in this place the issue of a bottle of cough mixture which was marketed as “Kate Carnell’s Cough Mixture”. I think that clearly points out a conflict of interest. Mrs Carnell said:

Our code of ethics -

referring to the Executive’s code of ethics -

requires me to have nothing to do with the day-to-day running of my business

...

But it is quite all right for Mrs Carnell to have her name plastered all over this medication and promote the product as her own. The ordinary person in the street could reasonably come to the conclusion that that particular product had the tick of the Chief Minister and Health Minister in the ACT. I think an ordinary person in the street would reasonably come to the conclusion that there was a conflict of interest.

I will take that one step further and refer again to Mrs Carnell’s comment:

Our code of ethics requires me to have nothing to do with the day-to-day running of my business ...

I then turn to page 307 of the *Yellow Pages* - this is the 1996 edition - and under the heading “Pharmacies” I come to the Red Hill Pharmacy. “Red Hill”, it is headed, and it says, “Kate Carnell MLA B.Pharm MPS”. Clearly, Mrs Carnell is not at arm’s length from the day-to-day operations of her pharmacy. She is, in fact, actively involved in the advertising of her pharmacy using her membership of this Legislative Assembly. Mr Speaker, I take that one step further. Mrs Carnell could say - - -

Mrs Carnell: Is this about a code of conduct for the Assembly or is this just a go at me?

Mr De Domenico: If you go any further down, mate, you will be right in the muck in the sewer. That is where you belong - right in the muck.

MR BERRY: I would not mind a chance to speak, Mr Speaker.

MR SPEAKER: Order!

MR BERRY: The advertising for the Canberra edition of the *Yellow Pages* was in November 1995, eight months after Mrs Carnell became the Chief Minister. So the requirement of the code of ethics that Mrs Carnell should have nothing to do with the day-to-day running of her business has just been totally ignored. As I said earlier in my speech on this matter, I think the code of ethics adopted by the Government was deliberately written around Mrs Carnell's business. If Mrs Carnell and the Government had adopted the code of ethics - - -

Mr Kaine: On a point of order, Mr Speaker: I draw your attention to standing order 55. Mr Berry is quite entitled to put forward the motion he is putting forward, but I would suggest that much of what he has said in the last five minutes goes beyond what one could reasonably expect to hear in this place under standing order 55. It is quite clear. It says:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Mr Berry for some time has been making personal reflections about the Chief Minister, and there is no doubt that in much of what he has said there is a clear imputation of improper motive. Mr Speaker, I submit that much of what he has said over a period of about five minutes is highly disorderly under standing order 55. I suggest that you rule accordingly and ask him to withdraw it and to desist.

MR BERRY: On that point of order, Mr Speaker, may I just draw your attention to a few matters of fact. The first matter of fact is that I quoted from page 40 of *Hansard*:

Our code of ethics requires me to have nothing to do with the day-to-day running of my business ...

It is quite appropriate for me to use that quote because it is a matter of fact. Mr Speaker, it is also quite appropriate for me to discuss the need for a code of practice to cover conflict of interest, because it is an important part of the motion before the Assembly. Paragraph (b) of that motion - - -

Mr Humphries: Mr Speaker, on a point of order - - -

MR BERRY: I am speaking to the point of order, Mr Speaker. One point of order at a time, I think, is the rule.

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Mr Humphries: Mr Speaker, I have to interrupt Mr Berry's point of order. What he is doing is reiterating information about a particular case which he alleges proves a particular conflict of interest.

MR BERRY: No.

Mr Humphries: That is what he is doing. He is trying to prove that there is a conflict of interest on Mrs Carnell's part. The motion, first of all, is not dependent on proving any particular conflict of interest on anybody's part in order to be passed. Secondly, Mr Kaine is right: Mr Berry is imputing an improper motive to Mrs Carnell in her relationship with the pharmacy she owns at Red Hill. To impute improper motives is contrary to standing orders, and Mr Berry should be asked to withdraw.

MR BERRY: Mr Speaker, I will put it this way, and it might clarify the matter. I think the code of practice that is adopted by the Executive is inadequate, and this inquiry should come up with a code of practice that covers the situation and ensures that people cannot be seen to have a conflict of interest out there in the community, which Mrs Carnell clearly is seen to have now.

MR SPEAKER: Order! I have listened carefully to the views put forward. I too have been concerned, listening to this debate, that standing order 55 may have been breached. I uphold Mr Kaine's point of order. I do not think anybody in this chamber is arguing against the proposal before the house, which is to set up a code of conduct; but I must agree with Mr Kaine that, in debating this, we should not be making allegations and accusations against individual members. Let us keep it general, Mr Berry. I do not think anybody is going to be arguing about the establishment of the committee. Surely, the purpose of setting up the committee is to examine individual activities. We should not be prejudging people before the code of conduct has been investigated. Would you please direct your comments to a general discussion on your motion and not breach standing order 55.

MR BERRY: Indeed, Mr Speaker. If members of this Assembly were advertising a product which they were retailing from premises they owned, and advertising the fact that they were in a profession of the sort that was marketing the product and attaching to it the fact that they were members of this Legislative Assembly, and in fact were members of the Executive and Ministers responsible for that particular area of the Executive's role in government, then I would say that there is a conflict of interest. There should be a set of rules which ensure that a decision of a conflict of interest could be found. I think that satisfactorily covers the issue.

The other area is gifts. That is an issue that is well understood. The taking of gifts for carrying out one's role in this Assembly and how that ought to be dealt with is something that ought to be addressed by this inquiry as well. As to the use of public office, who will forget the accusations, at least, about a member, Mr Stevenson, taking up residence in the Assembly for a period of time? Mind you, he was a bit of a will-o'-the-wisp when it came to trying to prove that this occurred. Whilst the bed might have been warm, it was pretty often made up; but it was, nevertheless, a use of public office that may well have brought some sort of charge of questionable behaviour before the Assembly. (*Extension of time granted*)

Mr Kaine: A very short one - 3½ minutes.

MR BERRY: I think I have made my point, Trevor. Mr Speaker, section 14 of the Australian Capital Territory (Self-Government) Act talks about how a member might be disqualified, and it goes on in some detail about the circumstances that would give rise to the vacation of office by a member if he offended against certain parts of that Act. All of those issues are matters that should come under the notice of the Standing Committee on Administration and Procedure for report. Finally, to ensure that there is a process of natural justice, there ought to be a complaints and investigation procedure, which in my view ought to set out the means by which a member could defend himself or herself. I suppose that, at the end of the day, we could end up with a situation where the right of appeal comes back to this chamber, if there is to be some sort of right of appeal.

I think there is a need for a comprehensive code of conduct for all members of the Legislative Assembly, and the appropriate committee to deal with that, of course, is the Administration and Procedure Committee. It may be that many members in this chamber have no appreciation of what conflict of interest is. It seems to me that, amongst the ranks of the Government, they do not have the same appreciation of conflict of interest as I do. I know, Mr Speaker, that I was a great supporter of the code of practice adopted by the Follett Government, and ultimately adopted by the Howard Government, which provided a stiff code of conduct.

Mr Humphries: From Rosemary's Government?

MR BERRY: No, I do not say that it was all the idea of Ms Follett. It was a standing practice in many places, as I understood it. It has certainly been adopted by John Howard, but very carefully skirted around by Mrs Carnell's Government. Mr Speaker, you have to ask yourself the reason why that code of practice was skirted around. It very clearly was written around a peculiar set of circumstances. I urge members to support this motion to ensure that we develop a code of conduct and that we put that before the Standing Committee on Administration and Procedure for inquiry.

MRS CARNELL (Chief Minister) (11.04): Mr Speaker, is this not a tragic situation? This is budget week, a really important week for this Assembly. Today, the Leader of the Opposition responds to my budget, and what is the big issue of the week for Mr Berry? Cough mixture. That is a big issue in budget week for Mr Berry. It is cough mixture week. He has moved away from the snake oil onto the cough mixture, Mr Speaker, and I think it really has to be looked at in that way.

This side of the house has no problems whatsoever with a code of conduct for all members. In fact, one of the first things we did when we came into government was develop a code of conduct for Ministers. Contrary to Mr Berry's statement about codes of conduct, it was actually adopted from the South Australian approach, an approach that we believe very strongly is an appropriate approach. Mr Speaker, if you remember,

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under the previous Government, although Mr Berry said there was a code of conduct, it was secret. I cannot quite understand how you can have a code of conduct that you do not make public, but the previous Government did it.

Mr Berry: Try to defend yourself.

MRS CARNELL: I thought this was a motion about a code of conduct, but if Mr Berry would like it to be something else, and he has already spoken in a very different light, we are happy to play that game too. A code of conduct is a very appropriate thing. This particular Government, as I said, produced one immediately on coming to government and made the document public. We published it so that everybody could see it. We believe that it is a very appropriate document, but we are also very happy to support an approach that would have a code of conduct for all members of this place. That is not a problem at all.

Mr Berry used a large amount of his speech to attack me. It appears that, for Mr Berry, this debate is not about a code of conduct for members of this place. He has been in this Assembly since 1989 and could have done it at any time during that period, but he has picked budget week. For the life of me, I cannot understand why anybody would do that, unless this was straight-out personal attack stuff. Mr Berry is on about this because he has not managed to make a dint in the Government in any other way. When you have failed in every other capacity, what do you do? You go for the man, not the ball, and that is exactly what Mr Berry has done here. What we should be debating this week is such things as the direction of the Assembly, the direction of Canberra, the budget. A \$1.3 billion budget was brought down this week, with enormous ramifications, as all budgets have, for all parts of the community. But no, Mr Berry - - -

Mr Berry: Mr Speaker, on a point of order: Relevance. I would ask the Chief Minister to defend herself and not worry about the budget.

MR SPEAKER: I will not ask the Chief Minister to defend herself. As I pointed out to you before, any imputations under standing order 55 about individuals are totally out of order. The Chief Minister does not have to defend herself on anything.

Mr Berry: Mr Speaker, might I add that, if we wish to go into a budget debate in relation to this motion, I am quite happy to do that. I hope you will cooperate with my addressing the budget issue later.

MR SPEAKER: I have no doubt that the budget issue will be debated later this day. There is no point of order.

MRS CARNELL: Mr Speaker, I think many people who were in the last Assembly will remember that we debated the conflict of interest issue then, and guess what happened. Wayne Berry was put straight back in his box. The last Assembly determined that there was no conflict of interest on such things as the methadone legislation. He has already brought it up, and it was ruled out categorically, except that in his speech today he negated the point that the Assembly as a whole determined that that simply was not the case.

I was elected to this Assembly as a pharmacist, as a proprietor of a small business in this town. I am very proud of that, and, if Mr Berry really believes that somehow this is hurting me, I am happy to debate being a pharmacist and being a small business operator until the cows come home. I think that is something that is very important to this town. Mr Berry has continued to make comments about the famous cough mixture. Here it is. He has denigrated the sinus and hayfever capsules, and the soothing cream, which is in here somewhere too - yes, here it is. We have the dry cough mixture as well. We also have it on every single bag the pharmacy has - "Kate Carnell's Regional Pharmacy", "Kate Carnell's Big Bags" - and every single dispensing label that has ever been put on any prescription in my pharmacy. Guess why, Mr Speaker.

MR SPEAKER: It is the law, is it?

MRS CARNELL: It is the law; spot on. It is actually the law for pharmacists to own pharmacies, and it is actually the law for the name of the pharmacist to be on all dispensing labels and to be displayed outside your shop and at all appropriate places. That is what pharmacy practice is about. If Mr Berry had listened to the very short talkback this morning with Elizabeth Jackson, he would have heard that a number of pharmacists rang in. One of them, Pat Develin, rightly made the point that this is absolutely normal pharmacy practice. This is how pharmacy is practised in Australia.

If Mr Berry does not like that, he might want to take some other approach - suggest that pharmacies should change; maybe he can do that. He was Health Minister; maybe he could have made those changes then. But the reality is that this is not about cough mixture or, for that matter, sinus or cold tablets or soothing cream or bags or dispensing labels. It is a straight out-and-out attack by Mr Berry on me because he has not managed to dint the Government in any other way. If there was any capacity for Mr Berry to make a difference, to dint our policy direction, our budget, the approach I have taken to health, the reductions in waiting lists, the increases in - - -

Mr Berry: I raise a point of order, Mr Speaker. The motion is not about dinting Mrs Carnell's performance on health, although I am happy for it to be that. Would you rule on that point of order?

MR SPEAKER: I ask Mrs Carnell to come back to the motion. I think she is doing so.

MRS CARNELL: I will put the cough mixture away too. I thought you would like me to put that away, Mr Speaker. I am happy to get back to the motion. The motion is not about my pharmacy, cough mixture, soothing cream or, for that matter, bags or dispensing labels. The issue before the Assembly today is a code of conduct for all members of this place - something that this side of the house not only supports but has already done for its Ministers. It is not unusual for members of parliament to have had careers before politics - and, hopefully, afterwards. In fact, I am confident that the community generally wants their politicians to have had experiences in their lives other than just being career politicians or party hacks. I think all the information we have from community surveys indicates just that.

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We have to make sure that in any code of conduct in this place we ensure, as we did with the ministerial code we lifted from South Australia, that we allow people to continue to run the farm, as John Howard has done. John Anderson is running his property while he is Minister. The reason for that is not conflict of interest. The reason for that is to make sure that the people in our parliaments around Australia have expertise in particular areas. I know it gets under Mr Berry's skin that he has expertise in bugger-all; but, honestly, just because Mr Berry does not know anything about anything but firefighting does not mean that he should attempt to undermine everybody else who might have some expertise in something. I am proud of being a retailer; I still enjoy getting behind the counter and looking after my customers. I think that is something that is a useful experience for this place. It is also something that at some stage in the future I will go back and do again. I think that is a very appropriate approach for every member of this place and every member of every parliament.

We have to make sure with codes of conduct that there are no pecuniary interests involved, that the decisions people are involved with in the parliamentary situation do not produce for them any money or any particular prestige. I believe that everybody here totally supports that approach, but that does not mean that people in parliament simply cannot have other lives or other expertise or other involvements.

Mr De Domenico: Or pig farms.

MRS CARNELL: In fact, as Mr De Domenico says, we should have things like pig farms, things that show that people still understand and are part of the way the community works outside this place. I believe, and I am confident that people at least on this side of the house believe, that it is important to retain interests and expertise in things other than politics while you are sitting in this place. But our code of practice categorically says that I may have no interest in the day-to-day running of my pharmacy, which I do not, to the extent that I rarely even go into my pharmacy anymore. I think that is very hard on my staff; but that is the code of conduct, so that is the way we operate. I have a very competent manager and very competent staff, and I think they run a very good little business there - certainly one that at this stage I own.

Mr Speaker, again, this is nothing to do with me as a pharmacist. This is everything to do with Mr Berry and those opposite in budget week - in budget week! - believing that the only way they can get at this Government, at my budget, at me personally, is to try to take me out, to undermine potentially my credibility. They have not achieved that. I think it is tragic, I think it is sad, that they would even bother. Fancy, in budget week, getting questions about cough mixture. For the life of me, I am horrified and I am shocked. I think personal attacks always backfire on the people who put them forward. The problem is this situation of my owning a pharmacy in this town - something I had when I was elected. "Kate Carnell's Cough Mixture" has existed for 10 years. Those products are very much part of running a pharmacy anywhere. The fact is that I was elected as a pharmacist. I was elected with a pharmacy that operates like all other pharmacies. I believe that I was elected because people did want small business operators in this place. They did want people who knew about being behind counters. We will be supporting the code of conduct because we believe that it is an appropriate approach, but to use this for a straight-out personal attack in budget week is reprehensible, Mr Speaker.

MS TUCKER (11.17): I think this debate has gone right off the rails, and it has gone off the rails from both sides. Mrs Carnell was just talking about personal attacks.

Mrs Carnell: He just attacked me.

MS TUCKER: Yes, Mr Berry did, I agree; but I imagine you would be glad to see people with expertise in fighting fires if your pharmacy was in flames, Mrs Carnell. I do not think it does you any credit to try to discredit that particular line of work. There is no need to go to that level from either side. I also make the point that this is not just about Labor. Mr Berry has chosen to focus particularly on the issue of ownership of a pharmacy. I do not know that it is all that relevant, although it is connected with the issue. Mrs Carnell, this is not something that Labor made up for budget week. It is something that came out of the Administration and Procedure Committee, and it has been on the business sheet there for some time.

I do welcome the inquiry, although I think there is a basic issue involved, which is conflict of interest. We have recently had the Government taking a strong stand on so-called conflict of interest in regard to membership of a committee. The ultimate result of that is quite possibly going to be the discrediting of a committee inquiry, and I find that extremely disappointing.

Mrs Carnell: Not publicly.

MS TUCKER: No, but that is why I say that I would welcome a cooperative discussion on this issue. What I am very concerned about is that for political ends people are raising the question of conflict of interest, and not with a genuine commitment to seeing whether that conflict exists. I hope we can come up with something that is helpful in the Administration and Procedure Committee, although I think it is basically still going to be often a political decision whether this issue is raised. I do not know how you can do anything about that, except ask people to act in good faith.

MR HUMPHRIES (Attorney-General) (11.20): Mr Speaker, I want to make a few comments about this debate. As the Chief Minister said, we intend to support the motion because we think it is quite important. I will, in a moment, move an amendment to the motion, but let me make a couple of comments first. Ms Tucker said that we should have a cooperative discussion about this issue and we should try to deal with this in an objective way. I entirely agree with that suggestion. I think it is a very important suggestion; but can I inform Ms Tucker, in case she does not know, that this morning already on the radio Mr Berry has been saying, I understand, and has been quoted as saying on the radio this morning, "If we can get this motion up, Mrs Carnell will have to sell her pharmacy". That is what he is quoted as saying on the radio this morning.

I and my colleagues were prepared to come into this place and support this motion without any reference at all to any individuals or personalities. That would have been entirely appropriate. Mr Berry has set the tone of this debate with his opening comments, with his attack on the Chief Minister, and I think it is entirely appropriate for the Chief Minister to respond to those comments in kind and to defend herself in full.

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She has done that, and I think that is entirely appropriate. If you had been attacked in the same way, you would be rising and saying the same sorts of things.

Ms Tucker: You do not need to attack personally. Mrs Carnell does not like people personally attacking, but she personally attacked as well.

MR HUMPHRIES: She was personally attacked. She was personally attacked by Mr Berry. Perhaps I should tell Ms Tucker about the history of these sorts of things. This is not the first time this has happened in this way. There has been throughout the time Mrs Carnell has been in this Assembly, particularly since she became Leader of the Opposition, a consistent campaign by the Labor Party generally, and particularly by Mr Berry, against Mrs Carnell.

Mr Berry: On conflict of interest.

MR HUMPHRIES: Not just about conflict of interest; about any bit of dirt Mr Berry could get his hands on. He claimed that Mrs Carnell was profiting from the methadone program. Mrs Carnell has always been a strong supporter of the methadone program and I think, in fact, ended up having one client of her pharmacy who was on the methadone program - one person, a person from whom she made no money but whom she supplied with methadone in circumstances in which many pharmacists would not choose to do so. Mrs Carnell believes in the methadone program because she believes it is important for the purpose of assisting people who are dependent on drugs, not because she makes money from it.

You would have been here, Ms Tucker, to hear the question that Ms McRae asked last year, which was designed, very slyly, I might point out, to suggest that Mrs Carnell sold shonky goods in her pharmacy, that she sold a shonky wheelchair to somebody in her pharmacy. That was not a point of public information; that was not finding out about the safety of consumer products. That was another sly, low, unbecoming, grubby attack on the Chief Minister. It is a personal campaign about the Chief Minister and her credibility, and I think members of this Assembly should emphatically reject that approach. By all means, let us talk about conflicts of interest. By all means, let us not pretend - - -

Mr Berry: Do you remember Stan Aliprandi? Do you remember Charles Wright? Do you remember them? You drove them out of town.

MR HUMPHRIES: That is not a conflict of interest situation. Charles Wright is not a conflict of interest situation. This is. This motion is about conflict of interest, and that is what we should be talking about in the context of this motion.

Mr Berry, in the last Assembly, moved a motion that said that nobody should be allowed to have an interest outside the Assembly, nobody should be able to hold down a part-time job, members should not be able to have a profile in a community organisation that could be viewed as some involvement outside their work as a member of the Assembly. I think he even made reference in the speech he made on that occasion to people like Mrs Carnell and to the proposed election of one Mr Osborne, who at that stage was a high-profile footballer. Members are not allowed to have that sort of interest when they are also members of the Assembly.

I assert, as Mrs Carnell has already asserted, that that kind of interest in the community is a strengthening agent in this Assembly. It gives members of this Assembly a root into the rest of the community, from which I think we all profit. We should not be just a group of party apparatchiks who happen to win our places on the top of our party tickets to get here and have no other connection with or involvement in the community; nor, if we have such involvements, should we eschew those when we come into this Assembly. That is a process of strengthening the work this Assembly does, and I support that.

Mr Berry: Vanstone trained.

MR HUMPHRIES: Look at the personalities involved here. I would say to Mr Berry and to his colleagues over there, all of whom have deserted him, by the way - he is the only person sitting there; they are all embarrassed by the approach Mr Berry takes: If you want to run a grubby campaign against people in this place, then do so as well outside this place. When you say things that are defamatory and low and unbecoming of a member of this parliament, then have the decency to say them outside, where the consequences can be taken in other places. Do not rely on the coward's castle, which you are often prone to refer to, to make those sorts of low claims.

Mr Speaker, I think this motion is supportable. I move, as an amendment:

Paragraph (b), add “, including a Member's affiliation or membership of any organisation or association that could potentially constitute a conflict of interest”.

Mr Berry: It is covered in (b), Gary. You do not need it.

MR HUMPHRIES: We do not need it? Mr Speaker, I think we do need it. The question of membership of organisations is a particularly critical issue. It is an issue that touches every member of this Assembly. We all belong to other organisations, and indeed we should; but the questions of what organisations, how close they are to government, and so on, are very important issues. Take the issue of membership of trade union organisations. Mr Berry talks about conflicts of interest, but he has never been prepared to talk about the situation where, as I understand it, it is a requirement of members of the Australian Labor Party that they belong to a trade union. If at the same time the member is the Minister for Industrial Relations in this place, is that a conflict of interest?

Mr Berry: Declared.

MR HUMPHRIES: Declared? Thank you. I do not think Mrs Carnell, in Mr Berry's wildest flights of fancy, could be accused of having hidden the fact that she is the owner of the Red Hill Pharmacy.

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

Motion (by **Mrs Carnell**) agreed to:

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

MR HUMPHRIES: Mr Speaker, I think these issues need to be discussed in that context, and I believe that this amendment would strengthen the motion to ensure that that was the case.

MR MOORE (11.27): I will take this opportunity to speak to both the motion and the amendment. It seems to me that, although the amendment is unnecessary, because I think it will be considered by the committee, it certainly does not do any harm to ensure that the committee does take that into consideration. I am quite comfortable about accepting the amendment and supporting it.

When I raised this issue with the Administration and Procedure Committee as part of the report Mr Berry referred to, I was particularly interested in the way the British Parliament had dealt with the issue in the Nolan report. One of the most interesting suggestions that came out of the Nolan report resolved the very sorts of problems we have heard this morning. What is a conflict of interest? Is membership of a trade union a conflict of interest for a Minister for Industrial Relations or, indeed, for any member voting on an industrial relations issue? Is there a conflict of interest in a Health Minister having their name on a health product? These are important issues on which there will be a difference of opinion, and that is what we have seen happening here this morning.

The Nolan Committee report came out of a much more serious conflict of interest where one of the tabloid papers in the United Kingdom discovered what they dubbed “cash for questions”. People who were asking questions in the Parliament were paid a significant sum of money to ask those questions. “Was that a conflict of interest?”, they were asking. We have never stooped so low in this house, and we have taken many criticisms about it.

Mr Humphries: That we know of.

MR MOORE: I would be very surprised, I must say, to find that any member currently sitting in this house had been in that position. Furthermore, I must say that the calibre of the questions probably does not warrant their being paid for, in many cases.

The report in the UK arose out of a very important issue which, to an ordinary person in the public looking in, was clearly a conflict of interest, and there were a series of other things that happened. The report suggested the establishment of a position of commissioner at arm's length from the parliament who would consider issues of conflict of interest. Members of parliament could go privately to that person and say, “Do you think I have a conflict of interest in this way or in that way?”, on a whole series of issues that have been raised today or previously in this Assembly. An opinion would be provided which the member could then either accept or reject; but, should the issue be

raised in the Assembly, then the person can say to members, "When I considered this issue I went to the commissioner, this was the opinion I relied on, and that is why I have taken the course of action that I have"; or "This is why I rejected it". It then would fall back to relying on our self-government Act and our standing orders, which say that the Assembly is the final arbiter of who has a conflict of interest and who does not.

Those are the sorts of issues that I was most concerned about raising and making sure we could deal with. We are not the only parliament in Australia that is dealing with these issues. Almost all parliaments in Australia at the moment are wrestling with these things, and not only all parliaments in Australia but parliaments right across the Commonwealth. I hope it is one of the issues that will go before the Commonwealth Parliamentary Association when it meets next year and that whoever is our representative there will be able to deal with that issue.

The Administration and Procedure Committee, if we adopt this motion, will not have to go through a whole new discovery process. They can look at what other parliaments have suggested as ways of dealing with this and at the reports that have come out of the UK. There is a wealth of information, but there are still some hard decisions to be made on how we deal with this issue of conflict of interest. It is not only of concern to individual members of parliament to make sure that they do not get themselves involved in conflict of interest situations; it also, and much more importantly, is of concern to the community as a whole that members of parliament not only act in an ethical way but also are seen to act in an ethical way. It does not stop us having our jokes about parliamentary ethics being an oxymoron - the traditional example is British Intelligence, or Army Intelligence.

Putting those jokes aside, there is a very important issue that as much as anything goes to the heart of some of the disenchantment of the general populace with our parliamentary system of recent years. There will always be jokes about parliaments and parliamentary systems, and one of the great joys of having a democratic parliamentary system is that people can make those jokes. There are many countries in which you simply are not allowed to make jokes about your system of governance. We are, and that is part of our freedom. I would like that to continue. I think we would all like it to continue. A careful consideration of this issue by the Administration and Procedure Committee will assist us in ensuring that we have less conflict on the floor of the house on what is and what is not a conflict of interest, what is and what is not ethical conduct on the part of members. I think it is timely for this issue to be referred to the committee.

Motion (by **Mr Berry**) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent the mover of the motion from having the right of reply.

MS FOLLETT (11.35): I would like to speak briefly on this matter. I believe that it is an essential issue for the Assembly to come to grips with, and I want to address some of the fairly simplistic views put forward by both Mrs Carnell and Mr Humphries on the issue of what might constitute the legitimate interests of people elected to this Assembly.

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I think I heard both Mrs Carnell and Mr Humphries say that they thought it was a good and healthy thing for people in this Assembly to retain links with the broader community, including links through holding various positions. I know that I have paraphrased what they have said; I hope I have not oversimplified it, but I think it is a fairly accurate paraphrasing.

I want to put it to the Assembly that this is most definitely not the case, and in fact it can be absolutely contrary to both the self-government Act and our Electoral Act. It is the case that any public servant who wishes to stand for election to this Assembly must resign from their position before they take a seat here. That is the law. I do not think it is at all difficult for any of us to understand and appreciate that, say, an ACT public servant could simply not retain their position whilst acting as an elected member of this Assembly, let alone as a Minister. It is a nonsense. Imagine the position where Mr Humphries, as a member of the Government Law Office, retained his position when he became Attorney-General. What nonsense! It is a clear and obvious conflict of interest. You cannot have one rule for one lot of people and other rules for others.

Mrs Carnell: That is working in two jobs.

MS FOLLETT: I will just address that interjection. Mrs Carnell said he would have two jobs. Not necessarily. He could obtain, in theory, leave without pay from his government appointment and hold a seat here, with the right to be reintegrated back into his Public Service position if he ever lost his seat or retired from the Assembly.

Ms McRae: We would have liked that very much.

MS FOLLETT: We would love it. Those of us who were public servants would have killed for that privilege. We do not have that privilege because it is an absolutely clear conflict of interest. I want to go on and refer to an extension of that idea. Imagine the situation had I allowed Mr Berry to retain his position on the executive of the Firefighters Union when he was Minister for Industrial Relations. What would you have said about that? I think you would have said, "That is a clear conflict of interest". That is what I said and that is what Mr Berry agreed with, so he no longer held that position.

Imagine the position where any of us, as Treasurer or as Chief Minister, continued to hold a position in one of the community organisations we funded through the ACT budget. I was in such a position. I regarded it as a clear and obvious conflict of interest for me to continue to hold that position, and I resigned from my community position which I enjoyed enormously and which gave me a great deal of fulfilment. It was useful work for my community, as Mrs Carnell said. It was also a clear and obvious conflict of interest. The matter is not as simplistic as members of the Government have painted it. I will go further and look at the position of our former member, Mr Paul Whalan, who on becoming a backbencher indicated that he would like to take up a position in his community as a consultant and earn some additional money. He was not able to do so. On the best advice we were able to obtain, that was clearly in breach of both the self-government Act and the Electoral Act. Mr Whalan resigned from the Assembly.

Mr Humphries: I do not see why.

MS FOLLETT: If members do not see why, I suggest they take better advice on the legislation that governs our position here as elected members. Mr Speaker, the matter is not simple; it is not straightforward. It is not by any means a matter of us, as members of the Assembly, continuing appropriate links with the community. We would all seek to do that. But those links cannot be of a sort that would involve us in a conflict between our official duty as elected representatives and our private interests.

The interests of people who continue to own businesses, who continue to trade with that business name, most certainly have to be looked at very clearly, especially when those members hold ministerial appointments. It is abundantly clear to me that, were the interest that a member held not a private business but, say, a public sector appointment, there would be quite clear conflict. I do not see any difference. I would urge the Government not to take this matter lightly. Ministers have lost their jobs over a hell of a lot less than this. It is a matter which does need the closest, most careful consideration, and I am very sorry that we have had such a lightweight response from members opposite.

MR DE DOMENICO (Minister for Urban Services) (11.41): I will be very brief. I always, in these circumstances, try to make the speeches as small as the persons delivering them. Ms Follett thought Mrs Carnell's and Mr Humphries's contributions were simplistic. I am still searching for a word to describe the contribution she just made. I think, Ms Follett, there is a difference between a public servant continuing to be paid out of the public purse and being a member of this Assembly, and a small business person - - -

Ms Follett: Mr Speaker, on a point of order: There is no question of a public servant continuing to be paid. The self-government Act says that you must resign. I do not want to be misinterpreted.

MR SPEAKER: Yes, I think that point was made, Mr De Domenico. I think leave of absence was mentioned, as I recall.

Ms Follett: Without pay.

MR SPEAKER: Without pay? Did you say that? I am not sure that "without pay" was mentioned.

Ms Follett: It was. Mr Speaker, on the point of order, I assure you that it was.

MR SPEAKER: Thank you.

MR DE DOMENICO: Ms Follett has made her contribution. She knows what she said.

Ms Follett: I do not want to be misinterpreted, thank you.

MR DE DOMENICO: I am not misinterpreting you at all.

Ms McRae: Yes, you are.

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MR SPEAKER: Order! We are all getting a bit precious this morning.

MR DE DOMENICO: Here is the teacher again. Could you just keep her under control, Mr Speaker.

Ms McRae: Mr Speaker, I would like to put on record the fact that Mr De Domenico denigrates teachers. I think it is appropriate - - -

MR SPEAKER: Order! Sit down.

Ms McRae: It is appropriate that it be known that it is being used against me.

MR SPEAKER: Sit down. There is no point of order.

Ms McRae: Mr Speaker, I think it is most inappropriate to be calling me names such as "teacher" across the chamber.

MR SPEAKER: Then, ask for a withdrawal if you wish, but I do not see that there is anything wrong with calling you a teacher.

Ms McRae: You may rule that way, Mr Speaker, if you so wish. I do not think it is appropriate, and I would like it to be known to one and all that that is how Mr De Domenico treats teachers.

MR DE DOMENICO: I am sorry that members opposite are so precious, Mr Speaker. As I was saying before I was so rudely and preciously interrupted, might I suggest in respect of what Ms Follett did say that there is a difference between a small business person, who is not paid and never has been paid out of the public purse, and a public servant having a conflict of interest. She has tried to use the analogy that public servants have to resign in order to hold a position in this place, and so they should, and they always will have to. But there is a difference between that and Mrs Carnell's situation, where she has nothing to do with the running of her pharmacy. Can I also point out a concern of Mrs Carnell's. Mr Berry and others were talking about the fact that she has her name on her dispensing label. If people did some proper research, they would find out that it is illegal for her not to have her name on that product. Before people get up here and make comments about individuals in this place, they ought to get their facts straight.

A lot has been said about linking with the community. I recall that, when I was elected to this place in opposition in 1992, I was a member of numerous community groups, including the Chamber of Commerce, the Italo-Australian Club and all sorts of other organisations. Quite incorrectly, I resigned from every position I had held so dearly before being elected to this place, just in case other individuals in this place - and I will not name any names because I will be accused of being personal - might tend to be grubby from time to time and want to use my personal involvement in any organisation against me personally. I thought the best thing to do was to resign. I regret that I did that, to be very honest with you, because being a member of community organisations is testimony to the fact that this community has so many volunteers.

I support the motion, and Mr Humphries's amendment, but as Minister for Business I hope that, when this committee gets the code of ethics together, for personal political reasons people who are involved in small business are not precluded from continuing to have some involvement, albeit not directly. I mention, and it was laughed at before, the classic example of John Anderson. I have spoken to John, so he does not mind my saying this because it has been said before. John Anderson, the Minister for Primary Industries, happens also to continue to own the family farm. Does that mean that, because he has been appointed as Minister for Primary Industries - - -

Mr Berry: He should not have been the Minister for Primary Industries.

MR DE DOMENICO: Mr Berry says that he should not have been the Minister for Primary Industries. Let him sell the family farm because the community happens to have elected him as a Minister. What utter nonsense! Okay, let us pick someone on the other side. How many lawyers does Mr Berry know who are members of the Federal Parliament and of the Labor Party and who continue to have an interest in the law and practise the law? There is no response. There are some that I know of, I have to tell you.

Ms McRae: Not the Attorney-General.

MR DE DOMENICO: No, not the Attorney-General, that is right.

Mrs Carnell: Because he has not got time.

MR DE DOMENICO: As Mrs Carnell says, he has not got time. There are others who come to mind. There is Mr Keating, a former Prime Minister. I recall that when he was Prime Minister he also had shares in a farm. He sold it when he got a good price for it, and that is his prerogative. But nothing was said about that. I am happy to support this, but let us make sure we take into account that it helps this place if we have experience across the whole range of the community and if we do it sensibly. Let us not come from left field or from right field; let us do it sensibly. Let us not get tempted into trying to play the personal political game.

That is all I have to say, Mr Speaker. I think we have to be very sensible and very careful on this, and I say that very passionately. Unless we are sensible, we will be back here again having an argy-bargy across the floor of the house, calling each other names, and I think that denigrates the house more than anything else.

MS TUCKER (11.48): We support this amendment, and I would like to respond quickly to Mr Humphries's response to what I said before. I do not condone personal attacks from either side. It was not particularly that I was pointing out the inappropriateness of Mrs Carnell's comments in this debate today. I hope the committee will come out with something that will cause this not to be an issue again. I restate that the Liberal Party is doing exactly the same thing with committee membership in this place. The fact that it is not public is a very odd distinction to make.

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Mrs Carnell: It is a huge distinction.

MS TUCKER: It is a huge distinction; exactly, because you are worried about your own personal profiles. You do not seem to be worried about the outcome of the issue the committee is looking at. The issue here is what will happen to the findings of the committee inquiry, which you have chosen to discredit for political reasons on the issue of conflict of interest. You might argue that it is a different and not so important issue, but I would disagree. I hope the Administration and Procedure Committee inquiry will bring some light to these issues.

MR BERRY (11.49): Mr Speaker, I think Mr Humphries's amendment is covered by paragraph (b) of the motion, but I have no objection to it if Mr Humphries wants to couch it in those terms as an additional matter for consideration. The first point I want to deal with is that there seems to be no understanding amongst the Liberals of the issue of conflict of interest and how it might affect people. They accept, it seems, that there is a conflict of interest for somebody who works in the Public Service if they take up a position in this place, but they do not seem able to accept that a person in the Executive who has ministerial responsibility for the area of their business has a conflict of interest. That is sheer nonsense and shows why we are having such difficulty in getting the message across and why they feel so stung by it all.

The fact of the matter is that this matter was raised not by me but by the Administration and Procedure Committee at its meeting on Monday. Fortuitously, a member of the public complained that it looked as though there was a conflict of interest between Mrs Carnell's position as Minister and her operation of a pharmacy, and bought this cough mixture. I am glad Mrs Carnell brings forward further evidence of what a person in the community thought was a conflict of interest.

Mr De Domenico: What branch of the Labor Party was that person in? Is it the same one who rang up this morning?

MR BERRY: Mr Speaker, would you please ask Mr De Domenico to be quiet.

MR SPEAKER: Order!

MR BERRY: The next issue I would like to mention is Mr Humphries's deliberate ignorance of the issue I raised with him in relation to what is the rule of law on conflict of interest. That maxim is determined by what is thought to be the view of the world of the ordinary person in the street. If an ordinary person in the street believes that there is a conflict of interest, then it is fair to assume that there probably is one, according to law. That is the issue I raise.

I heard the Liberals bleating a little while ago about personal attacks. They are not bad at it themselves. I remember Mrs Carnell driving Mr Aliprandi out of this town. She drove Mr Charles Wright out of this town, with personal attacks time after time. Do not ever come in here and complain about personal attacks. You people set the standard.

MR SPEAKER: Order! Maintain relevance to the motion before the Chair.

MR BERRY: Mr Speaker, what happens in issues of conflict of interest is that they usually arise when Ministers take a particular decision. Mrs Carnell has taken a position. That is, she has decided that she wants to be Health Minister as well as own a pharmacy that deals with the Commonwealth and deals in the area of her ministerial responsibility. Mrs Carnell owns a pharmacy which can enter into contracts with the ACT Government in relation to certain matters. So there is clearly, for the ordinary person in the street, a conflict of interest, and that is why you need a code of practice that covers it.

Mr De Domenico mentioned Mr Howard's code of practice. Strict adherence to Mr Howard's code of practice would rule Mrs Carnell out of either being a Minister or owning a pharmacy. She has to make the choice.

MR SPEAKER: Mr Berry, I would remind you again of standing order 55. If you wish to make imputations against Mrs Carnell's behaviour, it has to be done as a substantive motion. What you have before the Chair at the moment is a motion that a code of conduct be examined by the Administration and Procedure Committee, and I would ask you to hold to that and stop getting personal.

MR BERRY: I move:

That so much of the standing and temporary orders be suspended as would prevent the resolution of any questions on Notice No. 1, Assembly business.

Question resolved in the affirmative, with the concurrence of an absolute majority.

MR BERRY: Mr Speaker, I raised the issue of Mr Howard's code of practice because Mr De Domenico referred to it in commenting on the Minister for Primary Industries at a Federal level. That particular Minister quite clearly avoided the full impact of the code of practice. That is very clear. He should have made a choice. He should have decided to divest himself of the farm or not be a Minister. That was the clear choice, and that was the choice Mrs Carnell ought to have made as well.

I know that Mrs Carnell and others in the Liberal Party are nervous about this issue of conflict of interest, but they do not seem to understand it at all. That has been the difficulty all along, and that is why this inquiry will be a very important one. I think it has been shown by actions of members of this Assembly that there is a need for a code of conduct to ensure that we can deal with these issues, not the least of which in the past have been the activities of the current Chief Minister. For these people to say that it is a personal attack is to try to distract us from the real issue. The real issue is a choice that has been made by a Minister. That is, they wish to retain their private business interests as well as be a Minister.

MR SPEAKER: Order! You are sailing very close to the wind on this. I refer you to standing order 55, Mr Berry. I understand that the motion before the Chair is to establish a code of conduct.

MR BERRY: Indeed.

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MR SPEAKER: And have an investigation into that matter by the Administration and Procedure Committee. I was not aware that it was to be set up in order to investigate the activities of a Minister.

MR BERRY: Mr Speaker, earlier on somebody - I think it might have been Mr Humphries - mentioned a radio report this morning. That is what they are sensitive about. The issue that this code of practice will deal with has been brought to public attention, and so it ought to have been.

MR SPEAKER: One of the issues, I would suggest, at the very best.

MR BERRY: I would not be carrying out my duty to the community if I did not draw attention to these sorts of issues, and in particular the behaviour of - - -

MR SPEAKER: If you keep being personal you will not be carrying out your duties any longer, I can tell you.

MR BERRY: Mr Speaker, I urge members to support this motion. I know why they are prickly about it. There are areas of sensitivity that they have not properly addressed.

MR SPEAKER: Did you accept Mr Humphries's amendment?

MR BERRY: I said I would support it.

Amendment agreed to.

Motion, as amended, agreed to.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE Report on Addresses to the Assembly - Proposed Temporary Orders

MR SPEAKER: I present the report of the Standing Committee on Administration and Procedure entitled "Addresses to the Assembly - Proposed Temporary Orders".

MS TUCKER (11.59): I move:

That the report be noted.

As general background to this report, in February the Manager of Government Business, Mr Humphries, gave notice of a motion proposing temporary orders which would make provision for representatives of community groups or interests to directly address the Assembly on a regular basis from the bar of the Assembly. In March 1996 the Legislative Assembly agreed to a motion proposed by Mr Hird to refer the consideration of the temporary orders proposed by Mr Humphries to the Standing Committee on Administration and Procedure for inquiry and report.

The proposed temporary orders provide for addresses to the Assembly by representatives on behalf of a community group or community interests. Under the proposal, at 4.30 pm on the second sitting Wednesday of each sitting fortnight, the Speaker would interrupt the business before the Assembly in order that addresses to the Assembly by representatives on behalf of a community group or community interests may take place for a period not exceeding 45 minutes. Each representative would have been given a period not exceeding 15 minutes to address the Assembly and would be subject to the standing orders of the Assembly and the protections afforded by the privilege of the Assembly. The temporary orders propose that the addresses be restricted to matters of ACT significance and be of communal rather than personal concern, and should not contain private grievances.

The proposal also envisaged a significant role for the Standing Committee on Administration and Procedure. In the first instance, this committee would have the responsibility of arranging the order of those who would be addressing the Assembly and also preparing guidelines to assist the Speaker and those appearing. The committee may have decided not to consider a request to address the Assembly if it considered the letter was not sufficiently serious, was frivolous, vexatious or offensive in character, and so on.

The committee did discuss this issue. The proposal to have persons other than members address the Assembly is almost without precedent and is uncommon in other legislatures. As far as is known, it is without precedent for it to occur on a regular basis. The committee's prime consideration when examining the proposed temporary orders was whether there was a need to establish such a procedure. It was of the view that there already was an effective avenue through which the community's interests can be voiced in the Assembly through the committee system.

Since self-government the Assembly's committee system has played a very active and vital role in the work of the Assembly and consideration of major issues by the Assembly. The committees have conducted numerous self-referred inquiries on such diverse issues as fuelwood heating and the establishment of a casino. Other inquiries have been at the direction of the Assembly, including one on domestic and commercial waste, and consideration of such legislation as the Adoption Bill and the Voluntary and Natural Death Bill. The reports made by the committees have provided valuable information for the Assembly and the community to debate. This is shown to be a very effective means for the community to have input into the working of the Assembly. The committee was concerned that the proposed temporary orders, if implemented, in seeking to establish their own niche in the parliamentary system, would actively undermine the very valuable work of the Assembly committees in providing a channel for the community's viewpoints.

The new line of communication - direct addresses to the Assembly - does not appear to create an avenue of input into the Assembly's consideration of issues for a clientele that is currently disenfranchised. In fact, it is more restrictive than those offered in the committee system, as it limits addresses to representatives of community groups or community interests, while committees can, and do, receive submissions from any individual interested in speaking.

The committee also considered that a number of inherent problems lay in the proposal. The issue of granting privilege to those who may not have an awareness of the responsibilities that freedom of speech brings with it was one concern. Also, the representatives addressing the Assembly, although they would be subject to the Assembly's standing orders, would not be subject to the same sanctions as members if they transgressed those standing orders. The committee also believes that, should the need arise, the Assembly currently has the power to pass a resolution either to require a person to appear before the bar of the Assembly or to enable a person to do so. However, it was of the view that the proposal would not improve the effectiveness of the Assembly and the representation of the community and, at the same time, possibly would weaken one of the Assembly's strongest links with the community, the committee system.

Generally, in conclusion, the committee concluded that the proposal did not offer any advantage for the community over the existing committee system and there were concerns that if it were implemented it might detrimentally impact on the effectiveness of the work done by the Assembly committees. Furthermore, the committee considered that there were inherent problems in the proposal which would detract from the Assembly.

MR HIRD (12.05): Mr Speaker, I wish to register my dissent from the committee's report. Firstly, the majority say that to introduce such a system would weaken the committee system of the parliament. Secondly, the majority of the committee claim that people who would seek to use this system would not be aware of their obligations under the standing orders of the parliament.

I put forward the view that this process would be a useful addition and a useful avenue for community groups to argue their case before their parliament. I disagree with the first conclusion. Rather than weaken the committee system, this process would be a useful addition to it. I agree that on the whole the committee system is the appropriate place for people to first make their submissions and for their arguments to be tested; but I do not concur that the community's voice should not be able to penetrate the walls of the Assembly and that people should be allowed to be heard only in the committee rooms. In many cases, Mr Speaker, it may be appropriate for the Assembly as a whole to hear from those directly concerned by decisions or proposals being considered by their elected members. The current situation is not a valid reason for rejecting the proposal, at least on a trial basis, which would provide an additional line of communication between this place and the whole of the community which it represents.

The suggestion that the "current relationship, which the work of the committee system represents, between the community, the field of expert opinion and the bureaucracy be weakened if the new temporary orders were adopted by imposing another line of communication" is not a valid reason, I submit, not to proceed with the proposal, at least on a trial basis. The additional line of communication between members of this place, sitting as one, and the wider community would, in my opinion, strengthen the community will to participate in the democratic process of the ACT. To reject the proposal is like saying, "We are the elected members of this place and we know it all. No-one else understands the procedure".

The suggestion that the only course of action available to respond to a statement to this place is to refer the matter to a committee is simply a bureaucratic procedure. The Speaker is not left in a vulnerable position if standing orders are breached, no more so than when members disobey the Speaker's directions during question time. If an offence occurs the offender, at the direction of the Speaker, is removed by the Serjeant-at-Arms. The majority of the committee is concerned by the possible "granting of privilege to those who may not have an awareness of the responsibilities that freedom of speech brings with it". That is like saying that we, as the elected members of the Assembly, are the custodians of standing orders which no-one else will understand. Mr Speaker, the option of the people of Canberra addressing their elected members is not without precedent. It happens in other places. An example of where it happens is the Greater City of Brisbane. The Brisbane City Council administers a bigger area and population than we have. I find it very interesting that the Brisbane City Council currently has a Labor lord mayor. We, after all, are paid by the community. We are elected by and are accountable to the community. Why is it, Mr Speaker, that we do not want to give them the opportunity of bringing their grievances into their place?

MR MOORE (12.10): Mr Speaker, I think the majority report is the appropriate and sensible way to go. I recall that you, Mr Speaker, dissented from the majority report, which I guess is reflected in the minutes. Mr Hird says in his dissenting report that we are preventing the community from coming in and addressing the parliament. The proposal that was before us, of course, would have allowed, maybe at the most, three or four members of the community a year to come and address this parliament. As Ms Tucker rightly pointed out, the issue here was to ensure for the rest of us that the committee process is not undermined. We could perceive what would happen. People would say, "Largely, I would prefer to go and address the Assembly as a whole, not address the committees". There is access through the committee process to this Assembly. It is very wide. There have been times, Mr Speaker, when people have asked to appear before committees at very short notice. In fact, I can give an example. In a recent hearing of the Planning and Environment Committee on Nudurr Drive, a person who was sitting there watching the proceedings indicated that he would like to speak, and the committee allowed him to address it without notice. So the committees have a very broad perspective in allowing people to address them. The chance of any more than two or three people addressing the Assembly would be remote.

Whilst I understand the dissenting report of Mr Hird, and I think it has been quite thorough, it is driven by party policy. It is driven by somebody who went to the last election and said, "We are going to have more council-style government". Perhaps that leads us to the example that Mr Hird gave us; that the Brisbane City Council apparently does allow this. Of course, the Brisbane City Council does not have the same committee process as we have, and such a broad committee process at that. That is the first point. Secondly, Mr Hird said "places", and gave one example. He gave no example of a parliament anywhere within the Commonwealth. I believe that you will not find those examples. That in itself, of course, is not a reason for us not to do something. If we have an innovative idea that is worth while doing, it is appropriate that we pursue it; but in this case the majority of members of this committee believed, on a cost-benefit analysis, that the costs to the community were far greater than the benefits. That is why it is that we have felt it appropriate to reject this.

MR BERRY (12.13): This report deals with an issue which was, in my view, little more than a political stunt from Mr Humphries. It was something that was doomed to failure from the start. I am sure that Mr Humphries now will grandstand or attempt to grandstand on the issue, but that will fail as well. Mr Hird showed us exactly what this proposal has been worth. His only reference was to the Brisbane City Council. Mr Hird tries to compare that with a State-style legislature which also has the role and responsibility of a city council. No other State-style legislature deals with it in this way.

Mr Speaker, Mr Humphries knows that this proposal that he has put forward is completely unnecessary. It adds nothing to the consideration of community issues by this Assembly, and it adds nothing to the committee process. The committee process in this Assembly has a long reputation, and a reputation of good standing for its consultation with the community. Mr Speaker, all the points that have been made in this report to reject this silly proposal are good ones. It was a political stunt from the start and it will be perpetuated by the Liberals. Mr Humphries grins in agreement. Yes, it was a political stunt. Mr Speaker, I want to see him go and peddle it some more out there in the community, because nine-tenths of the community, 99.9 per cent of the community, would be a wake-up to this silly stunt. It was nothing more from the start. Indeed, it was a waste of the time of the committee process to deal with this issue. It was a period of time that would have been better used dealing with something else. Mr Speaker, the committee has recommended that it be withdrawn from the notice paper, and I trust that Mr Humphries will agree.

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

PLANNING AND ENVIRONMENT - STANDING COMMITTEE **Printing, Circulation and Publication of Reports**

MR MOORE (12.16): I seek leave to move the motion standing in my name on the notice paper which provides for the printing, circulation and publication of the reports of the Standing Committee on Planning and Environment on the management of former sheep dip sites and the construction of Nudurr Drive.

Leave granted.

MR MOORE: Thank you, members. I move:

That:

- (1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its inquiries into:
 - (a) the Auditor-General's Report No. 5 of 1996 entitled Management of Former Sheep Dip Sites, and

(b) the proposed construction of Nudurr Drive, Palmerston,

the Committee may send its Reports to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for their printing, circulation and publication; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

This is a simple motion which provides for the publication of those reports out of session, should that be necessary. We are hoping to have the report on the proposed construction of Nudurr Drive, Palmerston, fairly shortly, and I think it will be of convenience to the Minister, his department, and the people involved to have as early a response as possible. At this stage we still have to see what happens with the management of former sheep dip sites; but, should the opportunity be appropriate, we will also seek to table that report out of session.

Question resolved in the affirmative.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I seek leave to make a short statement on the subject of the reference Mr Moore has referred to.

Leave granted.

MR HUMPHRIES: I thank members. On 29 July I undertook to provide to the Assembly by 25 September a Government response to the Planning and Environment Committee's report on contaminated sites as well as the Auditor-General's report on the same subject. At this stage, Mr Speaker, I have received a draft of the Government response to that report. However, I want to indicate to the Assembly that I am not satisfied with the content of that response and I have asked officers of my department to do further work on it.

I have discussed this issue with Mr Moore and with other members of the Planning and Environment Committee, and it is my proposal, Mr Speaker, that I present the Planning and Environment Committee with a Government response out of session, in about a fortnight's time, at which point I am very willing to brief members of the Planning and Environment Committee on progress with the Government's response to the contaminated sites issues raised in both of those reports. Mr Speaker, I believe that it will be possible to ensure that all the information is laid on the table at that time, for the Planning and Environment Committee's benefit.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Reports on National Conferences of Parliamentary Committees

MR MOORE (12.19): Mr Speaker, I present Report No. 16 of the Standing Committee on Planning and Environment entitled "Organisation of the 1996 National Conferences of Australian Parliamentary Public Works and Environment Committees", together with extracts of the minutes of proceedings and the transcript of proceedings of the 1996 National Conferences of Australian Parliamentary Public Works and Environment Committees. Mr Speaker, with leave of the Assembly, I will also present Report No. 17 of the Standing Committee on Planning and Environment entitled "Issues Raised at the 1996 National Conference of Australian Parliamentary Environment Committees", and move:

That Reports Nos 16 and 17 be noted.

Mr Speaker, Report No. 16 of the Planning and Environment Committee deals with a first for this parliament. It was the first time that a committee of this parliament had been host to a national conference of parliamentary committees and I believe that is yet another mark of this parliament coming of age.

The Planning and Environment Committee considered there were a number of advantages in hosting both the conference on public works and the conference of environment committees over consecutive days. First, it would acknowledge the fact that some parliamentary committees, of which the Planning and Environment Committee is one, were responsible for examining both the public works aspects of government activity and environmental aspects generally. Secondly, it would recognise that environmental issues are becoming increasingly important when considering public works projects - particularly so in the ACT, where major capital works have been altered to take account of environmental concerns. Thirdly, it would reduce delegates' time, travel and costs. Attending two conferences in the one venue over a three-day period was cheaper than attending two separate conferences at different times in different venues. Finally, it would facilitate planning of the ACT Standing Committee on Planning and Environment.

Mr Speaker, this was the first time that the Assembly had hosted major parliamentary conferences of this kind. It was the first time that the chamber of the Assembly had been used for such a purpose. I think it is a sign of the Assembly's maturity that it was able to host such a gathering of parliamentarians. As a small aside, Mr Speaker, this is the first time that a committee report has contained photos. I would hope, now that digitised imaging is fairly easily achieved through scanning photos into our computer systems, that we would be able to see this sort of improvement in presentation in more of our committee reports.

The Planning and Environment Committee was very pleased that the Parliament of New Zealand was represented at the conference. Delegates at the environment conference appreciated the insights contained in the address by Mrs Helen Hughes, the Parliamentary Commissioner for the Environment in New Zealand, and delegates to both conferences appreciated the perceptive comments of the Clerk of the Planning and Development Committee of the New Zealand House of Representatives, Mr David Bagnall.

Mr Speaker, I refer members to the visits that the committee made around Canberra and to the general programs in the back of the committee report. The Planning and Environment Committee would particularly like to acknowledge your assistance, Mr Speaker, in approving the conference expenditures, approving the use of the chamber, and formally welcoming those attending the conference. The assistance provided by the Chief Minister, Mrs Carnell, and the Minister for the Environment, Land and Planning, Mr Humphries, was also appreciated, as well as that of the Deputy Chief Minister in ensuring that ACTEW Corporation was particularly supportive. One of the highlights of the conference was the effort put in by a range of ACT public servants, but ACTEW Corporation members such as Mr Cary Reynolds and Mr Paul Perkins stood out in terms of the sorts of issues they were able to deal with, and appropriately so, for the public works and environment committee members who were here at this conference. The number of positive comments that I heard about it were interesting. Mr Speaker, it involved a great deal of organisation, but I think the real import of this report, as members will see, is that it is yet another sign of the maturity of this parliament.

Mr Speaker, I will speak on Report No. 17 now as well. I indicate that the committee also intends to present a Report No. 18. Report No. 17 deals with the environmental aspects of that conference, and Report No. 18 will deal with the specific public works aspects of the conference. We learnt a great deal at that conference. This second national conference on environmental affairs attended by Australasian parliamentarians indicates the high degree of interest that is taken by members of parliament in environmental issues.

The national and international environmental issues were originally addressed by Mrs Hughes, the Parliamentary Commissioner for the Environment in New Zealand, and she drew our attention to the fact that early next year there will be a conference of environmental commissioners from Canada, Australia and other places. I hope that our Commissioner for the Environment will be able to attend that conference. She was interesting, Mr Speaker, and I quote from what she said:

... government constrains me by the budget. I run a very small office. I have a revenue of \$1.4m ... eight investigating staff, a mix of scientists and resource management graduates, one lawyer, and a corporate services staff of four.

She feels the same sorts of restrictions that everybody feels. There are some contrasts with our own commissioner and some things we can compare. She also said:

I do not have any regulatory teeth; I cannot change a decision made by public authority; I cannot intervene in a statutory planning process. My only weapon is that I embarrass by publishing my findings. That is a very powerful weapon.

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I think that is not to be underestimated. Mr Speaker, we also heard from the ACT Commissioner for the Environment, who said, amongst other things:

... if we genuinely aspire to the concept and practice of ecologically sustainable development, state of environment reports must be as useful and as attractive to decision-makers and to developers as they are to conservationists. Also, they have little likelihood of a long lifespan unless they are an integral part of management planning and practices.

Dr Baker was prepared to share with us some of his expectations for the future, and you will find those in the report on the environment.

Mr Speaker, one of the other very useful devices through this conference was your willingness to make *Hansard* available to record the proceedings, and I tabled the transcript of the proceedings along with the minutes of the various meetings. I think it is appropriate that they be tabled and recorded in this Assembly so that somebody who is interested in such issues in time will be able to explore those in detail. We will be making our reports available also to members of parliaments in the other States and Territories who attended the conference, so that they also have a clear record of some of the useful things that came out of that conference.

Other speakers included Dr Bridgewater, chief executive officer of the Australian Nature Conservation Agency, and Mr Barry Carbon, executive director of the Commonwealth Environment Protection Agency, who is also the supervising scientist of the Alligator Rivers Region. Mr Speaker, I encourage members to have a look at the reports because I think they are a very useful background to understanding some of the issues that we need to deal with. At the end of the conference, Mr Speaker, the Queensland Parliament offered to host the next annual conference of both the public works committees and the environment committees concurrently, and we accepted with thanks.

Mr Speaker, a huge number of people are involved in the organisation of these conferences and in making them successful. I think the most significant was the secretary of our committee, Mr Rod Power, whose work, as usual, was exceptional. He had the assistance of Ms Anne Munns, who also did a fantastic job. But what was clear to me, Mr Speaker, was that they were supported by members of the Assembly Secretariat right through. At almost all levels somebody wound up doing some jobs. I think it is a great credit to you, Mr Speaker, and to the Clerk that they were prepared to pull together and make it such a successful conference. I want to offer my personal thanks to each and every one of those people because it really was a very successful conference.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 4 of 1995

MR WOOD (12.31): Mr Speaker, I present Report No. 20 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 4, 1995 - Government Secondary Colleges". I move:

That the report be noted.

This performance audit reviewed the efficiency of ACT secondary colleges and examined class sizes, teaching loads, curriculum development, management of the cost and numbers of teachers through the staffing formula points system, and the use of college infrastructure. The overall audit conclusion was that secondary college education could be delivered significantly more efficiently, and that longstanding and entrenched practices institutionalised when education was under Commonwealth control have been reflected in areas such as face-to-face teaching, the range of classes and class sizes, non-teaching activities, student-teacher ratios and mix of teaching resources and so on.

The audit report was criticised by certain college boards and the Education Union, and the committee gave consideration to those criticisms as well as offering the Auditor-General the opportunity to respond to them. The committee also sought comment from the Minister on the audit findings. The criticisms, the Auditor's response and the Minister's comments are spelt out in the committee's report.

Mr Speaker, members of the committee realise, of course, that there is much more to be examined in education than those matters of a financial nature reflected in the report. Nevertheless, a number of the matters identified by the audit are or have been subject to negotiations between the Government and the Education Union in the context of the teaching enterprise agreement. The committee has made certain recommendations intended to establish an effective college system.

Question resolved in the affirmative.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report

MR HIRD: Mr Speaker, as deputy chair of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation, I present Report No. 15 of 1996. The report relates to the committee's comments on two Bills - the Electoral (Application) Bill 1996 and the Stamp Duties and Taxes (Amendment) Bill (No. 2) 1996.

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PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Printing, Circulation and Publication of Report

MR MOORE (12.34): Mr Speaker, I ask for leave to make a statement on the work of the Standing Committee on Planning and Environment.

Leave granted.

MR MOORE: I thank members. Mr Speaker, the Standing Committee on Planning and Environment is preparing a report on the issues raised at the 1996 National Conference of Australian Parliamentary Works Committees that was hosted by the Assembly in August 1996. I also ask for leave of the Assembly to move a motion in relation to the report being prepared by the standing committee.

Leave granted.

MR MOORE: I move:

That:

- (1) if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed its report on the issues raised at the 1996 National Conference of Australian Parliamentary Works Committees, the Committee may send it to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question resolved in the affirmative.

Sitting suspended from 12.35 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Budget Outcome Forecast

MR WHITECROSS: Mr Speaker, my question is to the Chief Minister and Treasurer. Yesterday on ABC radio Dr David Chessell, the senior partner of Access Economics, said:

It is disingenuous to say that the budget has been returned to surplus a year earlier than planned. It's not true, the reason being that there are over \$100m of asset sales. And asset sales are just another form of borrowing.

Dr Chessell also said:

The headline budget is in surplus in the ACT by \$10m, but the underlying budget is in deficit to the tune of \$98m.

Chief Minister, why do you still persist in trying to hoodwink the public into believing that you brought down a budget which was in surplus by \$10m when this is demonstrably not the case?

MRS CARNELL: Thank you very much, Mr Whitecross. Mr Whitecross, there are two ways you can look at this budget, no doubt. One of them is a \$10m cash surplus in this budget, which without any doubt exists. There are no new borrowings in this budget. We are paying off \$15m worth of debt. You can also look at the whole situation from the point of view of accrual accounting, which is the way that we have moved to and will move to in the future. There is a \$128m operating loss in this budget.

Mr Whitecross: Where does the \$128m come from?

MRS CARNELL: This is the first time that that level of transparency has existed in any budget for any government in this country. The \$10m surplus is a move from a \$30m loss last year. That is a \$40m improvement in cash terms. In accrual terms, we moved from a \$280m operating loss last year to a \$228m operating loss this year.

Mr Whitecross: It is \$228m now?

MRS CARNELL: That is an improvement of \$48m. On one side you have a \$40m improvement in cash terms or on the other a \$48m improvement in accrual terms.

I think it is really important to know what else Dr Chessell said on radio yesterday morning. Dr Chessell went on to say what the ACT should have done, something that Mr Whitecross is just not willing to tell everybody. We are all waiting with bated breath to find out what those opposite would have done, given the same opportunity. Dr Chessell went on to say that he thought we should have gone down the path that Victoria did. He said that what was really needed was the same sort of approach as was taken in Victoria. What did Victoria do? Apart from selling assets, significant amounts of assets, to remove a quite significant debt from Victoria, they also went down the path of, I think, 50,000 Public Service redundancies and significant reductions in government expenditure as a result of that.

It is quite right that Dr Chessell and Access Economics believe that we should have taken the economic rationalist approach to this budget. They believe strongly that we should have gone down the path of expenditure reduction. Expenditure reduction in the public sector, by its very nature, means massive redundancies. I have already said in this place that I believe that massive redundancies in the ACT right now would be an absolute disaster for this economy. If we had not gone into a stimulatory approach, into a countercyclical budget cycle, I believe that this economy would have hit a brick wall.

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Dr Chessell went on to say that yes, he did believe that there were significant good things about this budget. In fact, he said that if it succeeds he would give it 11 out of 10 and, if it does not, it is a disaster, to use his words exactly. The reality is that to have done nothing would have been a disaster. To have done nothing, to have allowed the economy to continue to slide, to have allowed probably 3,500 Australian public sector redundancies would have caused more problems in this city.

Mr Berry: "Oops! I might have misled you. Did I say \$128m?"

MRS CARNELL: It is \$232m. I think it is extremely important that we continue with the approach of stimulating the economy in the ACT to get back into growth. It is only with growth that we will be able to start addressing the underlying problems in our economy such as unfunded superannuation. I think it is very important to note that those opposite believe that Dr Chessell is the appropriate guru on this sort of thing. Dr Chessell from Access Economics believes that the Victorian model is the appropriate model for the ACT. Mr Speaker, I expect that I did say \$228m instead of \$232m. I mean a \$232m operating loss for the ACT this year.

MR WHITECROSS: I ask a supplementary question. In Mrs Carnell's answer - it is difficult because you have to pick your way between the five different numbers she gave for the operating - - -

MR SPEAKER: Ask your supplementary question without preamble.

MR WHITECROSS: As I said, it is very difficult under the circumstances, but I think we ended up with a \$232m deficit - - -

Mrs Carnell: Operating loss. It is not a deficit.

MR WHITECROSS: An operating loss which Mrs Carnell said was, I think, \$48m less than last year. Mrs Carnell, is it not true that the only reason that the operating loss has gone down is a one-off item in last year's budget, and that the real position is that the operating loss has gone up?

MRS CARNELL: It is absolutely ridiculous for those opposite to continue to make these points. I think the point they are trying to make is that we should not have gone down the path of asset sales. They seem to believe that we should have gone down the path of borrowing. They have indicated that they did not want us to cut jobs particularly. There are only two other things. One of them is to increase taxes. Increased taxes force business out of town. That means fewer jobs. The other alternative, of course, is to borrow. If you seriously want to end up in a significantly worse position, what you do is borrow. We could have borrowed \$100m this year and not sold any assets. If we had done that, we would be up for about \$8m worth of interest this year. Next year we could borrow \$100m too. The interest figure would then be \$16m. The year after that we could borrow another \$100m. We would owe \$300m, we would have an interest bill of \$24m, and we would not have even started paying off the \$300m. That is how you end up in a worse financial position. The fact is that this budget has no new borrowings in it. We pay off \$15m worth of debt and we have a \$10m cash surplus.

I think that is a good outcome for the people of the ACT. We do it without moving into significant expenditure reduction, without shedding significant numbers of jobs, as Victoria did and as those opposite seem to want us to do. I think this is a good outcome for the ACT. Yet, as Dr Chessell said, it comes with danger. Moving into a situation of a countercyclical budget is always dangerous, but we are not going to sit on our hands and let this economy continue to slide.

Job Creation Programs

MR KAINE: Mr Speaker, through you, I direct a question to the Minister for Urban Services, Mr De Domenico. Minister, yesterday there was a certain amount of rubbishing and a number of accusations by the Opposition in relation to elements of the Government's *Jobs for Canberra* initiative.

Mr Berry: I think we exposed it as a fraud. I think that would be the proper way to put it.

MR KAINE: If I were you, Mr Berry, I would keep quiet. In particular, Mr Berry suggested that the majority of the \$700,000 allocated to the graffiti clean-up program would be used for purposes other than employing young people and Ms Follett from the backbench scoffed at the projected 25 per cent increase in business migration to the Territory in 1996-97.

Mr Berry: Mr Speaker, I raise a point of order. Yesterday Mr De Domenico took on notice precisely the details which are called for in this question. I wish he would answer it.

MR SPEAKER: There is no point of order.

Mr Berry: It has been taken on notice.

MR SPEAKER: There is no point of order. I have not heard Mr Kaine's question yet.

MR KAINE: To refresh the Minister's memory on the substance of my question, in particular Mr Berry suggested yesterday that the majority of the \$700,000 allocated to the graffiti clean-up program would be used for purposes other than employing young people and Ms Follett from the backbench scoffed at the projected 25 per cent increase in business migration to the Territory in 1996-97. Minister, is there any substance to what the Opposition was saying yesterday? Is the *Jobs for Canberra* program merely smoke and mirrors, as Mr Whitecross continues to insist, or does this budget contain real initiatives that will lead to real job growth, and is it in fact what the Leader of the Opposition is saying that is nothing but smoke and mirrors?

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MR DE DOMENICO: Mr Speaker - - -

Mr Berry: I raise a point of order, Mr Speaker. It has been answered. Mr De Domenico made a point of saying yesterday that he was answering the question. The question has been answered.

MR SPEAKER: There is no point of order. The question that was asked by Mr Kaine was: Is there any substance to the suggestions made by the Opposition yesterday?

MR DE DOMENICO: Mr Kaine was right. Mr Berry yesterday asked me about seven or eight questions, not just one. Some I took on notice, Mr Berry; others I answered.

Mr Berry: How about answering them?

MR DE DOMENICO: I will. You just sit back and take note. You might be interested in this. I thank Mr Kaine for his question. Having been in politics for a number of years now and having sat opposite this mob for the past 18 months in government, I am not often amazed by oppositions. It is not often that I find myself absolutely dumbstruck - I am almost speechless sometimes - but yesterday during question time dumbstruck I was, and I am still dumbstruck today. I am absolutely in awe at the stupidity and perhaps the hypocrisy of anybody in this place who could come into this Assembly and attempt to criticise a budget, for example, that injects over \$9m into real and concrete job creation initiatives. I notice that people opposite are laughing. Let us sit back and have a look at that. Mr Speaker, the budget allocates a 40 per cent increase in the value of capital works, creating a further 1,500 jobs. Members opposite claim that they are friends of the workers. This is the Opposition that has complained about unemployment for the last 18 months, calling on the Government to do something. This is what they have been saying.

Mr Kaine, the short answer to your question is no. Mr Whitecross is not right. That is not unusual, mind you. In the short time he has been Leader of the Opposition, he has not once been right. We can take that for granted. Mr Kaine, yes, this budget does contain real initiatives aimed at job creation, as the Chief Minister outlined in great detail on Tuesday. Let us just take a minute to look carefully at what some of these people opposite had to say yesterday.

Mr Kaine: You mean the hypocrites?

MR DE DOMENICO: The hypocrites, yes, Mr Kaine. Ignore Mr Whitecross's stupid attempt to attack the Unysis People project. That is just stuff that is not worthy of the Assembly's time. Mr Berry, of course, popped his head up yesterday and suggested that the \$700,000 graffiti clean-up program is a sham and that the vast majority of the funds allocated will be used in administrative and other expenses such as training and equipment. As always, it was a statement based on total ignorance. Mr Whitecross is defending the indefensible. Sit back and listen to this, Mr Whitecross. Firstly, the vast majority of the administrative costs of this program will be borne by the Department of Urban Services. Mr Berry, they will not come out of the \$700,000. That is point one.

Mr Humphries: Not one cent.

MR DE DOMENICO: Not one cent. Secondly, Mr Berry - and listen very carefully to this one - based on indicative estimates, the proposal will provide jobs for approximately 60 young unemployed people. It is estimated that each of these young people will be employed for 26 weeks at an average of 16 hours per week. These are the people, Mr Berry, who would not otherwise be working. These estimates include all award allowances, occupational health and safety requirements, training, equipment and materials.

Mr Moore: Yes, 15 full-time equivalent jobs.

MR DE DOMENICO: Mr Moore, I suggest that you listen, too. All of the \$700,000 will go towards labour costs, the vast majority - I am advised, approximately 75 per cent - of it on wages. In relation to Mr Berry's specific questions, yes, training will be provided to the young people at approximately \$750 per person. Yes, equipment costs of approximately \$1,417 per person are included and protective clothing costs of approximately \$305 per employee are included as well. Mr Berry might like to go on record in this chamber today and say that he does not believe that this program is worth while. I wish he would do that, if that is what he believes. He may wish to show his true colours, and rather than making ill-informed fishing trips - - -

Mr Moore: I raise a point of order, Mr Speaker. Particularly today, when we have less than a half-hour for question time, under standing order 118 answers should be concise and, not a ministerial statement, which is what he is making.

MR SPEAKER: I do not uphold the point of order. Mr Kaine asked Mr De Domenico whether there was any substance to the allegations raised in questions yesterday by the Opposition. As I recall and as you would recall, Mr Moore, they were most detailed questions yesterday.

Mr Kaine: On that point of order, Mr Speaker: I am finding the Minister's response most informative and most substantial.

Mr Moore: On the point of order, Mr Speaker, and your response, I point out that standing order 122 says that the answer to a question on notice shall be given by delivering it to the Clerk, not by this backdoor method.

MR SPEAKER: Mr Kaine asked whether there was any substance to the questions raised yesterday. That is a perfectly legitimate question.

Ms Follett: Mr Speaker, on that point of order: The answer that the Minister is giving today is the answer that, in substance, he should have given to Mr Berry yesterday had he had the information. In fact, he took the question on notice. The information that he is giving today, minus the snide comments and misrepresentation of Mr Berry, will be the information that he gives to Mr Berry in reply to his question on notice. It is out of order, I assure you.

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Mr Kaine: On that point of order, Mr Speaker: My question had to do with whether Mr Whitecross was guilty of the smoke and mirrors. I think that the Minister's answer is demonstrating that he is. That is what you do not like about it.

MR SPEAKER: I have no idea how Mr De Domenico will respond to - - -

Ms McRae: You should. He could just say yes.

MR SPEAKER: Just a moment. I have no idea how Mr De Domenico will respond to Mr Berry's question of yesterday which he has taken on notice, but he is answering Mr Kaine's question at the moment.

Ms Follett: Mr Speaker, on a point of order: Are you therefore ruling that if we ask a question and it is taken on notice we can ask the same question the following day?

MR SPEAKER: No, I am not.

Ms Follett: Mr Speaker, you must not treat us like fools. We can understand when a question is the same as the one asked yesterday, even if you cannot.

MR SPEAKER: There are times when I would treat the Assembly as a great many things, but never as fools. The fact is that, as far as I am concerned, this is a different question that has been asked by Mr Kaine. The time is ticking away, members.

Mr Berry: Mr Speaker, on that point of order: Mr Kaine asked whether there was any substance in the allegations. No allegation was made. A number of questions were raised which Mr De Domenico - - -

MR SPEAKER: Any substance in the questions, I think you will find, Mr Berry, not allegations. If I suggested that they were allegations, I apologise.

Mr Moore: On that point of order, Mr Speaker: Standing order 117(c)(i) would have it that that is an expression of opinion if he is asking whether there was any substance in it. It should be ruled out of order on that basis and we should get on with a proper question time.

MR SPEAKER: I do not see that a question about whether there was any substance to questions - - -

Mr Berry: We might lead you to a different conclusion, Mr Speaker.

MR SPEAKER: I do not regard that as an expression of opinion at all, Mr Moore. There is no point of order. We can keep this up until 3 o'clock, I might add.

Mr Kaine: On Mr Berry's point of order: He said that I referred to allegations. I did not. I did not use the word "allegations" at all. I can read my question again in full if he wishes.

Ms Follett: Mr Speaker, on the point of order: If Mr Kaine's question therefore was, "Was there any substance to Mr Berry's question?", surely on the most basic understanding that is a repetition of a question already taken on notice.

MR SPEAKER: There is one way to clear this up, of course. I could ask Mr Kaine to ask his question again.

Mr Kaine: I am happy to do so, Mr Speaker.

MR SPEAKER: Thank you. That might clear the matter up once and for all.

Mr Kaine: I did not refer to allegations and I did not refer to questions. I referred to accusations made by the Opposition yesterday. In particular, Mr Berry suggested that the majority of the \$700,000 allocated to the graffiti clean-up program would be used for purposes other than employing young people. I did not use either of the words that the Opposition is bandying about.

MR SPEAKER: I may well have used the word "accusations" myself, and I apologise in that case.

Mr Moore: In that case it contains an inference, Mr Speaker, so it is out of order on that ground too.

MR DE DOMENICO: Do I have leave from you to answer the question, Mr Speaker?

MR SPEAKER: Yes, continue.

MR DE DOMENICO: The fact is that Mr Berry yesterday suggested that the \$700,000 graffiti program was a sham.

Mr Berry: No, Mr Speaker. I take a point of order.

MR DE DOMENICO: No, he did not? So you agree with it then?

Mr Berry: No, I do not.

MR DE DOMENICO: You do not agree with it either. Okay.

Mr Berry: No, I did not suggest that.

Mr Moore: It is a hypothetical matter, Mr Speaker.

Mr Berry: I did not suggest that. It is purely hypothetical.

MR DE DOMENICO: Are you taking a point of order or are you answering the question?

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Mr Berry: It is a hypothetical matter because I clearly asked a question. I asked, "How much of this \$700,000 is in fact going to be used to pay for administration of the scheme? How much of this \$700,000 is going to be spent on training of workers? How much of this \$700,000 is going to be used for transport to and from places of work? How much of this \$700,000 is going to be used for chemicals? How much of this \$700,000 is going to be used for occupational health and safety?". They are all questions, Mr Speaker.

MR SPEAKER: I do not know whether that was a point of order. Continue, Mr De Domenico.

MR DE DOMENICO: Thank you, Mr Speaker, for your deliberation. I suggest that Mr Berry was suggesting that the \$700,000 job creation scheme was not real.

MR SPEAKER: He was asking questions.

MR DE DOMENICO: He asked questions about it, so I will tell him. It is a fantastic scheme. I compared it to a scheme that the former Labor Party brought in. I compared it, Mr Moore, to a former scheme that the other government brought in. Only half of that scheme went to staff. I say that, Mr Moore, because he may go on record as stating his views on a similar proposal put forward by the Follett Government just before the last election which allocated some \$465,000 to a graffiti removal and litter picking program. Do you remember that one, Mr Berry, that one that you brought in? It was off-budget. It was very secretive. It was left up to this Government to pay for it, by the way.

Ms McRae: Mr Speaker, I raise a point of order. Would you like to rule on relevance? I do not see what something that happened before the election has to do with Mr Kaine's question. If it is indeed part of Mr Kaine's question, perhaps you would like Mr Kaine to ask the question again so that we can find out whether he was asking about things that happened before the election.

Mr Kaine: I will tell you. On that point of order, Mr Speaker: I asked whether it was not Mr Whitecross who was guilty of the smoke and mirrors, and I think the Minister is demonstrating that that is in fact the case.

MR DE DOMENICO: Mr Berry was wrong.

Mr Moore: Mr Speaker, that has to be out of order. We have had ironical expressions, hypothetical matters and imputations - the whole lot of it. He should be ruled out of order.

MR SPEAKER: The relevance question I will uphold, Ms McRae. I am sure that Mr - - -

MR DE DOMENICO: In answer to Mr Kaine's question, I point out that Mr Berry was wrong yesterday. Ms Follett was also wrong in suggesting that the Government's proposal to increase business migration was also flawed. I am not quoting from my own press release. Today the Ethnic Communities Council said:

The ECC applauds the Government's commitment to increasing the number of business migrants to the ACT.

Listen to this:

Whether it is a twenty five percent increase in business migrants or a two hundred and twenty five percent increase, it is all an improvement on the current situation which has seen business migrants stagnate to a very low level for years.

What the Ethnic Communities Council is saying, Mr Moore, is that whether one extra migrant comes into this town or whether one million extra migrants come into this town it is better than what it was in the past.

Mr Osborne: Okay.

MR DE DOMENICO: Mr Osborne, you might say okay. Well may you say okay, but anybody who intends to criticise this Government for attempting to increase business migrants does not know what they are doing.

Report on Surveillance Cameras

MR SPEAKER: I call Mr Osborne. I am aware that some members did not ask a question on Tuesday. Mr Osborne, you are one of them. Ask your question.

MR OSBORNE: I often wonder why we do not pull a big crowd into this place some days. Mr Speaker, my question is to you. I do not know whether information from Mr Moore can be counted as reliable, but I have been informed by Mr Moore that you have placed a ban on the circulation of the Legal Affairs Committee report on surveillance cameras which I presented yesterday. My question to you is: Is this correct, Mr Speaker? If so, why have you taken this action?

MR SPEAKER: The answer to your question is no. I have not placed a ban on the distribution of the report, Mr Osborne.

Mr Osborne: That is enough, Mr Speaker. I think Mr Moore has been exposed as unreliable.

MR SPEAKER: There is a small problem in relation to one area where it may be sent, but there is no ban on the distribution of this report to anybody, certainly here in the ACT or in New South Wales. There is a small problem which can be corrected and is being corrected now, but there is no ban on the distribution of that report.

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MR OSBORNE: I ask a supplementary question, Mr Speaker. How is our report being corrected? Is that what you are saying? You are correcting our report, are you?

MR SPEAKER: It is simply a question of privilege, Mr Osborne. It will require a statement to be made that the report has been issued under privilege. There is no attempt to ban it, by any manner of means.

Government Assets - Sales

MR WOOD: Mr Speaker, my question is to the Chief Minister. Chief Minister, you funded your budget this year by selling off some of the family silver. Since you have got no growth and no potential for increased income and no borrowings in the next couple of years, what do you propose to sell in the next two years to pay your way?

Mr De Domenico: Cough medicine.

MRS CARNELL: Yes, cough medicine. We will have a cough medicine led recovery. Very seriously, because it is a very serious issue, the issue of assets management is an approach that this Government will continue with. We have some \$7 billion worth of assets in the ACT. Some are redundant and in some cases we can get a much better return on our investment. We will continue to look at our assets management to ensure that we get the best return on our investment.

As I said yesterday, if the approach that we have taken in this budget were merely about asset sales, then that would make it a bad budget. The reality is that we are selling some assets and we are building things. What we are selling we are building. We are building \$98.6m worth of capital works this year, which basically equals the amount that we are selling. In fact, at the end of this financial year the reduction in our assets will be 0.3 per cent. That is not a major capital reduction. It is not a huge selling off of the silver. I think it is really important to remember that Ms Follett sold some \$131m worth of land when she was Chief Minister. Whether you like it or not, land is one of our major assets.

Mr De Domenico: That is not silver.

MRS CARNELL: It might not be silver, but maybe you can call it the back paddocks. Do you think that is the way to go? The fact is that all governments have sold assets, whether it be land, buildings or whatever. It is a very normal part of government. It has been added to revenue on every occasion. We will continue to look at it in that way, but we will also be going down the path of fundamental restructure.

MR SPEAKER: Order! It being 3.00 pm, pursuant to the resolution of the Assembly of 24 September 1996, question time is interrupted.

APPROPRIATION BILL 1996-97

Debate resumed from 24 September 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (3.00): Mr Speaker, the Liberals' second budget was Kate Carnell's true test as a Chief Minister and as a Treasurer. In this budget, Mrs Carnell faced two key problems - jobs and the budget deficit. These are challenges that governments can and must address. This budget gave Mrs Carnell an opportunity to rectify the misguided and shallow approach to governing which has been evident over the past year. Kate Carnell failed that test. She failed the test in four ways. She failed the test of economic management, she failed the test of financial management, she failed the test of fairness, and she failed the test of honesty. This failure amounts to a serious betrayal of the trust of the people of Canberra.

Mrs Carnell's budget fails to address the underlying problem of lack of growth in the ACT economy. Economic growth in the ACT has been on a downward spiral for some time, and it is a problem which this Government has manifestly ignored for too long. The Government's first response to the economic decline was denial. In their eyes, there was no problem. It was all negative talk and unsupported speculation. Now that speculation has proved correct. The next response was, "So what?". There may be public sector job cuts but it did not matter. They would all find jobs in the private sector investing each other's redundancy payments and mowing each other's lawns. Mrs Carnell and her colleagues then revised and moved on. A shallow admission emerged. Faltering economic growth would, of course, be arrested by a private sector led recovery. This did not happen. The political wind changed again.

Mrs Carnell admits that there is a problem and is busy blaming someone else. The election of her Liberal colleague John Howard provided the opportunity. Mrs Carnell then handpassed responsibility for the welfare of the ACT economy to Mr Howard. Blaming someone else for self-inflicted problems was much easier for Mrs Carnell. Of course, this meant a good headline. Managing the media is much more fun than focusing on real issues. Just like the budget, Mrs Carnell's excuses for prevarication on economic policy are full of holes. As an example, Mrs Carnell currently wants the people of Canberra to believe that John Howard is responsible for the depressed state of the ACT economy, but growth was only 0.9 per cent - - -

Mrs Carnell: That is actually what the Evatt Foundation said. They said that in the medium term the ACT's economic fate lies with the Howard Government.

MR WHITECROSS: Mr Speaker, does Mrs Carnell want to give another speech now?

MR SPEAKER: Order!

MR WHITECROSS: I am willing to make time for her.

MR SPEAKER: Continue, Mr Whitecross.

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MR WHITECROSS: She wants the people of Canberra to believe that John Howard is responsible for the depressed state of the ACT economy, but growth was only 0.9 per cent for the 12 months to March 1996. This was before John Howard took over. This is against the budget forecast of 2.5 per cent - 0.9 per cent down from 2.5 per cent.

To take this further, there is also no credence to Mrs Carnell's claim that pre-election jitters are to blame for a decline in economic activity. In 1992-93, when Labor was running the ACT and the Liberals were expected to win the Federal election, the ACT recorded 4 per cent growth and 6,500 more jobs, whereas under Mrs Carnell we have seen growth under one per cent and the number of jobs falling. Canberrans are missing out because of Mrs Carnell. Growth in the ACT is below the national average and likely to remain so for some time. Mrs Carnell's budget this week finally acknowledges that the ACT economy is in trouble, but this acknowledgment has not been met with cohesive and long-term strategies and solutions. This budget will not lead to economic growth and jobs. It is too little too late.

Mrs Carnell's budget speech was full of talk about employment and jobs. She talked about job creation schemes and funding. On close examination, this budget is not about jobs. 'Jobs' was just a slick marketing slogan invented after the budget was put together. Mrs Carnell certainly tried to give the impression that she had the answers; that she was concerned. On the Government's own estimates it will not meet the challenge. There will be 1.5 per cent fewer Canberrans in jobs in 12 months' time. The Government is projecting no employment growth for four years. There will be no new jobs until after the year 2000.

Mrs Carnell's so-called jobs budget is long on rhetoric but short on real commitment. It is full of exaggerated claims, minor programs and repackaged versions of what already exists. As an example, Mrs Carnell announced that a new teaching classification will be introduced within the enterprise bargaining agreement to recruit recently graduated teachers. Fifty new graduates will be employed this year. Not only was this already negotiated and announced well before the budget as part of a trade-off for the teachers' pay rise, but these are not new jobs. They are the recently graduated teachers the Education Department recruits every year to meet its needs. If anyone has any doubt that this initiative is just public relations hype and not a new jobs initiative, they only have to look at Budget Paper No. 4. This so-called new initiative does not even rate a mention under "Government Schooling" and there are no new funds earmarked for it.

Other programs are short-term solutions lacking in funding and real commitment. There will not be a graffiti-led recovery. Employing 60 people part time for half a year to clean up bus shelters is in itself not a bad idea, but when the money dries up so do the jobs. These are not real jobs. Seven hundred thousand dollars for 60 people is only \$10,000 each. A one-off program such as this is no real commitment to the job seekers of Canberra, who are looking for stability and an opportunity to develop marketable skills. This cynical attempt to show action on jobs highlights the Government's true attitude to Canberra's unemployed.

Mrs Carnell is planning to reduce her own work force despite the troubling job forecasts. The budget contains yet another \$12m for redundancies. How many jobs is that? On an average redundancy payment of \$40,000, this is 300 job losses in the ACT Public Service. This is more than the number of jobs Mrs Carnell is claiming will be created through this budget - and she has the gall to talk about jobs and to blame her colleague Mr Howard for his cuts to Canberra's Public Service. The selling and refinancing of government assets contained within the budget will not create one new job. The selling of assets provides no new buildings and no new employers. Mrs Carnell does not have the answers. Mrs Carnell has failed the test on economic management. She has failed the test on jobs.

Not only does the 1996-97 budget not provide any solutions to the lack of growth and jobs, but there are also some very worrying questions surrounding Mrs Carnell's management of the Territory finances. This Government has proven that it is incapable of leading and providing certainty and rationality in decision-making. The much publicised three-year budget is gone. It fell over in just one year. Do you remember Mrs Carnell's "realistic three-year budget"? Mrs Carnell boasted long and loud about it last year, despite Opposition warnings that it was unachievable and would not meet the needs of Canberra. Mrs Carnell's disastrous health budget blow-out is a case in point. Mrs Carnell's embarrassing blow-out and mismanagement of her own portfolio had her crawling back to the Assembly for more money within a year. So much for Mrs Carnell's platitudes at this time last year about her three-year budget having "real, achievable bottom lines that we can live within". Who can forget Mrs Carnell describing forward estimates as "mickey mouse" and "rubbery"; but guess what! They are back. The three-year budget was a triumph of media hype over substance. It was always nonsense to suggest that you could lock yourself into a budget strategy three years into the future. The abandonment of the three-year budget by Mrs Carnell is a clear admission of defeat on behalf of the Government. It is a classic case of Mrs Carnell learning the hard way what everyone else already knew, and Canberrans are paying the price while Mrs Carnell struggles to learn on the job.

Let us look at this budget. How will Mrs Carnell meet the financial management test? This budget is nothing more than a mishmash of minor adjustments that do not address the financial management issues. Instead, she is raising taxes here and there, spending money here and there, adjusting figures here and there, repackaging existing programs here and there, and claiming a surplus which is neither here nor there. The 1996-97 budget is merely a barren accounting exercise that substitutes sleight of hand and smoke and mirrors for real policy proposals. What we got was a much-trumpeted headline surplus of \$10m, whereas the real figures point to an ongoing underlying deficit. By selling assets and entering into new types of financing transactions, Mrs Carnell is disguising the real fiscal position of the Territory. The real result is a cash deficit of \$98m. In fact, the deficit has gone up, not down. If we look at the accrual figures, it is the same story - a headline reduction in the deficit of \$48m, but after taking out a one-off superannuation adjustment it is really a \$42m deficit blow-out.

So Mrs Carnell, even in the confines of a narrow accounting exercise, has failed. The 1996-97 budget is not about financial management. There is a significant gap within the budget, minus the asset sales, between expenditure and receipts or revenue.

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When we look at the projections for growth and inflation, it is hard not to see the problem getting worse. Even on Mrs Carnell's forward estimates, there is evidence that she has no plan to address the underlying financial problems in the ACT budget. While revenue and expenditure are predicted to make only minor changes in the coming years, Mrs Carnell continues to predict cash surpluses. There is only one way she will achieve that - by more asset sales. In other words, Mrs Carnell's long-term financial management strategy is sell, sell, sell.

Mrs Carnell has yet again admitted defeat in her health budget. Far from health spending being reduced, as forecast in her three-year budget, it has actually gone up. So much for the expensive consultancies and the platitudes about curtailing costs. What happened to \$8m saved for every million dollars spent on consultants? Do you remember that? What happened to the 1995 election promise of a \$30m saving? Instead, Mrs Carnell has quietly torn up her election promise and built last year's budget blow-out into her bottom line. It is just all too hard for Mrs Carnell. What is even more concerning, however, is that there does not appear to be a link between increases or decreases in expenditure in the particular programs and economic growth problems. There is no direction. There are no solutions. She has postponed the problems indefinitely. Mrs Carnell has failed the test of financial management.

Mrs Carnell has also failed the test of fairness. While some Canberrans are struggling to find jobs in a shrinking job market, others will be slugged with increases in taxes and charges. From 1 July 1997 those of us with cheque accounts will be hit with a new tax. Every time you take money from an account with a cheque facility, tax is paid. This is 30c for every withdrawal, and this is the case even when you are not using a cheque. BAD taxes are well named. At the same time Mrs Carnell is cutting the financial institutions duty. The cost will be about \$10m. But the difference is that the financial institutions duty falls heavily on business. Anyone withdrawing less than \$750 will be worse off under these changes. So what the Government has done is cut taxes on business while ratcheting them up for households.

Car owners are going to be really slugged by the Liberal Government opposite. In the budget Mrs Carnell has increased the rate of stamp duty on car insurance. This will increase by 3 per cent. But that is not all. The Government, under the guise of finally providing Canberrans with the fifth ambulance, half of which was paid for in the last budget, has slapped an extra \$15 on vehicle registrations to pay for it. Will this \$15 be going to another ambulance or is this just another deceptive budget measure? Pensioners will be worse off. The Government has capped the general rates concession for all pensioners. It will be set at \$250 and it will hurt. Any new pensioner with rates over \$500 will be worse off. Mrs Carnell has failed the test of fairness.

Not only does this budget let the people down with its lack of measures to promote growth, lack of compassion for the unemployed, financial irresponsibility and lack of fairness. Mrs Carnell has also failed the test of budget honesty. One of the most striking features of this budget is the Government's lack of honesty with the Canberra community. Mrs Carnell claims that she has a \$10m surplus and she claims that she did it without borrowings. But the financial transactions for Macarthur House, the Magistrates Court, the Challis Street office building in Dickson and ACTION buses are really, in effect,

just that - borrowings. Would it really have been so hard to admit that there was a \$98m deficit and that she had borrowed to cover it? Mrs Carnell's budget speech was full of talk about employment and jobs. Mrs Carnell desperately attempted to sell this budget as being about jobs, but her own budget papers tell the true story: 1.5 per cent fewer jobs in the next year, and no new jobs till past the year 2000.

Another measure that will hurt Canberrans - one that is quite well disguised in the budget - is the appropriation for ACTION bus services. Since the Carnell Liberal Government came to power, ACTION bus services have been one of the hardest hit by constant cuts. There have been cuts to services of up to 20 per cent in some areas, while fares have increased by 50 per cent. The reduction in services is set to continue as a result of this latest budget. The projected \$55m realised from the sale and lease-back of the fleet will not go into providing more services for commuters or reducing ACTION's operating costs. In fact, the \$55m will not even go to pay off ACTION's \$48m borrowings. The reduction in ACTION's debt will not cover the cost of leasing the buses. Instead, Mrs Carnell will use part of the money to cover her budget blow-out. The result is an additional \$1m cut from the operating budget of ACTION and more cuts in services. But where was that admitted by Mrs Carnell? Whilst Mrs Carnell continues to talk of improvements in ACTION services, the budget papers show further deeper cuts. Mrs Carnell is misleading the community over ACTION.

Mrs Carnell has attempted to hide the underlying problems in her budget. The rhetoric about being open and transparent has been proved to be just that - rhetoric. The budget papers produced by the Government do not divulge what is really happening. Look at Budget Paper No. 4. We have a cost of outputs and the performance measures for this year but no basis of comparison, no figures for last year. There is no transparency, no accountability, no honesty. This is a blatant attempt to hide what this Government is doing. Mrs Carnell promised that the change to accrual accounting would ensure that the budget process was more open. Instead, they have used this change to hide what they are doing. Mrs Carnell has failed the test of budget honesty.

The current economic climate requires from the Government commitment, leadership, vision and strategy, none of which are in evidence in Mrs Carnell's budget. Labor would not take an ad hoc approach to budget formulation as this Government has done. Labor would be honest. What is needed is a detailed analysis of ways of fairly sharing the economic burden across the community. Competent financial management is necessary. Labor would not irrationally and artificially prop up budgets. Instead, governments must understand the reasons why an appropriation does not fulfil its expectations and deal with the problems. Just topping up the bottom line is irrational.

Certainty in government decision-making is essential. Labor, by ensuring that policy from year to year is consistent, will give a clear understanding of future directions and restore confidence and investment. Commitment to jobs growth is needed. Labor is about jobs. We would ensure that real job creation projects were pursued responsibly and strategically. We would not cancel \$20m in capital works in one year to fund the appropriations blow-out. Labor would ensure the effective utilisation of our highly skilled and educated work force so that everyone in Canberra has the opportunity to participate in all facets of community life.

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Labor would pursue a strategic approach to the economic challenges facing Canberra. We will always work cooperatively with unions, business, community and interest groups and other interest organisations. Labor would pursue the need for the ACT to be interlinked with the surrounding region. Again, Mrs Carnell has latched onto this idea because the rhetoric sounded good, but we are yet to see tangible outcomes. Canberra must work in partnership with the surrounding towns and build a cooperative relationship to build on each other's strengths.

Labor would not just tell people that "Canberra is open for business". We would show them, through financial responsibility, honesty, certainty and being able to commit and deliver. We would do everything within the power of government to encourage private enterprise to locate in Canberra, to grow and to add value to the Canberra community. A Labor government would be economically responsible and socially just. Labor would not lose sight of the need for balance. Quality service delivery is essential. Labor would not abandon our public servants. Unlike the Liberal Government, we value the public sector. Labor values our natural environment and is committed to preserving it for the future. Labor believes that assisting the vulnerable, advancing access and equity, enhancing growth and jobs, and creating a just and civil society are the ultimate goals. Labor government policies should be focused towards this. There is a way forward. There is an alternative to what we have seen in the budget. The budget is misleading. It is disorganised, lacks direction and presents a piecemeal response to the very real challenge. It is a fraud. Kate Carnell has failed to deliver for the whole Canberra community - failed business, failed the unemployed and failed the true test of economic leadership.

In reflecting on Mrs Carnell's budget, I am reminded of the Greek myth of Pandora's box. The gods sent down to mankind a woman, Pandora, who was superficially attractive but had untrustworthiness in her heart and lies in her mouth. Having won the men's confidence, she released her woes on the world. Perhaps those woes were a shrinking job market, slow growth, a growing budget deficit, unfair new taxes and cuts to essential services. But here the similarity ends. Pandora had one last gift, and that was hope, but Mrs Carnell's budget offers no hope.

MR MOORE (3.25): Mr Speaker, I want to address the Appropriation Bill and this budget. The Chief Minister does not have the politeness to remain, by the look of it; but in question time she raised the general issue of borrowing. She was clearly horrified that one of the choices that she might have to make would be to borrow, and she certainly would not borrow for this budget. The question that I have to ask, Mr Speaker, is, "Are we borrowing, or are we borrowing?"

Let me paint a scenario of an ordinary Canberra family. This ordinary Canberra family are having trouble paying the bills for the food, the heating, the insurance, the school fees and so on. They decide to get more money by increasing the mortgage; so they arrange a loan, using their home as security. Under this scenario, Mr Speaker, money is provided up front to help them pay their bills; but they have to pay it off for years and years to come, and, of course, with that come lots of interest payments. Mr Speaker, compare this family to a government which does not have enough money to pay its ordinary living bills,

its bills for education, for health, for fixing up roads, for fixing up footpaths. Instead of going to the bank to get their mortgage, they go to the private sector and make an arrangement whereby money is provided up front and then rent is paid year after year, with, of course, a great deal of interest.

The Government calls this a lease-back arrangement. To the rest of us, Mr Speaker, the arrangement looks exactly the same as for the family who borrowed against their capital, against their house, in order to pay their recurrent bills. The reality is that this lease-back system that we see is exactly what Mrs Carnell claims horrifies her. It is just borrowing in another name. Like all of this budget, what is going on is dressed up in another guise. As people look at this budget with more and more care over the next few weeks prior to this Appropriation Bill coming back before this Assembly, they will realise, again and again, that what we have been presented with and what we are told is very different from what is actually there. That, I think, is going to be the real issue about this budget.

Mrs Carnell claims that there is a surplus and that that surplus will build to about \$113m by the year 2000. I draw your attention, Mr Speaker, to the fact that the Chief Minister, who one would think would defend her budget, does not even do us the courtesy of remaining here in the chamber while I am responding to her budget. That, I must say, I find appalling. Mr Speaker, there is this ideologically driven need to have a surplus, if in fact one even exists. She is claiming that one exists, and we know that there is a difference of view from David Chessell on that. If one exists and if a cash surplus of \$113m is going to be built by the year 2000 as she claims, one would have to ask: Why is it that in very difficult economic times we would want to have surplus cash on hand, when there are many issues to be dealt with? Mr Speaker, these are simply ideological issues that she has not explained and not attempted to wrestle with.

In cash terms it is a surplus, but in reality it is a greatly increased deficit of \$98m. This issue was raised by my Independent colleague Mr Osborne in a very sensible question in the Assembly yesterday, and it was followed up by David Chessell in the *Canberra Times* this morning. I wonder, Mr Osborne, whether he heard on the grapevine of your question and asked you for some advice, or whether the obvious had occurred to both you and Dr Chessell at the same time. So, after taking away the Government's planned \$100m worth of asset sales, total spending is up by 5.8 per cent, and revenue is up by only 3.2 per cent. It blows the underlying deficit out by \$35m, to \$98m, exactly the same figure that Mr Osborne gave in this house yesterday.

Mr Speaker, there are a series of other issues about this lease-back arrangement, this form of borrowing that this Government has decided on. One of the things that concern me greatly, and I have discussed this with Mr Humphries, whose area of responsibility it is, is the selling off of the magistrates courthouse or, more to the point, effectively taking out a mortgage on the courthouse. Is that what a lease-back arrangement is? It is just another name for taking out a mortgage, not with a bank but with somebody in private enterprise. Of course, it may well be with a bank. One has to wonder why it is that a bank can make a profit out of that system but we can do much better without it. There are real questions about that.

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You may recall the editorial about this issue in the *Canberra Times* on 22 September. It said:

A government confident that it is working to proper ends will know that a community will not begrudge it fine buildings which encapsulate a sense of organised public purpose to perform necessary functions for all.

In terms of the Magistrates Court, I think the Government should really reconsider their position on this sale and lease-back arrangement, this mortgaging and borrowing of money. The *Canberra Times* went on to say:

... that such deals can be constructed in such a way as to be attractive and profitable to the private sector underscores the fact that the silver is being let go to pay the household bills.

Indeed, Mr Speaker, that has proved to be the case in this budget. The editorial went on to say:

It is one thing to dispose of buildings which are no longer necessary ...

Selling assets or Territory goods that are no longer necessary to raise money does not fit into this category of borrowing. Selling assets that are no longer necessary is indeed an appropriate way. If that were what you are doing we would say, "Yes, this is an alternative", but this selling and lease-back arrangement is simply a form of borrowing. This is a budget that is actually borrowing money. The editorial continued:

It is another to put continuing major public assets, of symbolic as well as practical use, into the pawn shop. The very idea shows an incredible poverty of spirit.

Mr Speaker, there are many times when I disagree with what the *Canberra Times* editorials say, but on this occasion I think they really have put their finger right on the spot.

One of the issues for this parliament when we came over to this Assembly building was to ensure that we were not in leased premises. I and other members of the Assembly had found it irksome that a parliament was in a building leased from some body over which, effectively, the parliament had power, but in a symbolic sense the leaseholder could hold that parliament under their control. A similar situation applies to the Magistrates Court. I challenge the selling of certain buildings. Some buildings can be sold, and I think you have referred to Macarthur House as one possibility. In that case I see it as borrowing; but, if that is what your budget is, and that is what you are going to do, fine. I see the Magistrates Court as a very different issue. Mr Speaker, what I have tried to argue so far today is that the Government is trying to gild the lily. It is trying to present something heading in one direction as something entirely different. The reality is that what it is doing is borrowing.

The same theme applies to the pipedream *Jobs for Canberra*. It is once again gilding the lily. It is once again presenting something as though it were true when it is not. I will reiterate a couple of the issues that Mr Whitecross has dealt with and add a few myself. Capital works, Mr Speaker, are said to provide 1,500 jobs. These projects were cut when \$14m was taken out earlier this year to prop up the health funds. That was done in this Assembly. I understand there is to be some additional money on top of that, and that is something we will pursue in the Estimates Committee. Of course, when we do the comparison, we do not look at the budget from last year when we talk about a 25 per cent increase in capital works. We do not talk about what was budgeted for last year compared to what is budgeted for this year. Oh no! Once again, the Government is gilding the lily. We look back at what the outcome was after you have taken out the \$14m or \$20m. You compare the outcome of last year's budget with what is budgeted this year. Who knows what the outcome for this year is going to be? It may well be that this is just a pretence.

Mr Speaker, just as I drew attention to the fact that the Chief Minister was not here and how appalling I found that, I draw attention to the fact that she has now returned. I welcome her back.

Mrs Carnell: There are some things that you have to do. It is just like that.

MR MOORE: Mr Speaker, the interjection is, "There are some things you have to do". Mr Speaker, I have to say that I sat through the budget speech, but never mind.

The next issue is the promise of the creation of almost 270 jobs in the public sector. Mr Speaker, I am going to demonstrate how this is a half-truth. When one wonders about the 2,000, what conclusions can you also draw about the supposed 2,700 jobs that this Government is creating and see whether that is half true or whether it is just this same process of gilding the lily? There are to be 10 contract jobs in the sports enhancement program. However, these positions are in existing agency establishments and are for one year. They are one-year jobs, Mr Speaker. There are to be 34 permanent trainee positions for one year. They are permanent jobs, yes, Mr Speaker; they are full-time jobs, yes, I understand, but they are one-year jobs. They are not creating new positions. They are simply one-off one-year jobs. There are 12 apprenticeships and 50 temporary traineeships for up to one year. The 12 apprenticeships I accept, and I congratulate the Government.

I do not want to be misconstrued on this, Mr Speaker. Jobs are incredibly important and half the number of jobs that they have claimed they have created are fantastic, and I congratulate them for those. I think the one-year jobs that they have created are terrific and they deserve to be congratulated for them; but they present this as though they are creating 270 new jobs. That is why the Government ought to be condemned, and I will get to that in a short while. There are to be 50 temporary traineeships for up to one year - not for a year, Mr Speaker, but up to one year. So, of those 50 temporary traineeships, we have no idea how many actual jobs there will be. If you were to talk

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about full-time equivalent jobs, permanently or for a year, we would know what you are talking about. But, no; you just talk about jobs. Mr Speaker, I could create 30 or 40 jobs in my office. I would just employ different people for a short period over the next year. I could say, "Yes, I employed 30 or 40 people". That is the sort of picture that has been built here.

Then, Mr Speaker, we come to the issue that Mr Whitecross raised, but, in fact, I had a question ready for Mr Stefaniak about the 50 teachers. Are these new teaching positions? It is an excellent question. I am glad I have the opportunity to answer that, since Mr Stefaniak did not get the chance. These will clearly give us smaller classes. An extra 50 teaching positions across the system give us a great opportunity to have smaller classes. I look forward to my children's classes going down in size or extra teaching staff being employed in a whole series of ways. There are to be 50 new teaching positions. I will be absolutely tickled pink to see those. Are these new teaching positions or do they fit in with where redundancies have been granted, where old teachers have retired? Are they replacing existing jobs or are they brand-new jobs? That is the question. I simply do not believe that we have 50 brand new jobs. I would love to find out that I am wrong, but I believe that this is another case of gilding the lily.

There are to be 60 very part-time jobs for graffiti cleaners. For how long? Mr De Domenico did not know the answer to that yesterday. He tried to deal with it again today. We would love him to put in full-time equivalent jobs. Perhaps the Chief Minister could come back in and be really open with us and tell us how many full-time equivalent jobs are going to be created. I dare say she will not want to do that because we would find that the number, if she is lucky, would be halved, which I think is a very sad thing.

There will be five trainee rangers who will have one year's work and then no guarantee of a real job. The budget papers say that they will be well suited to look for work, so we are not actually creating jobs for them.

Mrs Carnell: We train them.

MR MOORE: Yes, they will have those jobs for a year. Do not mistake me. I think that wherever we can find some jobs for some people we ought to do it. There are to be 26 graduates to the agencies, sure; four members of an ambulance crew, real jobs; 36 students and 12 women for work experience or a six months' contract, I am not quite sure. It was very hard to read this part of the budget paper. Just how they fit into those and how many jobs are tied up in that is impossible to tell at this stage. Then there are six indigenous recruitments, which I understand are full-time full jobs. In proper terms, less than half those that I have gone through, less than half those quoted, are long-term jobs. Of the 270, the best we will be able to manage is 130 or 135 jobs.

What about the other claim of new jobs, Mr Speaker, the 2,700? It is interesting that we got those figures. I have gone through those and said you will be lucky to argue that 130 are full-time jobs. Of course, 130 is much better than none. Of the 2,700, how many will we be able to deal with there? It is said that there will be 1,000 jobs in Unisys. It is a pipedream. They are pipedream jobs. We do not see them. What is more, they are not in the budget papers, apart from Mrs Carnell's speech. This is not a budget matter.

This is a bit of negotiation that Mrs Carnell did and took credit for some weeks ago. How are the ACT taxpayers involved in that? If we can get some jobs that will be fantastic. So, that leaves 1,700 jobs, and how many full-time equivalent positions does the Government think it has created?

Mr Speaker, the other jobs, it is said, are created through private sector enhancement. Private sector jobs, Mr Speaker, are to be enhanced by the Government. It is just more pipedreams. We have not reached them; we have not seen them; we are not going to see them for a while. The United States experience generally is that there is a growing acceptance that downsizing and government involvement in job creation in the private sector are ineffective. President Clinton, only two months ago, when announcing that he was going to force up the minimum wage, said that the good news of the recovery in the American economy had not got down to ordinary people. The profits had stayed with business. The recovery had not been transferred into jobs. Yet that is the very thing that these 2,700 jobs, or the 1,700 jobs that are left, are dependent on from Mrs Carnell.

Let us look at the new incentives for business in the ACT. Is this really money for jobs or is it money for mates? Is this money to go back to the mates in the broad sense? Is this just money for business as a way of setting the priority for the Carnell Liberal Government? They are interested in getting the money across to business wherever they possibly can. Their claim is that new incentives for businesses in the ACT provide money for business in the form of grants, schemes, lower taxes, et cetera, to the level of about \$3.185m in additional funding - that is beyond what was done last year and what Labor carried out - for the business development fund, for AusIndustry and for employment programs. What about the accommodation for Canberra's third business incubator? As best I could find, there is no money set aside for that third business incubator. Perhaps it is just money in kind - in other words, providing the accommodation. But really, what this money is about is looking after the business sector. That is what it is about, Mr Speaker. It is not about jobs. The jobs are simply the justification.

Mr Speaker, I want to move on to lease administration. The Government is now changing to a rate of 75 per cent in terms of a change of use of a lease, contrary to the recommendations of the Stein report, which initially the Government had accepted, although they said they did not like it. Mr Humphries made this very clear. We know he did not like it, but they accepted it. The Government has moved that across into a budget scenario in order to say that we cannot change that; that it is a budget issue. It knows that I and Mr Osborne, at least - I thought the Greens as well, but I may stand corrected on that - have said that the Government is entitled to its budget. It has appointed somebody to examine this issue of lease renewal, and that is something that I will discuss with the Government in due time.

Mr Speaker, this budget is full of promises for unemployed Canberrans. Unfortunately, there are too many pipedreams and ethereal numbers. In fact, it uses the unemployed, Mr Speaker - this is the sad part about it - in what I consider a most appalling way. If it were advertising, Mr Speaker, the Minister for Consumer Affairs would have this Government in court for misleading, and the charge would be substantiated because this is shonky. The rhetoric misrepresents the truth. The rhetoric here misrepresents what is

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really in this budget. I hope, Mr Speaker, that all the pipedreams that they are presenting come true for the Government and for the ordinary people who are currently unemployed. I hope that their big gamble on borrowing pays off. This budget is borrowing to pay the bills and get jobs at any cost.

Mrs Carnell: So what would you do?

MR MOORE: Mr Speaker, I hear an interjection, the same interjection that they put to Mr Whitecross: What would you do? I am neither the Government nor the alternative government. I am not going to be distracted by them asking me what I would do. This is their budget. It is the one that we are criticising, and we are going to continue criticising it and the way it is presented. My criticism has primarily been about the way the Government have misrepresented and gilded the lily instead of telling the truth. I keep trying to find another word for hypocrisy, Mr Speaker. I am just going to have to find one, one of these days.

MR SPEAKER: You are going to have to do that, yes.

MR MOORE: I know. Mr Speaker, these people are the ones who said they were going to be an open government, an accountable government and a consultative government. They are the ones who have presented this budget about jobs in the way that they have and have gilded the lily. Mr Speaker, I suppose people will ask me why I will maintain a commitment to the budget as part of this Government. When I am asked what would I do, and I look at the alternative, I must say that if I go against this budget and I put the alternative government in I cannot see that they would do any better. Indeed, they might well do worse. Mr Speaker, my commitment was a three-year - - -

Ms Follett: What a cop-out!

Mr Humphries: What is your solution? Yours is a cop-out.

MR MOORE: Mr Speaker, I hear Mr Humphries again saying to everybody, "What is your suggestion?". No, Mr Humphries, this is your budget, and you are going to wear it. We are going to make you wear it, but we would like you to tell the truth. We would like you to present this in an open way.

Mr Speaker, Queensland once had a leader who believed that the end justified the means; jobs at any cost. "Jobs at any cost" was what he said on many occasions.

Mrs Carnell: It is the only State with no debt.

MR MOORE: "You just listen to me, girlie; you just listen to me", is the sort of thing he would say. Queensland once had a leader who said that sort of thing. He believed in the end justifying the means and said, "Jobs at any cost and development for all my mates". But that was long ago, of course, and it would not happen here.

MS TUCKER (3.50): Mr Speaker, this budget, like all other budgets, will be judged in the future and it will be condemned because it does very little to improve environmental or social sustainability, let alone cement a viable long-term economic direction for the ACT. This budget is also the first under the new financial management regime which was passed by the Assembly earlier this year.

Obviously, it is early days and we cannot expect any government to get it absolutely right the first time; but it is important that we are moving in the right direction, and this accounting model is full of dangers. What is more, for all the fanfare about increased transparency - we have already heard Mr Moore speak at length on this issue, and Mr Whitecross - we say that this is really an iceberg budget that hides more under the surface than it reveals. Until we scratch beneath the surface I think a lot of the real substance of this budget remains hidden. I will speak further on that a bit later. If we are really on about making our models accurately reflect all costs to the community, we should be thinking about not only future superannuation payments but also future financial, social and environmental costs that will flow from decisions that are made today. Homelessness, social alienation, cleaning up the Murray-Darling Basin, violence, endless mounts of money spent on policing and our legal system are all examples of social and environmental problems that are costing us dearly now because of our failure to take adequate preventative action in the past.

Mr Speaker, the Greens accept that this ACT budget has been framed in difficult economic times, but we would like to make the point that governments all over Australia are telling us that times are tough and we have to tighten the belt, cut services in health, housing, legal aid and so on, as well as sell off the farm. The fact is that as a nation we have never been richer in terms of GDP, so what we are really seeing is a growing gap between the rich and the poor, and government functions increasingly being transferred to the private sector. It is time this trend was reversed. That is why the Greens would like to expand the concept of deficit to include environmental and social deficits. Unless our performance measures and accounting models reflect all relevant factors, including quantitative and qualitative information, we will never know the social and environmental bottom lines of government performance.

Over the past 18 months the Greens have often spoken about the need to get the ACT's financial models right. Just this year we introduced a series of amendments to the Auditor-General Bill and the Financial Management Bill in an attempt to introduce environmental accounts, and we also spoke at length about some of the costs of the purchaser-provider model and output-based funding which are central features of not only this budget but also the purchase agreements. If anything that is not specifically mentioned as an output is going to fall off the agenda, then it is critical that we get it right. It appears that there is little acknowledgment of some critical qualitative factors in the output statements. Having stated that the budget must be evaluated against a broad range of criteria, obviously going through the detail will be very important. The estimates Committee process is a very important process, but it is going to be all the more important this year, and we are going to have to search very hard to see what the real changes are. Going through each of the output classes and looking at performance indicators will also be very important, particularly as the output statements are now used as a basis for performance contracts.

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Since one of the primary objectives of the Financial Management Bill is to enhance transparency in budget decision-making, I hope detailed information on program expenditure is readily available in the Estimates Committee. This new system seems to hide more than it reveals. It is virtually impossible to tell from the budget papers what the level of subprogram expenditure is, and exactly which initiatives are new and which initiatives have been simply repackaged from previous years' programs.

There is a question mark over a number of the new announcements in the budget in terms of whether the resources are rolled over from unspent funds last year. There is also concern that some new initiatives are simply coming from resources originally allocated to other programs or from the Commonwealth. For example, the Government announced funding of \$110,000 for the schools equity fund, claiming credit and saying, "This is twice as much as was originally stated in the Assembly", but half of that comes from the Commonwealth. It is really disappointing that we still, this year, are not seeing a clear distinction between where the funding is coming from because it obviously does give a very false impression and it does not inspire confidence. Examples like this can be found all through the budget. Mrs Carnell said in her budget press release:

This budget delivers a cash surplus while maintaining services to the community. It requires no new borrowings and will allow us to begin repaying debt.

Mrs Carnell also went on to say that this is a jobs budget. Let us have a look at these statements. From a narrow economic perspective only, there is considerable debate over what the real deficit is. The figure seems to range from a surplus of \$10m to a deficit of \$230m, depending on whom you talk to.

Mr Humphries: That is a loss, not a deficit.

MS TUCKER: A loss. Right; I stand corrected. This clearly indicates that the accounting models are inherently rubbery and you can manipulate a set of statistics to get the outcome you want.

Mr De Domenico: No; it indicates that you do not understand.

MS TUCKER: At the briefing from your own people, they were talking about this deficit of \$230m and how you can choose which deficit you want to look at. Mrs Carnell's so-called surplus came about only because of asset sales. Asset sales might provide a one-off cash bonus, but they are not a long-term economic solution. It is like sacking public servants and hiring them back on contracts. The asset sale and lease-back arrangements need to be closely analysed and the onus is on the Government to demonstrate in detail what the economic and social benefits are to the Territory, and I mean the relative costs and benefits not just now but also in the future. The claim in Mrs Carnell's speech that levels of services to the community will not be reduced is also a rather bold claim, considering that a number of services have already been cut in the lead-up to the budget, ranging from dozens of bus services to women's services related to domestic violence.

Finally, I turn to the claim that this is a jobs budget. Other members have spoken of this but the Greens are also very concerned about the nature of the figures. We are glad that the Government believes that unemployment is a serious enough issue to require action. This Government's answer is found in their publication *Jobs for Canberra*. While there are a couple of interesting initiatives in this document, on the whole it is a rehash of existing schemes and full of fairly dubious assumptions. For example, how are 800 to 1,000 jobs going to be stimulated through Kick Start when there is such a slump in the housing market? Apparently, this figure came from industry, and industry itself is not really prepared to state that it is a particularly firm figure. Neither the Government nor the Housing Industry Association, which was the proponent of the scheme, has made any assessment of the demand for the Kick Start scheme. These figures are based on thin air.

Despite the emphasis on job creation in the budget, the employment forecasts are pretty grim, with job growth predicted to fall 1.5 per cent in this financial year, and the three-year planning assumptions are for zero employment growth. It would be very interesting to compare the job creation and training schemes that exist now with what was in place in Canberra 12 months ago. Thanks to the Liberal Government's Federal colleagues, labour market programs have been decimated. LEAP, Jobskills and New Work Opportunities places will all go as of the end of this year. In the last ACT budget labour market programs were also cut by more than half. I remember that in the debate then this Government was saying that that is a Commonwealth responsibility. We argued that most strenuously at the time, but, of course, you cannot argue that this year because the Commonwealth has just dropped the whole bundle anyway.

Most of the programs mentioned in *Jobs for Canberra* are not new. They are programs that were already in place or programs that are funded through remaining Commonwealth grants. One example is the indigenous employment strategy. It says in *Jobs for Canberra* that this strategy is "designed to improve the employment and career prospects of Aboriginal and Torres Strait Islander peoples in the ACT". I am not sure whether this is actually the same program that has been in place since 1993, but the description is quite similar. I understand that the budget allocation to this program is \$20,000 compared to \$110,000 formerly.

Likewise, the GAA program is not new. ACT Youth Joblink has been in place since 1993, and the trades and technical women on the move program first commenced in 1988 as tradeswomen on the move. The new future in small business program is also not a new initiative, but I understand there is some additional money. As for the annual employment grants program, the \$290,000 is what is left of the former employment and training grants, \$656,000, the youth employment and training program, \$184,000, and working opportunities for women, \$62,000. Mrs Carnell is also going to create 270 new jobs in the public sector, but this has to be balanced against the 400 or more that have gone in the last 23 months in the ACT Public Service, and the \$12m set aside for redundancies in the next 12 months. The Greens are very pleased that there is a new small business incubator in Tuggeranong and congratulate the Government on that initiative.

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Over the past two days many analysts have been grappling with whether this budget will contribute to the longer-term economic prosperity of the ACT. Clearly, we need more than car rallies and futsal tournaments if Canberra is going to prosper. The Government is quite right when it says we have to use our existing strengths, so we have to make sure that we do not destroy those natural advantages in the process, and one of our key assets is our natural environment.

Much is made of tourism as a vehicle for job creation. Genuine ecotourism could be a good thing, but it is not really happening now. Ecotourism is one of the greatest cons of the last decade. If tourism is going to be economically sustainable, obviously we have to make sure that it does not destroy the very resource upon which it depends. At the moment Namadgi National Park receives at least hundreds of thousands of tourists a year but the management plan is in desperate need of updating. That is one of the reasons why cutting the environment policy program in the Department of Urban Services is very worrying to the Greens.

We applaud the new trainee rangers, and it is about time that the trend of decreasing ranger numbers was addressed. However, five trainees employed for a year does not replace the need for increases in the number of permanently employed experienced rangers. Over the past decade ranger numbers have been declining at the same time as the workloads, responsibilities and physical area being managed by rangers have all increased - all this with no added resources. If the Government is so keen on user pays and we are so strapped for cash, why cannot the tourism industry contribute a bit to maintaining the resource upon which they depend, or at least contribute to the cost of the new visitor centre?

Mr De Domenico: Is that a bed tax?

MS TUCKER: You could think of what sort of tax. It is the principle of user pays which you are so keen on. There are a few good initiatives for the environment, like money for the purchase and redemption of contaminated sites and funding for urgently needed weed control. The energy management program for government buildings is also good but could have been given more funding because it results in long-term savings both for the environment and for the economy.

It is a bit rich to say that this is a clean green jobs budget when I cannot spot one performance indicator that mentions this. The environmental goodies also have to be balanced against the cuts to environment funding in other areas of the budget, such as policy development. There has been no increase in funding for the environment, which means the real outcome is a cut of some 5 per cent when inflation is taken into account. I was interested to notice that it was only in the education statement so far that I have seen you take that into account. Why is environmental funding left out of the "budget at a glance" document? The fact that there is no separate environment budget probably reflects the fact that there is no environment department any more. We also cannot find any specific reference to the Commissioner for the Environment.

Turning now to public transport, the Government has made quite a lot of the importance of providing transport infrastructure in this budget, but bus services in this town are getting few and far between. The Greens welcome any genuine proposal to make public transport more flexible, but the cuts to ACTION's budget over the past year have only reduced bus services all over Canberra. The sale of the fleet has taken place without any attempt by the Government to prove the economic benefits to the Assembly or to the people of Canberra, and it is, in fact, just a first step down the path to its privatisation of the whole public transport system. First, it will be privately-owned buses; then the maintenance of the buses could be contracted out; then individual routes could be put out for tender; and, before we know it, the whole service will be up for the highest bidder. The decision to sell the bus fleet makes a mockery of the promise by Mrs Carnell last year that buses would stay in public ownership, even though she claims now that she meant ACTION not buses.

I would be very interested to know how the Government has worked out its community service obligations for ACTION, why there appears to be no environment CSO, and why the pricing and general route off-peak CSOs have been reduced. The Government obviously has an underlying belief that public transport should be run commercially and that government funding is a subsidy rather than legitimate government expenditure, and, in fact, an investment, not a subsidy. Public transport is an investment which will produce social and environmental returns.

As far as social policy is concerned, I think it is fair to say that equity is not one of the key factors underlying this budget. It is particularly concerning that little attempt has been made to take up the slack where Commonwealth programs have been cut in the ACT in a range of community services, ranging from child care and labour market programs, as I have mentioned, to dental services. The Social Policy Committee is presently grappling with a number of big issues - mental health and disabilities, and violence in schools - and there are no easy answers, that is for sure. What we do know is that the cost to our community, including the financial costs, of not taking preventative action is huge. That is why I am quite appalled that Mrs Carnell is boasting about the new expenditure on mental health.

The budget allocation of \$45,000 to the Belconnen Remand Centre is a joke and misses the real point. Provision of a secure psychiatric unit for people with mental illness is critical. It has been stated over and over again, not only by people in the mental health community but also by magistrates. It is totally inappropriate that people with a mental illness who have allegedly committed minor crimes are put in the Belconnen Remand Centre or in Quamby. This was a problem for former governments as well, but it is time something was done.

Many people have spoken out publicly in recent weeks about the critical shortage of support for people with mental illness, and the ACT is underfunded in this area. Last year's Estimates Committee was also very concerned about underresourcing in mental health. While the increased funding for supported accommodation of \$150,000 is welcome, we still have many unmet needs to address. These include services for specific target groups, including women, children, adolescents and people who have mental illness but are also substance abusers, and other dual diagnosis patients.

Housing appears to have taken a cut as well. We have not been able to get an answer yet about what the decrease in expenditure of \$26m in the budget actually means. We do know that we have used housing money to fill the Federal budget black hole and that public housing stock will be sold off in the inner north. As for the new Kick Start scheme, no mention was made of the fact that this replaced a much better system, the ACT home purchase system. If it was not a better system it was a system with a very different target group and it enabled many tenants who will not be eligible to participate in Kick Start, because of their income levels, to successfully buy their own homes.

At this stage it looks like there are no major shocks in the education budget this year, although the Greens are still very concerned about the proposals for expanding school-based management next year and the equity implications of that. We still do not know the Government's response to the motion on the matter, debate on which has been adjourned in this place.

In the area of children's and youth services, we were interested to hear Mrs Carnell say that the Government would provide additional resources for the introduction of mandatory reporting if necessary. Obviously, the resources allocated in last year's budget were not nearly enough, but it is unclear where any new money will come from. In the disabilities area, Mrs Carnell has announced the COOOL project, which is a positive move, but it really seems to be replacing the beds that were lost through the closure of Lower Jindalee. The Greens are also concerned about the inappropriate concentration of resources for revitalisation in the city centre. Civic is not the only town centre in Canberra, and there are certainly parts of Belconnen and Woden that could do with revitalisation.

On the revenue side, the Greens are prepared to say that we believe it is appropriate to use tax as a mechanism of redistribution from the rich to the poor and achieving certain environmental objectives. Surveys consistently demonstrate that people are willing to pay higher taxes if the money is used wisely on important services such as health, education and environmental protection. Obviously, most of the solutions to our tax system do not lie in the ACT and, apart from rates, much of our tax base is quite regressive. That is why we are concerned about the impacts of the debits tax, and we will be asking questions on this initiative over the coming weeks. There are many issues that need to be raised, but we promised that we would be briefer this year and there will be plenty of opportunity for debate if we find out exactly what is hidden away in the budget papers.

In conclusion, the Greens do not really have a problem with Mrs Carnell revising her three-year budget strategy, released with great fanfare last year, but it does raise a number of issues. Most importantly, no-one should ever fall for the line that economic forecasts can be trusted, not that too many people in this place did think it would be a three-year budget, particularly as there was such little detail in last year's budget on how some of the so-called efficiencies were going to be achieved. I know the Greens queried the assumptions last year and it also was always dubious that the predicted increase in revenue from sources such as stamp duty could ever be achieved.

Mr Speaker, this budget is a clear indication of the priorities of this Liberal Government, and we question those priorities. We have noticed, through good times and bad times, through a rising GDP, that we still have a focus on financial management and the financial bottom line, when we know that the disadvantaged in our community are becoming more disadvantaged and that the environment is not being given due emphasis or focus. Therefore, the social and environmental costs of this are going to be huge. Unless we see governments making a fundamental change to this and looking at their priorities, we are going to have a social and environmental deficit that is going to be of very great concern.

MR OSBORNE (4.10): I would, firstly, like to congratulate Mrs Carnell on some pretty documents she presented here in this house on Tuesday. I have to say that she nearly fooled me for a little while but not quite. I see Mr Humphries throw his head back in disbelief. We are not all as gullible as you are, Gary, I am afraid. Mr Speaker, I have to say, initially, that I was a little bit disappointed to hear both Mrs Carnell and Mr De Domenico throw over to Mr Whitecross, saying, "Where is your budget? What is your alternative?". In fact, we have had only a day and a half to look at what you have been preparing for, I suppose, six months. This is your budget that we are debating here today, Mr Humphries. I can see Mr Berry saying, "Give them some more. Give them some more". Let us just remember what we are talking about here today.

Mr Berry: She is not here.

MR OSBORNE: She is not here? Maybe I should just tender this statement of mine and try to be here when it comes time to vote. Oh, she is back. It always seems to work.

Mr Speaker, I have to say that I am deeply troubled by a couple of aspects of this budget. As I said before, I will need some convincing that the way of putting "the ACT finances back on track" is to flog off, for want of a better term, publicly-owned assets to fund a \$100m operational cash deficit. The Chief Minister says that her job is to make the hard decisions that have been avoided since self-government, but I cannot see where any hard decisions are contained in this budget. I will, however, afford the Chief Minister the courtesy of making a thorough study. This is only my second budget, and it certainly is as clear as mud, as the first one was last year. As I have said numerous times over the last couple of days, it is very hard getting through the propaganda that you are fed on the Tuesday and getting down to the truth. One interesting point was the big announcement about the sale of ACTION buses and how much it was going to make for the Territory, but it took my staff about 30 minutes to get out of the OFM people where the figure about how much it was going to cost to lease them back was. As I said, I do not intend to stand up here and whinge and bleat about a budget that I have not had the opportunity to go through thoroughly.

Mr Moore: We do not mind. Do it.

MR OSBORNE: Fortunately, I operate a little bit differently to both you and the Labor Party, Mr Moore. Mr Speaker, I would like to focus for a moment on the Government's cash management. I appreciate that we have all been strongly encouraged to think in accrual accounting terms only. I am pleased that we have made that change,

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because I think it is much more transparent. However, depreciation does not pay the day-to-day bills. In terms of cash only, this budget implies a \$10m surplus. Do you want to go, Kate? It does not matter.

Mrs Carnell: No. I will stand here and listen. It is all right. I am fine.

MR OSBORNE: I have started reading. You can go. In accrued terms, this equates to a \$232m operating loss. However, in cash management terms, this in reality represents a cash deficit of around \$98m to \$100m for this financial year once the asset sales have been taken out. Knowing these facts, one must ask: Is there really a \$10m surplus? It is because of these facts that I have taken so much exception to Mrs Carnell saying that we are living within our means. The plain truth is that we are not, and I think it is obvious to the rest of us that we are not. We are about \$100m short this year, and, if future services, community grants and capital works are to be maintained at the same levels as they are now, then we are going to be at least \$100m short in each ensuing year too. I ask: Where is the money going to come from? This year it is from asset sales, but what is the plan for next year and in subsequent years?

Mr Speaker, an even bigger problem that any government of the Territory is yet to address is how to fund our superannuation commitments. I pointed out to the Chief Minister yesterday that this liability currently stands at over \$1 billion. I notice that everyone has gone a little bit quiet over this side for some reason.

Mr De Domenico: Do you want some interjections?

MR OSBORNE: You interject as much as you like, Tony. I have a very long memory, so go for your life. Officials from the Office of Financial Management advised me that by the year 2005 this figure will have risen to a point where paying it each year will take approximately 25 per cent of the Territory's annual operational budget. That is only nine years away. I ask: At what stage will this horrendous problem be addressed? I am pleased that for the first time this massive liability is out in the open and plainly shown in these new accrual accounts so that we can see our true financial position. However, showing this \$1 billion liability in the accounts is only the first step, as we still need a workable plan for paying it off. Yesterday Mrs Carnell informed us that her plan was, firstly, to get the budget back into having a regular cash surplus and then to use part of that surplus each year to chip away at it. I hope that my children are still alive when that happens. I am pleased that Mrs Carnell has a plan, though; but I am afraid that this problem is going to need something more than a gradual erosion each time the budget returns to a surplus.

When I was first elected to this Assembly, I stated that I was not going to avoid making hard decisions. I think it is clear for all to see that this problem alone requires a really hard decision to be made by a courageous government. Our assets-to-debt ratio is okay at the moment. However, the operational budget is still running at a loss and our accumulated debts are rising correspondingly. In the case of superannuation, it is going through the roof.

Mr Humphries: That is right.

MR OSBORNE: I am glad that Mr Humphries agrees. What I was looking for in this budget was to see how it fits into a longer-term strategy of making serious debt reduction while living within our means. However, at the moment what we have looks more like a one-year pre-election budget and it avoids the supposedly hard decisions that have been avoided since self-government. Those hard decisions are still yet to be made.

Last year changes were made to significantly increase the level of accountability of the ACT Public Service executives - a decision that I supported. They were told of the services that were expected from their departments. They were delivered a budget bottom line and then told, "Now you go and make it work". There were no hard decisions for the Government there, just less accountability. Unfortunately, it appears that there were no hard decisions this year either. Mr Speaker, on a different note - - -

Mr Humphries: What should we cut, Paul?

MR OSBORNE: I might just answer that, Mr Speaker.

Mr Moore: Red Hill Primary.

MR OSBORNE: Red Hill Primary - there is an easy \$6m or \$7m there. This is not my budget that I am debating here today. This is Mrs Carnell's. I do not really think that I have been too harsh in what I have had to say so far. I have just stated the facts.

I will speak briefly on some very positive facts for the people in my electorate, specifically in Tuggeranong. Under the capital works program we are finally going to get our new police station. However, I notice that none of the members for Brindabella were invited to the launch of it. Even your own party was not there, Mr Humphries. Even Mr Kaine and Mr De Domenico were not invited. Nevertheless, I am very pleased that finally the police station is getting the go-ahead. I acknowledge that it was a promise made by the previous Follett Government that - - -

Mr De Domenico: But delivered by us.

MR OSBORNE: I do not think you had a choice, Tony, but it has certainly been delivered. I am very pleased about the new child-care facility. Both the police station and the child-care facility are particularly satisfying because I have spoken to both Mrs Carnell and Mr Humphries especially hard about those. As well as those two, we are going to get a new community arts centre. The Erindale Leisure Centre will be extensively refurbished. The Conder Group Centre infrastructure is proceeding nicely.

Mr Hird: He wants an invitation to the next opening.

MR OSBORNE: Mr Hird interjects. I have no problem in defending my electorate, Mr Hird. It is a shame that you do not do the same.

Mr Hird: You should be very careful what you say. I will defend it, without any trouble, Mr Osborne.

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MR OSBORNE: Go for your life, pal. Go for your life, Harold. I have no problem when Mr Hird interjects, Mr Speaker. I like to know that he is awake. A couple of schools will have some extra classrooms, which I am very pleased about, and an ACTION administration building is being built at the town centre. There are also a number of minor capital works going ahead, including a toilet for the nudists at North Kambah Pool. They are all very commendable. There are no complaints from me.

Mr De Domenico: It is up behind your place, is it not?

MR OSBORNE: I think I will leave that one alone, Tony. It is good to see that the people of Tuggeranong are finally going to enjoy a level of facilities and services comparable with that in the more established areas of the city, although I still admit to a measure of anxiety about the level of bus services, especially school bus services, that Tuggeranong has.

In conclusion - I have tried to be very brief - in some ways I am disappointed that Mrs Carnell is still blaming her financial problems on the previous ACT Labor Government and the current Federal Government which she begged the people of Canberra to vote for. As I said yesterday, I do not really care what the Labor Party did in previous years. I think they suffered at the last election. What I am interested in and what the people of Canberra are interested in is what Mrs Carnell is going to do from now on to fix our economy.

I noticed that the business community has welcomed this budget with open arms. Two prominent business people said to me yesterday that they were very pleased with what is contained in this budget and that Mrs Carnell sold it very well at her breakfast yesterday. However, I also note that a local economist yesterday morning gave it the label of an "all or nothing budget". This budget has the potential to be good in the short term, but we will know only in a couple of years' time whether this plan is working for the Territory in the long term or whether all that we are doing is just creating an even bigger and bigger debt problem.

Mr Speaker, during the budget debates I will be looking to the Government to convince me that this plan will work and that my concerns about just how bad the problem is with the overall debt are worth worrying about. At the same time, I will also be looking to the Labor Party to convince me that they have a plan for our economy which will work better. I do not see the point in voting against any part of the budget if there is not a better alternative, something which I think was lacking last year and I hope will not be lacking again this year. I at least would like to have a choice.

I have yet to go through all the detail in the budget papers, but I will be judging this over the ensuing weeks and also during the estimates process. I have promised Ms Follett that I will turn up this year. I accept that at self-government, in accrual terms, we inherited a position of debt; but I, for one, am not prepared to see it get any worse. I am prepared to support realistic decisions, even tough, unpopular decisions, to prevent us from passing on to our children a legacy they can never recover from.

MRS CARNELL (Chief Minister and Treasurer) (4.26), in reply: Mr Speaker, I will also be very brief in completing this debate. A number of the things that have been said are very interesting. Certainly, I have to say that not much was said from those on the opposite side of this place today. The comment that has been made quite consistently is that our approach - which they have described as sell, sell, sell - is an unacceptable approach. I wonder whether they really believe that borrow, borrow, borrow - - -

Mr Whitecross: I raise a point of order, Mr Speaker. Was Mrs Carnell referring to the *Canberra Times* when she talked about people erroneously accusing her of saying "sell, sell, sell"?

MR SPEAKER: Order! There is no point of order, Mr Whitecross.

MRS CARNELL: Mr Speaker, it is certainly true that Mr Whitecross and all the people who have spoken have been somewhat critical of the sale of assets that is part of this budget. I wonder whether they are more positive - no-one was actually willing to tell us - about significant borrowings. We would have had to borrow \$100m if we had not sold or refinanced assets. That would have come at an interest cost of some \$8m a year. On top of that, of course, we would have had an extra \$100m debt.

Do they believe that a \$100m cut in the ACT public sector is the appropriate approach? A \$100m cut in a budget of \$1.3 billion is an enormously big cut. Remember that over 50 per cent of our budget comes in health and education. Health and education would have to take a quite significant cut on that basis. So, too, would other areas such as family and community services. Mr Speaker, we did not believe that that was an appropriate approach. I am fascinated that others in this house seem to believe that it is. I suppose we could have put up taxes.

Ms McRae: You did.

MRS CARNELL: We could have put them up by \$100m. Ms McRae makes the comment that we did. We certainly did put up some taxes by, I think, on average about 2 per cent. There were a couple of new taxes which took us to just under 4 per cent altogether. What is really interesting is that \$100m worth of extra taxes would require an increase of about 15 per cent. Are those opposite suggesting that a 15 per cent increase in tax is all right? If we get the \$100m from selling or refinancing some of our assets, we end up with no extra borrowings, a \$10m cash surplus and being able to pay \$15m off our debt. That is what happens if you go down the path that we have gone down. As well, you can build another \$98.6m worth of assets to balance the assets that you are selling.

If we had not done that - and those opposite and those on the crossbenches all seem to believe that we should not have - then we would have ended up with \$100m of extra debt, an interest bill of \$8m and potential tax increases of 15 per cent. We could have ended up with significant reductions in our public sector. Everybody has been critical of the approach we have taken to assets, but not one speaker has been willing to comment on what they would do. I take Mr Moore's point. Mr Moore said, quite rightly, that he is on the crossbenches; he is not the alternative government. But there is an alternative government. It is those opposite. What we heard - - -

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Ms McRae: It is a cop-out. You are not taking responsibility.

MRS CARNELL: I think Ms McRae is quite right. Mr Whitecross today did go down the path of a cop-out. I think Ms McRae has really hit the nail on the head. If those opposite do not want to tell either this Assembly or the community the approach that they would take, that is fine.

I would like to finish off with a very interesting statement. Mr Whitecross made the point that we should not be blaming the Federal Government for the problems that the ACT is experiencing right now. He said that it is all our fault. I would like to quote from a document called *The State of Australia*, published by that right-wing think-tank, the Evatt Foundation. I would like to put two quotes on the record, just to show who the Evatt Foundation believe is causing the problems in the ACT economy. They say on page 247 of this year's *State of Australia*:

The scaling back of Commonwealth employment growth since 1991 has taken the wind out of the ACT's growth.

On page 253, after a quite significant preamble, they say:

In the medium term, the ACT's economic fate rests with the depth of cuts made by the Howard Government.

Mr Whitecross: Where is the bit about your Government?

MRS CARNELL: What it said about my Government was that we were doing the same as you. I was very disappointed really. I think the comments they made were that we were following on the history of the Follett Government. I thought they were really wrong on that one, but that is by the by.

The fact is that the cuts that the Federal Government have made in ACT employment have caused some very real problems here. That is the reason why we believe strongly that the approach that we have taken - certainly, as I have said, a somewhat risky approach - to really stimulate this economy, to try to drive it back into growth, is the appropriate approach. The other approaches - of borrowing, of cutting the public sector, of increasing taxes significantly - I do not believe, on their own, would work.

It is important that we address such issues as making sure that our taxes are in line with those in New South Wales or that they are in line with what the Commonwealth Grants Commission believe we should be doing. I am sure those opposite realise that if we do not do that the Commonwealth Grants Commission will penalise us. We have addressed a number of things such as the BAD tax simply because the Commonwealth Grants Commission made it very clear to us, as it did to the previous Government, that if we did not introduce a tax they would continue to penalise the ACT for underperforming in the taxation area. What we have now is a taxation system in the FID and BAD area that is in line with the systems in New South Wales, Victoria and South Australia.

There is one State that we are not in line with, and that is Queensland. Queensland have the exact opposite. They have no FID and a higher BAD tax. They are also moving, because there is a very significant problem with tax evasion in this area. It means that people can use particular jurisdictions to avoid particular taxes. They are not pensioners. They are not people on low incomes. They are companies that may attempt to do that. They are the only ones in a position to actually jurisdiction shop, which is what has happened in the past. This is something that we really need to address, as Queensland is doing for exactly the same reasons.

The debate today has shown that the options for the ACT are not very broad. The fact that nobody in this place has managed to come up with any approaches other than just knocking ours indicates quite definitely that there are not all that many options. We believe strongly that we need to get this economy back into growth. The only way you can get the economy back into growth is to get people investing, to get people employing, to get jobs into the economy. We believe that this budget is the appropriate way to go.

Question resolved in the affirmative.

Bill agreed to in principle.

MRS CARNELL (Chief Minister and Treasurer) (4.35): Pursuant to standing order 174, I move:

That the Appropriation Bill 1996-97 be referred to the Select Committee on Estimates 1996-97.

Question resolved in the affirmative.

AUDITOR-GENERAL - REPORT NO. 8 OF 1996
Australian International Hotel School

MR SPEAKER: For the information of members, I present the Auditor-General's Report No. 8 of 1996, entitled "Australian International Hotel School".

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

That the Assembly authorises the publication of Auditor-General's Report No. 8 of 1996.

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**PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS AND
PERFORMANCE AGREEMENTS
Papers**

MR HUMPHRIES (Attorney-General): Mr Speaker, on Mrs Carnell's behalf, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present copies of the contracts made with Michael Tidball, Harriet Elvin, Michael Szwarcbord, Robert Cusack, Terence Findlay, Jill Farrelly, Sandra Lambert, Gerry Cullen, Peter Guild, Suzanne Birtles, Kenneth Bone, John Flutter, Moiya Ford, Greg Harper, Narelle Hargreaves, Linda Webb - that is performance agreement only - and Hans Sommer. I ask for leave to make a statement in relation to the contracts.

Leave granted.

MR HUMPHRIES: Mr Speaker, I ask for leave to incorporate my statement in *Hansard*.

Leave granted.

Document incorporated at Appendix 13.

**SEX INDUSTRY - GOVERNMENT CONSULTATIVE GROUP
Report**

MR HUMPHRIES (Attorney-General) (4.37): Mr Speaker, for the information of members, I present the report on term of reference No. 1 by the Government Sex Industry Consultative Group. I move:

That the Assembly takes note of the paper.

MR SPEAKER: I did not know that we had a sex industry group for government, Mr Humphries.

MR HUMPHRIES: That is not government sex, Mr Speaker. It is the Sex Industry Consultative Group to the Government. We have had a love-in, of course, according to Mr Whitecross; but we do not have government sex.

Mr Speaker, the Sex Industry Consultative Group was established in 1994 to provide expert advice to government on any legislation needed or other necessary action in relation to issues affecting the sex industry in the ACT. The consultative group has members representing sex workers, brothel owners, the police, the Department of Health and Community Care and the AIDS Action Council.

I asked the consultative group to report to me on new terms of reference in late 1995. I am tabling today the first report of the consultative group under those new terms of reference. This report addresses the question of whether there is a need for regulations to be made under section 22 of the Prostitution Act 1992 or whether these matters would be more appropriately dealt with by way of a code of practice. The consultative group has prepared an excellent report which recommends that there be some form of legal regulation of the matters listed in section 22 of the Prostitution Act.

The consultative group has recommended that these matters be dealt with under the Occupational Health and Safety Act 1989, and it is further recommended that the code of practice for the sex industry be developed under that Act to assist in that process. I believe that adequate occupational health and safety protection is no less important for workers in the sex industry than it is for workers in any other industry in the ACT. To this end I have made resources available in my department to develop a code of practice for the sex industry in consultation with the Sex Industry Consultative Group and ACT WorkCover. The code of practice, once developed, will be submitted to the Occupational Health and Safety Council for consideration.

Question resolved in the affirmative.

COMMUNITY LAW REFORM COMMITTEE Report on Domestic Violence

MR HUMPHRIES (Attorney-General) (4.39): Mr Speaker, for the information of members, I present Report No. 11 of the Community Law Reform Committee, entitled "Domestic Violence - Civil Issues", and a summary of recommendations. I move:

That the Assembly takes note of the papers.

Mr Speaker, I also ask for leave to have the tabling speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 14.

Question resolved in the affirmative.

STATE OF THE ENVIRONMENT REPORT 1996 Papers

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.40): Mr Speaker, for the information of members and pursuant to subsection 30A(7) of the Interpretation Act 1967, I present the letters between me and the Commissioner for the Environment concerning the preparation of the State of the Environment Report. I move:

That the Assembly takes note of the papers.

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Members will recall that when I tabled the Government's response to the 1995 ACT State of the Environment Report I foreshadowed an amendment to the Commissioner for the Environment Act 1993 to enable triennial reporting. I mentioned that the due date for presentation of the report would be changed to 31 March of each pre-election year. I have now received a letter on this matter from the Commissioner for the Environment, Dr Joe Baker, which advises me that he will commence work on the first triennial report.

In his letter, Dr Baker confirms the understanding I had with him that if the Government were to support his recommendation for triennial reporting he would not be asked also to prepare an annual report for 1996. This means that he will not provide me with his annual report by 31 August as is currently required under the Commissioner for the Environment Act, and I therefore table Dr Baker's letter under paragraph 30A(7)(b) of the Interpretation Act.

Dr Baker plans to have his first report prepared under the new arrangements for triennial reports by 30 June 1997. Members will recall that it is the Government's intention to ensure that triennial reports are normally provided by 31 March in each pre-election year. I am in this instance supporting Dr Baker's need for the extra three months' preparation time, given the relatively short notice he has had to prepare the more comprehensive triennial report. For the information of members, I table a copy of my response to the letter from Dr Baker.

Question resolved in the affirmative.

FILMS AND VIDEOTAPES - GUIDELINES FOR CLASSIFICATION Paper

MR HUMPHRIES (Attorney-General) (4.42): For the information of members, I present the Guidelines for the Classification of Films and Videotapes and move:

That the Assembly takes note of the paper.

I ask for leave to have my tabling speech incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 15.

Question resolved in the affirmative.

PAPERS

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

Department of Health and Community Care - activity report, June quarter 1996, dated 20 September 1996.

Calvary Public Hospital - information bulletin - patient activity data - July 1996.

Canberra Hospital - information bulletin - patient activity data - July 1996.

Pursuant to sections 7 and 8 of the Annual Reports (Government Agencies) Act 1995 and other legislation listed, I present annual reports in accordance with the list circulated.

The list read as follows:

Chief Executives, pursuant to section 7 -

Department of Health and Community Care - Report 1995-96, including financial statements and Auditor-General's report for 1995-96, together with reports for:

ACT Radiation Council

Chiropractors and Osteopaths Board

Dental Board

Dental Technicians and Dental Prosthetists Registration Board

Medical Board

Nurses Registration Board

Optometrists Board

Physiotherapists Board

Pharmacy Board

Podiatrists Board

Psychologists Board

Veterinary Surgeons Board.

Public Authorities - pursuant to section 8 -

Audit Act - National Exhibition Centre Trust - Report, including financial statements and the Auditor-General's report for 1995-96, for Exhibition Park in Canberra.

Australian Federal Police - Report for 1995-96 on policing in the Australian Capital Territory, including financial statements and the report of the Australian National Audit Office.

Criminal Injuries Compensation Act - Criminal Injuries Compensation Scheme, Report for 1995-96.

Health Promotion Act - Health Promotion Board - Report, including financial statements and the Auditor-General's report for 1995-96.

Ombudsman Act - Australian Capital Territory Ombudsman - Report for 1995-96.

Registrar of Financial Institutions - Report, including financial statements and the Auditor-General's report for 1995-96.

I also present the following paper:

Commissioner for Health Complaints - Delay in presentation of annual report - Letter to Mrs Kate Carnell, Chief Minister and Minister for Health and Community Care, from Ken Patterson, Commissioner for Health Complaints, dated 24 September 1996.

MR SPEAKER: Members, there are, of course, quite a number of annual reports.

Ms Follett: Where are they?

MR SPEAKER: They are being delivered right now. However, if members would like to leave the reports on their desks, the attendants will deliver them to your rooms tomorrow morning. Take them with you if you wish, but that is entirely up to you.

MR STEFANIAK: (Minister for Education and Training and Minister for Housing and Family Services): For the information of members, I present the following papers:

Housing Assistance Act - Commonwealth-State Housing Agreement, dated 19 September 1996.

Purchase agreement between the Minister for Housing and Family Services and the Chief Executive of the Department of Urban Services.

**COMMUNITY CARE DISABILITY PROGRAM - CONTINUING REFORM
Ministerial Statement**

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, I ask for leave to incorporate in *Hansard* a ministerial statement on continuing reform within the ACT community care disability program. I do so in the interests of brevity, but I would urge everybody who has an opportunity to read it to do so, because there are some very impressive changes.

Leave granted.

Document incorporated at Appendix 16.

ANNUAL REPORTS

Ms Follett: On a point of order: I ask for clarification as to whether all of the annual reports which will be needed for Estimates Committee work are being delivered today.

Mrs Carnell: Mr Speaker, I understand that all annual reports will be delivered. There is only one annual report that will not be available until the next sitting, and that is the annual report of the Health Complaints Commissioner, but there is in the papers presented a letter from the commissioner indicating that he will need another couple of weeks to present his annual report. All of the others will be available.

Ms Follett: Today?

Mrs Carnell: CIT and Vocational Training, of course, report on a calendar year basis. The ones due for the Estimates Committee are all available today.

STAMP DUTIES AND TAXES (AMENDMENT) BILL (NO. 2) 1996

Debate resumed from 24 September 1996, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (4.46): Mr Speaker, the Opposition will be supporting this legislation. The reasons for it were set out by Mrs Carnell on Tuesday, and we are happy to support it.

MR MOORE (4.47): Mr Speaker, I also lend my support to this as a normal part of money matters within the Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MRS CARNELL (Chief Minister and Treasurer) (4.48): Mr Speaker, it has been brought to my attention that there is a clerical error - I think it was brought up by the Scrutiny of Bills Committee - which has caused an incorrect date to be inserted in subclause 4(2) of the Stamp Duties and Taxes (Amendment) Bill (No. 2) 1996. Subclause 4(2) currently provides for 5 October 1996 to be the retrospective date of commencement of subclause 4(1) of the Bill. As this date is incorrect, I wish to move an amendment to the Bill currently on the table. The amendment substitutes the date of 23 January 1992 in subclause 4(2) of the Bill. The amending provision, which shifted the liability for payment of stamp duty on commercial leases from the lessee to the lessor, was notified as coming into effect in Gazette No. S11 of 23 January 1992. My understanding is that there was a problem between the actual gazettal date and the date the Bill was in the Assembly. I move:

Page 2, line 7, subclause 4(2), omit "5 October 1991", substitute "23 January 1992".

MR MOORE (4.48): There is some confusion for me. It might have just been a reading mistake by Mrs Carnell. The amendment I have in front of me refers to 5 October 1991. She said 1996, but I think perhaps that was just a slip of the tongue.

Mrs Carnell: I am sorry. We are changing the date of 5 October 1991 to 23 January 1992.

MR MOORE: It was just a slip of the tongue.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

ELECTORAL (APPLICATION) BILL 1996

Debate resumed from 24 September 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (4.50): Mr Speaker, this is legislation to put back the reporting date, and the Opposition will not object to it, although I should say that it is necessary because the Government was too slow off the mark in getting its original amendments into the parliament. This way is much preferable to the way the Government originally tried to go, which was to ram through a long piece of legislation in one week.

MR MOORE (4.50): Indeed, less than one week, Mr Speaker. The original suggestion was that we would deal with the Electoral (Amendment) Bill Mr Humphries introduced this morning by introducing it last Tuesday and then debating it today during budget week. To be fair to Mr Humphries, he had given us an embargoed copy a week or so ago. In fact, I had time to have some amendments drawn up, but I have not had time to go through the thorough examination that this sort of legislation requires.

I think it is a far better method of dealing with the issue to extend the time. I guess it assists the Labor Party, the Liberal Party and the Greens, who need to put a return in this year both federally and in the ACT. The intention is to refrain from doubling up on that process - instead of having two different processes, to have one, for administrative efficiency. I have no problem with that administrative efficiency, provided that we have no loss of control in the ACT. This Bill, rather than having it go for an extra year, where they would have to do that, extends the time so that, should the legislation get through this Assembly, those parties will not have to go through a doubling up procedure. For those reasons, I shall be supporting this brief Bill.

MR HUMPHRIES (Attorney-General) (4.52), in reply: Mr Speaker, I should indicate to members how it came about that this Bill was necessary.

Mr Berry: You were late. That is all.

MR HUMPHRIES: I know that if you make a mistake it is always forces beyond your control; if we make a mistake it is because we are incompetent.

Mr Speaker, members will recall that the sitting dates were changed a few weeks ago to account for members' desire to have a longer period between sittings to deal with the Estimates Committee process. There was a decision made to put back the last three sitting weeks of the year by one week. That meant, Mr Speaker, that the original timetable the Government had put in place to have this legislation put forward - that is, introduced in September and debated in November, which is more than an adequate period, I would have thought - was knocked out because the date on which we are now going to sit in November, which I think is 20 November, is one day after the legislation requires the tabling of annual reports. That was a very comfortable timetable until that change was made. That change was made relatively recently. It meant having to bring the legislation forward. Mr Speaker, I originally had proposed that we do it a different way. Members did not like that idea, so we changed it. I am quite curious that we get excoriated for having responded to members' concerns. If you prefer, we will not do it next time. We will just try to ram it through.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

Motion (by **Mr Humphries**) proposed:

That the Assembly do now adjourn.

Housing : Sporting Achievements

MR STEFANIAK (Minister for Education and Training, Minister for Housing and Family Services and Minister for Sport and Recreation) (4.54): Mr Speaker, yesterday, in question time, I think I gave a figure of 2,700 in relation to residential approvals to Ms Reilly. I was probably thinking about all the jobs we are creating. In fact, Mr Speaker, the figure is 2,150.

I want to take this opportunity to mention some excellent sporting efforts by several teams in the Ginninderra electorate. Firstly, the Belconnen Soccer Club won the premiership against Canberra Deakin with an excellent performance of 1 : nil. I also congratulate Wests Rugby Union Club first and second grade teams who won their premierships, thus making that club the premier rugby club in Canberra for the year. I also congratulate Brian Van Arkel and his Wests under 18s who for three years running now have won the under 18 competition, this time being undefeated in the minor and major premierships. Congratulations to those splendid football teams, of two codes, in the Ginninderra electorate.

Magistrates Court - Sentencing

MR OSBORNE (4.55): I would like to apologise to the Assembly for my mood in the last couple of weeks. I need to acknowledge that on Monday I turn 30 and I know that your life ends when you reach that stage. I certainly am not looking forward to it. I have been very depressed, Mr Speaker, so I do apologise for my mood swings.

Debate interrupted.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR MOORE (4.56): Mr Speaker, I take a point of order and interject in order to seek leave to extend the adjournment debate beyond 5 o'clock. This would allow those members who wish to speak in the adjournment debate to do so. I seek leave to allow members to speak in the adjournment debate.

MR SPEAKER: You will have to seek leave to move to suspend standing orders, Mr Moore, if that is your wish.

MR MOORE: I seek leave to move to suspend the standing and temporary orders to allow those members who wish to speak in the adjournment debate to do so.

Leave granted.

MR MOORE: I move:

That so much of the standing and temporary orders be suspended as would prevent all members wishing to speak in the adjournment debate from so doing.

Question resolved in the affirmative, with the concurrence of an absolute majority.

ADJOURNMENT

Debate resumed.

Magistrates Court - Sentencing

MR OSBORNE (4.57): Thank you, Mr Moore. Mr Speaker, I am aware that a couple of weeks ago we advertised in the *Canberra Times* for a new magistrate for the ACT. I want to read to the Assembly the transcript of a sentence imposed in the Federal District Court of the Territory of New Mexico in 1881 upon a defendant convicted of murder. I hope that the new magistrate adopts the same approach as this judge. I will be very brief, Mr Speaker. The sentence was as follows:

Jose Manuel Miguel Xaviar Gonzales, in a few short weeks it will be spring. The snows of winter will flow away, the ice will vanish and the air will become soft and balmy. In short, Jose Manuel Miguel Xaviar Gonzales, the annual miracle of the years will awaken and come to pass; but you won't be there.

The rivulet will run its roaring course to the sea, the timid desert flowers will put forth their tender shoots, the glorious valleys of this imperial domain will blossom as the rose. Still, you won't be there to see it.

From every tree top some wild woods songster will carol his mating song, butterflies will sport in the sunshine, the busy bee will hum happily as it pursues its accustomed vocation. The genteel breeze will tease the tassels of the wild grasses, and all nature, Jose Manuel Miguel Xaviar Gonzales, will be glad, but you - you won't be here to enjoy it, because, I command the sheriff or some other officers of the county to lead you out to some remote spot, swing you by the neck from a knotting bough of some sturdy oak, and let you hang until you are dead.

And then, Jose Manuel Miguel Xaviar Gonzales, I further command that such officer or officers retire quickly from your dangling corpse, that vultures may descend from the heavens upon your filthy body until nothing shall remain but bare, bleached bones of a cold blooded, copper coloured, blood thirsty, throat cutting, chilli eating, sheep herding murdering son of a bitch.

Mr Speaker, some advice for our new magistrate.

MR SPEAKER: Mr Osborne, I trust you were not reflecting on the judiciary.

MR OSBORNE: It was just some well-intentioned advice for our new magistrate.

Civic Swimming Pool : Euthanasia

MR MOORE (4.59): How does one follow that in an adjournment debate by speaking about the bubble over the Civic pool? Mr Speaker, there has been quite some concern in my electorate. It is nice for me to talk about my electorate while standing next to Mr Osborne. It is the centre of Canberra, the very hub of life, Mr Osborne. It is my understanding that the Government has tendered out the management of our pools. One of the issues that have been raised has been the decision of the new management of the Civic pool to maintain the bubble over the pool right through the summer period. I would like to know from the Minister for Sport whether the tender had in it any requirement for the management to ensure that the Civic pool is available for community facilities, school sports and other things, which I believe would not be able to be facilitated if this bubble remains over the pool.

I have no problem, Mr Speaker, with the management slightly changing things after appropriate consultation. I have, in fact, said on a number of occasions that we ought to have a slightly different time scheme for the pool, but I think that to make an arbitrary decision of the type that Mrs Carnell has been making in the last little while, to simply leave that bubble up without consultation with the users and the community, is totally inappropriate. I ask the Minister to find out just what is going on and ensure that we have appropriate control to provide this facility for what it is there for - not to make a profit but as a service to the community. That is its prime goal. If it can be done on a reasonable financial basis or a better financial basis, I do not have a problem with that.

The second thing I would like to raise in the adjournment debate today, Mr Speaker, concerns the issue of euthanasia. On Sunday, Mr Speaker, the Northern Territory legislation provided an opportunity for a man who had been suffering for quite some time from cancer - a man who had been to a pain specialist and to a psychiatrist, and who had been with his own doctor for some time - to make his own choice. The legislation there provided him with the opportunity to make his own choice. By the choice that he made, Mr Speaker, he was able to end his suffering after going through such a long process.

Mr Speaker, you will find this difficult to believe. In spite of that, today, in the media, some people, including Margaret Tighe of the Right to Life movement, were able to say that this is a shame for Australia - that there was enough compassion to allow this man to make his own decision about his own suffering. It is the people like Margaret Tighe who should wear the shame, Mr Speaker, because they - - -

Mr Osborne: I will wear it.

MR MOORE: You have already spoken, Mr Osborne. They will wear the shame for allowing these people to suffer. The shame is the lack of compassion that those people would show to somebody who is in great pain and great suffering. They would stand back, point the finger and say to them, "Continue your suffering". That is what these people would say. The man who sits next to me here, chuckling, Mr Osborne, is one of these people who lack the compassion to allow these people to say, "I choose". People with a terminal illness, already suffering from cancer, want to choose when they no longer wish to suffer; when they recognise they can no longer live in this sort of way.

Mr Speaker, I find it very hard to believe, on top of that, but it happens, that men of the church lack that compassion - a church that supposedly preaches love as its prime message. After all, Christ, when asked what was the greatest of the commandments, said, "Love one another as I have loved you". That is the prime message of Christianity, Mr Speaker. Yet we see in these people who consider this a shameful episode a lack of love, a lack of compassion for somebody who is already dying. They want to increase that suffering. I say shame on them. How can they hold up their faces and call themselves Christians, Mr Speaker?

Dalai Lama

MS TUCKER (5.04): Through you, Mr Speaker, I would like to congratulate Mrs Carnell for organising the breakfast with the Dalai Lama. I was not able to attend, but Lucy Horodny went and felt very privileged to have been at that meeting. I think there were many State leaders who did not show that courage, possibly because they were concerned about diplomatic repercussions. As someone who has been concerned for a long time about what has been happening in Tibet, I was very pleased to see Mrs Carnell organise that breakfast. Thank you.

Civic Swimming Pool : Euthanasia : Magistrates Court - Sentencing : Garema Place

MR HUMPHRIES (Attorney-General) (5.05), in reply: Mr Speaker, I would like to make a few summing up comments on the debate on the adjournment. First of all, obviously I have to defend the Government's decision about the DUBYDOME. The words of some great sage spring to mind: "Things that men do live after them". I am afraid that there is very little else in the Territory that will live after Mr DUBY, so to do away with his one remaining monument in the Territory would be a great pity, Mr Speaker.

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Mr Moore: No, I have no problem about winter. It is not pulling it down in summer.

MR SPEAKER: Order! You have spoken.

Mr Moore: I was just interjecting. It is a normal healthy interjection, Mr Speaker.

MR SPEAKER: Yes, I know you were, and that is out of order, as you know.

MR HUMPHRIES: Mr Speaker, I still have a sentimental attachment to the dome, even in summer.

As far as euthanasia is concerned, Mr Speaker, I do not know why we need euthanasia. I think if people wanted to come to the public gallery here, sit through an afternoon like this and pass away quietly on the red chairs, there would be no need whatsoever for euthanasia.

Mr Speaker, I am intrigued by Mr Osborne's suggestions about the sort of person we need to fill the bench in the Magistrates Court. I must admit I am attracted to the personality profile that Mr Osborne has described, but where can we find a person like that? I must write down a name.

Finally, Mr Speaker, I would like to read into *Hansard* a short letter that I received this week on a very important subject, and that is what to do about lawless youth in our public places. A kindly lady in O'Connor wrote to me and said this:

Dear Mr Humphries,

I am writing to ask you could bush dancing possibly be organised for especially the young people who gather in Garema Place for a Friday night. They look so miserable and longing for some fun.

Also perhaps on Saturday afternoons Afternoon Tea Dances in Garema Place - open air weather permitting. If you want me to organise it I'd be happy.

Mr Speaker, I think that we have here a perfect balance of stick and carrot. We should have on the one hand afternoon tea dances and bush dancing for our young people, and, for those who still will not obey the law, the hanging and the swinging from the tree for the vultures to get them. That would be the perfect balance, Mr Speaker, in my view.

Question resolved in the affirmative.

Assembly adjourned at 5.08 pm until Tuesday, 19 November 1996, at 10.30 am

ANSWERS TO QUESTIONS

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 257

Fairbairn Park - Speedway Track

Ms McRae asked the Minister for Sport and Recreation:

(1) In relation to Block 306 Majura known as Fairbairn Park - have you recently had a meeting with a group representing commercial speedway interests seeking to locate at block 306?

- (a) If so, was the Chairman of the Fairbairn Park Control Council Inc at the meeting; and
- (b) was the Chairman of the ACT Motorsports Council at the meeting?

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

(1) I have not met with a group representing commercial speedway interests seeking to locate at block 306 Majura (Fairbairn Park). On 9 May 1996 I met with members of the ACT Motorsport Council and of the Combined Dirt Track Association, and discussed among other issues, the possibility of upgrading the existing speedway track at Fairbairn Park, or of developing a new track adjacent to the existing one. No commitments were made.

The persons present at the meeting were representing Club interests, not commercial interests.

- (a) no
- (b) yes.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 278**

Leases - Betterment Receipts

Ms Tucker asked the Minister for the Environment, Land and Planning:

What has been the betterment tax revenue (excluding revenue obtained from land sales) to the Government over each of the last 3 financial years.

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

The revenue receipts taken for betterment over the last 3 financial years totals \$15.18 million and comprises the follow figures for each of the respective years:

- 1993/94 \$3.9 million
- 1994/95 \$6.17 million
- 1995/96 \$5.11 million

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 282

“The Grange”, Deakin - Development Project

Mr Michael Moore asked the Minister for the Environment, Land and Planning - In relation to the development at the Grange, Deakin, Block 8 Section 36:

- (1) Do you consider the sewer mains servicing this development to be adequate?
- (2) Was the Land and Planning Appeals Board given accurate information by the developer as to the scale of the development?
- (3) Was the land given to the developer by direct grant at (a) under-market value and (b) on the basis of restrictions that have been removed.
- (4) Was the amount of approved development increased from the proposal of 9,872m², that was the basis of public consultation, to somewhere in the order of 15,000m²?
- (5) Was the plot ratio increased from somewhere close to 0.4 to somewhere now near 0.75?
- (6) Was the height of the self-contained units increased from two to three storeys?
- (7) Has the provisions of a hostel/aged persons home of a maximum three storeys been replaced by linked large self-contained units extending to four storeys?
- (8) Has the occupant entry age limit been reduced from 60 to 55 years?
- (9) Has the agreed heritage and other original setbacks been removed?
- (10) Has the required priority development and maintenance of adjacent public parkland occurred?
- (11) What betterment tax has the developer paid?

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

- (1) Yes, the sewer mains servicing this development are adequate. This development is serviced by its own sewer main which according to ACTEW Corporation's records is only flowing, in peak conditions, at between 30% and 50% of its capacity and is therefore more than adequate to service this development. According to ACTEW's records there have never been any problems with the sewer mains serving the Grange.
- (2) This question is really a matter for the Land and Planning Appeals Board, but as far as I am aware the information given by the developer has been accepted as accurate.
- (3) The lease for this block was granted via a direct sale. The lessee paid \$500,000.00 which reflected the current market value of the site at the date of grant. John Hindmarsh, on behalf of ACT Retirement Services Pty Limited, sought a site for a retirement village in 1982. This application predated the departmental policy of 1983 which determined that the Department would publicly release all commercial aged persons units.
- (4) The current total floor area of the development is in the order of 14,000 square metres. The original development proposal was the subject of a National Capital Development Commission Policy Plan Implementation Plan dated September 1988, which referred to a "Development site for up to 85 Aged Persons' Units, serviced apartment/hostel building, community facilities, outdoor recreation areas". There was no other quantification given in terms of the total floor area of the development, either in the Policy Plan Implementation Plan or in the subsequent lease granted over the site in 1989. It does not appear that the scale or nature of the development has changed significantly from that referred to in the 1988 Policy Plan Implementation Plan. It should also be noted that the Land and Planning Appeals Board in its Statement of Reasons (Appeal no. AA0101/94) dated 28 April 1995, a copy of which is attached, found in paragraph (m) that "the claim by appellants that the proposal is an over-development of the site cannot be proven".
- (5) The plot ratio of the development is now in the order of 0.7. The floor area of the proposed development and the plot ratio were not part of the original lease and development conditions or other relevant planning controls. No detailed calculations of the development size and plot ratio have been made. However, as indicated above, it does not appear that the scale of development has changed significantly from the original proposal.
- (6) Three storey development is permissible in the eastern part of the site. That area is now to contain a three storey building incorporating nine self care units, replacing eight units in two storey buildings as shown in the original lease and development conditions. The other 74 self care units are in two storey buildings.

- (7) The original concept for the Grange development included a four storey residential building for aged persons. This was agreed to in 1989 by the then Interim Territory Planning Authority, and in accordance with s 12 of the Land (Planning and Environment) Act 1991, the Territory Plan height limit of three storeys for the B1 Area did not affect that decision. This building was to be included in Stage 4 of the development. Following an objector appeal to the Land and Planning Appeals Board, it was agreed that the four storey building nearest the intersection of Hannah Place and Macgregor Street and the pocket park would be reduced to three storeys and contain nine self care units. Plans have been approved for that building. Other buildings in Stage 4 are to contain “serviced apartments”, consistent with the 1988 NCDC Policy Plan Implementation Plan, which referred to a “serviced apartment/hostel building”. Only one of these buildings now extends to four storeys.
- (8) The occupancy entry age has not been reduced from 60 to 55 years. The lease includes a provision that each self care unit shall be occupied by at least one person aged 55 years or over unless otherwise approved in writing by the Commonwealth.
- (9) Finding (b) in the Notice of Decision from the Land and Planning Appeals Board states: “A condition is to be added requiring the third party J & R Hindmarsh, in the absence of any jurisdiction of the Heritage Council of the ACT, to consult with the Australian Heritage Commission on the implementation of the Deakin Anticline Conservation Plan to ensure that the development does not, in the opinion of the Commission, unacceptably affect the heritage values of the Anticline and that appropriate access as defined by the Commission is not compromised.”

No specific front boundary setbacks were set originally, but the Land and Planning Appeals Board, in its Statement of Reasons (g), found that “Performance Criterion P2.1 of the Territory Plan (relating to front setbacks) was met”.

- (10) Pursuant to the findings of the Land Planning Appeals Board, a landscape plan for the “Pocket Park” at the corner of Hannah Place and Macgregor Street, was approved on 31 July 1995. The findings also required that the lessee consult with the Australian Heritage Commission concerning the conservation of heritage values of the Deakin Anticline. On 11 July 1995, the commission endorsed proposed changes to the “Deakin Anticline Conservation Plan” and access and interpretation initiatives detailed in a letter to the lessee.

An approved building is currently under construction adjacent to the Pocket Park, and that future building works are yet to occur in the north-eastern section of Block 8 adjacent to the Anticline area. It would be reasonable to expect that landscaping work is most effectively carried out after substantial building work is completed. There is a current agreement to an extension of time to complete building works by January 1999.

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The lease for Block 8 Section 36 Deakin includes requirements for landscaping and maintenance of both these areas. The satisfactory implementation of these works is therefore enforceable.

- (11) The lease was granted on 31 January 1989 for the purpose of providing aged persons accommodation comprising a maximum of 85 self-care units and an aged persons home together with ancillary facilities and amenities. There have been no variations to this purpose which would attract betterment.

LAND AND PLANNING APPEALS BOARD

Decision

APPLICATION NO: AA0101/94 LAMB/KELLEHER

HEARD AT:

Hearing Room No 2, Health Building, Moore Street,. Canberra ACT.

ON:

Tuesday 21 February 1995, Tuesday 21 March 1995, Monday 10 April 1995.

BOARD:

Elizabeth McKenzie (Chair) Ian Fraser (Member) Geoff Evans (Member)

PARTIES:

John Lamb and John Kelleher (Applicants)
Paul Cohen, ACT Planning Authority (Respondent)
John and Rosanna Hindmarsh (Third Party)

NATURE OF APPEAL:

Application for review of a decision of the Delegate of the Minister to approve, subject to conditions, an application under the Design and Siting Act for the external design and siting of the final stage (Stage 4 of the development) of a multi-unit retirement complex known as The Grange Deakin.

THE LAND:

Block 8 Section 36 Division of Deakin

EVIDENCE:

The Board considered the following documentary evidence:

- a) the Application for Review of Decision lodged by the applicants, including later submissions,
- b) a submission by the ACT Planning Authority, including additional documentation lodged,
- c) responses by the applicants and the ACT Planning Authority to a submission by the third parties J and R Hindmarsh lodged with the Board on 24 March 1995,
- d) plans, sketches and photographs lodged by the parties,
- e) the Deakin Anticline Conservation Plan, May 1988, published by Anutech Pty Ltd and Strine Design.

FINDINGS:

Upon reading all submissions, inspecting the subject land and hearing evidence from the parties and others, the Board hereby determines that the decision under review be varied as follows:

- a) The proposal and plans, as approved with conditions by the ACT Planning Authority, are to be varied so that the plans are amended to reflect the suggested modifications submitted to the Board by J and R Hindmarsh on 24 March 1995. The sketches of the suggested modifications are to be used as control plans and the amendments completed to the satisfaction of the ACT Planning Authority,
- b) A condition is to be added requiring the third party J & R Hindmarsh, in the absence of any jurisdiction of the Heritage Council of the ACT, to consult with the Australian Heritage Commission on the implementation of the Deakin Anticline Conservation Plan to ensure that the development does not, in the opinion of the Commission, unacceptably affect the heritage values of the Anticline and that appropriate access as defined by the Commission is not compromised.

CLAIMS BY PARTIES:

- a) The ACT Planning Authority claimed that -
 - i) the application was approved subject to conditions after consideration of all issues including the objectors' concerns, as it was considered with these conditions the proposal would acceptably meet all legal and planning requirements of the Territory,

ii) specifically it was considered that firstly:

- . the relevant general policy and Code requirements of the Territory Plan were satisfied. The development was consistent with the Crown Lease over the property,
- . in particular, in the light of the lease provisions applying to the property (including the original lease and development conditions prepared for the site) and previous approvals granted, the development would secure the best design in all aspects of residential development in the area and enhance the amenity of adjoining blocks, and,

iii) secondly, the conditions imposed would address all reasonable concerns of the objectors, in particular:

- . the retention of an internal loop road would ensure that sufficient on site manoeuvrability existed for resident and service vehicles. (In addition the possible nuisance and hazards from service vehicles reversing would now be avoided);
- . the re-orientation of the serviced apartment's roof ridge lines, and the reduction of the height of the roof for the lift over-run would minimise any loss of view from existing units to the south,
- . the requirement for further detailed landscaping plans for works on the site, the Pocket park, and the Anticline would ensure that the final form of landscaping on these sites would be carefully controlled and accord with the important planning requirements of these sites (including the Deakin Anticline conservation plan), and,
- . the condition that detailed plans or drawings showing the Macgregor Street elevation of the 4-storey self-care units in detail, be prepared and approved before commencing work, would ensure that an appropriate level of the detail presentation of this development would be controlled, and an acceptable final development achieved.

b) the claims by the applicants for review, in summary, were-

- i) the decision involved errors of law and was contrary to law and a nullity in that it:
- . purported to give approval in terms inconsistent with the lease of the land,
 - . purported to approve design and siting of buildings contrary to the Territory Plan in relation to general principles and policies. Performance Controls or Performance Measures set out in Appendix III.2,
 - . the decision-maker did not have jurisdiction to make the decision,

ii) the making of the decision was an improper exercise of the power conferred by the Buildings (Design and Siting) Act 1964 and breaches requirements of the Land(Planning and Environment)Act 1991 in that:

- . procedures that were required by law to be observed in connection with the making of the decision were not observed,
 - . the decision was not authorised by the enactment under which it was purported to be made,
 - . the decision is inconsistent with the relevant provisions of the National Capital Plan,
 - . the decision maker failed to take into account relevant considerations, and purported to exercise a discretionary power in accordance with a policy without regard to the merits of the particular case,
 - . the reasons given for the decision to approve the application are not grounds in fact, do not address the major concerns raised by the objections, and show no evidence or other material to justify the making of the decision,
 - . the decision maker did not take into account longstanding and continuing breaches of the lease when making the decision,
 - . the proposed development reduces the amenity of adjacent blocks and also the amenity available to the sub-lessees of the land itself,
 - . the decision maker disregarded significant heritage factors when making the decision,
- iii) the development purported to be approved under the decision is an over-development of the site, that in addition to being contrary to law, is not in the spirit of development undertakings made to the public and does not provide or preserve promised amenities.

c) the third party claimed that -

- i) it is in the public interest that the Board endorse the decision of the ACT Planning Authority and such endorsement would not disadvantage any of the three appellants,
- ii) if the appeal were to be allowed many people, including in particular 90 residents of The Grange Deakin would be adversely affected,
- iii) they believe the ACT Government's response to Question No 1472 in the ACT Legislative Assembly provides a summary of the reasons for the decision as well as refuting some incorrect assertions regarding both the development and the design and siting proposal under consideration by the Board,

iv) following the initial hearing of proceedings on 21 March 1995 they believe that certain suggested modifications, as detailed on sketch plans lodged with the Board on 24 March 1995, would diminish the visual impact of the proposal referred to by the appellants.

STATEMENT OF REASONS:

The reasons for the above findings including those on material questions of fact are:

- a) the proposed development would be included within the meaning of “building” as defined in section 3 of the Design and Siting Act, would constitute “development of land involving any aspect of external design and siting” within the meaning of that section and therefore be subject to section 5 of that Act and the provisions of Part VI of the Land Act as applied,
- b) the decision on the proposal is subject to the provisions of the Territory Plan (refer to section 8 of the Land Act) but because the proposal relates to the final stage of the development of the property, held under a specific purpose lease granted on 31 January 1989, section 12 of the Land Act applies. Additionally, all planning conditions, requirements and guidelines relating to the property, established at the time of the grant of the lease, remain important matters for consideration in making a decision, and all approvals granted prior to and since the commencement of the Land Act remain effective, notwithstanding any possible inconsistency with the current Territory Plan,
- c) on 26 September 1989, prior to the commencement of both the Land Act and the Territory Plan, the Interim Territory Planning Authority granted an approval in principle to the development of a four storey building along the Hannah Place frontage. The original maximum roof height restriction of RL 600 metres AHD however was left unchanged,
- d) notwithstanding section 12 of the Land Act, the relevant provisions of the Territory Plan which are binding and which must be given consideration in any decision on the proposal are:
 - i) Part B I -Residential Land Use Policies, including the Area BI “Area Specific Policies” which apply to the eastern part of the property and that land on which the proposed 3 and 4 storey buildings would be sited,
 - ii) Appendix III.2 - Residential Design and Siting Code for Multi-Dwelling Developments in the ACT,
 - iii) other General Policies including Part A2 Clause 3 (Principles and Policies of Residential Areas), Part A2 Clause 6 (Community Facilities and Services) and the Plan’s Implementation Policies (Part A3 and Appendix I),

e) the lease purpose clause of the Crown Lease over the land, registered at Volume 1105 Folio 13 at the Registrar-General's Office, is "to use the premises only for the purpose of providing aged persons accommodation comprising a maximum of 85 self-care units and an aged persons home together with ancillary facilities and amenities",

f) the claim by the appellants that the decision was not in accordance with the lease was, in the Board's view, not substantiated, given evidence that the accommodation is to be used only for aged persons, the maximum number of 85 self-care units would not be exceeded, and an aged persons home would be provided along with ancillary facilities and amenities,

g) the appellants' claim that the general principles and policies, performance controls and performance measures of the Territory Plan would not be met is not, the Board found, substantiated, because in providing discretionary powers to a decision maker, the general policies of the Plan and in particular the design and siting code allow for acceptable departures. The claim that the minimum setbacks (performance measures) of the proposal were not met was not accompanied by any strong evidence to show that the amenity of nearby residents would be adversely affected. Further, since the subject land is not exclusively residential owing to its boundary with a commercial area, the setbacks should be considered in this light. Accordingly the Board found that Performance Criterion P2.1 of the Territory Plan was met. In addition the Board found that despite claims to the contrary, the private open space surrounding the proposed buildings and the carparking spaces were acceptable, given the density of the complex and prior approvals for the development,

h) the claim by the appellants that the decision maker did not have jurisdiction was not proven. The Board accepted, in the absence of convincing argument to the contrary, that the relevant provisions of the Buildings (Design and Siting Act) and the applied Part VI of the Land Act had been properly followed by the decision maker, who had been lawfully delegated the appropriate powers to do so by the ACT Planning Authority,

i) the Board found that procedures had been properly observed by the decision maker to the extent that they did not amount to any breaches of the provisions of the relevant legislation,

j) the claim by the appellants that the decision is inconsistent with the provisions of the National Capital Plan was not substantiated. The subject residential land is contained in the Territory Plan, and by operation of the Land Act, is the responsibility of the ACT Government. There is no "national land" contained within the lease which would invoke any powers of the Commonwealth under the National Capital Plan,

k) the Board found that the merits of the case were a matter for the Board to consider as part of the review process and that the decision maker had, in the Board's opinion, performed all of the duties given to him within the powers delegated to him,

l) the appellants' claim that the reasons for the decision were not grounded in fact has, in the Board's view, been incorrectly based on a reading of the reasons out of context. In providing the general reasons for the decision, the decision maker's comments must be considered firstly in conjunction with the conditions imposed and secondly, in the light of the effect on residents' amenity of the design of existing buildings in the development,

m) the claim by the appellants that the proposal is an over-development of the site can not, the Board agreed, be proven. In fact there is a reduction in the scale and bulk of buildings, and the approved maximum number of 85 units has not been exceeded.

n) the claim that the development "is not in the spirit of development undertakings made to the public and does not provide or preserve promised amenities" made by the appellants appears to be based on undertakings given early in the history of the development which, according to the evidence, were superseded by later decisions and actions of the former National Capital Development Commission,

o) the Board found that, as claimed by the appellants, the effects on the amenity of nearby residents including those of The Grange Deakin, had not been fully considered by the ACT Planning Authority. In particular the preservation of an outlook (as distinct from the providing of one) and the effect of the scale of the 4 storey building had not been fully addressed. The suggested modifications by the third party, J and R Hindmarsh would, in the Board's view overcome these concerns,

p) the Board also found that the heritage value and preservation of the Anticline were matters for the Australian Heritage Commission. Even though the Heritage Council of the ACT had placed the Anticline on its indicative list this did not provide the Council or the Minister with any lawful control over the area. The Board therefore considers that until any change in jurisdiction, the developer should consult closely with the Commission on heritage aspects to ensure proper attention to boundary treatment, open access and general preservation of the Anticline in accordance with the conservation plan.

q) the number of parking spaces to be provided near the loop road, a matter raised in oral evidence by the appellants, was, after examination by the Board, found to be acceptable given the density of the development and prior approvals given in relation to parking spaces.

OTHER MATTERS NOTED:

a) the Board noted that in making its decision it was required only to consider design and siting matters and that other matters raised by appellants could well have been dealt with by other means.

b) the Board also noted that although the development conditions required that building not exceed 2 storeys, the discretionary powers of the ACT Planning Authority allowed for such a departure to be accepted provided the RL of 600m as specified by the lease conditions was maintained.

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c) the Board was also concerned that the policy of the ACT Planning Authority of allowing construction and only at a later stage addressing compliance could be revised to ensure that indicative building plans explained functions to a level of detail that would ensure compliance with the lease purpose clause,

d) the Board also noted, after hearing the views of residents at its hearing at The Grange on 10 April 1995, that the question of security overrode any utility of providing access to Hannah Place from the buildings bordering that street.

DATED: 28 April 1995

Elizabeth McKenzie
Chairperson

Geoff Evans
Member
Member

Ian Fraser

**MINISTER FOR THE ENVIRONMENT, LAND AND
PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 285**

Lease Variation Application - Dickson

Mr Moore - asked the Minister for the Environment, Land and Planning - In relation to your response to question on notice No231 concerning why an application to vary the lease made three years ago was still current, your response was:

“the application was lodged on 9 September 1993 and amended on 3 October 1995”

Also you stated in your answer that:

“a delegated officer approved an extension of the prescribed time under section 233 of the Land (Planning and Environment) Act 1991 and Regulation 22(7)”.

Section 227(1) of the Land (Planning and Environment) Act 1991 (Land Act) states that:

“The Minister shall keep a Register of:

- (a) each alteration or correction to an application made pursuant to sub-section 226(3)”

An inspection of the public register at the Department of Urban Services “Applications Secretariat” indicated no amendment in October 1995 or any other date, only the original application of 1993.

Given the apparent inconsistency between the Minister’s answer to question No 231 and the legislative requirements of him to keep a public register of amendments to applications, can the Minister provide to the Assembly copies of:

- (1) The amendment claimed to have been made in October 1995.

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- (2) The certificate claimed to have been issued under section 233 of the Land Act and the agreement in writing by the Minister and the applicant for an extension of time under Regulation 22(7) as required by those provisions of the legislation; or
- (3) Will you offer some other explanation

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

- (1) Yes, an amendment to the application was made on 3 October 1995. A copy of that amendment is attached for the Member's information.
- (2) There has been a number of extensions granted either under section 233 of the Land (Planning and Environment) Act 1991 or Regulation 22(7) of the Land (Planning and Environment) Regulations.
- (3) Yes. I am advised that the amended application was not placed on the Register due to an oversight by the action officer. However, had the person making the enquiry questioned whether an amendment had been made, a cursory check of the file would have revealed that to be the case. Nevertheless, I acknowledge that there is a legal requirement for the Register to be maintained and I have instructed the staff of the Planning and Land Management Group to ensure that the public register is maintained in accordance with the provisions of the legislation at all times.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 288

Billboards

Ms McRae - asked the Minister for the Environment., Land and Planning on 27 August 1996 -

- (1) What is the government's policy on bill boards in the ACT.
- (2) Who can erect them.
- (3) What size of bill board are allowed to be built.
- (4) What reasons are accepted as appropriate when permission is granted.

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

1. The Government's policy on signs, including bill boards, is set out in Part C3 'Signs Policy' of the Territory Plan. The objective of the Policies are to ensure that advertisements and signs do not compromise the function of the Territory as the setting of the national capital and seat of Government; are designed and located so as to complement and not dominate the natural modified and built environments; and do not diminish the existing or future amenity of the Territory.
2. The erection of signs is covered by the Buildings (Design and Siting) Act 1964 and, in respect of unleased Territory land, the Roads and Public Places Act 1937. All structures require design and siting approval unless they are temporary structures which are exempted from these provisions.
3. Part C3 of the Territory Plan states at paragraph 2.1 (m) that where signs are free standing they should not exceed a height of 6 metres nor a surface area of 6 square metres. Signs of a greater size may be permitted if it can be demonstrated that the sign remains consistent with the Plan objectives and is only a minor variation.
4. In deciding on particular applications, the Planning and Land Management Group has regard to whether or not the proposed structures comply with the objectives in Part C3 of the Plan.

It should be noted that temporary bill boards erected on leased land, for example on new land estates , are not subject to these provisions.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 291**

Public Service - Senior Executive Service Officers

MR WHITECROSS - Asked the Chief Minister upon notice on 29 August 1996:

In relation to the ACT Public Service as at 1 June 1996 -

- (1) How many unplaced SES Officers have been (a) offered and (b) placed in ACT Public Service positions other than as Executive Officers; and
- (2) What are the levels of the positions which former SES Officers have been placed in or offered.

MRS CARNELL - The answer to the Member's questions are set out below.

In relation to the ACT Public Service as at 1 June 1996 -

- (1) *How many unplaced SES Officers have been (a) offered and (b) placed in ACT Public Service positions other than as Executive Officers: and*
- (2) *What are the levels of the positions which former SES Officers have been placed in or offered.*

As at 1 June 1996, there have been no SES Officers either offered or placed in ACT Public Service positions other than as Executive Officers.

As at 5 September 1996, there are 5 SES officers acting in positions. Two have been offered a package or reduction in classification, and negotiations are close to finality. There are 17 waiting on the finalisation of restructuring in the Department of Business, the Arts, Sport and Tourism and the Attorney General's Department.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 292

Skin Penetration Procedures

Mr Berry - asked the Minister for Health and Community Care upon notice on 3 September 1996.

Considering the concerns raised by the recent changes to the requirements for professionals performing skin penetration procedures -

- (1) Will you
 - (a) review the new requirements;
 - (b) return the standards to those recommended by the National Health and Medical Research Council;
 - (c) remove the \$100 inspection fee.

MRS CARNELL - the answer to the Member's question is:

- (1)(a) The Skin Penetration Procedures Act was introduced in 1994 by the previous government following concerns over patient to patient transmissions of HIV in a doctors surgery in Sydney and reports from overseas implicating dentists in the transfer of hepatitis B and HIV from dentists to patients.

There are no new requirements for professionals performing skin penetration procedures. The requirements set out in the Skin Penetration Procedures Code of Practice require documented evidence of physical, chemical and biological indicators in accordance with accepted protocols. The accepted protocols for monitoring the sterilisation process and infection control are the NHMRC/ANCA guidelines on *Infection control in the health care setting* - April 1996 and Amendment 1 to the Australian Standard 4187--1994.

The Code of Practice was developed with extensive consultation with relevant provider groups.

- (b) The Code of Practice is consistent with the NHMRC guidelines and Australian Standards.
- (c) The purpose of the \$100 fee is to partly cover the costs of providing an infection control advisory service. This fee was determined through estimating the number of premises and the time necessary for assessment, education and licensing.

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The Department is considering some alternative options for achieving the goal of minimising the risk of cross-infection in community settings. Consultation regarding these options is continuing with the AMA (ACT Branch) and the ACT Division of General Practice.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 294

Public Hospitals - Security Arrangements

Mr Berry - asked the Minister for Health and Community Care upon notice on 3 September 1996:

In relation to paediatric and neonatal services in ACT public hospitals and considering recent events at the new children's hospital in Sydney -

- (1) Has there been a review of security arrangements at both public hospitals,
 - (a) if so, what is the outcome of that review; or
 - (b) if not, will you undertake to carry out such a review and provide the results of the review.

Mrs Carnell - the answer to the Member's question is:

- (1) Yes. Both The Canberra Hospital and Calvary Public Hospital have recently undertaken reviews of existing security arrangements in the paediatric and neonatal areas.
 - (a) At Calvary Public Hospital, neonates room in with their mother. Parents are instructed not to leave the ward without advising staff that their baby will be unattended. When so advised arrangements are made to have the baby supervised.

Following discussion with senior management and staff of the Women's and Children's Health Service at The Canberra Hospital, some procedural modifications have been instituted in the Neonatal Intensive Care Unit which will enhance the security system already in place.

The current security controls in the paediatric area were considered satisfactory and no changes were deemed necessary.

All staff throughout the hospital were recently reminded of security arrangements applying across the hospital campus as part of normal administrative review.

- (b) Not applicable.

**MINISTER FOR HOUSING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 295**

Housing Trust Properties - Purchases

MS REILLY - asked the Minister for Housing and Family Services - In relation to properties purchased by ACT Housing for rental accommodation for public housing tenants -

- (1) How many properties were purchased from 1 July 1995 to 30 June 1996.
- (2) What is the location of each property, including street address.
- (3) What type of properties were purchased.
- (4) What was the purchase price of each of these properties.
- (5) What was the construction date of each of these properties.
- (6) How many bedrooms were in each property.

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

- (1), (3) to (6) See attached spreadsheet for details.
- (2) Details have been provided at suburb level only. It is not usual practice for ACT Housing to provide specific addresses on privacy grounds.

PURCHASES 1/7/95 to 31/7/96

SUBURB NAME	PURCHASE PRICE	CONSTRUCTION DATE	DATE SETTLED	BDRMS/TYPE
Spot Purchases (total 71 plus: 2/5 share of a 5 bedroom house in Kaleen)				
Lyneham	\$119,000	1988	24-Jun-96	2 T'house
Ainslie	\$105,000	1994	28-Jul-95	2 Garden Flat
Ainslie	\$105,000	1994	28-Jul-95	2 Garden Flat
Ainslie	\$105,000	1994	28-Jul-95	1 Garden Flat
Ainslie	\$105,000	1994	28-Jul-95	1 Garden Flat
Ainslie	\$105,000	1994	28-Jul-95	1 Garden Flat
Turner	\$240,000	1970	23-Apr-96	4 House
Braddon	\$135,000	1995	5-Sep-95	1 Flat
Braddon	\$185,950	1995	17-Nov-95	2 Flat
Braddon	\$151,950	1995	17-Nov-95	1 Flat
Braddon	\$187,950	1995	17-Nov-95	2 Flat
Braddon	\$214,950	1995	17-Nov-95	2 Flat
Braddon	\$159,950	1995	17-Nov-95	1 Flat
Braddon	\$158,950	1995	17-Nov-95	1 Flat
Braddon	\$209,950	1995	17-Nov-95	2 Flat
Braddon	\$158,950	1995	1-Dec-95	1 Flat
Braddon	\$209,950	1995	1-Dec-95	2 Flat
Braddon	\$144,950	1995	1-Dec-95	1 Flat
Braddon	\$132,500	1995	8-Mar-96	1 Flat
Braddon	\$136,500	1995	20-Oct-95	1 Flat
Braddon	\$137,500	1995	20-Oct-95	1 Flat
Curtin	\$122,000	1995	11-Mar-96	2 Flat
Farrer	\$145,000	1967	27-Jun-96	3 House
Farrer	\$167,000	1968	31-Jul-95	5 House
Phillip	\$132,000	1984	28-Jun-96	2 T'house
Phillip	\$132,000	1984	28-Jun-96	2 T'house
Phillip	\$108,500	1995	14-Jun-96	1 Flat
Phillip	\$110,000	1995	28-Feb-96	1 Flat
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$145,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Holder	\$150,000	1995	20-Oct-95	3 T'house
Kaleen	\$33,600	1977	20-Sep-95	5 House (1/5 share)
Kaleen	\$34,000	1977	29-Jan-96	5 House (1/5 share)
Belconnen	\$76,000	1983	28-Jun-96	1 Flat
Macgregor	\$162,000	1974	28-Jun-96	4 House
Chisholm	\$166,000	1984	11-Sep-95	5 House

PURCHASES 1/7/95 to 31/7/96

SUBURB NAME	PURCHASE PRICE	CONSTRUCTION DATE	DATE SETTLED	BDRMS/TYPE
Theodore	\$158,000	1989	14-Jun-96	5 House
Calwell	\$90,000	1991	2-Jul-96	2 T'house
Isabella Plains	\$128,500	1988	14-Jun-96	3 House
Isabella Plains	\$129,900	1988	14-Jun-96	4 House
Conder	\$145,000	1996	28-Jun-96	4 House
Gordon	\$97,500	1995	20-Nov-95	2 T'house
Gordon	\$97,500	1995	20-Nov-95	2 T'house
Gordon	\$97,500	1995	20-Nov-95	2 T'house
Bonython	\$153,000	1990	12-Jul-96	4 House
Ngunnawal	\$125,000	1995	21-Jun-96	3 T'house
Ngunnawal	\$105,000	1993	28-Jun-96	3 T'house
Ngunnawal	\$105,000	1995	29-Sep-95	2 T'house
Ngunnawal	\$105,000	1995	29-Sep-95	2 T'house
Ngunnawal	\$105,000	1995	29-Sep-95	2 T'house
Ngunnawal	\$105,000	1995	29-Sep-95	2 T'house
Ngunnawal	\$109,950	1995	20-Dec-95	2 T'house
Ngunnawal	\$109,950	1995	20-Dec-95	2 T'house
Ngunnawal	\$104,950	1995	20-Dec-95	2 T'house
Ngunnawal	\$103,950	1995	20-Dec-95	2 T'house
Ngunnawal	\$145,000	1996	22-Feb-96	4 House
Nicholls	\$119,000	1996	8-Jul-96	3 T'house
Nicholls	\$119,000	1996	8-Jul-96	3 T'house
Palmerston	\$127,000	1993	28-Jun-96	3 T'house
Palmerston	\$127,000	1993	28-Jun-96	3 T'house
Palmerston	\$123,000	1994	28-Jun-96	3 T'house
Palmerston	\$123,000	1994	28-Jun-96	3 T'house
Palmerston	\$123,000	1994	28-Jun-96	3 T'house
Palmerston	\$123,000	1994	28-Jun-96	3 T'house
Palmerston	\$123,000	1994	28-Jun-96	3 T'house
Palmerston	\$123,000	1994	28-Jun-96	3 T'house

Purchases through House/Land Packages (total 49)

Dunlop	\$780,255	1996	15-Sep-95	2x1.5, 5x2 Garden Flats
Conder	\$1,566,495	1996	28-Jun-96	5x2, 3x3, 2x4, 1x5 T'houses
Conder	\$ 166,806	1996	28-Jun-96	5 House
Banks	\$217,000	1996	17-Oct-95	1x2, 1x3 D/occ House
Ngunnawal	\$840,000	1996	22-Sep-95	8x2 T'house
Amaroo	\$1,188,301	1996	19-Jan-96	4x1.5, 6x2 Garden Flats
Nicholls	\$1,260,828	1996	31-Oct-95	6x2, 2x3, 2x4 T'house

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 296

Canberra Hospital - Non-Inpatient Statistics

Mr Berry - asked the Minister for Health and Community Care upon notice on 3 September 1996:

In relation to figures provided on non-inpatient services in the monthly activity reports (between period from February 1995 to June 1996) for Woden Valley Hospital, that were presented to the Assembly can you (as only preliminary - not final - figures were provided) provide, for each month, the final figures for non-inpatient statistics?

MRS CARNELL - the answer to the Member's question is:

- . The monthly activity data for non-inpatient services at Woden Valley Hospital for the period between February 1995 to June 1996 is attached.
- . '0' entries in the tables relate to clinics that are active and routinely record statistics but have not submitted their figures by the cut-off time. Occasionally, clinics have no activity for the month. It should be noted that when clinics do send their statistics after the cut-off time, the figures are updated in the year to date column.
- . The Canberra Hospital, as it is now called, is operating at a capacity never witnessed before. In 1995-96, the hospital recorded an increase of 4,834 in the number of people seen in its non-inpatient setting, the Emergency Department, compared to the previous year.
- . Clinics that have not been collecting data have been removed from the tables.

Outpatient Clinics with 'n/a' removed from the list:

General Medicine

Dermatology

Allergies

Geriatrics

OT-Psych

Social Work - Psych

Dental

Oral Surgery

ENT

Ophthalmology

General Surgery

Neurosurgery

Orthopaedic

Obstetrics (GP)

Gynaecology

Paediatric Surgery

Rehabilitation

A&Ds Clinic

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 297**

Public Service - Consultancies

MR WHITECROSS - Asked the Chief Minister upon notice on 4 September 1996:

In relation to "Contracts Arranged" as reported in Gazette No. 26 of 3 July 1996 -

- (1) Can you define the terms (a) verbal, (b) written, and (c) sole supplier contract.
- (2) Were there three oral quotations obtained for all consultancies below \$5,000, and can you -
 - (a) identify those consultancies for which these quotations were not obtained;
 - (b) the dates of those consultancies; and
 - (c) if applicable, can you explain why these quotations were not obtained in each case.
- (3) Were there three written quotations (a) obtained and (b) recorded for all consultancies between \$5,000 and \$50,000. If not
 - (a) can you provide details of those consultancies; and
 - (b) can you explain why they were not obtained and recorded in each case.
- (4) Were tenders publicly invited for all consultancies over \$50,000. Can you -
 - (a) identify those consultancies;
 - (b) indicate which tenders were not publicly invited; and
 - (c) explain why they were not publicly invited in each case.
- (5) Were all consultancies engaged by the ACTPS governed by a written contract. If not, can you -
 - (a) identify each consultancy that was not; and
 - (b) explain why not.
- (6) Does the Consultancy Management Committee still exist, and if not, has a new body replaced it; if so
 - (a) where is it located; and
 - (b) what are its functions.

- (7) Were consultancies over \$25,000 referred to a Consultancy Management Committee. If so -
- (a) on what date were they engaged;
 - (b) what was the date of payment;
 - (c) were they related to the 1994-95 financial year, if so which consultancies.
- (8) Why are so many consultancies listed together in the Gazette of 3 July 1996.

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

- (1) **Verbal** - To discuss and receive verbal quotes for the Department's requirements with known suppliers

Written - To request and receive written quotations for required work to be carried out for the Department

Sole Supplier - The only local supplier of the goods required, the only suitable/experienced supplier at that time.

- (2) The ACT Government's Purchasing Manual and guidelines for engaging consultants *Achieving Value for Money* provide advice on a whole of government basis concerning the purchase of all goods, including the methods in which any consultancy is to be engaged.

The guidelines from the document *Achieving Value for Money* state that for a purchase of less than \$2,000 - "Procurement techniques used in this range, alone or in combination, might include:

- . direct purchases using existing Commonwealth, State or Territory contracts;
- . direct purchase from retail or wholesale outlets;
- . oral quotations;
- . written quotations, if judged to be necessary.

It is not a requirement to have three oral quotations for purchases of less than \$2,000. Each case should be considered on an individual basis, with consideration being given to the range of purchase methods and what is actually being purchased."

- (3) The Purchasing Manual and *Achieving Value for Money* provide the advice that for purchases "procurement techniques for projects in this price range, alone or in combination, might include:

- * purchases using existing Commonwealth, State or Territory contracts;
- * oral quotations in some circumstances;
- * written quotations;
- * more formal offer arrangements if considered appropriate by purchasing staff.

Each case should be considered on an individual basis, with consideration being given to the range of purchase methods and what is actually being purchased. It should be noted that when making the choice for a method of purchase consideration should be given to the cost of an officer's time in the preparation of a purchase in comparison to the actual cost of the item."

- (4) For purchases expected to cost more than \$50,000 the Purchasing Manual and *Achieving Value for Money* state that:

"Procurement techniques used in this range, alone or in combination, might include:

- * direct purchasing using existing Commonwealth, State or Territory contracts;
- * requests for quotations;
- * requests for tenders;
- * requests for proposals;
- * maintenance agreements;
- * licensing agreements;
- * staged procurement processes;
- * negotiations;
- * restricted invitations;
- * design study competitions;
- * invitations to register interest;
- * invitations for suppliers to pre-qualify;
- * invitations for period contracts or standing offers;
- * invitations to propose a rental, lease or hire agreement.

It is not a requirement that public tenders be called for consultancies over \$50,000.

- (5) Yes. It is a requirement that all consultants engaged by an agency be retained under a contract tailored to the particular project. This can be as complex as the completion of a tender process and the signing of the Australian Capital Territory General Conditions of Contract for Consultancy Services or simply an exchange of letters outlining the requirement details and agreed fees.
- (6) No. The Consultancy Management Committee was abolished in 1995. Each Chief Executive now has the responsibility of approving consultancies in their agency. *Achieving Value for Money* provides advice and guidance on how to prepare for a consultancy, appraise and select the right consultant, how to manage that consultancy and finally evaluate the results.
- (7) All consultancies were reviewed in line with the processes outlined in *Achieving Value for Money*.
- (8) These entries were gazetted in bulk because of delays in processing arrangements caused by the extended enterprise bargaining industrial dispute.

NOTE: As noted above the ACT Government's *Purchasing Manual* and the booklet *Achieving Value for Money* provide thorough guidelines for engaging consultants. This advice is provided on a whole of government basis concerning the purchase of all goods, including the methods in which any consultancy is to be engaged.

Staff within Chief Minister's and across the whole ACT Public Service are strongly encouraged to follow these guidelines wherever possible- bearing in mind the cost of the purchase and the time involved in procuring quotes.

Some examples where these procedures have been followed are:

- . Sedgwick Noble Lowndes
MIM Plaza,
410 Ann St
BRISBANE
- . Anne Austin and Associates
PO Box 812
CIVIC SQUARE ACT 2608
- . Arthur Anderson
GPO Box 4098
SYDNEY NSW 2000
- . Deloitte Touche Tohmatsu
GPO Box 823
CANBERRA ACT 2601
- . Tillinghurst
Level 17, MLC Centre
19-29 Martin Place
SYDNEY NSW 2000

Once again each case should be considered on an individual basis, with consideration being given to the range of purchase methods and what is actually being purchased. It should be noted that when making the choice for a method of purchase consideration should be given to the cost of an officer's time in the preparation of a purchase in comparison to the actual cost of the item.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 298**

Public Service - Industrial Relations Consultants

MR WHITECROSS - To ask the Chief Minister:

In relation to Gazette No 26 of 3 July 1996, in which it was stated that a consulting firm, Heaney Blaylock & Associates (the consultant), provided professional services in relation to industrial relations at a cost of \$49,050.

- (1) What was the professional services provided by the Consultant.
- (2) Why were these services not able to be provided by the ACT Public Service.
- (3) What was (a) the date, and (b) the duration which the consultant was engaged.
- (4) Where was the consultant located.
- (5) How was the fee schedule calculated.
- (6) Has the Consultant's fee been fully paid.
- (7) Did the Consultant submit written advice or a written report and can you provide a copy of any written advice or report provided.
- (8) Which Department or Agency engaged the Consultant.
- (9) Will the Consultancy be reported in this Agency's annual report. .

MS CARNELL - The answer to the Member's question is as follows:

- (1) Heaney Blaylock and Associates performed a range of tasks related to the Government's enterprise bargaining negotiations with the union movement. These tasks included:
 - strategic advice
 - agreement drafting
 - mediation services.
- (2) Heaney Blaylock and Associates were engaged to assist the development of agency bargaining arrangements. They were able to bring specific ACT knowledge and experience to the development of agency proposals.

- (3) 26 February to 31 May 1996.
- (4) Canberra.
- (5) Negotiated hourly rate.
- (6) Yes.
- (7) The Company's advice is confidential to the Government.
- (8) Chief Minister's Department, although the work performed by Heaney Blaylock and Associates was on behalf of other ACT Government Agencies and the costs were shared accordingly.
- (9) Yes.

26 September 1996

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 299**

Public Service - Industrial Relations Consultants

MR WHITECROSS - To ask the Chief Minister:

In relation to Gazette No 26 of 3 July 1996, in which it is stated that a consulting firm, Clayton Utz (the Consultant), provided professional services in relation to the industrial campaign at a cost of \$60,000.00.

- (1) What was the professional services provided by the Consultant.
- (2) Why were these services not able to be provided by the ACT Public Service.
- (3) What was (a) the date, and (b) the duration which the consultant was engaged.
- (4) Where was the consultant located.
- (5) How was the fee schedule calculated.
- (6) Has the Consultant's fee been fully paid
- (7) Did the Consultant submit written advice or a written report and can you provide a copy of any written advice or report provided.
- (8) Which Department or Agency engaged the Consultant.
- (9) Will this Consultancy be reported in this Agency's annual report.

MS CARNELL - The answer to the Member's question is as follows:

- (1) Clayton Utz provided legal advisory and advocacy services to the ACT Government during the recent round of enterprise bargaining negotiations.
- (2) These services are not available from within the ACT Public Service. While officers have handled most advocacy matters before the IRC in the past, there were complex legal issues under the Industrial Relations Act on which experienced legal advice was necessary.
- (3) February - June 1996.
- (4) Canberra

- (5) The Company's normal fee schedule applied.
- (6) Yes.
- (7) The Company's advice to Government is confidential and subject to legal professional privilege.
- (8) Chief Minister's Department, although the work was performed on behalf of other ACTGS Agencies and the costs were shared accordingly.
- (9) Yes.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 300**

Public Service - Industrial Relations Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 4 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consulting firm, First IR (the Consultant), provided professional services in relation to the industrial campaign at a cost of \$35,000.

- (1) What was the professional services provided by the Consultant.
- (2) Why were these services not able to be provided by the ACT Public Service.
- (3) What was (a) the date, and (b) the duration which the consultant was engaged.
- (4) Where was the consultant located.
- (5) How was the fee schedule calculated.
- (6) Has the Consultant's fee been fully paid.
- (7) Did the Consultant submit written advice or a written report and can you provide a copy of any written advice or report provided.
- (8) Which Department or Agency engaged the Consultant.
- (9) Will the Consultancy be reported in this Agency's annual report.

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

- (1) First IR provided advice to the ACT Government about the strategic IR direction for the Government as an employer and, also, possible new approaches to enterprise bargaining including advice on specific productivity improvement proposals.
- (2) The services purchased from First IR were not available from within the ACT Public Service. First IR was in a position to provide specific expertise in two key areas; an external perspective to the strategic IR direction for Government and broad enterprise bargaining experience. First IR was able to advise from direct experience in Government business enterprises and the private sector.

- (3) First IR was engaged on 10 November 1995. The initial arrangement ended at the end of November 1995. First IR then provided some brief advice concerning certain particular provisions of the Industrial Relations Act.
- (4) Sydney.
- (5) By negotiation.
- (6) Yes.
- (7) The Company's written advice is confidential.
- (8) Chief Minister's Department.
- (9) Yes.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 301**

Public Service - Industrial Relations Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 4 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consulting firm, EAP Services (the Consultant), provided professional services in relation to the industrial campaign at a cost of \$34,077.50.

- (1) What was the professional services provided by the Consultant.
- (2) Why were these services not able to be provided by the ACT Public Service.
- (3) What was (a) the date, and (b) the duration which the consultant was engaged.
- (4) Where was the consultant located.
- (5) How was the fee schedule calculated.
- (6) Has the Consultant's fee been fully paid.
- (7) Did the Consultant submit written advice or a written report and can you provide a copy of any written advice or report provided.
- (8) Which Department or Agency engaged the Consultant.
- (9) Will the Consultancy be reported in this Agency's annual report.

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

- (1) The contract was with EASACT Australia to provide an Employee Assistance Program to staff of the Chief Minister's Department. The services did not relate to any industrial campaign. The Employee Assistance Program provided for the Chief Minister's Department is an early intervention and staff counselling service aimed at the early identification and/or resolution of employee difficulties that may adversely affect work performance. These difficulties may include family and relationship problems, emotional stress including career and vocational concerns, dealing with change, conflict resolution and budgeting and lifestyle concerns.
- (2) The range of appropriate skills and expertise is not available within the ACT Public Service.
- (3) A 12 month contract from 1 July 1995.

- (4) Canberra.
- (5) Negotiated hourly rate.
- (6) Yes.
- (7) The contract is to provide confidential counselling services to individual members of staff and members of their families.
- (8) Chief Minister's Department.
- (9) Yes.

26 September 1996

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 302**

Public Service - Recruitment Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 4 September 1996:

In relation to recruitment practices -

- (1) Under what circumstances were recruitment organisations utilised by the Government.
- (2) What is the full cost of all consultants engaged for the purposes of recruitment in the ACT Public Service for the 1995/96 financial year.
- (3) Can you identify (a) all consultants engaged for the purposes of recruitment in the ACT Public Service during the last financial year; (b) their locations and (c) the fees to be paid.

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

- (1) Recruitment organisations were utilised by agencies as listed below to provide:
 - temporary employment registers for the selection and referral of temporary employees,
 - executive search, and
 - trainees from labour market programs.
- (2) \$325,040.
- (3) Details for Question 3 are provided below. Please note that "their locations" has been interpreted to mean the consultant's base and not where the consultancy was utilised.

Attorney General's Department

Executive Search

- (a) Profile Paul Ray Berndston
- (b) Sydney
- (c) \$45,000

Chief Minister's Department

Executive Search - Office of Financial Management and Cabinet and Policy
Coordination Office.

- (a) Ward Howell International
- (b) Sydney
- (c) \$65,000

Executive Search - Office of Public Administration, Office of Financial Management; Attorney General's Department.

- (a) Profile Paul Ray Berndston
- (b) Sydney
- (c) \$56,000

Executive Search - Chief Minister's Department and Department of Health and Community Care.

- (a) Tasa Executive Search
- (b) Sydney
- (c) \$90,890

Department of Health and Community Care

Executive Search - The Canberra Hospital.

- (a) Morgan & Banks
- (b) Sydney
- (c) \$22,500

Joint Selection Committees for Accommodation Support Workers in the Disability Program.

- (a) MPRA (Murray Williamson, Trease Traves) Joint Selection Committees - breakdown listed below
- (b) Canberra
- (c) Breakdown is as follows:

		\$
Merit Protection Review Agency	Joint Selection Committees for Accommodation Support Workers in the Disability Program	22,825
MPRA	Murray Williamson	11,550
MPRA	Trease Traves	2,750
MPRA	Murray Williamson	2,200
MPRA	Trease Traves	3,025
MPRA	Murray Williamson	3,300
Total		45,650

26 September 1996

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 303**

Public Service - Executive Contracts Consultants

MR WHITECROSS - To ask the Chief Minister:

In relation to Gazette No 26 of 3 July 1996, in which it is stated that a consulting firm, Clayton Utz (the Consultant), provided a draft executive contract at a cost of \$5,707.53.

- (1) Which executive was the draft contract prepared for.
- (2) What was (a) the date, and (b) the duration which the consultant was engaged.
- (3) Where was the consultant located.
- (4) How was the fee schedule calculated.
- (5) Has the Consultant's fee been fully paid.
- (6) Which Department or Agency engaged the Consultant.
- (7) Will this Consultancy be reported in this Agency's annual report.
- (8) Why was this draft not prepared by officers of the ACT Public Service.
- (9) Can you provide (a) the draft contract prepared by the Consultant, and (b) the final contract signed by the relevant executive.

MS CARNELL - The answer to the Member's question is as follows:

- (1) Clayton Utz advice was sought on structure and content of the proforma draft contract.
- (2) 11 - 21 September 1995.
- (3) Canberra.
- (4) The standard fee rate for Clayton Utz was offered and accepted
- (5) Yes.
- (6) Chief Minister's Department.

- (7) Yes.
- (8) There was no direct experience available to assess the nature and type of this form of contract. Clayton Utz was known to have experience in this area with another jurisdiction.
- (9) No. The consultant provided comment and suggestions on a draft contract. These were incorporated into an Exposure Draft Contract which was provided to all SES officers on 15 October 1995. Signed contracts are tabled in the Assembly.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 304**

Public Service - Performance Agreements Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 4 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consulting firm, Deloitte Touche Tohmatsu (the Consultant) provided professional advice on the development of draft performance agreements at a cost of \$11,440.00.

- (1) Why were these services not able to be provided by the ACT Public Service.
- (2) To whom did the draft performance agreements relate.
- (3) Why is the Consultant a sole supplier of this advice.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the consultant located.
- (6) How was the fee schedule calculated.
- (7) Has the Consultant's fee been fully paid.
- (8) Which Department or Agency engaged the Consultant.
- (9) Will the Consultancy be reported in this Agency's annual report.

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

- (1) The range of appropriate skills and expertise was not at that time available within the ACT Public Service.
- (2) The draft performance agreement was a template for the use of any staff within Chief Minister's Department who are required to produce such a document and has been applied widely across the public service.
- (3) Deloitte Touche Tohmatsu was enlisted for its relevant expertise and knowledge and the areas of performance measurement.
- (4) January 1996 - May 1996.
- (5) Deloitte Touche Tohmatsu has offices in all capital cities in Australia. For the purpose of this contract the services were provided by officers from Melbourne and Adelaide. Minimal expenditure was paid for travel costs as the consultants were in the ACT on other business and work thereafter was largely carried out by telephone and computer disk.

- (6) Negotiated hourly rate.
- (7) Yes.
- (8) Chief Minister's Department.
- (9) Yes.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 305**

Public Service - Executive Service Project Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 4 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consulting firm, Sedgwick Noble Lowndes (the Consultant) provided advice on the Professional Fees Executive Service Project at a total cost of \$79,845.00.

- (1) What is the Professional Fees Executive Service Project.
- (2) Why were these services not able to be provided by the ACT Public Service.
- (3) Why was a consultant in Brisbane engaged.
- (4) Was there a written report submitted and can you provide a copy of any written advice or report provided.
- (5) What was (a) the date, and (b) the duration which the consultant was engaged.
- (6) Where was the consultant located.
- (7) How was the fee scheduled calculated.
- (8) Has the Consultant's fee been fully paid.
- (9) Which Department or Agency engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.

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

- (1) In Gazette No. 26 there were a number of entries in relation to the Sedgwick Noble Lowndes Executive Service Project. None referred specifically to \$79,845. The entries which did appear were:

Professional Fees - Executive Service Project	\$7,875.00
Professional Services - Executive Service Project	\$56,897.00
Professional Services - M Smith, P Muir, R Bebbington, F Tongue, J Lipski, M Glover, C Hein, P Seligman	\$98,823.00
Executive Service Project Add Charge	\$15,073.00
TOTAL	\$178,668.00

This comprises the amount of \$164,000 for the original project, as previously advised in response to Question on Notice 271, plus \$14,668 for assessment of additional jobs.

The Executive Service Project was the job sizing of ACT Public Service Executive positions created as part of the arrangements for executive contract employment. These offices form the new senior staffing structure which replaced the old SES structure.

- (2) As a consequence of the move to contract employment, a totally new system was required. This involved the re-evaluation and redesign of Chief Executive and Executive positions in the ACT Public Service. The range of appropriate skills and expertise were not available within the ACT Public Service.
- (3) Sedgwick Noble Lowndes is a national firm with its Head Office being situated in Melbourne. The Project Manager was located in Brisbane. Consultants based in Sydney, Melbourne and Brisbane were used.
- (4) Yes. A written report was submitted and details have been provided in response to Questions on Notice 271, 272 and 273.
- (5) December 1995 to February 1996, although there has been continuing advice throughout the implementation and restructure of the offices.
- (6) See answer to question 3.
- (7) Written proposal.
- (8) Yes.
- (9) Chief Minister's Department.
- (10) Yes.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 306**

Public Service - Workers Compensation Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 4 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consulting firm, Tillinghast (the Consultant) provided advice on the ACTPS workers compensation arrangements at a total cost of \$110,000.

- (1) Why were these services not able to be provided by the ACT Public Service.
- (2) What advice or work did the Consultant give or carry out.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the consultant located.
- (6) How was the fee scheduled calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which Department or Agency engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.

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

- (1) The issues were complex and the Government needed to seek professional advice on all aspects of ACT public sector workers' compensation arrangements. External advice was sought from industry specialists. The ACTPS did not have the expertise to conduct a review internally.
- (2) The consultant conducted a review of existing workers' compensation arrangements for ACT Public Service Staff.
- (3) Yes, copies of the report were provided to Members of the Assembly in 1995 and further copies are available upon request.

- (4) 30 June 1995 to 19 October 1995.
- (5) Tillinghast is a Melbourne/Sydney based firm.
- (6) Contract was awarded as a fixed cost on the basis of written quotations.
- (7) No.
- (8) Yes.
- (9) The then Department of Public Administration.
- (10) Yes.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 307**

Public Service - Information Technology Consultants

MR WHITECROSS - To ask the Chief Minister - In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consulting firm, Planning Support Inc. (the Consultant) provided professional services described as "IT Review Consultancy Team" at a cost of \$103,441.50.

- (1) Why were these services not able to be provided by the ACT Public Service.
- (2) What advice or work did the Consultant give or carry out.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the consultant located.
- (6) How was the fee schedule calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which department or agency engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.

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

- (1) The nature of the consultancy required the use of appropriate and proven costing methodologies; extensive experience in similar costing projects and a strong working knowledge of industry benchmarking techniques and comparative evaluations. The range of appropriate skills and expertise was not available within the ACT Public Service..
- (2) The purpose of the Consultancy was to undertake a review of Information technology arrangements across the ACT Public Service.
- (3) Copies of the reports were provided to members of the Assembly earlier this year. They are available for purchase.
- (4) July 1995 to December 1995
- (5) Canberra.
- (6) The fee was determined on a fixed price basis in response to written invitation to tender.

- (7) No.
- 8) Yes.
- (9) Chief Minister's Department.
- (10) Yes.

26 September 1996

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 308**

Public Service - Travel Allowance Payment Trial

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that the Reserve Bank of Australia (the Bank) incurred \$68,300 in travel allowance.

- (1) Why was the Bank engaged by the ACTPS.
- (2) What advice or work did the Bank provide or carry out.
- (3) Was a report or reports written by the Bank; and if so, can you provide a copy of any such report or reports.
- (4) Where did the officer or officers of the Bank travel to and what are the (a) names and (b) positions of these officers within the Bank.
- (5) Why did these officer/s incur travel costs at the expense of the ACTPS.
- (6) What are the components of these costs.
- (7) On what date/s does the travel allowance relate.
- (8) On what (a) date and (b) for what duration was the Bank engaged.
- (9) Can you provide an itemised breakdown of the travel expenses paid to the Bank.
- (10) Was a fee paid or will be paid to the Bank in addition to the travel allowance, if so (a) how much and (b) for what services.
- (11) Was the Bank fully paid in respect of the travel allowance, and if so when.
- (12) Has the Bank been partly or fully paid in respect of any other fees, and if so when.
- (13) Which Agency or Department engaged the Consultant.
- (14) Will the employment of the Bank be reported in this Agency's annual report, and if not, why not.

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

- (1) On 8 December 1995 the Chief Minister approved the appointment of the Reserve Bank of Australia as the Territory's corporate banker.
- (2 - 14) This expenditure relates to a trial of the electronic payment of Travel Allowance to officers in the Chief Minister's Department using the Reserve Bank's electronic Banking product ReserveLink.

The payment was to individual ACT Government officers travelling on official business, the payment being made through the Government's account at the Reserve Bank.

26 September 1996

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 309**

Canberra Institute of Technology - Financial Systems Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consulting firm, PSICON Pty Ltd (the consultant), provided services in 1994/95 at a cost of \$45,000.

- (1) What was the exact nature of the contract services.
- (2) What advice or work was provided by the Consultant.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the Consultant located.
- (6) How was the fee scheduled calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which Agency or Department engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.

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

- (1) The firm provided services to support the ACT Financial Reform Management Section and Canberra Institute of Technology with the implementation of Oracle Government Financials.
- (2) Development of a framework for implementation of Oracle Government Financials at the Canberra Institute of Technology.
- (3) Yes.
- (4) 21 October 1994 for five months

- (5) PSICON Pty Ltd
9-12 Traeger Court
Fernhill Technology Park
BRUCE ACT 2617
- (6) Negotiated hourly rate.
- (7) No.
- (8) Yes.
- (9) The then ACT Treasury.
- (10) It was reported in the 1994/95 Annual Report.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 310**

Public Service - Public Administration Consultants

MR WHITECROSS - To ask the Chief Minister:

In relation to Gazette No 26 of 3 July 1996, in which it is stated that a consultant, Turnbull Fox Phillips (the Consultant), provided professional services in relation to the DPA review at a cost of \$13,719.00.

- (1) What was the professional services provided by the Consultant.
- (2) Why were these services not able to be provided by the ACT Public Service.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports..
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the consultant located.
- (6) How was the fee schedule calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which agency or department engaged the Consultant.
- (10) Will this Consultancy be reported in this Agency's annual report.

MS CARNELL - The answer to the Member's question is as follows:

- (1) Advice on a whole of Government strategy to assist with the communication of significant internal change to staff of the ACT Public Service.
- (2) The range of appropriate skills and expertise is not available within the ACT Public Service. The nature of this project required a external perspective.
- (3) Yes.
- (4) August 1995 for one month.

- (5) Canberra.
- (6) Written quotation.
- (7) No.
- (8) Yes.
- (9) Chief Minister's Department.
- (10) Yes.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 311**

National Capital Investment Centre - Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consultant, Profile Paul Ray Berndston (the Consultant), provided general consulting services in relation to the Australian Stock Exchange at a cost of \$2000.00.

- (1) What advice or work did the Consultant give or carry out.
- (2) Was a report or reports written by the Consultant; and if so, can you provide a . copy of any such report or reports.
- (3) What was (a) the date, and (b) the duration which the Consultant was engaged.
- (4) Where was the Consultant located.
- (5) How was the fee schedule calculated.
- (6) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (7) Has the Consultant's fee been fully paid.
- (8) Which agency or department engaged the Consultant.
- (9) Will this Consultancy be reported in this Agency's annual report.

MRS CARNELL - The answer to the Member's questions is as follows:

- (1) Profile Paul Ray Berndtson was engaged to assist in the negotiations to attract the operations of the Australian Stock Exchange to the ACT, which resulted in the establishment of the National Capital Investment Centre as a cooperative enterprise between the Australian Stock Exchange Ltd (ASX), Commonwealth Funds Management Ltd (CFM) and the ACT Government.
- (2) No.

- (3) The Consultant was engaged on 18 September 1995, and work was finalised on 21 December 1995 with the signing of the agreement between the ASX, CFM and the ACT Government.
- (4) The consultancy was undertaken by the Sydney office of Profile Paul Ray Berndston.
- (5) Written quotation.
- (6) Yes. Two other payments relating to two separate invoices were also made to Profile Paul Ray Berndston. The full payment to Profile Paul Ray Berndston for this work was \$8,962, which represents:

Retainer	\$2,000
Consultancy Fees (3 days)	\$6,000
Incidentals	
Airfares	\$730
Misc	\$232
TOTAL	\$8,962

- (7) Yes.
- (8) Chief Minister's Department.
- (9) Yes.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 312**

Public Service - Financial Systems Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consultant, Stanton Partners (the Consultant), provided professional services in relation to the "Government Finance Implementation" at a cost of \$75,000.

- (1) Why were these services not able to be provided by the ACT Public Service.
- (2) What advice or work did the Consultant give or carry out.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the Consultant located.
- (6) How was the fee scheduled calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which Agency or Department engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.
- (11) What tendering process was followed in the appointment of the Consultant.

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

- (1) The range of appropriate skills and expertise was not available within the ACT Public Service.
- (2) Stanton Partners provided project management advice and services for the introduction of Oracle Government Financials advice, training, documentation and actual implementation.
- (3) No.

- (4) (a) February 1996.
(b) Ongoing.
- (5) Canberra
- (6) Negotiated hourly rate.
- (7) No.
- (8) Yes.
- (9) Chief Minister's Department.
- (10) Yes.
- (11) The Office of Financial Management placed an advertisement in '*The Canberra Times*' calling for expressions of interest from suitable suppliers with expertise in Oracle financials in a public sector environment. Stanton Partners responded and was placed on a list compiled by the Office of Financial Management of suppliers able to deliver the services required. Stanton Partners met all of the requirements and was engaged.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 313**

Public Service - Financial Systems Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consultant, Allan Platcher and Associates (the Consultant), provided professional services at a cost of \$35,200.

- (1) Why were these services not able to be provided by the ACT Public Service.
- (2) What advice or work did the Consultant give or carry out.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the Consultant located.
- (6) How was the fee scheduled calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which Agency or Department engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.
- (11) What tendering process was followed in the appointment of the Consultant.

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

- (1) The range of appropriate skills and expertise is not available within the ACT Public Service.
- (2) Advice on Oracle Systems implementation.
- (3) No.

- (4) (a) 27 February 1996
(b) six weeks
- (5) Allan Platcher & Associates
Level 1
18-120 Pacific Highway
ST LEONARDS NSW 2065
- (6) Negotiated hourly rate.
- (7) No.
- (8) Yes.
- (9) Chief Minister's Department.
- (10) Yes.
- (11) No tender process was taken however process was followed in line with the guidance provided in the Government's report *Achieving Value for Money*.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 314**

Chief Minister's Department - Corporate Credit Cards

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that corporate credit card payments totalling \$26,000 were made to the State Bank of NSW.

- (1) To whose credit card/s does this payment refer, and what is the type of credit card.
- (2) Can you itemise each expense incurred, including where, when and why each was incurred.
- (3) Has this corporate credit card account been fully paid, or is money still outstanding and if so,
 - (a) can you provide the total balance outstanding; and
 - (b) what is the current balance outstanding on the credit card/s and days owing.
- (5) For what purpose, and by which officers, were corporate credit cards used, and on whose authority.
- (6) Have ACT Public Service corporate credit cards been issued to any person other than a Government employee since 1 July 1995, and if so (a) to whom, (b) for what amounts, and (c) for what purposes were they used.
- (7) Will you table the guidelines for the use of corporate credit cards for which the ACT Public Service incurs liability.
- (8) Has the expenditure of \$26,000 been scrutinised, and if so by whom.
- (9) Who is issued with corporate credit cards and why they are issued.
- (10) Will this expenditure be detailed in the annual reports of relevant agencies or departments.
- (11) Has any other payment of corporate credit cards, excluding the payment of \$24,025.60 to American Express International in Question on Notice No. 315, been made without being gazetted and if so why.
- (12) What is the total of all payments made on corporate credit cards, itemised by the card provider since 1 July 1995.
- (13) Can you ensure that the answers to the above questions include relevant information from ACTEW.

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

- (1) Payments to the State Bank were made for various purchases using credit cards issued to staff in the Chief Minister's Department. As most purchases with the credit cards did not exceed \$2,000, this payment was not required to be notified in the ACT Gazette.
- (2) Statements of transactions for each holder of the credit cards are available for the full financial year if required.
- (3) State Bank is no longer the provider of credit cards for the Chief Minister's Department. This service was transferred to American Express in February 1996 with no outstanding monies owing to State Bank.
- (5) Relevant finance officers were issued with corporate credit cards for the purchase of necessary goods and services in the course of normal duties requiring immediate payment. A listing of these relevant officers is available if required.
- (6) No.
- (7) A copy of the guidelines for the use of corporate credit cards will be provided to the Member.
- (8) All expenditure was properly scrutinised and authorised by finance staff. Expenditure relates to the Chief Minister's Department.
- (9) A limited number of cards are issued to staff engaged in purchasing to speed up delivery and reduce purchasing costs. There are currently 3 cards in use in the Department.
- (10) No.
- (11) Yes. Most purchases using credit cards do not exceed \$2,000 and therefore are not gazetted.
- (12) State Bank - \$26,000; American Express \$24,025.60.
- (13) The gazettal related only to the Chief Minister's Department.

**GUIDELINES FOR HOLDERS OF ACT GOVERNMENT
CORPORATE CREDIT CARD (ACTCCC), AND THEIR SUPERVISORS**

I N D E X

- 1.0 Applications for Credit Card Facilities
- 2.0 Funding
- 3.0 Purchasing Policy
- 4.0 ACTCCC Usage
- 5.0 Telephone/Fax Orders
- 6.0 Official Hospitality
- 7.0 Monthly Billings
- 8.0 Banking
- 9.0 Reference No.'s for Claim Forms
- 10.0 Resignations, Transfers, Promotions, Leave Arrangements
- 11.0 Asset Registers
- 12.0 ACTCCC Misuse/Fraud
- 13.0 Reporting
- 14.0 Annual Review of Individual Credit Card Facility
- 15.0 Sales Tax Exemptions
- 16.0 ACT Government Credit Card Services Contact Officer

ATTACHMENTS

- A Application for ACT Government Credit Card Facilities
- B Agreement by Cardholder of an ACT Government Credit Card
- C Record of Purchase Through Credit Card Usage
- D Record of Credit Card Transactions

The Assistant Under Treasurer
Financial Services
ACT Treasury

ATTACHMENT A

APPLICATION FOR ACT GOVERNMENT CREDIT CARD FACILITIES

Please arrange for the issue of an ACT Government Corporate Credit Card
to..... (Proposed Card Holder)
whose signature follows herewith:.....

The State Bank "Credit Card Cardholder Request" duly completed is attached herewith
for your attention.

The Credit Card facilities are required for the purchase of the following types of
supplies.....
.....

2. Calculated on the basis of two months transactions the monthly card limit recommended
for the above Cardholder is \$.....

3. Details relevant to the proposed Cardholder are as follows:

Surname:.....Mr/Mrs/Ms/Miss
Given Names:.....
AGS No..... Position No.....
Classification (ASO/CSO etc Level).....
Title of Position:.....
Telephone No..... Location (Building/Floor).....
Section..... Branch.....
Department.....

4. Details of the proposed Cardholder's Supervisor for purposes of verifying the Cardholder's
monthly reconciliation of Credit Card transactions are as follows:

Surname:.....Mr/Mrs/Ms/Miss
Given Names (in full):.....
Position No.....Classification (ASO/CSO etc Level).....
Title of Position:.....Telephone No.....
Section.....Branch.....
Location of Supervisor (Building/Floor).....

Above proposed Cardholder
Nominated by

Nomination Approved
(To be signed by Branch/Agency Head,
or Director)

.....
(Signature)
Name:.....
Section.....
Branch.....
Date.....

.....
Title.....
Name:.....
Branch/Section.....
Date.....

The Assistant Under Treasurer
Financial Services
ACT Treasury

ATTACHMENT B

**AGREEMENT BY CARD HOLDER OF AN ACT GOVERNMENT CORPORATE CREDIT CARD
(ACTCCC)**

I hereby state that I am a holder of an ACT Government Corporate Credit Card and that I understand and agree that:

- | | <u>Initial</u> |
|--|----------------|
| 1. I will not use the ACTCCC, nor permit it to be used, for other than official purposes | |
| 2. I will not use my ACTCCC to draw cash or its equivalent; | |
| 3. I will not permit the ACTCCC to be used in any way by any other person; | |
| 4. I agree not to exceed the Credit Card Limit of \$..... | |
| 5. I may only use the ACTCCC for purchasing or to pay for the following
supplies/services:.....
..... | |
| 6. I will keep a record of all transactions, including <u>full</u> details of telephone/faxed orders; | |
| 7. I undertake to forward the originals of all invoices and other documentation to my
Supervisor for verification and attachment to the relevant claim for payment; | |
| 8. I will not pay any cheques/moneys into my <u>individual</u> (ACTCCC) Credit Card Account. All payments
for transactions against my Credit Card billing statements will be effected through established official
processes; | |
| 9. I will ensure that all payments will relate to the State Bank monthly billings statements. No payments
will be made in advance of the State Bank Billing statement being received by me. | |
| 10. If the ACTCCC is lost or stolen I undertake to report it immediately to State Bank (local call charge
only) on 13 1818. I will also inform my Supervisor, as well as the Co-ordinator, Credit Card Services,
ACT Treasury or if unavailable, send the Assistant Director an immediate Fax Message. | |
| 11. I agree that I will read the "Guidelines for Holders of ACT Government Credit Card (ACTCCC), and
their Supervisors" copy of which has been given to me today. | |
| 12. If I misuse the card (ie use it otherwise than in accordance with the Guidelines referred to above which
have been given to me), I acknowledge awareness that legal proceedings may be instituted against me,
and if found guilty, I may be liable for a fine, imprisonment, or both. Consequently I may also be
dismissed from Public Service. | |
| 13. Even if requested by State Bank to do so, I hereby agree that I will not take delivery of
renewal Corporate Credit Card direct from the Bank. | |

.....
Signature of ACTCCC Card Holder

.....
Signature of Witness

Name of Witness.....

Date:.....

Date:.....

ATTACHMENT C

RECORD OF PURCHASE THROUGH CREDIT CARD USAGE

NO

DEPARTMENT.....DIVISION.....

BRANCH/SECTION.....

CARDHOLDER'S NAME.....

TRANSACTION LIMIT \$.....CREDIT CARD LIMIT \$.....

BULK REQUISITION NO.....

AVAILABLE LIMIT AS AT DATE.....

PURCHASES ARE RESTRICTED TO THE FOLLOWING CATEGORIES OF SUPPLIES:.....

SUPPLIER: STATE BANK - CREDITCARD SETTLEMENT ACCOUNT
 NO. 10204400
 SUPPLIER (FISCAL) CODE NO:.....

QUOTATIONS:

	<u>Quotation obtained from</u>	<u>Phone No</u>	<u>Date</u>	<u>Cost</u>
1.....
2.....
3.....

PURCHASE DETAILS:

<u>Quantity</u>	<u>Cost</u>	<u>Description</u>	<u>Charge Code No & Description</u>
-----------------	-------------	--------------------	---

ABOVE PURCHASE EFFECTED:

- 1) At request of
- 2) Title of officer.....
- 3) Location.....
- 4) Phone No.....
- 5) Date.....

PURCHASE AUTHORISED BY:

Signature:.....

Name:.....

Title:.....

Position No:.....

Date:.....

FULFILLED ORDER/SERVICES HANDOVER/PROVIDED TO.....

SIGNATURE OF RECIPIENT OFFICER:.....

DATE.....

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ATTACHMENT D

RECORD OF CREDIT CARD TRANSACTIONS
(INCLUDE ADJUSTMENTS FOR MONTHLY SETTLEMENTS
THROUGH STATE BANK SETTLEMENT ACCOUNT NO 10204400)

DEPARTMENT.....DIVISION.....

BRANCH/SECTION.....

CARDHOLDER'S NAME.....

TRANSACTION LIMIT \$.....CREDIT CARD LIMIT \$.....

BULK REQUISITION LIMIT \$.....

DATE **TRANSACTION DESCRIPTION** - **VALUE** **RUNNING TOTAL**

**GUIDELINES FOR HOLDERS OF ACT GOVERNMENT
CORPORATE CREDIT CARD (ACTCCC), AND THEIR SUPERVISORS**

The following guidelines outline the responsibilities of both holders of **ACT Government Corporate Credit Card** and their Supervisors. Agencies who have separate facility arrangements should adapt these guidelines accordingly.

Agency Heads may issue supplementary procedures as considered appropriate to their administrative needs.

1.0 **APPLICATIONS FOR CREDIT CARD FACILITIES**

1.1 Eligibility to hold an ACT Government Corporate Credit Card is restricted to permanent officers of the ACT Government staff.

1.2 It is preferable if the issue of Corporate Credit Cards is restricted to officers whose main duties include the purchase and acquisition of supplies.

1.3 Officers recommending a subordinate officer to be issued with a credit cardholder must ensure that the officer being recommended has the background to effect purchases in line with procedural legislative requirements eg. Audit Act, Finance Regulations, Treasury Directions, and the ACT Government's purchasing policy as stated in the ACT Government Purchasing Policy Manual.

1.5 Consultants, temporary staff as well as staff on probation and equivalent non-permanent staff should not be issued with ACT Government Corporate Credit Card.

1.6 If any staff member becomes aware that an ACTCCC has been issued to any person as described in the preceding paragraph, the matter should be brought directly to the notice of the Co-ordinator, Credit Card Services, Financial Services Branch, ACT Treasury.

1.7 Supervisors should discuss with the prospective Cardholder, the scope, usage, conditions and restrictions applying to Cardholders. In doing so the prospective Cardholder's suitability and willingness to be issued a ACTCCC is to be considered.

1.8 Prospective applicants should forward an application form as per Attachment A, to the Co-ordinator, Credit Card Services, Financial Services Branch, ACT Treasury.

1.9 The above application should be approved by the prospective Cardholder's Divisional Head, Branch Head, immediate Director or equivalent.

1.10 Supervisors should establish the following:

- a) Cardholder's Credit Card credit limit. This limit should be established at being twice the estimated monthly usage to allow a lapse of time for settlement of the previous month's transactions;
- b) the type of supplies that may be paid for by the Cardholder And/or any other restrictions that should apply.

1.11 Cardholders will be subsequently required to sign a declaration acknowledging certain responsibilities - See Attachment B.

1.12 For the purpose of separation of duties, it is considered prudent for Certifying Officers not to be issued ACT Government Corporate Credit Cards.

2.0 **FUNDING (ADVICE OF ACTUAL CASH LIMITS WITHIN BUDGETARY CONSTRAINTS)**

- 2.1 The Credit Card credit limit applicable to each Cardholder does not mean that funds are automatically available up to that limit without regard to budgetary limits for each category of expenditure.
- 2.2 Supervisors should arrange with their Program Manager for a Bulk Requisition to be raised for each Cardholder. The supplier should be identified as State Bank of NSW Limited, Credit Card Settlement Account No 10204400, including the agencies account identifier number, eg. 4.
- 2.3 The intention of raising a Bulk Requisition is to clearly set the limits of actual expenditure allowed to each Cardholder within the current financial year's budgetary limits.
- 2.4 The Bulk Requisition may also serve to identify the expenditure limits available to the Cardholder under different heads of expenditure as determined by the Program Manager.
- 2.5 Use of the Credit Card in conjunction with the issue of a Bulk Requisition virtually eliminates the need for the raising of Requisitions for Supplies, Local Purchase Orders, and an Authority for Supplies under a Period Order.

3.0 **PURCHASING POLICY**

- 3.1 Purchasing Policy as outlined in the AUSTRALIAN CAPITAL TERRITORY PURCHASING MANUAL applies to all Credit Card purchases.
- 3.2 The above Purchasing Manual states that the prime objective of procurement officers is to support program managers by obtaining "value for money" in the acquisition of goods and services.
- 3.3 Benchmark dollar value guidelines are to be considered when making purchases. Current values are as follows:
- a) Items whose values is less than \$5,000 - Obtaining and recording an appropriate number of telephone quotations.
 - b) Items whose values is between \$5,000 and \$50,000 - Obtaining and recording a minimum of three written quotations.
 - c) Items whose value is over \$50,000 - Obtaining tenders from potential suppliers.
- 3.4 Purchases of any item over \$5,000 in value must be gazetted with the exception of those items obtained under a current, Government Period Contract.

4.0 **ACTCCC USAGE**

- 4.1 The ACTCCC is to be used whenever possible to pay for approved goods and services required for the official purposes of the Cardholder's Branch/Section business. This is particularly the case for low value purchases.
- 4.2 Cardholders should always keep within the limits and restrictions which apply to their usage of the ACTCCC.
- 4.3 Any requests for variations in Credit Card credit should be made in writing. These requests must be signed by the holder of the position of the officer who originally approved the Cardholder's request for an ACT Government Corporate Credit Card.
- 4.4 If the original approving officer has since been replaced, then the request referred to in the preceding paragraph should be signed by the Cardholder's Divisional Head, Branch Head, immediate Director, or equivalent.

- 4.5 It is the Cardholder's responsibility to be familiar with and aware of approved purchase procedures as outlined in the Australian Capital Territory Purchasing Manual. In any case, adherence to correct purchasing procedures would be necessary if only to avoid conflict at the time of reconciliation and approval for payment of the month's transactions.
- 4.6 Under no circumstances should any officer be permitted to use or quote another officer's card or card number for purposes of obtaining supplies/purchases for official purposes. If this has occurred, an immediate report should be made to the Branch or Divisional Head as well as the Co-ordinator, Credit Card Services, Financial Services Branch, ACT Treasury. Legal and/or disciplinary action will follow.
- 4.7 Copies of the reports required in the preceding paragraph should be forwarded to the Director, Investigations Unit, Review and Evaluation Branch, Office of Public Sector Management.
- 4.8 Cardholders must ensure that they;
- a) obtain approval to incur any proposed expenditure - Attachment C refers;
 - b) obtain invoices, sales and/or other documentation to support every transaction entered into with the ACTCCC;
 - c) maintain documentation to evidence;
 - i) handover of the goods received through ACTCCC usage, or
 - ii) the identity of the officer requesting a service to be provided through ACTCCC usage; and that they
 - d) maintain permanent records of every transaction for purposes of good management practice as well as for the establishment of a clear audit trail eg. see Attachments C & D.
- 4.9 Personal Identification Numbers (PIN) are not issued to Cardholders by the State Bank.
- 4.10 Cardholders should under no circumstances use their ACTCCC to withdraw cash or its equivalent, unless authorised by the Director Accounting Practices, Financial Services Branch, ACT Treasury. Any related return of goods or adjustments should be reflected through the State Bank Credit Card billing statements. Please also see Section 12.0 - ACTCCC MISUSE/FRAUD.
- 4.11 Any use of the ACT Government Corporate Credit Card for unofficial or private purposes is expressly forbidden. Any such action is tantamount to fraud and will be dealt with accordingly.
- 4.12 Renewals of cards take place automatically once in first year of issue and two yearly thereafter. However even if advised to do so by State Bank, Cardholders must not take delivery of the renewal cards direct from the bank. All Corporate Credit Cards must be collected from the Credit Card Services Section exclusively.
- 5.0 **TELEPHONE/FAX ORDERS**
- 5.1 Usage of the Credit Card number for telephone orders must only be carried out by the holder of the ACT Government Corporate Credit Card. Under no circumstances must this task be left to another officer.
- 5.2 Records of telephone orders must be maintained - see Attachment C.
- 5.3 Using a fax message is considered preferable to placing orders solely by phone, as it provides a written record of the relevant order including the name of the officer placing the order.

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- 5.4 Facsimile Transmission Advice Sheets which confirm or initiate an order must be signed by the relevant Cardholder before despatch.
- 5.5 Faxed messages also reduce the incidence of mistakes or misinterpretations in telephone orders by either or both the officer placing the order, and the supplier.
- 5.6 A further benefit in using fax messages is that the relevant record will undoubtedly assist in any routine enquiry at a future date.
- 5.7 Arrangements must be made for collecting officers (other than Cardholders making a direct, across the counter purchase) to be issued with identity cards and photograph. These cards and photographs can be arranged for through ACT Government Security Section.

6.0 **OFFICIAL HOSPITALITY**

- 6.1 The ACTCCC should not be used for purchases associated with official hospitality - see Treasury Direction 13.24 which was formulated to assist in meeting requirements under the Fringe Benefits Tax legislation.
- 6.2 Expenditure for official hospitality comes under the direct responsibility of each Administrative Head. Administrative Heads may have official (hospitality) bank accounts specifically opened for this purpose.

7.0 **MONTHLY BILLINGS**

- 7.1 State Bank Billing Statements are issued as at the close of the agreed billing date for each Agency.
- 7.2 In the case of the ACT Government Corporate Credit Card the agreed billing date is the 5th of each month. State Bank sends these statements directly to the Co-ordinator, Credit Card Services who in turn directs them to each Credit Card holder through the relevant Administrative or Agency Contact Officer.
- 7.3 These billing statements will include State Bank annual membership fee. This has to be paid for by each Cardholder's crediting the agencies settlement account.
- 7.4 On receipt of State Bank billing statement, Cardholders should without delay:
 - a) ensure that transactions recorded on the billing statement reconcile with the Cardholder's own record of Credit Card transactions, and that they have not been previously paid for;
 - b) attach originals of invoices/sales dockets to the requisite claim for payment form;
 - c) sign the above reconciliation as correct;
 - d) deliver all of the above to the Cardholder's supervisor immediately after signature of the above reconciliation.
- 7.5 When supervisors have received the Cardholder's reconciled billing statement, they should ensure that;
 - a) correct procedures for purchasing have been followed;
 - b) the relevant documents evidence receipt of the goods and/or services if requested by an officer other than the card holder - the recipient should also be identified by name;

- c) originals of invoices and other documentation are attached. Copies of State Bank's billing statements, if unsupported by the relevant invoices and other documentation, are insufficient to support a claim for payment of transactions effected through usage of a Credit Card;
- d) the attached originals of sales docket are clearly itemised. If the itemisation was not carried out by the supplier but subsequently by the Cardholder, the relevant sales docket must be endorsed accordingly;
- e) the supplies paid for by the Cardholder are clearly within the description of the relevant charge code and are for official purposes;
- f) the approved card, transaction, and funds available limits appropriate to each card have at no stage been exceeded; and

- 7.6 Once supervisors have satisfied themselves that the billing statement is in order to pay in accordance with the steps outlined in these guidelines, the supervisor should endorse the billing statement with the statement "TRANSACTIONS VERIFIED" against the dated supervisor's signature.
- 7.7 The Cardholder must arrange prompt settlement of the total amount of their statement. This includes the value of any disputed billing unless the Cardholder is able to reach an immediate resolution with the bank. Expenditure should be charged to an appropriate code allowing opportunity to adjust any credit against subsequent payments (see para 7.9).
- 7.8 A suitable explanation together with a history of action to resolve the issue should be attached to the billing statement.
- 7.9 Once a disputed billing has been addressed, the State Bank will show a reversing credit referring to the original entry and papers. This will reduce the amount due on their current statement allowing recovery of any overpayment by reducing the net amount payable.
- 7.10 In effect, any disputed amount is to be treated virtually as a prescribed payment.
- 7.11 No Cardholder should carry out the task of carrying out the process of verifying and clearing for payment of the Cardholders own billing statement. For purposes of internal control and good management the task of verifying each Cardholder's transactions should be that of the Cardholder's supervisor.
- 7.12 The Efficiency Scrutiny on Processing of Accounts in fact asserted that claim checking should be located in the functional area wherever practicable. Supervisors of Cardholders are therefore considered to be best placed to perform that check in regard to the, appropriateness of Credit Card usage on behalf of the Section.
- 7.13 Any Agency Head or officer of similar standing, who is also a Cardholder, should have the above verification processes carried out by an officer at the next administrative level below that of the Cardholder.
- 7.14 The relevant claims should be matched to the statements for each Agency so as to ensure that all Cardholder's outstandings have been accounted for.

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- 7.15 A consolidated claim with all statements attached should then be forwarded to the relevant accounts section for registration, certification and authorisation for payment.
- 7.16 Any discrepancies or actions contrary to the above including cash withdrawals, should be brought to the immediate notice of the Branch/Agency Head.

8.0 **BANKING**

- 8.1 Cheques in payment of Credit Card billing statements together with the deposit slip for each settlement account must be DEPOSITED on or before the 10th day after the date of the statement eg 15th of each month for ACT Government Credit Cards, for credit to the ACT Credit Card Settlement Account No 10204400 with State Bank, State Bank Building, 161 London Circuit, ACT. Deposits could be effected through any branch of State Bank. Arrears of payments should be paid immediately.
- 8.2 Please do not interpret the following credit entry that appears on each Cardholder's monthly billing statement as meaning that the previous months outstandings have been paid for:
Date (15th or thereabouts) "Payment by Authority Thank you \$....."
- 8.3 The above credit entry reflects State Bank's automatic reimbursement for payment by the ACT Government, of the full amount due on that month's billings statements dated the 5th or thereabouts.
- 8.4 In effect, State Bank's action reduces the outstandings on each Cardholder's individual account to zero, by transfer of the liability for the amounts due, across to the agencies Credit Card Settlement Account No 10204400
- 8.5 The amounts transferred will remain outstanding in the ACT Credit Card Settlement Account No 10204400 until settled - see para 8.1 above.
- 8.6 Deposits, as referred to in para 8.1 above, must therefore be made on or before the 15th of each month so as to avoid the Credit Card Settlement Account reflecting an overdrawn balance.
- 8.7 All cheques should be deposited for credit to the State Bank's ACT Credit Card Settlement Account No 10204400 and NOT to individual Credit Card accounts.
- 8.8 Supervisors should instruct Cardholders NOT to pay for each transaction as it occurs nor make payments in advance of the billing statement. Cardholders should pay for them only when the transaction appears on the ongoing State Bank monthly listing of the preceding periods transactions, generally from the 6th of the previous month to the 5th of the current month
- 8.9 Where a purchase through Credit Card usage has not appeared on subsequent Bank statements, it might be prudent to investigate the possibility that the transaction may have been directly billed and already paid for. Action should then follow to ensure that payment's are not duplicated and that the supplier is requested to confirm that no further claim has been or is to be made through the State Bank.

9.0 **REFERENCE NO'S FOR CLAIM FORMS**

- 9.1 To ensure uniformity of description and for ease of matching claims with the numerous cheques deposited in the ACT Credit Card Settlement Account, the Fiscal entry for the Invoice Number should have the following reference keyed in:

- (a) The number appearing after ACT Government, eg. "1" Number (NOT the Credit Card Number) as displayed on the Corporate Credit Card is the sub account number should be adopted for this purpose;
- b) The reference "1" is to be followed by an abbreviation of the month of the relevant billing statement eg. 5th December 1993 - resulting in DEC being linked to 1, resulting in the extended reference IDEC;
- c) The reference IDEC is to be then followed by the initials of the Cardholders covered by the relevant claim form eg Joe Blow, Anne Francis, resulting in the completed reference IDECJBAF.

9.2 Where the claim is intended to cover the total of all dues owing by a Sub Account containing numerous Cardholders details, the initials of the Cardholders may then be omitted. This effectively limits the reference to just IDEC.

10.0 **RESIGNATIONS, TRANSFERS, PROMOTIONS, LEAVE ARRANGEMENTS**

10.1 Supervisors must ensure that Cardholders return their cards on notice of resignation, promotion or transfer, as the right to the card only relates to the duties of the position held at time of original issue. For internal control purposes a receipt should be issued with the date and time of handover noted therein. Suitable Registers may need to be maintained as appropriate.

10.2 Any officer proceeding overseas must hand in their cards at least one week before departure.

10.3 Any cards returned or withdrawn should be cut clearly in two and forwarded for cancellation to the Co-ordinator, Credit Card Services, ACT Treasury. Corporate Credit Cards are the property of the State Bank and have to be returned to them when their use is no longer required.

10.4 Prior to a Cardholder proceeding on any form of leave exceeding one week, the Cardholder should hand in his/her card to the Division or Branch Head or other officer established for that purpose through internal practice.

10.5 For internal control purposes a receipt should be issued with the date and time of handover noted therein. Suitable centrally located Registers may need to be maintained as appropriate. These cards should be held in safe and secure custody.

10.6 Under any of the preceding circumstances, Supervisors should ensure that the Cardholder hands over to them a statement of all outstanding ACTCCC transactions together with all relevant documentation. Contact addresses and telephone numbers should also be obtained.

11.0 **ASSET REGISTERS**

11.1 Supervisors should ensure that purchases of furniture, office equipment, computer equipment, expensive tools, workshop equipment, items of an attractive nature, or portable or a life in excess of one year or over \$1,000 (April 1993) in value.

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11.2 Additionally, any item which in the opinion of the Cardholder or Supervisor should be accounted for, should be entered in an appropriate Asset Register.

12.0 **ACTCCC MISUSE/FRAUD**

12.1 The ACTCCC is issued on trust - trust that it will be used for official purposes, with prudence, and observance of the guidelines outlined herein.

12.2 Misuse or fraudulent use of the ACT Government Credit Card will result in charges being brought against the perpetrator under Section 109 of the Audit Act 1989. This provides for imprisonment or fine or both if found guilty. This will be followed by an immediate recommendation for dismissal under Section 62 of the Public Service Act 1922.

12.3 Cardholders charged under Section 109 of the Audit Act 1989 will be suspended immediately.

12.4 Charges could also be brought under the Criminal (Offences Against the Government) Act 1989 - this too provides for severe penalties and/or imprisonment for anyone found guilty under the Act.

13.0 **REPORTING**

13.1 At least once a month and in consultation with management, supervisors should monitor, evaluate, and report to management on ACTCCC usage.

13.2 A suggested format for the monthly report is at Attachment E.

14.0 **ANNUAL REVIEW OF INDIVIDUAL CREDIT CARD FACILITY**

14.1 It is the responsibility of each Supervisor to review the use of the Credit Card facility of each officer within the Supervisor's area of responsibility. This review should be carried out at least once a year.

14.2 The consequential report on the review should be addressed to the Branch Head through the appropriate Director.

14.3 A suggested format for the annual review and report is included in Attachment F.

15.0 **SALES TAX EXEMPTIONS**

15.1 The Deputy Commissioner of Taxation has ruled that Sales Tax exemptions apply to purchases made through usage of an ACT Government Corporate Credit Card.

15.2 ACT Government Corporate Credit Card are currently issued through State Bank of NSW and are readily identifiable as ACT Government Corporate Credit Card.

16.0 **ACT GOVERNMENT CREDIT CARD SERVICES CONTACT OFFICER**

16.1 The Co-ordinator, Credit Card Services, Financial Services, ACT Treasury, 5th floor FAI building.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 315**

Chief Minister's Department - Corporate Credit Cards

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that corporate credit card payments totalling \$24,025.60 were made to American Express International.

- (1) To whose credit card/s does this payment refer, and what is the type of credit card.
- (2) Can you itemise each expense incurred, including where, when and why each was incurred.
- (3) Has this corporate credit card account been fully paid, or is money still outstanding and if so,
 - (a) can you provide the total balance outstanding; and
 - (b) what is the current balance outstanding on the credit card/s and days owing.
- (4) Has the expenditure of \$26,000 been scrutinised, and if so by whom.
- (5) Will this expenditure be detailed in the annual reports of relevant agencies or departments.
- (6) Can you ensure that the answers to the above questions include relevant information from ACTEW.

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

- (1) Payments to American Express were made for various purchases using credit cards issued to staff in the Chief Minister's Department. As most purchases with the credit cards did not exceed \$2,000, this payment was not required to be notified in the ACT Gazette.
- (2) Statements of transactions for each holder of the credit cards are available for the full financial year if required.
- (3) Yes.
- (4) All expenditure was properly scrutinised and authorised. Expenditure relates to the Chief Minister's Department.

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(5) No.

(6) The notice related only to the Chief Minister's Department.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 316**

Totalcare Industries Ltd - Consultants

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consultant, Arthur Anderson (the Consultant), provided professional services regarding a review of Totalcare Industries at a cost of \$75,230.00.

- (1) Why were these services not able to be provided by the ACT Public Service.
- (2) What advice or work did the Consultant give or carry out.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the Consultant located.
- (6) How was the fee scheduled calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which Agency or Department engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.
- (11) What tendering process was followed in the appointment of the Consultant.

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

- (1) The purpose of the review was primarily to determine the extent to which services provided by Totalcare could be determined on a competitive basis, conduct a financial evaluation of alternatives and develop implementation proposals. Given the requirement for direct experience in conducting financial evaluations of GBEs and the need to obtain sensitive information on pricing from similar private sector operators, it was not possible to conduct the review within the ACT Public Service.

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(2) The consultancy was based on the following terms of reference:

- advise and make recommendations on the merits of introducing competitive tendering for services currently provided to the ACT Government by Totalcare, including:
 - the financial implications of such an approach in terms of the potential savings to the Government as purchaser of these services;
 - the impact on the company and the Government as business owner in terms of dividend, return on assets and asset value (including business goodwill);
 - the returns to Government as taxing authority, including pre and post competitive tendering receipts of payroll, land and tax equivalent payments; and
- advise and make recommendations on options available to Totalcare to optimise revenue, production levels, profitability and return on investment for the company, including consideration of:
 - the most appropriate legal and financial structure for a competitive Totalcare, given its range of activities and taking into account the nature and distribution of physical assets on the site and overheads incurred in the operation of the production complex;
 - current employment arrangements for staff of Totalcare and the appropriate basis of employment; and
- advise and make recommendations to the ACT Government on options for structuring the ownership of Totalcare with particular reference to its operation within a competitive environment, including the most appropriate financial relationship between the ACT Government and a competitive Totalcare.

(3) The consultant's report contains commercially sensitive information and is not available for release. In brief, the consultant's report provided:

- a critical assessment of Totalcare's existing pricing arrangements;
- reviewed Totalcare's current and projected operations against key performance indicators which were benchmarked against private industry comparables;
- assessed the viability of each business and Totalcare as a whole.

One of the major findings of the review was that Totalcare has significant excess capacity in its operating facilities and recommended that the ACT Government consider consolidating other agencies with Totalcare.

- (4) The consultancy commenced on 6 October 1995 and the final report was submitted on 9 January 1996.
- (5) Whilst the firm is located in Sydney, most of the work was undertaken in Canberra to gain an understanding of the different operations within Totalcare.
- (6) Consultancy fees were determined as part of the selection process and the supporting contract agreement. The consultant quoted on the basis of a daily rate and estimated number of days to complete the report. The estimate was capped.
- (7) No.
- (8) Yes.
- (9) Chief Minister's Department.
- (10) Yes.
- (11) Expressions of interest were sought from four consultancy firms, three of which submitted proposals.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 317**

Chief Minister's Department - Photocopier Lease Payment

MR WHITECROSS - Asked the Chief Minister upon notice on 5 September 1996:

In relation to Gazette No. 26 of 3 July 1996, in which it is stated that a consultant, Nashuatec Canberra (the Consultant), provided professional services in relation to Blue Chip Agreement payouts, at a cost of \$78,000.

- (1) Why were these services not able to be provided by the ACT Public Service.
- (2) What advice or work did the Consultant give or carry out.
- (3) Was a report or reports written by the Consultant; and if so, can you provide a copy of any such report or reports.
- (4) What was (a) the date, and (b) the duration which the consultant was engaged.
- (5) Where was the Consultant located.
- (6) How was the fee scheduled calculated.
- (7) Were there any additional costs or reimbursement of expenses paid, and if so can you itemise them.
- (8) Has the Consultant's fee been fully paid.
- (9) Which Agency or Department engaged the Consultant.
- (10) Will the Consultancy be reported in this Agency's annual report.
- (11) What tendering process was followed in the appointment of the Consultant.

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

- (1-11) The payment to Nashuatec was not for professional services.

It was a final payment of a leasing agreement (Blue Chip) entered into in 1993 for hire of photocopiers in the Chief Minister's Office and subsequently the Chief Minister's Department. This was considered more cost effective than continuing monthly payments.

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 318

Landfill Sites - Scavenging Rights

Mr Wood - asked the Minister for Urban Services -

In relation to your response to question on notice No. 236 in which you stated “the existing and new agreement grant ‘exclusive rights’ to Revolve to recover material dumped at tipping faces at the two landfills” - Is this answer consistent with statements on the matter made in and surrounding a case in the ACT Magistrates Court against Mr L Munday on 30 August 1996.

Mr De Domenico - the answer to the Member’s questions is as follows:

- (1) A revised licence agreement was being negotiated with Revolve at the time a response was prepared to the Question on Notice No 236. At that time Revolve was the only group to have expressed an interest in the salvage rights at Canberra’s landfills. Revolve was first licensed to undertake materials scavenging at Canberra’s landfills in 1988.
- (2) Following representations from Mr Munday in May 1996 seeking ‘equal rights’ with Revolve, my Department ceased licence negotiations with Revolve and sought Expressions of Interest for the salvage rights at the two landfills.
- (3) Expressions of Interest were received from five groups and, after examination of the offers, select tenders were then invited from two companies. These tenders are currently being examined and the selection of the tender offering best value to the Territory will result in the awarding of exclusive salvage rights for material dumped at Canberra’s two landfills.
- (4) The matter before the Magistrates Court on the 30 August 1996 involving Mr Munday specifically related to a matter under the Crimes (Offences Against the Government) Act 1989, principally section 19, and involved failure to obey a lawfully given direction. The matter did not relate to the rights of Revolve to recover material dumped at the tipping faces at the two landfills.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No 321

Department of Health and Community Care - Staff Workshop

Mr Whitecross - asked the Chief Minister upon notice on 5 September 1996.

- (1) Did Ministers, advisers or staff of the ACT Government meet at The Carrington in Bungendore on approximately 30 August - 1 September 1996 and if so,
 - (a) what was the purpose of the meeting;
 - (b) can you provide the names and positions of each person who attended;
 - (c) can you itemise the breakdown of all costs, including travel, accommodation, meals, drinks and telephone charges, incurred at the expense of the ACT Government and the Executive budget;
 - (d) why was the meeting not held in ACT Government premises;
 - (e) why was this meeting not held in accommodation in the ACT; and
 - (f) what were the outcomes of the meeting.

MRS CARNELL - the answer to the Member's question is:

- (1) The Chief Executive of the Department of Health & Community Care, Executive Directors and SOG B level staff attended a Workshop at The Carrington of Bungendore from Thursday 29 August 1996, to Saturday 31 August 1996. My Senior Advisor and I joined the group for dinner on the Friday evening.
 - (a) The Workshop was organised because of the need for training and development of staff as a result of the major reorganisation of the Department of Health and Community Care. This has included a significant reduction in the size of the Central Office of the Department, and a separation of the purchaser and provider functions of the organisation through the establishment of a separate statutory authority - ACT Health and Community Care Services. The role of the Department has therefore changed significantly from what it used to be, and staff require ongoing training and development. A number of new senior staff have been recruited, and others have been brought into the Central Department from other positions within the portfolio. The Chief Executive believed that, to maximise the potential benefits to the community of the new organisational arrangements, it was necessary

that staff be trained in working together, that they develop a very clear understanding of the organisational requirements, and that they agree on directions and priorities. The workshop examined the Department's vision, values, direction, and objectives within the framework of the Australian Quality Awards Assessment Criteria, and began development of the Corporate Plan. Training and development was also aimed at the practical application of continuous quality improvement and customer service, as a catalyst for cultural and organisational change within the Department.

- (b) The Workshop was attended by: Chief Executive Officer; Executive Directors x 3; SOG B's x 16; Executive Director, ACT Community Care; Senior Executive, The Canberra Hospital; SOG C, Organisation Improvement Group; ASO 4, Organisation Improvement Group (scribe & admin support); and Consultants/Facilitators x 2. Due to the privacy rights of the staff involved, the names cannot be provided.
- (c) Travel - staff "carpooled" to and from Bungendore using a combination of SES/government cars and private vehicles. There was no additional travel costs incurred.

Accommodation & meals (This included 21 staff in residence, plus the extra cost of people attending during the day and/or for dinner.)	\$7,915.00
Phone calls (official only as mobile phones ineffective)	36.00
Photocopying	63.00
Additional Equipment Hire	110.00
Consultants Fees	9,400.00
Total	\$17,524.00

Drinks and cost of private phone calls were the responsibility of the individual participants.

Cost of the Workshop was funded by savings within the Central Department from the non-filling of positions within the Organisation Improvement Group. The attendance of a representative from each of The Canberra Hospital and ACT Community Care was paid for by the Department. There was no cost to the Executive budget.

- (d) Consideration was given to holding this Workshop in ACT Government premises. However, to be able to focus on the team building and planning processes without interruptions, it was agreed it would be more beneficial to meet away from the vicinity of the normal working environment. The previous government used out-of-Canberra venues regularly for similar corporate training sessions.

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- (e) It was considered The Carrington was conducive to the outcomes required and commitment of the continuous improvement and development of staff. Canberra is viewed as a region, and this venue is within this region where it is important to encourage businesses generally.

- (f) Improved knowledge and understanding of the new organisational arrangements and the opportunities it provides for improving services to the people of the ACT. The development of a Draft Corporate Plan and a strategy for establishing a planning hierarchy. The acceptance of a quality improvement agenda for the Agency and the development of a quality framework to guide our organisational growth and continuous improvement.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 322

Land Subdivisions - Energy Audits

MS TUCKER - asked the Minister for the Environment, Land and Planning

"In relation to the requirement in part C4 of the Territory Plan that energy audits be undertaken for subdivisions of land into more than 30 blocks -

- (1) How many blocks have been audited since this requirement was introduced?
- (2) What is the breakdown in the ratings for these blocks?
- (3) Have there been any instances where a subdivision plan has been amended as a result of feedback on the energy audit received by the proponent from the Planning and Land Management Group or the previous ACT Planning Authority?
- (4) How can potential purchasers of new blocks in the ACT find out the rating of a block as contained in the relevant energy audit?

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

Statistical data for **all** subdivisions subject to energy audits, since the requirement for these audits commenced in mid 1992, has not been collated. However, a search of readily available records covering slightly more than 50% of subdivisions has provided the following information in answer to the questions:

- (1) 4885.
- (2) As far as can be readily ascertained, for 2514 blocks covered by the survey the percentages falling within each of the star ratings are;

5 Star	47.4%
4 Star	18.4%
3 Star	27.8%
2 Star	6.2%
1 Star	0.2%

- (3) Not as far as can be ascertained from Government records but the process of preparing the audit is likely to encourage proponents to revise proposals where the audit discloses a problem.
- (4) This information can be obtained through the Planning and Land Management Group Shopfront at John Overall Offices, 220 Northbourne Avenue Braddon.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 324**

Australian Public Service - Job Losses

MR WOOD - Asked the Chief Minister upon notice on 24 September 1996:

Following the 1996/97 Federal budget and its impact on the ACT in each of the next 2 years:

- a) What is your assessment of the number of public service jobs to be lost?
- b) How does this compare with the Prime Minister's promise that no more than 2500 jobs would be lost nationwide?
- c) How many of these jobs are likely to be retained in the private sector in the ACT?
- d) What is the economic loss to the ACT from the lost salaries?
- e) What will be the impact on the ACT's GDP?

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

- a) The issue of employment in the Australian Public Service is a matter for the Commonwealth Government.

A reduction of about 3 500 jobs from the APS in Canberra in 1996-97 has been included in the preparation of the 1996-97 ACT Budget and appears consistent with the Commonwealth Budget estimates. A further reduction of 3 500 jobs in the ACT is estimated for 1997-98.

- b) See (a) above.
- c) The Federal Government's restructure of public service activities will include a shift of functions to the private sector. There will be substantial opportunities for private sector firms in Canberra to bid for work which was previously undertaken by the public sector. Consequently, it is expected that the already large shift in jobs to the private sector over the past decade will continue as the private sector in Canberra becomes increasingly important in the labour market.
- d) The loss of salaries from the public sector in the short term is expected to be compensated by a complementary gain in private sector employment over the medium term.
- e) Gross State Product (GSP) is the principal measure of aggregate economic performance at the State and Territory level. GSP estimates the total value of goods and services produced in the economy.

A growth rate in the ACT of 1.2 per cent (real terms) during 1996-97, and 1.0 per cent in 1997-98 is forecast.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 329

Gungahlin Development Authority

Ms Follett - asked the Minister for Urban Services - In relation to the Gungahlin Development Authority:

1. What (a) revenue has been received to date; and (b) borrowings have been undertaken.
2. What is the common seal of the Gungahlin Development Authority.
3. What are the banking and audit arrangements for the Authority.

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

- 1(a) No revenue has been received to date.
- 1(b) No borrowings have been made to date. As set out in Budget Paper No.4, provision has been made for borrowings of \$800,000 in the 1996/97 financial year.
2. Sub-Section 5(2) of the *Gungahlin Development Authority Act 1996* provides that the Authority shall have a common seal. This is consistent with requirements on other bodies corporate such as companies and statutory authorities.

A common seal has been acquired and consistent with the requirements of subsection 5(3) of the Act is being held in the custody of the Authority.

3. A banking account has been set up with the Reserve Bank. Cash flows will be provided to the Office of Financial Management. Audit arrangements for the Authority are with the Auditor General.

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APPENDIX 1: Incorporated in Hansard on 26 September 1996 at
page 3420.

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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

Presentation Speech
The Public Sector Management (Amendment) Bill (No. 2) 1996

CIRCULATED BY AUTHORITY OF

KATE CARNELL

CHIEF MINISTER

Mister Speaker, I am pleased to present legislation amending the *Public Sector Management Act 1994*.

The Public Sector Management (Amendment) Bill (No. 2) of 1996 makes a number of amendments to the Act correcting errors and omissions of a technical nature which have come to light since the Act came into operation on 1 July 1994. It will also enable us to simplify the process of making amendments to the Public Sector Management Standards where these changes are of a technical nature.

Clause 4 of the Bill changes the definition of “criminal offence” in the Act to expand it to include offences which are committed in another State or Territory which are also offences in the Australian Capital Territory.

Clause 5 of the Bill broadens the disciplinary provisions of the Act. It addresses problems encountered with the operation of section 9 of the Act which sets out the ‘code of ethics’ of public employees. Presently there is a concern that this formulation may interfere with successful disciplinary action where a public employee can argue that any improper conduct was not in connection with the performance of their duty.

A conscious decision was made in enacting the *Public Sector Management Act 1994* to narrow the disciplinary provisions compared to the operation of section 56 of the Commonwealth *Public Service Act 1922*. That Act provides for disciplinary action in circumstances where an officer engages in improper conduct otherwise than as an officer, being conduct that affects adversely the performance of their duty or brings the Service into disrepute.

The rationale at the time was that the Government as an employer was not interested in the private lives of its employees and disciplinary action should properly be confined to things done in the performance of an employee’s duty. As a result, the *Public Sector Management Act 1994* deliberately did not carry over the previous disciplinary offence of “improper conduct otherwise than as an officer” in the *Public Service Act 1922*.

However, a number of cases have arisen that have highlighted the difficulty of drawing a clear line between work-related matters and the private lives of public employees.

For example, one employee assaulting another at an after work social function on official premises cannot currently be the subject of disciplinary action, because the action did not take place in performance of the employee’s duty.

Serious matters can be referred to the police or raised as complaints of discrimination. However there are cases where management action is appropriate and justified. Or, in some cases, the matter may not be sufficiently serious to receive police priority, but too serious to ignore in a work place context. In those circumstances, the employer may be subject to civil liability or complaints of discrimination, but unable to take appropriate disciplinary action.

Legal advice suggests that the formulation of section 9 should be widened to overcome these difficulties without departing from the basic principle that disciplinary action should take place only where there is some nexus with duty or the work place.

The proposed amendments to section 9 will place beyond doubt that public employees acting improperly will be covered by the disciplinary provisions of the Act. These provisions will now encompass circumstances where improper conduct is connected with or is incidental to their employment or where improper conduct can damage the reputation of the ACT Public Service.

Clauses 7 and 8 of the Bill will make it clear that Chief Executives must seek the prior written consent of the Commissioner for Public

Administration before re-engaging or re-appointing, during the benefit period, any former Chief Executives or SES officers who retired after the commencement of the *Public Sector Management (Amendment) Act 1995*. This places former Chief Executives and SES officers on the same footing as other public employees who received a severance benefit on retiring from the Service.

Clause 9 of the Bill corrects an error in the Act which led to Territory instrumentalities from being unintentionally excluded from the provisions of the *Merit Protection (Australian Government Employees) Act 1984* (Cwt). This clause of the Bill will provide for retrospective application to 1 July 1994 to enable the affected employees to have confidence in any actions and decisions made since that date by the Merit Protection and Review Agency.

Clause 10 of the Bill will enable the Chief Minister to delegate to the Commissioner for Public Administration the power to make certain types of changes to the Public Sector Management Standards. This will be limited in scope to technical changes, such as correcting errors or removing redundant provisions, and will enable us to streamline the process of maintaining the Standards. These Standards would continue to be tabled in the Assembly and be disallowable.

Mr Speaker I commend this Bill to the Assembly and present the Explanatory Memorandum for the Bill.

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APPENDIX 2: Incorporated in Hansard on 26 September 1996 at page 3420.

1996

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

STAMP DUTIES AND TAXES (AMENDMENT) BILL (No. 3) 1996

PRESENTATION SPEECH

Circulated by the authority of the Chief Minister and Treasurer

Kate Carnell MLA

Mr Speaker, this Bill provides for amendments to the Stamp Duties and Taxes Act 1987 (the Act), to facilitate the introduction of stamp duty on hiring arrangements in the ACT.

The ACT is the last jurisdiction in Australia to impose stamp duty on hiring arrangements. As a consequence, the ACT has been able to adopt a hire duty model which takes advantage of work undertaken by a multijurisdictional working party, in consultation with the industry and other professional groups.

Mr Speaker, duty will be imposed on almost all arrangements where goods, including fixtures not attached to land, are hired out by an owner for use in the ACT. This would include, for example, the hire or lease of motor vehicles, trailers, television sets and other electrical appliances, computers, construction and gardening equipment and even telephones and videos.

Hiring arrangements specifically excluded from duty include the loan of a book from the local library, the hire of a movie to a theatre or the hire of an invalid aid or prosthetic device by a partially or totally incapacitated person. Hiring by schools, hospitals and charitable organisations will also be exempt from duty.

In line with NSW, the ACT will introduce a lower rate of duty for equipment financing arrangements with terms of more than 9 months.

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That rate is 0.75%, based on the total amount payable by the person hiring the equipment, to a maximum of \$10,000 per individual hire. As a consequence of the lower rate such arrangements will not be eligible for the threshold of \$6,000 available to other hires.

Commercial hirers who enter into arrangements which are not equipment finance arrangements will be liable to pay duty at 1.5% of total hire receipts above \$6,000 per month, to a maximum of \$10,000.00 per individual hire. Similarly, non-commercial hirers will be liable for duty at the 0.75% rate or the 1.5% rate (on payments exceeding \$6,000) to a maximum of \$10,000 per single hire, depending upon whether the hire is an equipment finance arrangement.

Such rates and thresholds are identical to those in NSW and will be set by determination and subject to scrutiny by the Assembly.

Mr Speaker, under the proposed legislation, commercial hirers who are liable to pay duty will be required to register, lodge monthly returns and pay the determined amount of duty on receipts of hiring fees.

Non-commercial hirers will be required to lodge a copy of the hire agreement (or a statement if no agreement exists) with the ACT Revenue Office for assessment within 30 days of the date of the agreement.

Mr Speaker, in order to minimise possible losses of potential revenue as a consequence of hiring arrangements being hurriedly entered into to avoid the new duty, an implementation date of 1 October has been set.

It is proposed that the first return for commercial hirers will not be due until 30 days after the Gazettal of the legislation in respect of all completed months from October 1996. Non-commercial hirers will also have 30 days from date of Gazettal to lodge the required documents (or statements) relating to dutiable hires entered into on or after 1 October 1996.

Finally Mr Speaker, a transitional provision is also proposed that will allow the Commissioner for ACT Revenue to waive duty in cases where the Commissioner was satisfied that the agreement for the hire had been negotiated prior to the date of the Budget announcement but was not able to be executed by 1 October 1996. Such a decision will be subject to review by the Administrative Appeals Tribunal.

It is estimated that this tax will generate revenue of approximately \$1.35 million in 1996-97 and \$2 million annually thereafter.

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APPENDIX 3: Incorporated in Hansard on 26 September 1996 at page 3421.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of
Tony De Domenico MLA
Minister for Urban Services

MOTOR TRAFFIC (AMENDMENT) BILL 1996

The Motor Traffic (Amendment) Bill 1996 will amend the *Motor Traffic Act 1936* to allow for the introduction of a Competency Based Training and Assessment Scheme for learner car drivers, to be provided by accredited private driving instructors.

We expect that the Competency Based Training and Assessment Scheme will improve road safety by producing a greater level of competence in newly licensed drivers.

Under the current licence testing arrangements, learner drivers are taught practical driving skills by relatives, friends and/or professional driving instructors before undertaking a practical driving test administered by government licence examiners.

When the Competency Based Training and Assessment Scheme is introduced early next year, it will complement the practical driving test. Learner drivers will then have the option of continuous assessment by an accredited private driving instructor instead of having to do the practical driving test.

Private driving instructors will be required to gain accreditation through a government approved training course at their own cost if they wish to be authorised to certify learner drivers for a provisional licence. A comprehensive computer based audit process will monitor the performance of accredited private driving instructors.

Up until now, the ACT has traditionally placed heavy emphasis on vehicle safety as a means of achieving road safety. Fewer resources have been put into driver education and driver behaviour.

We are now shifting that emphasis - putting a greater priority on improving the quality of driver education.

This shift in focus reflects the lessons we are learning from road accident statistics. The information available indicates that over 90 percent of accidents involving fatalities are attributed to driver error, while only 5 to 10 percent are due to vehicle defects.

We also need to put greater emphasis on the driving skills and attitudes of 17 to 24 year old drivers, who account for 40 percent of accidents and have hospitalisation rates up to four times those of older drivers.

There is a strong and growing consensus among State and Territory driver licensing authorities that competency based training and continuous assessment of knowledge and competency are more effective in producing a safe novice driver than is the one-off practical driving test.

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South Australia were the first jurisdiction in Australia to introduce a Competency Based Training and Assessment Scheme for learner car drivers. Their scheme was introduced on 19 April 1993, and there has been strong community acceptance of the new option for gaining a provisional car licence.

Approximately 70 percent of learner car drivers in South Australia are choosing the option of achieving their provisional licence through the Competency Based Training and Assessment Scheme, rather than the one-off practical driving test.

The ACT will be the second jurisdiction in Australia to introduce the option of a Competency Based Training and Assessment Scheme for learner car drivers. NSW and Victoria are also considering similar arrangements.

In the ACT, our aim is to **PRODUCE SAFER DRIVERS**, and the introduction of the Competency Based Training and Assessment Scheme early next year will help to achieve this.

The NRMA and the Australian Driver Trainers Association fully support the introduction of Competency Based Training and Assessment for learner car drivers in the ACT, and I commend this important road safety initiative to the Assembly.

26 September 1996

APPENDIX 4: Incorporated in Hansard on 26 September 1996 at page 3421.

THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

CREMATION (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of
Mr Tony De Domenico
Minister for Urban Services

26 September 1996

I MOVE THAT THIS BILL NOW BE AGREED TO IN PRINCIPLE. THIS BILL AMENDS THE *CREMATION ACT 1966* TO REINSTATE THE ABILITY TO APPOINT NON PUBLIC SERVANTS AS MEDICAL REFEREES UNDER THE ACT.

THIS PROVISION WAS INADVERTENTLY REMOVED WHEN THE *STATUTORY OFFICES (MISCELLANEOUS PROVISIONS) ACT 1994* (SOMP) WAS ENACTED IN DECEMBER OF THAT YEAR. SOMP AMENDED MOST A.C.T. ACTS TO REMOVE THE NEED FOR MINISTERIAL APPOINTMENT BY DEVOLVING IT TO THE CHIEF EXECUTIVE. IT FURTHER PROVIDED FOR THE CREATION OF A STATUTORY OFFICE WITHIN THE ACT GOVERNMENT SERVICE AND THAT PERSONS APPOINTED BE PUBLIC SERVANTS.

BY REMOVING THE ABILITY TO APPOINT NON PUBLIC SERVANTS AS MEDICAL REFEREES SOMP HAS INADVERTENTLY CREATED A SITUATION THAT HAS IMPEDED THE PRINCIPAL ACT.

BEFORE A CREMATION CAN PROCEED TWO MEDICAL PRACTITIONERS MUST CERTIFY THAT THERE IS NO REASON WHY CREMATION OF THE BODY CANNOT PROCEED. ONE

CERTIFICATE IS COMPLETED BY THE ATTENDING PHYSICIAN WITH THE MEDICAL REFEREE PROVIDING THE SECOND CERTIFICATE.

AS MOST CREMATIONS TAKE PLACE WITHIN TWO TO THREE DAYS OF DEATH IT IS PARAMOUNT THAT THE FUNERAL HOMES ARE ABLE TO CONTACT A MEDICAL REFEREE WITHOUT DELAY. THE MEDICAL REFEREE MUST ATTEND THE FUNERAL HOME AND EXAMINE THE BODY BEFORE ISSUING THE CERTIFICATE. THE PAPERWORK IS THEN PRESENTED TO THE CREMATION AUTHORITY 24 HOURS PRIOR TO CREMATION. IT IS ESSENTIAL THEREFORE THAT MEDICAL REFEREES ARE AVAILABLE AFTER HOURS AND ON WEEKENDS.

SINCE SOMP NO NEW MEDICAL REFEREES HAVE BEEN APPOINTED. ALL APPOINTMENTS PRIOR TO SOMP REMAIN VALID BUT THE NUMBER OF MEDICAL REFEREES IS DECLINING AS APPOINTMENTS ARE RESIGNED. THERE HAVE BEEN SOME SITUATIONS WHERE THE FUNERAL DIRECTORS HAVE BEEN INCONVENIENCED BY NOT BEING ABLE TO CONTACT A MEDICAL REFEREE IMMEDIATELY.

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ALTHOUGH THERE ARE PUBLIC SERVANTS WHO MEET THE CRITERIA APPOINTMENTS SHOULD REMAIN VOLUNTARY. THERE ARE MANY DOCTORS, WHO THROUGH CHOICE, WOULD NOT WISH TO PERFORM THE FUNCTIONS OF A MEDICAL REFEREE.

I AM SURE THAT IT WAS NEVER AN INTENTION TO CREATE A SITUATION WHERE DOCTORS WOULD BE INSTRUCTED TO PERFORM SUCH DUTIES.

THIS BILL WILL NOT INTRODUCE ANY NEW PROVISIONS BUT WILL REINSTATE THE MECHANISM TO ENABLE PRIVATE SECTOR RESOURCES TO BE UTILISED FOR THE BENEFIT OF THE WHOLE COMMUNITY.

THE BILL WILL ALSO REMOVE THE PROVISIONS THAT REQUIRED A GOVERNMENT OFFICE TO BE CREATED AND MAINTAINED.

I NOW PRESENT THE EXPLANATORY MEMORANDUM FOR THIS BILL.

APPENDIX 5: Incorporated in Hansard on 26 September 1996 at page 3422.

1996

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

ELECTORAL (AMENDMENT) BILL (NO 3) 1996

PRESENTATION SPEECH

Circulated by authority of

Gary Humphries MLA
Attorney General

26 September 1996

Mr Speaker -

This Bill is intended to bring the ACT's election funding and financial disclosure laws into line with those of the Commonwealth.

When the ACT's election disclosure laws were introduced in 1994, they were modelled on the Commonwealth disclosure scheme. This had the advantage of reducing the work load imposed on political parties registered at the Commonwealth and ACT levels, as the same details were required to be disclosed at both levels.

However, the Commonwealth amended its disclosure scheme in 1995 to make the reporting obligations less onerous for parties and to strengthen the disclosure requirements applicable to donors. The ACT's disclosure laws are now considerably out of step with the Commonwealth laws. As a result, political parties registered under both ACT and Commonwealth laws would be required to submit information in two entirely different formats. This Bill will remove the differences between the two schemes.

Mr Speaker, members will be aware that the ACT's current disclosure laws require parties, candidates and independent MLAs to disclose details of expenditure and donations received in considerable detail. Measures are included in this Bill which will reduce the amount of detail required without compromising the integrity of the disclosure scheme.

In particular, less detail will be required to be set out in the annual returns submitted by parties and independent MLAs. Currently, where a person donates \$1500 or more to a party or independent MLA, annual returns are required to include the date and the amount of each individual donation made by that person. Under this Bill, where a person donates \$1500 or more to a party or independent MLA in a year, only the total amount donated by that person during the year need be shown. Minor donations of less than \$500 will not be included in calculating that total.

To further reduce the burden placed on parties registered at the ACT and Commonwealth levels, those parties will be able to fulfil their ACT obligations by submitting a copy of their Commonwealth annual returns to the ACT Electoral Commission. At present separate returns must be submitted to the ACT Commission.

The date for submitting annual returns to the Electoral Commission will also be brought forward by 4 weeks, so that annual returns will be due 16 weeks after the end of each financial year.

An associated entity is defined in the Bill as an organisation controlled by one or more registered political parties or by an Independent MLA, which operates wholly, or mainly, for the benefit of one or more registered political parties or an Independent MLA. This is aimed at preventing political parties avoiding the disclosure laws by setting up organisations through which donations can be channelled without disclosure of their true source. Associated entities will be required to lodge annual returns of expenditure and receipts.

At present, persons who donate more than \$1500 to parties and Independent MLAs are required to submit disclosure returns after each election. Under the Bill, these people will be required to submit annual returns. This will enable more efficient auditing of the disclosure process by requiring donors and recipients of donations to submit returns covering the same periods.

The Bill will also change the reporting requirements relating to each election. Currently, candidates and non-party groups are required to submit election returns showing particular types of electoral expenditure. Political parties are not required to submit equivalent election returns showing specified electoral expenditure. To date, parties have only been required to show total amounts of expenditure in their annual returns. Under the Bill, parties will be required to submit election returns similar to those required of candidates.

The Bill also follows the Commonwealth's lead by providing that election funding payments to parties, non-party groups and candidates will be paid automatically where the 2% threshold of first preference votes is reached. In the past, parties, non-party groups and candidates have had to demonstrate they had incurred electoral expenditure in order to receive their public funding entitlements. This change will reduce the administrative burden on parties, groups, candidates and the Electoral Commission. As most parties, groups and candidates qualifying for funding normally spend more than their entitlement during an election it is unlikely this change will lead to a substantial increase in funding pay-outs. On the other hand, this change will reduce the Electoral Commission's cost of administering the funding scheme.

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The Government has not followed the Commonwealth's lead in one significant aspect. The Commonwealth has increased its rate of public funding to around \$1.50 per vote. In view of the ACT's budgetary situation, the Government has not moved to alter the ACT's public funding rate, which currently stands at around \$1.08 per vote.

Mr Speaker, I am confident that this Bill will lead to greater transparency in the political process while at the same time reducing the administrative burden placed on political participants to a more practical level by not requiring two entirely different returns to be lodged.

I commend the Bill to the Assembly.

APPENDIX 6: Incorporated in Hansard on 26 September 1996 at page 3422.

1996

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL (NO. 2)1996

PRESENTATION SPEECH

Circulated by Authority of the Attorney-General

Gary Humphries MLA

26 September 1996

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL (NO. 2) 1996

PRESENTATION SPEECH

This Bill amends the *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995* to provide for a licensing scheme for the sale of X films. This will replace the existing licensing scheme in the *Business Franchise ("X" Videos) Act 1990* which, since the 1993 decision of the High Court in the *Capital Duplicators case*, has not functioned as originally contemplated.

This Bill will also amend some of the enforcement provisions of the Act. Specifically, the requirement to have all unclassified films and computer games classified before a prosecution may be commenced will be amended so that, where the offence is solely based on the unclassified nature of the film or computer game, the film or computer will not required to be classified before prosecution. This involves considerable expense to the prosecution and, where the offence is simply of selling an unclassified film, it is not necessary. Where an unclassified film or computer game is of such a nature that it seems that it may fall within the Refused Classification category however, this material would continue to be classified by the prosecution and prosecuted as such.

The Bill also amends the Act to allow for the forfeiture of Refused Classification material where a person is convicted of an offence in respect of this material. This material is of such a nature that it is in the public interest that it be forfeited and removed from any possible further distribution.

The licensing of X film distribution is appropriately placed in the *Classification Enforcement Act* as that Act regulates all other facets of the distribution of classified material in the Territory. As I mentioned earlier Mr Speaker, the main object of the *Business Franchise ("X" Videos) Act*

has been defeated by the decision of the High Court in the Capital Duplicators case. Many provisions of that Act relating to the failed business franchise fee are now redundant.

The licensing of X film distribution has since become a purely regulatory, rather revenue raising, function and the licensing of X videos is now administered by me as Attorney-General rather than the Treasurer. To reflect this shift in focus, this Bill repeals *the Business Franchise ("X" Videos) Act* and inserts provisions for the licensing of X film distribution into the *Classification Enforcement Act*.

The new licensing scheme has many similarities with current X videos scheme and, indeed, it is contemplated that current X video licences will transfer across to the new legislation. The new scheme will be slightly wider in focus however, as it provides for the licensing of X films rather than just X videos. The current term "X video" refers only to video tapes and video discs that are classified X. The term "X film" picks up the full range of formats for film including for example, CD Rom and other new technologies, or even old formats such as Super 8.

There is also no longer a distinction to be drawn between the wholesale and retail sale of X films. Licences under the new Part VI of the *Classification Enforcement Act* will simply refer to the act of selling X films.

The new Part VI of the *Classification Enforcement Act* will also include inspection provisions specifically for the X film industry rather than relying on the general provisions for inspection by officers under the *Taxation (Administration) Act 1987*. More specifically targeted inspections should lead to a greater level of understanding by licensees of their obligations under the *Classification Enforcement Act* and a resulting improvement in levels of compliance with the requirements of that Act by distributors of X films.

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Mr Speaker, I am conscious that the issue of the sale of X films is a very sensitive one. Without reopening the debate on this issue, while this Assembly continues to allow the sale of X films in the ACT I am committed to ensuring that this occurs in a responsible manner with appropriate safeguards. I believe that this Bill will assist in this process.

Mr Speaker I commend the Bill to the Assembly.

26 September 1996

APPENDIX 7: Incorporated in Hansard on 26 September 1996 at page 3423.

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

WITNESS PROTECTION BILL 1996

PRESENTATION SPEECH

Circulated by authority of the Minister for Police and Emergency Services

Gary Humphries MLA

26 September 1996

WITNESS PROTECTION BILL 1996

This Bill will enable the ACT to formally participate in the National Witness Protection Program as established under the Commonwealth *Witness Protection Act 1994*. The Australian Federal Police's National Witness Protection Program provides protection and assistance to any Crown witness, and related person, who may be under threat, or in danger, of physical harm.

Threat, intimidation and actual violence have long been the tools of trade when attempting to obtain compliance and subservience in the criminal community. This has particularly been the case with the advent of organised crime into Australian society and the resultant increased responsiveness by law enforcement agencies to stem their sphere of influence. Often, the evidence of informants is pivotal to the success of investigations and subsequent prosecutions.

As a direct result of their cooperation with law enforcement agencies, witnesses potentially place themselves and their families at risk of injury or even death. Where the administration of the criminal justice system, to be effective, relies on the evidence of witnesses who, as a result of providing that evidence, may be the subject of violent retribution, then law enforcement agencies are obliged to provide an adequate level of protection.

The National Witness Protection Program demonstrates to the community that those who are prepared to assist in the enforcement of the law may confidently expect to be protected by it. Witness protection typically involves the provision of new identity documentation such as a birth certificate, marriage certificate, passport, tax file number, Medicare number, etc; and may involve relocating witnesses and their family.

Although the number of ACT witnesses formally utilising the NWPP as a result of judicial proceedings commenced in the ACT has been few, the need for a legislative basis for participation in the scheme follows from the enactment, in 1995, of the *Witness Protection Act (1994) (C'th)*. This Act established a program for the protection and assistance of certain witnesses and other persons involved in proceedings deriving from Commonwealth jurisdiction.

The Commonwealth witness protection legislation requires an arrangement to be in force between the Commonwealth and the State or Territory and complementary witness protection law to be in force in a State or Territory before Commonwealth identity documents (such as passports) will be provided for those people on State/Territory witness protection programs

26 September 1996

Accordingly the structure of the Witness Protection Bill is designed to satisfy the requirements of the Commonwealth legislation and is drafted so that the Territory can formally participate in the National Witness Protection Program. The Bill also mirrors witness protection legislation in other jurisdictions in providing for a range of offences concerning the disclosure of information about a protected witness.

There are several aspects of the Bill which deserve particular mention.

The Bill will:

- satisfy the requirements of s 24 of the Commonwealth *Witness Protection Act (1994)* (*C'th*), in the absence of satisfactory arrangements for which the issue of Commonwealth identity documents is restricted;
- confer certain powers to the ACT Chief Police Officer to enable him or her to determine whether to include an ACT witness (and specified dependents) in the National Witness Protection Program and the level of protection and assistance that is appropriate for a witness;
- provide legislative authority for the ACT Registrar-General to issue (and revoke) birth and marriage certificates for use in the Program;

- satisfy the requirements of Commonwealth, State and Territory legislation which require complementary legislation in order to issue documents for protected witnesses in other jurisdictions;
- provide for an independent body such as the Supreme Court to have responsibility for hearing applications and ordering the issue of identification documentation for protected witnesses satisfying stipulated criteria; and
- impose ACT requirements, and satisfy those of other jurisdictions, which make it an offence to disclose information about a protected witness under the ACT's, or complementary, witness protection law.

Mr Speaker, this Bill will be an important part of the legislative structure aimed at helping law enforcement in the Territory and to enable the Territory to be part of a comprehensive State Territory and Commonwealth approach to witness protection. It is essential that our police force have the ability to protect witnesses whose information and evidence will help in solving crimes, pursuing prosecutions and obtaining convictions.

I commend the Bill to the Assembly.

26 September 1996

APPENDIX 8: Incorporated in Hansard on 26 September 1996 at page 3423.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

BUSHFIRE (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of

Gary Humphries MLA
Minister for Police and Emergency Services

Mr Speaker, there are aspects of bushfire fuel management in the ACT that need updating.

Members of the Assembly will recall the serious impacts of the bushfires in Sydney in 1994 together with the more localised impacts in the suburb of Curtin, and a rather large bushfire that started adjacent to the Tuggeranong Parkway in the same year.

An independent consultant engaged by the Parks and Conservation Service was critical of some of the bushfire fuel management practices followed by land managers. That report was undertaken by the former Deputy Chief of the SA Country Fire Service, Howard McBeth. Mr McBeth's report was never accepted by the former government and was put in the bottom draw, never to be seen again.

Until the election that is. During the 1995 election campaign, I released Mr McBeth's report. Not only had its contents been ignored and suppressed by the Follett Government, but to add insult to injury, they refused to pay Mr McBeth for his work. Immediately upon coming to government, I ordered that payment be made.

I also established a Bushfire Fuel Management Task Force under the Chairmanship of Mr Graham Glenn AO, to review bushfire fuel management practices.

On the 21 August 1995 I released the findings of the Task Force for comment by relevant agencies, interest groups and individuals. During that consultation process a number of comments were received, adding value to the Task Force outcomes.

Without exception it was agreed that the ACT, through its volunteers and departmental bushfire fighters, has an efficient and effective bushfire suppression capability. More, however, is to be done to reduce the potential undesirable effects of bushfires on valued assets and the community by improving our bushfire fuel management practices.

26 September 1996

Current legislation does not have provisions that clearly prescribe requirements or assign accountability for bushfire fuel management. As a result, the management practices within the ACT have tended to rely on the legislative provisions that apply to the suppression of bushfires and have not specifically addressed the management of bushfire fuels as a prevention or mitigation strategy. Reliance on suppression measures only is not sustainable, as the Glenn report clearly indicates.

Mr Speaker, the Government has accepted the recommendations of the Glenn Report and is setting about implementing them. Those actions which require legislative amendment are being introduced today, but legislation alone will not achieve the purpose of prevention of bush fires and minimising their impact.

This Bushfire (Amendment) Bill will add provisions to the *Bushfire Act 1936* to make it compulsory for managers of bushfire-prone Government land to prepare bushfire fuel management plans and then ensure that the area is used by the agency in accordance with the relevant bushfire fuel management plan.

The Bill describes the requirements for such plans and provides consultation, approving and reporting arrangements. It also includes a provision that the bushfire fuel management plan has no effect where it is inconsistent with any Plan of Management under the Land (Planning and Environment) Act 1991 in respect of an area of public land.

Public consultation in relation to draft bushfire fuel management plans and then the availability of completed plan for inspection are also important requirements contained in the Bill.

In addition, agencies will be required to account for their operations against the relevant bushfire fuel management plan in their annual report.

In some cases the most efficient and cost effective management practice used to reduce bushfire fuels is a controlled burn. However, the smoke produced can result in undesirable impacts on the community. Through the application of proven management practices and appropriate public notification, this impact can be minimised, although some smoke impact is inevitable.

The Bill improves the community notification requirements that already exist within the *Bushfire Act 1936* by requiring at least 24 hours notice of an intention to burn to be published in a newspaper circulated within the ACT.

Also resulting from the Task Force was a recommendation to include a means of allowing burning for ecological purposes. At present the *Air Pollution Act 1984* allows burning of plant matter for hazard reduction and training purposes only.

With improved understanding of our natural environment and its relationship to fire, circumstances exist where fire may be an essential requirement for habitat or species management.

The Air Pollution (Amendment) Bill proposes minor legislative amendments to allow for burning of plant matter to conserve biological diversity or ecological integrity.

In summary these Bills provide processes for bushfire fuel management planning and identify managers who are accountable for ensuring that adequate measures are taken to reduce the hazard and potential impact of bushfires on the ACT community.

I commend the Bushfire (Amendment) Bill to the Assembly.

26 September 1996

APPENDIX 9: Incorporated in Hansard on 26 September 1996 at page 3424.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIA CAPITAL TERRITORY

AIR POLLUTION (AMENDMENT) BILL (NO.2) 1996

PRESENTATION SPEECH

Circulated by authority of

Gary Humphries MLA
Minister for Police and Emergency Services

Mr Speaker -

As I stated in my presentation speech for the Bushfire (Amendment) Bill, the Air Pollution (Amendment) Bill introduces amendments which were recommended by the Glenn Task Force into Bushfire Fuel Hazard Reductions.

I refer members further to remarks I made in conjunction with the Bushfire (Amendment) Bill 1996.

26 September 1996

APPENDIX 10: Incorporated in Hansard on 26 September 1996 at page 3424.

1996

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (No 3) 1996

PRESENTATION SPEECH

Circulated by authority of
GARY HUMPHRIES MLA
ATTORNEY-GENERAL

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (No 3) 1996

Mr Speaker, the Land (Planning and Environment) (Amendment) Bill (No. 3) 1996 is cognate with the Administrative Appeals Tribunal (Amendment) Bill 1996 which I have just introduced into the Assembly.

The principal amendment effected by this Bill is the repeal of Part VIA of the Land Act which established the Land and Planning Appeals Board, will be effected by clause 18. A new Part VIA of the Land Act titled "Administrative Appeals" will consolidate some of the provisions in the Act dealing with the merits review of decisions. As the provisions dealing with review of decisions to the Board or the Tribunal are scattered throughout the Act, this will enhance accessibility in relation to decisions made under the Act which are reviewable on their merits.

The Stein Report was critical of the lack of adequate statements of reasons being provided by decision-makers under the Land Act. The Report recommended that all decisions be accompanied by a detailed statement of reasons. However, various clauses in the Land Bill will

require a decision-maker to comply with the Code of Practice for Notification of Reviewable Decisions and Rights of Review (the Code) referred to in section 25B of the AAT Act. The Code does not require a statement of reasons to be given at the outset but instead requires that a succinct explanation for the decision be given and the name and telephone number of a contact officer who can discuss the matter be provided. The Code also, in essence, provides that notice of the right to seek a statement of reasons must be given, certain details about the independent reviewing authority and the right of the person to use FOI legislation. The purpose of the change of policy is that the administrative effort which goes into the preparing of full statements of reasons is unnecessary unless a person really wants such a document. Mr Speaker, I believe that discussions with the decision-maker will, in most cases, ensure that any concerns in relation to how and why a particular decision was made are allayed.

Schedule 5 of the Land Act refers to activities that are subject to orders. Before the creation of the Board these were ministerial powers, but they now reside with the Registrar of the Board. The Bill will amend the Land Act to

ensure that they revert to being a ministerial function which properly, in my view, they should be.

Furthermore, at present, an order made by a Registrar does not take effect until the period for applying for review has expired. The Stein Report recommended that an order be effective when made but that its operation be stayed upon an appeal to the AAT being made. However, the Bill will make an order by the Minister effective upon it being made. This is the norm for other decisions reviewable by the AAT which has the power to grant a person a stay on the operation or implementation of a decision where this is appropriate and in the interests of a person. The automatic staying of the implementation of an order upon an appeal being lodged only invites mischievous applications to the Tribunal and the abuse of its resources. Accordingly, the Government does not accept the Stein Recommendation on this point.

The Land Act permits an appeal against the decision of a concurring authority on the same terms as an appeal against the final decision by the Minister. The separate right of appeal against a concurring authority's decision has not proved practical because the appeal is merely

held over until the final decision and the appeals are then consolidated. Therefore, the Land Bill will remove the separate right of appeal against the decision of a concurring authority. However, clause 24 of the AAT Bill empowers the Tribunal when reviewing the final decision by the Minister or the Executive to also review any relevant decision of a concurring authority.

The Schedule of the Land Bill lists a number of consequential amendments needed to be made by reason of the transfer of the Land Act review function to the Tribunal. Detailed transitional provisions are needed for the transfer of the function, which in essence, preserve the validity of steps taken by the Board and deem them to be made by the Tribunal.

I commend the Bill to the Assembly.

26 September 1996

APPENDIX 11: Incorporated in Hansard on 26 September 1996 at page 3425.

1996

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ADMINISTRATIVE APPEALS TRIBUNAL (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of

GARY HUMPHRIES MLA
ATTORNEY-GENERAL

26 September 1996

ADMINISTRATIVE APPEALS TRIBUNAL (AMENDMENT) BILL 1996

Mr Speaker, the principal purpose of the proposed amendments to the *Administrative Appeals Tribunal Act 1989* and the *Land (Planning and Environment) Act 1991*, to which I will speak shortly, is to transfer the functions of the Land and Planning Appeals Board to the Administrative Appeals Tribunal. The Administrative Appeals Tribunal (Amendment) Bill and the Land (Planning and Environment) (Amendment) Bill (No. 3) will effect that transfer. Members will recall that I foreshadowed this transfer in my statement *Planning for the Next Generation* last year.

I believe that this transfer is in the best interests of the community and will improve the accountability, credibility and standing of the planning system in the ACT. The Stein Report into the Administration of the ACT Leasehold referred to the criticisms directed at the Board and acknowledged that the Board's functions were to be transferred to the Tribunal. What I propose are important measures and I would like to refer to some of the significant changes that are proposed to be made.

Members will recall that before the establishment of the Board in 1993, all land use and planning merits reviews were dealt with by the Tribunal. But some matters, namely the review of the valuation of improvements and the termination of a lease and betterment tax reviews remained with the Tribunal. I propose there be a separate Land and Planning Division established in the Tribunal; and clause 8 of the Bill will establish this new Division. All applications under the Land Act will be heard in the Land and Planning Division. This is a positive indication of the Government's commitment, and the priority it gives, to planning and land use matters.

All members of the Board will be offered appointment to the Tribunal and all members of the Tribunal will be appointed to both Divisions. The President of the Tribunal will be given greater flexibility to reconstitute the Tribunal to determine matters. At present, the President may reconstitute the Tribunal on the application of a party where the President considers the matters are of such public importance as to justify doing so. Clause 10 of the Bill will empower the President of his or her own volition or on the application by a party to reconstitute the Tribunal having regard not only to the public importance of a

matter, but also to the factual or legal complexities of the issues involved. This will obviate the need for an appeal to lie from the Land and Planning Division to the 'full bench' of the General Division and the need to transfer cases between Divisions. This improved efficiency of the Tribunal will be in the best interest of parties to proceedings.

Mr Speaker, a further advance towards the more efficient functioning of the Tribunal is provided by clause 11 of the Bill. At present, a question of law in proceedings at which a presidential member presides is decided by the opinion of that member. The amendment effected by clause 11 will empower the Tribunal of its own volition, or at the request of a party, to request the President to constitute the Tribunal to give a ruling on a question of law which then binds the Tribunal hearing the proceeding. For this purpose, the Tribunal must be constituted by the President, the Deputy President or by a legally qualified senior member.

Special provision for the lodgement of documentation for reviews under the Land Act will be made. Section 37 of the AAT Act requires a person who has made a decision, the

subject of an application for review by the Tribunal, to lodge with the Tribunal a statement of reasons and the relevant documentation within 28 days of receiving notice of the application to the Tribunal. However, section 282ZA of the Land Act specifies that similar documentation be lodged by the decision-maker within five working days after notification of the application.

There are considerable difficulties faced by the planning and land management agencies in meeting the five working day requirement. Indeed, the Select Committee on Estimates for 1995 - 96 and Budget Review expressed concern that the ACT Planning Authority had failed to comply with the five working day requirement; the Committee was concerned that the statutory requirements were not being observed. There is no doubt that some planning decisions are complex and take time to consider. However, on balance, the Government considers 10 working days more appropriate. Accordingly, clause 19 of the AAT Bill requires lodgement of documents by decision-makers within 14 days under the Land Act and, in other cases, 28 days as is the position under the AAT Act at present. To provide more flexibility to the Tribunal, the time specified for lodgement of documents may be

shortened, not only in the case of hardship to a party as at present, but also where not to do so would cause a party to be prejudiced or it is in the public interest to shorten the time.

Further, special provision is made as to the time limit for the giving of a decision in matters under the Land Act but the Tribunal is not subject to such a time limit in matters decided in the General Division. Section 282ZG of the Land Act provides that the Board shall endeavour to give a decision within five working days after the hearing. Experience shows that, in many cases, the Board exceeds the tight five day time limit. It is proposed by clause 23 of the AAT Bill that the Tribunal, in respect of a matter in the Land and Planning Division, shall endeavour to give its decision within 14 days (ie, 10 working days) after the hearing. This, I believe, is a more realistic time limit. Members will be interested to know that the Stein Report suggested that decisions by the Tribunal be given extemporaneously and reduced to writing within ten days or reserved and delivered within 30 days.

To enable the Tribunal to bring Land Act cases to a hearing as soon as possible, it is vital that parties must not

cause unnecessary delay. Therefore, clause 22 of this Bill will amend section 43 of the AAT Act to allow the Tribunal to remove a party, other than the decision-maker, if that party does not comply with a direction of the Tribunal within a specified time or, if no time is specified, within a reasonable time. However, removing a party would only apply if there are multiple parties before the Tribunal and one or more of those parties have not acted diligently.

Mr Speaker, turning to the issue of legal representation in matters under the Land Act, I have given a great deal of consideration to this question. The position is that a party before the Tribunal may be represented by another person, including a lawyer. However, a party before the Board may be represented only with leave of the Board. The Stein Report was critical of the way the Board exercised its discretion. The Report suggested that the parties be entitled to legal representation or to be represented by another person with leave of the Tribunal. The Government considers it inappropriate that legal representation be allowed as of right but representation by a non-lawyer be subject to leave of the Tribunal.

I am convinced that restricting representation has the real potential for injustice. Some individuals, due to lack of self-confidence, cultural attitudes or language problems, would be at a great disadvantage unless represented by another person, including a lawyer. Further, decision-makers and government officials would have the benefit of experience gained from previous appearances before the Tribunal or the Board and so have a distinct advantage over the usual applicant who would probably only appear before the Board or Tribunal on a single occasion. Accordingly, parties in the Land and Planning Division may be represented by another person, including a lawyer, without leave of the Tribunal; section 31 of the AAT Act will apply as it does now.

The Government expects that the Tribunal will exercise its powers to ensure that Land Act matters, and indeed any other matters, are conducted with as little formality and as much expedition as the circumstances of each case allows. In particular, the Government expects that the Tribunal will not permit the fact that a party is represented by a lawyer to give the proceedings an unduly adversarial character that would be out of keeping with the philosophy behind the Tribunal.

Section 280 of the Land Act provides that objectors and the applicant for review may apply to the Board to be made a party and, by order, become a party to proceedings. The substance of this section is desirably reproduced for inclusion in the amended AAT Act. Clause 15 of the AAT Bill will give effect to this in new subsection 28(2A) of the AAT Act. Clause 15 will also provide in new subsection 28(2B) that a concurring authority would have standing as of right to be a party to proceedings where the decision of the concurring authority is substantively at issue in the proceedings. It would, of course, be inappropriate for a concurring authority to appear as of right when its decision is not really in contention.

Clause 17 of the Bill will include a new subsection 35(2A) to provide that a State or Territory Attorney-General may certify that the disclosure of certain information would be contrary to the public interest. Section 35 of the Act at present provides for the ACT Attorney-General (referred to in the Act as "the Minister") or the Commonwealth Attorney-General to certify that certain information should not be disclosed. It seems reasonable to make specific provision for State and other Territory Attorneys-General

having regard to the frequent exchange of documents between Governments.

Clause 5 of the Bill changes the name of the Tribunal by omitting the appellation "Australian Capital Territory" as part of the name of the Tribunal as this is no longer appropriate. Clause 6 will adopt the procedure in subsection 41A of the Supreme Court Act for the extension of the term of office of a member of the Tribunal. This will make for the more convenient and efficient administration of the AAT by obviating the need to go through the statutory requirements such as a further oath or affirmation before performing the duties of office.

The substance of the AAT Regulations, with modification as appropriate, will be included in the amended AAT Act. This enables the AAT Regulations, as they stand, to be repealed by clause 39 of the Bill with the benefit that the law relating to the Tribunal will be contained in the one enactment. However, the power to make regulations is preserved.

The other amendments to be effected by the Bill are of a machinery or technical nature and do not involve

substantive issues. These include the removal of references to Commonwealth public servants in clause 30 as AAT staff now belong to the ACT Public Service, the application of the Supreme Court scale to witness' fees and expenses and making consistent within the Act the references to documents, books, things and objects.

The legislation which I am introducing to-day contains many technical amendments. Members are welcome to contact my Office to arrange a briefing by Departmental officers on any part of it they would like to discuss.

The amendments to the AAT Act and the Land Act are dealt with in the one Explanatory Memorandum which I now present to members.

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APPENDIX 12: Incorporated in Hansard on 26 September 1996 at page 3425.

1996

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

CHILDREN'S SERVICES (AMENDMENT) BILL 1996

PRESENTATION SPEECH

Circulated by authority of
Mr Bill Stefaniak
Minister for Housing and Family Services

PRESENTATION SPEECH

Mr Speaker, this Bill amends the Children's Services Act 1986 in order to emphasise the paramount importance of the best interests of children in the application of the Act.

These amendments seek to enhance the protection of children under the Children's Services Act 1986 by clarifying ambiguities which have arisen in recent times. Whilst the amendments proposed partially clarify ambiguities a more complex review of the Act is currently being undertaken by officers of my Department and the Attorney General's Department. This review will further enhance the application of the Act for the protection of children.

Recent amendments to the Family Law Act 1975 (Commonwealth) effected by the Family Law Reform Act 1995 (Commonwealth) have given rise to various changes to the approach adopted by the Family Court in relation to matters concerning children. That approach essentially reinforces the best interests of the child as the paramount consideration. The amendments proposed are consistent with that approach.

It is considered that the Act as it stands at present does not clearly express the best interests criterion. It allows various interpretations which can impede the effective application of the Act for the protection of children. The amendments proposed seek to enhance the application of Section 5, by stating in unambiguous terms, that the best interests of the child are paramount and will therefore provide consistent guidance in the application of the Act in its entirety.

The consequential amendment to sub section 83(3) of the Act, becomes necessary to avoid any confusion arising from the reference to best interests of the child presently

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within that section. The effect of Section 5 will be to apply the best interests of the child to the entire Act rather than to a particular part of it.

I commend this Bill to the Assembly

APPENDIX 13: Incorporated in Hansard on 26 September 1996 at page 3492.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

EXECUTIVE CONTRACTS

To be delivered by:
Kate Carnell MLA
CHIEF MINISTER

26 September 1996

Mister Speaker I present the next set of Executive Contracts. The contracts are tabled in accordance with Sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all Executive contracts. You will recall that I previously tabled contracts on 5 September 1996

Today I present 16 contracts and one additional performance agreement. The performance agreement is for the Executive Director, Office of Public Administration and Management and is an addition to her current performance agreement. This reflects the extra duties she will be performing in the position of Executive Director, Cabinet and Policy Coordination, while arrangements for the Chief Executive, Department of Business, the Arts, Sport and Tourism are being finalised.

The contracts are for Executive offices and include two from Chief Minister's Department, four from the Department of Urban Services, four from the Department of Education and Training, three from the Department of Business, The Arts, Sport and Tourism, and three from the Department of Health and Community Care.

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Finally, I would like to alert Members to the issue of privacy of personal information that may be contained in the contracts and performance agreements. I ask Members to deal sensitively with the information and respect the privacy of individual Executives.

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APPENDIX 14: Incorporated in Hansard on 26 September 1996 at page 3493.

TABLING SPEECH

SECOND REPORT OF THE COMMUNITY LAW REFORM
COMMITTEE
RELATING TO DOMESTIC VIOLENCE

Circulated by authority of
Gary Humphries MLA
Attorney General

September 1996

I am pleased to present to the Assembly the second report of the Community Law Reform Committee in response to its terms of reference relating to domestic violence.

2. The first report from the Community Law Reform Committee relating to the domestic violence terms of reference was tabled in December 1995 and dealt with systemic and criminal justice issues. Members will recall that I recently announced the Government's response to that report which detailed a strategy for the implementation of its recommendations.

3. The report which I table today deals with civil law and procedural issues relating to domestic violence and concludes the Committee's work in response to its terms of reference. The Committee in its report has sought to integrate the holistic approach espoused in the first report to the comprehensive civil system which presently exists in the ACT for protection from violence and harassment detailed primarily in the *Domestic Violence Act 1986*. The Committee's recommendations seek to enhance this system and assimilate a greater degree of consistency with the provisions of Part X of the *Magistrates Court Act 1930*. In so doing the Committee has sought to retain the integrity of the *Domestic Violence Act 1986* and the principles pertinent to the enactment of that legislation whilst ensuring a consistent regime for the protection of all persons from violence or harassment.

4. The Report encompasses the first review of civil issues relating to domestic violence in the ACT since the Australian Law Reform Commission's report released in 1986. The Report contains various recommendations relating to the duration of orders, the capacity of persons to apply for protection for themselves and others, the nature of the protection afforded by the Domestic Violence Act and the procedural operation of the Domestic Violence Act. Particular recommendations seek to simplify the language and layout of the legislation.

5. The Report also contains significant recommendations relating to the protection of children and the role of the coroner in cases of

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domestic homicide. The Committee considers that the application of the Domestic Violence Act would be enhanced by its recommendation to include in the Act provisions specifying the purpose and the principles by which the Act is to be applied. These principles are consistent with the objectives detailed in the National Strategy on Violence Against Women formulated by the Commonwealth State National Committee on Violence Against Women in October 1992 subsequently endorsed by the ACT Government.

6. To assist the Government in preparing a response to the Report, the Report will lie on the table of the Legislative Assembly for a period of 3 months. The government encourages members of the Assembly and the public to provide comment in response to the report.

APPENDIX 15: Incorporated in Hansard on 26 September 1996 at page 3494.

GUIDELINES FOR THE CLASSIFICATION OF FILMS AND VIDEOTAPES

SPEAKING NOTES

- . I originally tabled guidelines for the classification of films and videotapes, publications and computer games in December 1995 along with the National Classification Code and the intergovernmental agreement concerning the new classification scheme.
- . The film and videotape classification guidelines have since been revised according to the process set out in the intergovernmental agreement and it is these revised guidelines that are being tabled today.
- . That process included consultation with members of the public, community groups and organisations, including contributors to research. The views of complainants, industry groups and other interested parties were also sought.
- . The purpose of the classification guidelines is to provide assistance to the Classification Board in making classification decisions for films and videos.
- . The revised guidelines are expressed in much clearer language than the previous version. Terms that have a specific meanings have been defined and it is hoped that the guidelines will be much more user friendly.
- . I would like to point out one significant change in these classification guidelines. That is in the area of the depiction of violence. The guidelines have tightened up on the depiction of violence at the top end of the "R" classification. Extreme material

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that may have been permitted previously will now be refused classification.

- The revision of the film and videotape classification guidelines is the first in a series. The publications classification guidelines are due to be reviewed shortly and a review of the classification guidelines for computer games will follow after that.

APPENDIX 16: Incorporated in Hansard on 26 September 1996 at page 3497.

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**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**MINISTERIAL STATEMENT ON
CONTINUING REFORM WITHIN THE A.C.T.
COMMUNITY CARE
DISABILITY PROGRAM**

**To be delivered by
Kate Carnell MLA
Minister for Health & Community Care**

26 September 1996

Mr Speaker, 13 months ago, I made a Ministerial Statement to this Assembly which outlined the Government's plans to implement reforms within our disability services.

Today, I would like to report on the significant progress that has been achieved during the past year and detail further reforms that will be undertaken by ACT Community Care Disability Program.

In making this Statement, I am mindful of the criticism that has been levelled in recent weeks at both the staff and the management of the Disability Program, particularly residential services.

This criticism, Mr Speaker, has undermined confidence and morale among the many staff who provide the very highest level of care and support to their clients.

It has also resulted in a great deal of unnecessary stress for the families and the guardians of people with disabilities.

Mr Speaker, no-one has ever described the ACT's services and care for people with disabilities as perfect. We do have a long way to go.

But it is about time that all Members of this Assembly recognise that we have come a hell of a long way since self-government, in providing better quality services and better levels of care, and promoting the inclusion of these people as valued members of our community.

There are significant issues that remain to be addressed but I can assure you **THAT THEY ARE BEING ADDRESSED RIGHT NOW.**

But these changes can only happen with the co-operation of everyone involved, from parent, to guardian, to staff member, to the individual himself or herself, and, just as importantly, with the support of all of us here today.

They take time. They must be taken carefully. And above all else, they can only occur against a background where we stop treating people with disabilities as somehow different from other individuals in our community.

Because disability services is without doubt, **THE** most difficult and **THE** most sensitive area of service provision within the community today.

But if you scratch the surface, you'll find there are enormous changes taking place, both here and overseas.

It is worth remembering that the Community Care Disability Program provides more than just group homes for people with disabilities.

In fact, the Program offers integrated support services, including centre based respite, professional services, advice and referral, recreation services and of course, accommodation support.

Mr Speaker, the reform agenda underway in the ACT is based on several recent reviews of disability services, input from the Canberra community and in particular, the recommendations of the 1994 Dell Report on Intellectual Disability Services.

The Dell Report was released shortly before this Government came into office. It emphasised the need to move to more accessible, equitable, consumer focused disability services.

We accepted its findings and in early 1995 we put in place a team to implement many of its recommendations.

And we made sure that the Disability Services Development Project, as it became known, was adequately resourced and positioned to drive these reforms.

With support from the Project team the Disability Program has made significant progress in the areas of housing, staff development and training, respite care and behaviour management, service standards, and case management

And within the Program, a range of structural improvements have been made. The real purpose of these changes of course, is to have a commitment to working to achieve better outcomes for clients.

- We now have regional, inter-disciplinary disability support teams in place so as to provide more accessible and flexible support services.
- We have introduced vastly improved work practices including electronic rostering, streamlined reporting arrangements and more efficient and accountable financial management procedures.
- Sweeping changes have been made to improve efficiency in the management of staff recruitment, workplace consultation, rehabilitation and compensation.
- New, improved policies and procedures have now been developed for the day-to-day operation of group houses and hostels.
- Better information systems are in place for service delivery, staffing and planning.
- We have now implemented staff development programs to support our people to provide the highest quality service to clients.

This has occurred through initiatives like the Traineeship in Developmental and Disability Support which is the first of its type in Australia and has recently had its curriculum nationally accredited.

Other initiatives include access to recognition of prior learning for staff who wish to gain qualifications and a range of new training programs covering such areas as service values, the Disability Service Standards, Information Technology and Budget Management.

- And, the reform of centre based respite care services has begun.

In the ACT we should and we do have a clear focus on supporting people with disabilities to live in the community and not in institutional settings.

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Previously, we had closed hostels for people with disabilities where up to forty people lived together and the ability to provide individual service and support was extremely limited.

These people are now supported to live in more appropriate settings in the community.

Back in 1993, accommodation support services were provided to 132 clients.

A total of 47 people lived in two hostels while the remaining 85 people lived in 21 group houses.

Today, 142 people receive accommodation support services.

There are 12 people with high support needs who live in Chapman Hostel and 130 people are accommodated in 37 group houses spread across the ACT.

The move of clients from John Knight Hostel to more home-like accommodation is a major achievement. In these new arrangements people have much better opportunities to live full lives as valued members of the community.

I want to spend a little time talking in detail about the many changes and reforms that have taken place in these group houses.

I spoke earlier about the formation of a regionalised structure of locally-based multi-disciplinary disability support teams which has moved management closer to the client.

This ensures that decision-makers have a good knowledge of practical circumstances and individual situations and needs.

Regional teams are able to provide clients with improved access to a range of professional services, as well as more integrated provision of the traditional support and training services, in the home and in the community, which are provided by accommodation support services.

Managers are now responsible for a cluster of houses, with one manager in each region on call 24 hours per day, 7 days a week, to deal quickly with any urgent matters which may arise.

Each group house now has a team leader who is responsible for implementation of individual support programs and the achievement of outcomes for these programs.

This person knows all the house residents well and is able to ensure that support focuses on specific individual needs and has continuity.

A placement committee now meets regularly and procedures for placing clients are more clear and transparent. This committee consults with consumers, families and advocates to help make sure that people are offered places in houses where they will be compatible with other residents.

Policy and procedures manuals have been placed in each house to inform and guide staff in their work. Clients can now expect more consistency in their support.

Of course operational policy needs to be updated and reviewed regularly to keep up with changing circumstances and this process is now established in the Disability Program

I also mentioned that opportunities for better staff training have been developed because the skills and attitudes of all our staff are a vital component in the provision of quality support services.

For example, the curriculum for the new Developmental and Disability Studies Traineeships has a strong focus on the development of skills and knowledge which will enable support workers to effectively manage client health related issues.

These subjects include *Working in a Home Environment, Perspectives on Health and Illness, The Idea of Health and Occupational Health and Safety*.

The Disability Program also places a high priority on better occupational health and safety, and has an active OH&S Consultative Committee with regional representation.

The emphasis on better client outcomes is also reflected in changes to staff role statements, which now include a duty of maintaining a healthy and safe home environment for clients.

All Disability Program clients now have an Individual Program Plan, which is developed in partnership between the Program, the client and their family or guardian.

These Plans are regularly reviewed to ensure that they meet current client needs and are achieving real outcomes.

There is more consistent use of Individual Program Plans, especially in the areas of skill development and behaviour management. This enables clients to learn new things, to improve their self-esteem, to grow in independence and to become more involved in their local community.

All residents now visit their own GP and are given the opportunity to develop a positive doctor-patient relationship with someone who suits their individual circumstances and with whom they feel comfortable.

This is a considerable improvement on the old days where regular 'clinics' were held for residents of institutions who had no say in choosing either their doctor, their treatment or even whether they actually needed a medical appointment at all.

Mr Speaker, another major change that is occurring under this government has been a move towards individual funding packages for people with disabilities.

These packages move funding away from supporting the infrastructure of service providers to direct support for individuals by allowing them to maximise the level of control they have over who, how and when services are provided.

The Government has recently commissioned a review of the Individual Support Package program and we will be working with individuals and service providers to improve this innovative funding program.

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It is interesting to note Mr Speaker, that since 1993 the number of Individual Support Packages made available has increased from 11 to 62.

The Government was pleased to provide in last years budget growth funding for the Individual Support Package program of \$450 000.

Total annual expenditure under this program now amounts to more than \$1.7million.

It is worth noting too that in the recent report on the review of the Commonwealth State Disability Agreement the ACT's Individual Support program was identified as a possible national funding model for people with disabilities.

Finally, the recent move to a purchaser/provider structure for ACT Health and Community Care has provided a framework for the business of the Disability Program.

Community Care is now free to concentrate on the efficient delivery of quality services, while the Department of Health and Community Care continues to develop broad policy, makes purchasing decisions and manages the purchasing processes.

The separation of these roles, Mr Speaker, will assist in the achievement of quality and value for money service.

A Purchasing Contract with the Department of Health and Community Care has been developed for 1996/97.

This Contract outlines respective roles, specifies outputs to be produced and identifies initial quality requirements.

The progress I have outlined so far has been achieved through the hard work of many people.

Management and staff, clients and their families and advocates, union representatives, other service providers and interested members of the general community have all demonstrated their commitment to services for people with disabilities, through a thoughtful and cooperative approach to the reform process.

However, it is now important that this momentum continues. Those who are involved with the Disability Program will acknowledge that there is much work yet to do and some serious issues to address.

As we all know the needs of people change over time. It is critical that services for people with disabilities are flexible and focus on their needs as they evolve.

It is for this reason that shortly, the Chief Executive Officer of ACT Community Care will be releasing for consultation a three year Strategic Directions Plan which will guide further reform in the Disability Program.

These reforms will include:

- specifying quality measures in service agreements with consumers;
- creating a culture where client input is encouraged and valued; and
- collecting feedback from clients about their levels of satisfaction with service responsiveness, reliability, competence, accessibility, respect for consumers and credibility.

Responsibility for various reforms and their timeframes have been identified, along with performance measures and reporting arrangements for the Plan.

Top priorities have been given to:

- Formulation of strategies which better equip the Disability Program to provide tailored support in a range of environments in response to the individual needs of clients;
- The establishment of service agreements with consumers which promote accountability and shared expectations by outlining the rights and responsibilities of the consumer and of the Disability Program as service provider;
- The development of a quality assurance framework which ensures that services meet required standards;
- The development and implementation of transparent, consistent, equitable policy and procedures for the assessment of individual support needs, allocation of service and offers of places in accommodation;
- The continuation of workplace reforms to ensure service provision is focused on consumer needs and real outcomes. Practices to be modified include staffing arrangements, work level structures, career structure and workforce development; and
- The review and finalisation of policies, procedures and guidelines on individual support planning, grievance procedures, health-related issues, financial management and the role and structure of advisory committees.

This draft plan reflects the government's vision for services for people with disabilities. We have seen the need to move beyond institutional care for these members of our community.

As I mentioned earlier, this Plan will now be released for consultation and input from interested parties.

Mr Speaker, over the past seven years since self-government, a spirit of bipartisanship, or even tri-partisanship has existed in this area of service delivery.

Anyone who knows anything about this area will tell you that it is not simply a matter of throwing more money at the problems and hoping they will go away.

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We can do better for people with disabilities AND WE ARE DOING BETTER.

We don't get it right all the time. And that is one of the reasons why the Commissioner for Health Complaints, Mr Ken Patterson, is currently examining this area.

But to simply bag the service and the many dedicated people who work within it is unfair and short-sighted.

Changes will have to be made to things like the placement of residents but these cannot and will not happen overnight.

Recently, I was criticised for failing clients of our disability services because I did not allegedly pay enough attention to their needs.

Mr Speaker, I will stand on this Government's record and our commitment to making some tough decisions in order to improve problem areas like this one.

We have provided more resources, more support and more impetus to reforming disability services than any previous Territory Government.

Can I assure Members that of all my responsibilities as a Minister, disabilities and mental health services are the most demanding.

I welcome the contribution that all Members can make to this debate and to improving this area of service delivery.

I can only hope that it will be at least one area in this Assembly where we can work together.