



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 FEBRUARY 1997

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

DEATH OF MR NORMAN FISHER, AM

MR STEFANIAK (Minister for Education and Training): Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of Mr Norman Fisher, AM, who made a significant contribution to Canberra, especially in relation to the development and growth of the Canberra Institute of Technology, and tenders its profound sympathy to his wife and family in their bereavement.

Mr Speaker, I am greatly saddened today to be in the position of moving this motion of condolence on the death of Norm Fisher. Norm died suddenly in Melbourne on Wednesday of last week, just as he and his wife, Maureen, were about to embark on a holiday to New Zealand - something they were looking forward to very much. Indeed, Maureen's mother was going out of the country, for her first time, with Norm and Maureen. Norm had severe pains. His wife took him to the doctor in a taxi. Unfortunately, after an operation, he passed away. I offer sincere condolences to Maureen, to his sons - Stephen, Craig and Rohan - and to his family and colleagues.

Mr Speaker, Norm Fisher was a gregarious, good natured and very likeable person. His energetic approach to life and work was legendary, and his enthusiasm was inspiring to so many of those who came into contact with him. His commitment to the task at hand was complete. He never did things by halves.

As members will remember, Norm Fisher retired in October last year, after a very long and distinguished career in the Public Service. He started his Public Service career in the State Electricity Commission of Victoria in 1952. The Public Service then was a very different place from the service that Norm left at the time of his retirement. His career of 45 years was marked by the tremendous capacity he had to go beyond mere adaptation to change. Norm anticipated change. He harnessed it to make it work for him towards his own purposes and those of the organisations in which he worked.

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Perhaps Norm's interest in the international arena had its genesis in the 12-month secondment he secured, back in 1967, to the British Electricity Council. If that is so, he certainly put his interest to great future use, for the benefit of technical and further education. He was instrumental in creating a national marketing strategy for Australian TAFE. His was a strategy which highlighted the best parts of each State and Territory TAFE system, while marketing Australian TAFE as a national provider, within a cohesive, high-quality system.

Mr Speaker, after starting as a clerical officer in personnel in the State Electricity Commission of Victoria, in 1953 Norm gained his Victorian leaving certificate. In 1954 he became a clerk with the State Electricity Commission, Victorian power stations; and in 1957, a clerk with the State Electricity Commission, Victorian construction sites. In 1958 he obtained a Diploma in Public Administration from the Royal Melbourne Technical College. Between 1959 and 1963 Norm obtained a degree of Bachelor of Commerce with Honours from the University of Melbourne, majoring in public sector economics. In 1967 he had a 12-month secondment to the British Electricity Council. While he was studying, Norm met and married his wife, Maureen.

I was honoured to go to his funeral yesterday, Mr Speaker. A friend of Norm's since he was eight told a lovely story about when they were both young blokes. It was back in the 1950s. Norm had an ancient car, and they travelled overland from Melbourne to Sydney, going via the Snowy Mountains. Being fairly young, they both forgot to check the water. The car had great difficulty, even in first gear, in getting up a hill. They did not quite work out that the problem was, in fact, the water. To give an example of Norm's single-minded dedication, he was driving, and he turned the car around and went in reverse to get over the hill. When they went down the other side and ended up in Cooma, I think the car was pretty well wrecked because of the lack of water. I think that just shows Norm's dedication to the task at hand.

Mr Speaker, Norm finished at the State Electricity Commission of Victoria in 1967, and from 1967 through to 1973 he worked with the Commonwealth Bureau of Roads in Melbourne. The Fishers moved to Canberra in September 1973, when Norm began work with the Department of Urban and Regional Development. In December 1975 he moved to the Department of Environment, Housing and Community Development on his appointment as first assistant secretary. He pursued his already distinguished career in Canberra. He became founding director of the Bureau of Labour Market Research in July 1980. This move may have been the one that led him inexorably towards a position that was to be his last in the Public Service - founding director of the Canberra Institute of Technology.

In 1981 Norm was on loan to the Department of Territories and Local Government. In 1982 he became director of the Department of Employment and Industrial Relations and, in March 1985, acting deputy secretary of the Department of Education. He was promoted on 14 October 1985 to deputy secretary of the Department of Education. In 1986 Norm was invested as a Member of the Order of Australia "for public service in the fields of labour market research and public administration".

In 1987 Norm was transferred to the ACT Administration as acting chief executive of ACT TAFE. He led ACT TAFE's transition from three colleges to a single statutory institution, ultimately to be named the Canberra Institute of Technology, or the CIT, as we know it today. Norm spent almost a decade of his life dedicated to furthering the aims of the CIT. He was firmly committed to enabling the institute to provide excellence in the design and delivery of technical and further education in the ACT. He expanded the very horizons of ACT TAFE. He promoted his vision for TAFE and his enthusiasm for technical and further education throughout the ACT TAFE and industry community. Some 200,000 students have benefited from this vision, dedication and enthusiasm. I know that Norm took pleasure from the successes of the CIT and CIT Solutions, largely because of the respect and recognition of these successes in the community. He was also gratified by the way the CIT's students association, CITSA, has become the leading students association in Australia. His support of it was reciprocated by its support of the TAFE system and of Norm.

Norm's skills as a fine bureaucrat, as well as his legacy to Australian vocational education and training nationally and internationally, will ensure that he is not forgotten. He will be remembered with respect, gratitude and affection by all who have been touched by his work or by his engaging personality. There are many things about Norm Fisher that I personally will remember, both from his time working to me as Minister and also from my time as a part-time teacher at the CIT. Mr Speaker, Norm Fisher's death so soon after retirement from public life is indeed a tragedy. There will be very many who will miss him and who will miss the wise advice he so willingly tendered.

MR WOOD: Mr Speaker, Norman Fisher's career provides a model for public servants, especially in these times when their role is being redefined. I worked with him for 3½ years, as Minister to senior bureaucrat, and respected his professionalism and his dedication. That the Minister also commends these qualities is further support of his outstanding work. The public good, expressed through service to the government of the day by delivering quality outcomes for his students and the ACT, was his consistent aim, successfully achieved. Norman Fisher was utterly devoted to that work. I know that his colleagues urged him to slow down, as did his family; but his passion for his work in the ACT was too great. He deserved, and his family deserved, a long and energetic retirement, or rather a new career; but that reward did not come. But Norman's reward, and his family's, comes in the knowledge and the deep satisfaction in the pride of his achievements.

I first met him when I worked for the Federal Minister for Education and he was a valued and respected deputy secretary. But my close knowledge of his work came when I was Minister and I saw how he shaped, indeed reshaped, TAFE-level education in the ACT. His unceasing drive was directed towards improving the standard of the now Canberra Institute of Technology, in raising the quality of its students and in providing a resource that is essential for the economic and social development of the ACT and district.

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He was outstandingly successful. It was no simple task. It was not just a matter of maintaining or adding courses and students. He took three separate and somewhat self-indulgent TAFE institutions and moulded them into one tight and directed Institute of Technology. He saw student numbers reduced from 31,000 -including about 6,000 in hobby classes - to about 19,000; but those students were better directed, with many of the hobby-type courses gone or turned into a profit-making provision. Some 200,000 students went through TAFE in his time as director.

Norm Fisher reduced the number of campuses from 14 to six - plus, now, the innovative flexible learning centre at Tuggeranong. He gave both a strong vocational and an academic approach to his institute, not through a name change but through a concentration on excellence. These were considerable changes - a necessary revolution in just a few years. That marks him as a visionary. But he was an outstanding administrator. Note this: All these changes were accomplished in general peace and goodwill, when there could have been tumult as a result of such changes. There were no student protests. Staff, of course, were concerned, but were involved and supportive. Budgets were reduced in the TAFE system, as elsewhere in the ACT; but the change was successful and properly, but quietly, negotiated. Let me give just one example of how Norm operated. He once brought me a letter to a colleague, and I said to him, "Norm, I think this is going to be very difficult. Do you know what sort of response there will be? Can this be successful?". He said, "Minister, I know what the answer is already". Norm would work through things and he would set the path well ahead so that he knew what outcomes he could achieve.

Norman Fisher was a leader in the ACT, and one when we needed people of his quality. Part of that leadership for the ACT was his leadership of vocational education nationally. He was at the forefront of the most significant changes in vocational education in a generation. His advice was important for his colleagues in the States and was respected by them. He was a most significant figure at the national level. He provided leadership in such matters as curriculum, statistical collection, building control and marketing. He leaves Australia and the ACT with his monuments - a highly relevant Canberra Institute of Technology and strong and valid policies in vocational education. He leaves, too, many good memories. One of the reasons he could achieve so much was his own unfailing cheerfulness and good spirits, which, with his optimism, his energy and his ability, made him such a great and effective citizen of the ACT and Australia, and a good friend. I, too, with my colleagues, extend condolences to Maureen and her family.

MR MOORE: Mr Speaker, I rise to farewell Norm Fisher in another way. It was not so long ago that we gathered, on a number of occasions, with his friends and his work colleagues to farewell Norm. We believed that he would put the same sort of energy into his retirement as he had put into his work. In those enthusiastic times, I chatted to him about the sorts of things he might be doing. In his normal style, Norm Fisher was wearing what I think of as a naughty grin, as he did - we can all picture it - when he had some great idea brewing, and you knew that he was going to put his energy and enthusiasm into it.

Mr Speaker, in speaking to this condolence motion, I will not repeat the sorts of things that the Minister and the immediate past Minister have spoken of, in an historical sense; rather, I will relate my own experiences and my own association with somebody for whom I held a great admiration. My first meeting with Norm Fisher took me quite by surprise. I could not believe that anybody could be so enthusiastic about making self-government work. We had been going through the preparation for an election process. In that election process Norm Fisher contacted us and said, "We can have the tally-room at the Reid TAFE", as it was then, "and I just want you to come across and have a look to make sure that the facilities suit you". This was my first ever election. I had been to a tally-room once before, in South Australia; but I had no idea that people would need extra telephones and communication systems and all the bits and pieces that Norm was so keen about. It was something else that he just made work. I think that the great talent he had was that he would put his energy and enthusiasm into taking his ideas, government policy, or whatever it was, and make it work. I think it is an incredible talent, and many people could take a lesson from it.

Mr Speaker, he continued that with his variations to the technical and further education system, as it was, including the transition to the Canberra Institute of Technology. With Norm Fisher, there was always a phone call: "Michael, can I show you something? This is really great. I really have to share this". There was always an implication that he wanted to share some great idea or some particular enthusiasm he had. It was through that sort of approach that I went to all the TAFE colleges, as they were then, and through the system and was beginning to understand it. Norm wanted everybody to understand it. He understood self-government and he understood this Assembly much better than most people. I think it is also fair to say that he understood the individual players. He built up a rapport, a relationship, with the individual players as well. I should also point out that Norm would always preface some of these comments in terms of his work by saying, "My Minister has this approach", and would then lead in. He always took great care to ensure that he was following government policy.

Norm Fisher had his detractors then. So does every single member who is sitting here today. We have heard them at one time or another. It seems to me that this was because he had such drive, because he had such energy and because he had such leadership, and there were some people who just could not hack the pace. One of the areas where he probably felt most stressed was with the Australian International Hotel School. Mr Speaker, I believe that, in another decade or so, we will all be very proud of something that really was an issue very dear to Norm Fisher's heart - a contribution that he saw he was making to the Canberra community. That will not be without its problems. Already we have seen some problems. When people actually get out there and try to achieve something, occasionally they are going to make a mistake - if, indeed, that turns out to be a mistake. I would much prefer to see somebody doing that than taking the approach, "We will sit back and just let things go, because in that way I will not put my neck out, in that way I will not have taken any risks". In that way, also, we do not achieve anything.

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It was that preparedness to take a careful risk that I think was a mark of Norm Fisher and part of the Norm Fisher that I really liked. It seems to me, Mr Speaker, that if there were more people in Canberra like Norm Fisher, with the leadership, the energy, the enthusiasm and the willingness to take some risks, we probably would not be in the recession that we are in at the moment. Mr Speaker, I join with other members in extending my condolences to his wife, Maureen, and to his family. Norm Fisher is a person that I am going to miss.

MS McRAE: Mr Speaker, 10 years ago, I got a phone call. The phone call was an invitation to join an advisory board, and the advisory board that I was to join as the community representative was the forerunner of the now established CIT. It was then that I met this remarkable individual called Norm Fisher. Those 10 years have seen a roller-coaster ride which has ended so tragically for Norm Fisher, and I hope not quite so tragically for me. I think that, if any individual sparked my interest in actually moving from community representation into the more serious side of politics, it was Norm Fisher. His legacy is far greater than any list of achievements you could add up on a piece of paper or any qualities you would like to enumerate. He was one of those rare individuals who touch everyone and who are remembered for what they can spark off in others as much as for what they give of themselves.

I think those three qualities that I met 10 years ago have overridden everything that Norm has done and have awakened us all to our own potential to measure up against this incredible person. The three qualities that I encountered 10 years ago, and that only grew in stature from that time, were professionalism, adaptability and enthusiasm. The enthusiasm was not just an abounding enthusiasm like that of a young puppy, but an enthusiasm that had a depth of integrity and honesty that I have met in very few people. The professionalism was evident from day one - in Norm's attention to every detail; in Norm's capacity in every dealing to make sure that all of us, including a very new and raw community member called Roberta McRae, knew what was going on, understood and was able to participate. We were moving from this scraggle of TAFEs, as they were at the time, with campuses all over Canberra, people with vested interests, frightened people, and people concerned about what the future held. Norm held it all together in a totally professional way, so that everybody was informed, so that everybody was kept together, so that some inkling of the adventure that was to come was sparked, rather than fear.

Over the 10 years, we have seen this ragbag of schools, this ragbag of interests, united into an extraordinary CIT which holds its own internationally. His professionalism was what shaped that from the beginning. It shaped the board; it shaped everyone who was involved from the very beginning. It was a 10-year battle, a 10-year development, which still has not stopped. I was involved in that process until 1991, when I was preselected as a candidate. From 1987 to 1991, we had monthly, if not more frequent, board meetings. Norm never dropped that professionalism. Each progressive stage of the process showed us his next quality, which was that of adaptability.

There are very few individuals that come from the beginning that Norm did and are then as able to be as bending, as adaptable and as embracing of change as Norm was. We have to remember where Norm came from. I have met plenty of men his age - and plenty of women, to be fair - who were simply unable, in their late forties, to deal with the sorts of changes that Norm was confronted with. EEO was one of them. He was incredibly enthusiastic and supportive and strong about the need to bring in women, to bring in people with disabilities, to bring in people of diverse backgrounds. He understood. He did not do it just because the law required him to. He understood that need for adaptability, and embraced it and made sure that it happened at every level of his responsibilities.

It was that transference of professional requirements through an adaptation that came from his heart that made all the difference to his manner of leadership from that of a lot of others. EEO was one of them, but commercialism was another. It is totally against the grain for people from his background that I have met in other quarters; but Norm was able to see that you could not fight the commercialism of TAFE, that you had to embrace the market, that you had to go out and sell. And he did. He did it, against enormous resistance, fear and concern. He turned people's hearts and heads around until, eventually, they are now boldly facing the future, able to sell their services, able to be proud of who they are, and not reliant on being told what to do. That came through his capacity to adapt, to learn from life and to change, and to change others with him.

He also embraced cost-cutting. I lived through those years when the community sector, the community, everyone, suffered from the changes that the Commonwealth had insisted happen. Self-government did come at a price. We all knew that it came at a price. It came at the price of Canberra managing itself. That required leaders like Norm to look at those implications and put them into effect, and he did. He embraced it with honesty, with thoroughness, with all the professional qualities that I have talked about, and eventually made people understand that it was not some dark satanic plot that was imposing cost-cutting on people, but it was a necessary measure of contemporary life, and it came at a price. Costs went up, fees had to be imposed, courses were dropped. There were a lot of unpopular decisions that Norm, through his board and with his staff, had to make. But Norm understood. It was this quality of adaptability that he brought to those decisions - which is a remarkable quality in a person - along with his professionalism, but, most of all, his enthusiasm. As I have said, to me, that enthusiasm came from a deep honesty in Norm. His honesty was that he understood exactly where he had come from and what remarkable experiences life had offered him. He enjoyed every minute of them. It was this legacy most of all - the combination of this enthusiasm and the other two qualities - that made him a remarkable human being.

He never apologised for who he was or who he had been; he proudly took on every one of his achievements. He was able to share those achievements with others, but he never walked away from who he had been. There are very few people who come from his background, who rise to his heights, who do not, at some point, turn their back on who they once were. I believe that it was this honesty and sheer delight in what life had to offer that transfused everything that he did and made us aware, collectively - all who worked and dealt with him - of what remarkable things life does offer and how often we close doors by not being awake to what is there in front of us.

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Norm took that quality of enthusiasm wherever he went, and it was that quality, that honesty, that integrity, that enabled people to trust him and follow him into unknown waters, into new adventures, into remarkable achievements. I have met very few people in my life who combine those three qualities in a way that makes you feel that you are special, that that individual you are meeting is special, and that life itself is something very precious. Norm's early passing has shown just how precious life is. I cannot begin to say how much sadness I feel for his wife and children at a time when they would have enjoyed his company most.

MRS CARNELL (Chief Minister): Mr Speaker, previous speakers have certainly made a lot of very important comments and very important statements about Norm Fisher. I think the three words that come out of the speeches that we have already heard this morning but also from others who knew Norm Fisher are "commitment", "energy" and "enthusiasm". Those are the words that have come out of everybody's speeches this morning, and certainly they express the general feeling that you always had after a session with Norm.

I think one of the things that need to be elaborated on a little bit this morning is Norm's commitment to Canberra and his vision for our city. I suppose that one of the greatest ways to ensure that Norm's memory is not forgotten - that all of that hard work, all of that enthusiasm and all of that energy do not in any way go to waste - is to ensure that his vision of Canberra as a centre for excellence in education, as a place that can and must and will be able to sell its education services in the international market, as a city that will be able to attract more and more international students in the future, with a CIT that will be able to continue to change with the changing requirements of the work force, the changing requirements of the private sector and the public sector in the future, continues to happen. They are things that were very important to Norm, things that Norm did very well in his time with the CIT. As we have heard, his capacity to change, to grab hold of opportunities and to make those opportunities work was very impressive. I suppose, Mr Speaker, it is now really up to all of us to ensure that Norm's vision for the CIT and Norm's vision for Canberra, as a centre for excellence in education, continues and becomes a reality.

I also would like to pass on my condolences to his wife, Maureen, to his sons - Stephen, Craig and Rohan - and to all of those people who knew and loved Norm. Mr Speaker, it is a tragedy that somebody should die so soon after retirement, when he had so many other things to do. Let us make sure that we, in this Assembly, can do some of those things that I know Norm would have wanted to happen as a result of the things that he started.

Question resolved in the affirmative, members standing in their places.

DISTINGUISHED VISITORS

MR SPEAKER: I inform members of the presence in the gallery of a delegation from Teheran, headed by the Mayor, His Excellency Mr Gholam Hossein Karbaschi. On behalf of all members, I bid them a warm welcome.

INAUGURAL SPEECH

MRS LITTLEWOOD (11.02): Mr Speaker, I seek leave to make my inaugural speech.

Leave granted.

MR SPEAKER: Before I call Mrs Littlewood, I wish to remind members that this is Mrs Littlewood's inaugural speech, and it is traditional that it be heard in silence.

MRS LITTLEWOOD: Mr Speaker, as we are all aware, my election to this place came about through the resignation of the former Deputy Chief Minister, Tony De Domenico. While Tony would be the first to acknowledge his petite stature, his big approach to life will ensure that he will be remembered in this place. Love Tony or hate him, his effervescent personality will be missed. I wish Tony well in his new venture, and I acknowledge the contributions he made to this place. I would like to thank the Chief Minister for not having mentioned Tony prior to this, so that I could have the first bite of the apple.

It would be remiss of me not to acknowledge other candidates involved in the 1995 election and the recent countback. While having opponents is not easy, as I think you will all agree, it is a healthy sign for democracy when the community has a variety of people from whom to choose. It does take courage to place yourself in the public eye, knowing that any mistake will be pounced on. It is easy to criticise people in politics; but there are not too many people who are prepared to have a go themselves. So, to my fellow candidates I say, "Thank you for putting yourselves forward, and I hope that you will continue to be active in our community".

In particular, I would like to mention Brian Lowe, who, in fact, during the election, was my sanity check. I say thanks, too, for the tireless hours put in by party members who, election after election, are always there. Without their dedication and their unselfishness, the party just would not function. After all, the party is its members. Despite perceptions of the community of politics and the people involved, I think it fair to say that most of my good friends are people I have met through politics. Some of them are here today. They are people who have encouraged me and supported me. I think, quite often, they had more faith in me than I had in myself. I thank them for that.

Being here today is a far cry from the plans I had made as I sat quietly at Christmas contemplating 1997. I had intended to wind down from my normal hectic pace. Little did I realise what fate had in store. However, I must say that I am pleased to be here. I am pleased, because I look forward to serving the people of Brindabella - a role which is an honour and also makes me feel very humble.

My journey to this place has been an interesting one, and one which bears the imprint of a number of people. In some ways, it is interesting that I am here as a Liberal, given one side of my antecedents. I am the great-granddaughter of an active New South Wales Trades and Labour Council member and the granddaughter of a quarryman. With this background, it is obvious that I am not what my learned colleagues opposite so often paint all Liberals to be, namely, silvertails and the ruling elite.

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This raises the question: Why am I a Liberal? For as long as I can remember, I have held Liberal views. My values and the values set in Liberal philosophy are one and the same - individual freedom, the right of choice, equality of opportunity, commitment and care for the disadvantaged, a balance between economic growth and environmental protection, and a belief in rational problem solving. Liberals believe in a democratic process, not a centralised system which bestows rights on a special few. Liberalism is not blinded by ideology, but is flexible enough to entertain new ideas and, therefore, the ability to develop new answers to problems.

Liberals have no preconceived or fixed idea of the perfect society, but instead have a commitment to gradual change while maintaining individual choice, personal growth, social mobility and mutual responsibility. We believe that the overwhelming majority look to their governments to solve real, identifiable, day-to-day problems with the minimum of fuss, together with maximum efficiency and thrift.

In part, these beliefs come from my family background. From my maternal grandmother I gained inspiration and a sense of fair play. This courageous lady, as a deserted wife, reared four children during the Depression, the youngest child - my mother - being only two. My grandmother could have walked away from her responsibility, but she did not. While living in only one room, she cared for, provided for and brought up four children, all of whom became good citizens. My paternal grandmother taught me not to take myself too seriously, that laughter was a very important ingredient in one's life, and to keep my feet firmly on the ground.

My father taught me to have a go, to stand my ground and not to be intimidated by those with bluff and bluster. He taught me to think and not just react. My mother, who is here today and not feeling very well - and I appreciate her being here - taught me never to give up, no matter what difficulties confront me, and not to feel sorry for myself but to get on with it; what loyalty is all about; to give, and not just to take; and compassion for other people. My mother was that two-year-old back in those very tough times. I must say, some 40 years later, she became a director of Bunge Australia, the only woman to have done so, which is not too bad for someone with that sort of background. My parents were small business people. They taught me that, if you want something, you work for it - and not only do you work for it; you also accept responsibility for your actions.

Added to this is the knowledge I gained from John and Caryl Haslem, an association that goes back 20 years. As a staffer when John was the member for Canberra, I learnt what being a good local member is. John worked hard for his electorate, so much so that I recall Ian Warden remarking in print that there must have been several blow-up John Haslems, because he was everywhere. Caryl was always by John's side, a tower of support. Caryl, in her own right, has made a great contribution to the Canberra community. John was a very active and caring local member. It is my intention to emulate him.

All of these people, in part, contributed to the person I am, my attitude to life and my being in this place today. As I mentioned, being an elected representative is an honour and a privilege, a gift from the people of Brindabella. It is also a responsibility - a responsibility that I take very seriously. I have a very strong view on what being an elected representative is, namely, that I am the servant and not the master. My role is that of a local member. I am being paid to do a job, and I intend to do that job, not to play political games.

There are many challenges ahead of me, challenges for Canberra and challenges for Brindabella. What are they? I believe it is fair to say that Canberra is, in general, passing through a transition in its development, as are the people of Brindabella. Since the advent of self-government, we are being asked to assume responsibility for our own future. We can no longer rely on various Federal governments to pay our way. Whether we like it or whether we do not like it, it is up to us. In this difficult period from child to adult we must broaden our view and embrace a different mind-set. We must learn to say "we can" rather than find a million reasons why we cannot. We need to be proactive, not reactive. We need to have processes which encourage rather than stultify. We need to do, not just to talk. We need to accept our responsibility and move forward.

We, in Brindabella, can achieve, can create, can grow and can build a future. We need to have a vision; we need to make decisions; and we need to take action. Negativity is such a waste of energy. Now is the time to move forward, the time to "have a go". I would like to encourage my fellow residents of Brindabella to start thinking of what we can do, not what we cannot do. Canberra is our responsibility. It is up to us to make things happen. Things do not happen by themselves. I have already started to contact people in the electorate to look at what we might be able to do, and then get out and do it. Tuggeranong is really a dormitory satellite. It is a beautiful place, but we in the valley lack some of the development and facilities which are elsewhere. We need more in the valley. As Canberra needs to broaden its tourism base and give people an extra reason to visit this great city of ours, why not combine the two requirements?

There are a number of possibilities that I intend to investigate, and I look forward to receiving other ideas from the people of Brindabella. For instance, why not have an open plains zoo; a lavender farm; a Sovereign Hill type of facility; an artisans village with glass-blowers, wood-turners, potters, weavers; a grand wedding reception and conference facility; or an Australian ecotourism accommodation complex? Why not have a school for the performing arts? Why not have a planetarium? Why not have a wonderland? It has been mentioned to me that we should have an up-market restaurant on the shores of Lake Tuggeranong. I accept that some of these ideas may not come to pass; but, for heaven's sake, let us try to introduce appropriate development in Brindabella that will boost our economy and provide jobs. That is what we need to do - provide jobs - not the opposite. I will meet the challenges ahead. I will draw on my diverse store of ideas and from those in my electorate, and together we can build an identity and a future.

In conclusion, Mr Speaker, I just have one other thankyou that I would like to make. This is to a person who, on occasions, can be a little bit critical of politicians and politics; but, now that he is living with a politician, he has to amend that just a tiny bit. Of course, that is my husband. I appreciate his intellect. I very much appreciate his support. Whether he likes it or not, he does have a very good political nose. I thank him.

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HOLIDAYS (AMENDMENT) BILL 1997
Leave to Present

MR BERRY: Mr Speaker, I seek leave to present the Holidays (Amendment) Bill 1997.

Leave not granted.

Suspension of Standing Orders

MR BERRY (11.13): I move:

That so much of the standing orders be suspended as would prevent Mr Berry from presenting the Holidays (Amendment) Bill 1997.

It is disappointing that the Government would seek to prevent this matter from being debated this day, because it is an important issue for people who are affected by this proposed amendment to the Holidays Act. Mrs Carnell has issued a press release that is a brazen misuse of the facts, but that is something we have come to expect from Mrs Carnell.

MR SPEAKER: Mr Berry, be careful that you debate the suspension of standing orders and not the Bill itself.

MR BERRY: Mr Speaker, that is what I am doing. The Government, I anticipate, will argue that this Assembly does not have the power to make these decisions, given the press release - - -

MR SPEAKER: Mr Berry, you are now debating the Bill again. Will you please argue the case for the suspension of standing orders.

MR BERRY: I am indeed, Mr Speaker. If you interrupted less, Mr Speaker, I would get on with it.

MR SPEAKER: I will interrupt if I feel that you are straying from the path of righteousness - in this case discussing the topic before us.

MR BERRY: I would stick to your job as Speaker, Mr Speaker. You will not make much money out of being a comic. The situation is clear. This motion should be considered by this Assembly today because we have the power, and it has been recognised by the Industrial Relations Commission that we do have that power. They said in their decision on the issue of public holidays:

We also accept that the declaration of public holidays, by whatever legal instrument, is the prerogative of the various governments.

Mr Humphries: Governments.

MR BERRY: Mr Humphries says “governments”. He has not yet got used to the fact that he is in a minority government and sometimes this Assembly tells them what to do. This matter has also been confirmed in an appeal in relation to public holidays. The Full Bench went on to say, during the course of the decision:

The public holidays test case set a national safety net standard which should appropriately be adopted in the award. The setting of that standard does not entail a judgment that no extra generally observed holidays or public holidays be available. But it is based on a conclusion that the setting of such extra public holidays should be a matter within the autonomy of either the relevant State government, or of the parties by agreement.

We very clearly have the authority to move on this matter. It is also important that we bring it on today. We need to debate it this week because a range of awards have been affected by the commission’s decision, and this Assembly has an important role to defend the rights and working conditions of its constituents. There will be a picnic next Monday. Some workers out there will be disenfranchised if we do not deal with it this week. It is important that we deal with it today. We have the power to do it, and there is no reason why the suspension of standing orders should not be agreed to.

MR HUMPHRIES (Attorney-General) (11.17): Mr Speaker, I want to put on record the Government’s reasons for not supporting the suspension of standing orders. Let me say at the outset that I fully appreciate that the legislation Mr Berry is introducing today will be introduced and that it will almost certainly be passed on Thursday. I think it is a matter of regret that a number of members have already indicated their position on the legislation, even before it is introduced, even before there has been a chance to put another side to this argument. I happen to think there are very good reasons why legislation like this ought not to be passed, particularly in such a short space of time. The core of that argument is that there are a number of implications - - -

Mr Moore: On a point of order, Mr Speaker: I think Mr Humphries should be speaking to the suspension of standing orders. You were very tight on whether Mr Berry was or not, and I would ask you to be as tight with Mr Humphries.

MR HUMPHRIES: Mr Speaker, I am speaking directly to that point. I am talking about the short timeframe. That is why I am opposing the suspension of standing orders.

Mr Berry: No; that is the substantive debate, Mr Speaker.

MR HUMPHRIES: No, it is not.

Mr Berry: When responding to the introduction of the Bill, perhaps on Thursday, he should raise those issues, not during the course of the suspension debate.

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MR SPEAKER: The short timeframe was an argument that you yourself advanced, Mr Berry.

Mr Moore: That part I did not have a problem with. It is then going to the reasons.

MR SPEAKER: Mr Humphries is within his rights to refer to the short timeframe, but Mr Humphries is under the same restrictions as anybody else here not to debate the substantive motion at the moment.

MR HUMPHRIES: Indeed, Mr Speaker, this is a central issue - the suspension of standing orders today. If we do not suspend standing orders, Mr Berry is at perfect liberty to introduce his Bill tomorrow and to debate it in April, if he wishes. I would argue very strongly that there are many people adversely affected, not by the legislation per se but by the very short timeframe in which this legislation is being brought forward.

It was, on my recollection, some weeks ago that the Industrial Relations Commission ruled that there was going to be no picnic day at all for the ACT. It was only on Sunday of this week that I read an article in the *Canberra Times* in which Mr Berry indicated he intended to bring forward legislation to change that situation. That was a very strange change of heart on the part of the man who said on 27 February last year, in relation to another matter the commission was adjudicating on:

It did go to the Industrial Relations Commission and there was a decision by the commission - - -

Mr Berry: Mr Speaker, is quoting from a press release okay now?

MR SPEAKER: No, not necessarily. It depends on the relevance to the matter before the Chair.

MR HUMPHRIES: It continued:

We were supportive of the umpire, of course, which had not been the case with this Government. It was the umpire who was supported by the Australian Labor Party, and it will ever continue to be so.

Mr Whitecross: On the point of order, Mr Speaker: You were much tougher in picking Mr Berry up on relevance. Mr Humphries is debating the appropriateness of dealing with this issue in parliament. He is not debating the timeliness issue; he is debating the issue of whether the parliament should be dealing with it at all. Quite frankly, I think that is a matter that ought to be dealt with in the in-principle debate, not in the debate on the suspension of standing orders.

MR SPEAKER: We must not debate the substantive motion.

Mr Whitecross: That is what he is doing, Mr Speaker. If you were listening, you would know.

MR HUMPHRIES: Mr Speaker, I am quite happy not to talk about - - -

MR SPEAKER: Mr Humphries, there is a possibility we may have drifted into that, so I would ask you not to debate the substantive motion in relation to that media release.

MR HUMPHRIES: Mr Speaker, to suspend standing orders today to facilitate bringing on debate on this matter this week, I think, does enormous harm to the prospects of a number of businesses and, indeed, of workers in this Territory being able to properly organise their affairs to cope with a very sudden change in policy on the part not of the Government, as Mr Berry said, not the Government, which the Industrial Relations Commission said ought to make the decision in this matter, but the Assembly.

I am quite in favour of debating the issues in Mr Berry's Bill. I think it is appropriate to debate those issues. But I think to debate them in the course of this week with indecent haste, with a matter that Mr Berry could have brought forward, could even have foreshadowed, some weeks ago but did not, is quite an abuse of the parliamentary process. Why did Mr Berry not announce, even at the time the decision was handed down by the Industrial Relations Commission, that he was going to put out the legislation? Why?

MR MOORE (11.22): In speaking to the suspension of standing orders, I must say that in some ways I take some responsibility for this. When Mr Berry spoke to me about the substantive issue of putting this legislation up and said he wanted to debate it urgently, we had a discussion about whether this was an urgent Bill in the formal sense of the standing orders or whether we wanted just to debate it urgently.

My response to Mr Berry at the time was that, whilst I could understand what he was trying to do and in principle I was supporting the concept of what he was trying to achieve - to stop having some workers' holiday taken away from them - I thought it would be appropriate that the Assembly have the maximum time possible to have a look at the legislation, within the context of also getting it through in time to protect the workers' right to have that holiday, which they have had for 30 years or so and, hopefully, they will have for another 30 years. Having had that discussion, I suggested to Mr Berry that he ought to seek to introduce it as early as possible in the sitting so that we would then have enough time to look at it - a particularly unusual thing to do; nevertheless, one that would provide members with the most opportunity to see it.

When I hear the arguments put by Mr Humphries, I do not hear arguments about what is in the best interests of the piece of legislation but, rather, the old tactic that if you can stop Mr Berry tabling the legislation today, if you can stop it being debated this week and deal with it in April, the first of the holidays has gone. It is an old policy technique: The longer the delay, the more effective it is likely to be in preventing that policy from going through. That is the sort of argument I hear from the Government.

Mr Humphries: If he had brought this in last week, I would have been happy to debate it this week.

Mrs Carnell: Why not give a month's notice?

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MR MOORE: I hear them trying to interject. I shall sit down so that they have another couple of minutes to make any further comments. It seems to me that there is a very good reason to suspend standing orders now and let Mr Berry introduce the legislation so that we have as long as possible to look in detail at the legislation, which I have been fortunate enough to have had a look at because Mr Berry showed it to me.

MRS CARNELL (Chief Minister) (11.25): Mr Speaker, this decision was made by the AIRC in January this year. At that stage, did we hear comments from anyone in this Assembly saying that they were planning to pass legislation to overturn it? Even last week in this Assembly - we were sitting last week - did we hear any indication that it was going to happen? The answer is no, Mr Speaker. Mr Berry seeks to suspend standing orders now and bring forward this legislation this week, when those in this Assembly over the last week have been very definite about consultation. They have been very negative about some of the approaches this Government has taken in not talking to the people who will be affected by a piece of legislation. Even today, I understand that the Greens are unhappy about bringing forward a piece of legislation that was tabled last June because they have not spoken to the people who will be affected. The fact is that in this case nobody has been spoken to - not the workers and not the employers. Absolutely nobody has been spoken to. We also have a situation where employers have their two-week rosters in place.

Mr Berry: Ha, ha!

MRS CARNELL: Mr Berry thinks that is funny, Mr Speaker, but it is a reality. If Mr Berry or Mr Moore or anyone else had indicated two weeks ago, or three weeks ago, that they were planning to do this, people in our work force, in small business, would have had an opportunity to put in place contingencies for this to happen. But we found out only on Sunday. Again, people in this place have been very negative about putting legislation on the table and passing it without speaking to the people who will be affected. Those in this place are assuming that employees want the holiday on Monday. We do not know whether they do, because we also know that a very large number of those people do not get to take the holiday anyway, simply because of the unusual nature of the picnic day.

We also know that a number of people are already engaged in enterprise bargains based upon this particular holiday, which is the basis of the AIRC's decision that it can now be a matter for agreement between the parties. Right now, what we are talking about is suspending standing orders to pass a piece of legislation that has not been - - -

Mr Moore: No, to introduce it.

MRS CARNELL: We are suspending standing orders to allow the introduction of legislation on which nobody has been consulted. It is planned to be brought on on Thursday; but nobody in this place really knows what employees, small business people, or anybody else, for that matter, except maybe the unions themselves, think about it. Taking into account comments made by the Greens particularly, how could you possibly support that?

MR SPEAKER: Order! The time for the debate has expired.

Question put:

That the motion be agreed to.

The Assembly voted -

AYES, 9

Mr Berry
Mr Corbell
Ms Horodny
Ms McRae
Mr Moore
Ms Reilly
Ms Tucker
Mr Whitecross
Mr Wood

NOES, 7

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mrs Littlewood
Mr Stefaniak

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

In-Principle Stage

MR BERRY (11.32): I present the Holidays (Amendment) Bill 1997.

Title read by Clerk.

MR BERRY: I move:

That this Bill be agreed to in principle.

Mr Speaker, I will deal first with the criticism of not bringing this matter on earlier. Consideration of this issue has been the subject of lengthy discussion with potentially injured parties, it was the subject of discussion with the law office, and a set of drafting instructions was given. A Bill was supplied to me which was unsatisfactory in its operation. It could have been dealt with by the beginning of last week's sitting, but I was not going to build up the hopes of anybody until I was sure that the process I had adopted would work. I received the final draft Bill this morning. It was not until late last week that I had come across a means by which the holiday could be included in the Holidays Act. The process is to declare the union picnic day as a holiday and then schedule in 60-odd awards which, I am informed, provide for a union picnic holiday.

This is a protection of the status quo. It is not intended to advance this condition to anybody who did not enjoy it before. It is intended, however, to prevent the loss of the condition from a range of awards which have been before the Industrial Relations Commission. The urgency of the Bill arises in the light of the fact that the holiday is to occur next Monday, and many workers are concerned about their entitlement to that holiday. Some of them have had their entitlement taken away. This will restore it.

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The Bill sets out to safeguard that longstanding holiday for workers in the private sector in the ACT. It has become necessary because some employers are opportunistic enough to jump at any opportunity to reduce workers' conditions, regardless of the impact of their actions. They just do not care.

Mrs Carnell: It is tragic.

MR BERRY: Mrs Carnell interjects, "It is tragic". It is tragic when workers' wages and conditions are taken away from them. They are not things that were just handed over because employers like giving things away. Usually these things have been struggled for. The Holidays (Amendment) Bill 1997 seeks to add the union picnic day to the list of holidays prescribed in the Holidays Act. Holidays in the ACT are recognised either in industrial awards or in the Holidays Act, or both. In most cases, they are in both. A significant exception to the norm is union picnic day. In the past, it has been found only in awards.

The history of union picnic day is an interesting one. For 58 years we have had a single union picnic day in the ACT, which arose because of a decision in 1938 to coordinate the various union picnics into a general function organised by the Trades and Labour Council of the ACT. So, for 58 years that has applied. There were a couple of years during the Second World War when the picnic did not occur, for very obvious reasons. The principle has not changed, with an admission ticket being purchased and no other costs being incurred by attendees, no matter what the size of the family. So, on the one hand, it was subsidised by single people, but large families were able to enjoy a good value day out. It was well recognised as a family day where workers and their families could get together and enjoy entertainment, food and the company of other workers. For the last three years, the ticket cost has been \$20 for the whole family for the day, and I think that is excellent value for money. Anybody who has taken their kids to the show would testify that \$20 for the whole day is not bad value.

This Bill is necessary because late last year there was an application made by the Confederation of ACT Industry which sought to strike out the union picnic day from a range of awards in the wake of earlier decisions of the Industrial Relations Commission relating to public holidays. This followed an attempt by the Victorian Liberal Government to remove a range of holidays from Victorian workers. It was an ideologically driven attack on conditions that started this whole process off.

Mrs Carnell: The Industrial Relations Commission?

MR BERRY: Mrs Carnell interjects. You should do your research a bit better, Mrs Carnell, before you issue brazenly inaccurate press releases like that. Had you studied the Industrial Relations Commission decision on the matter, you would have discovered what the umpire actually said. Try doing your research before you give approval for these sorts of brazenly inaccurate press releases.

This all began with a conservative Liberal government in Victoria going after the conditions of working people in that State. The Industrial Relations Commission became involved in the issue - - -

Mrs Carnell: In 1994, under a Labor Federal government.

MR BERRY: Mrs Carnell interjects, "Under a Labor Federal government". Yes, the Industrial Relations Commission set a safety standard in the face of an attack by the Kennett Government in Victoria in order that workers' wages and conditions could be protected. Yes, there was a Federal Labor government, and I will bet they were proud that the Industrial Relations Commission stepped in to protect the workers. The commission decided on a safety net of 10 named holidays, plus one other holiday. That is a minimum, not a maximum. They went on to name - - -

Mrs Carnell: And then they say, "Parties by agreement, e.g. enterprise bargaining".

Mr Whitecross: Mr Speaker, are you going to do your job?

MR SPEAKER: Order!

MR BERRY: They then went on to name the holidays: New Year's Day, Good Friday, Easter Monday, Queen's Birthday, Christmas Day, Australia Day, Easter Saturday, Anzac Day, Labour Day, Boxing Day. The Industrial Relations Commission's decision was clearly a minimum for all Australian workers covered by Federal awards, and the commission explicitly recognised the prerogative of State and Territory governments to prescribe holidays in their own jurisdictions. They said:

We also accept that the declaration of public holidays, by whatever legal instrument, is the prerogative of the various Governments.

Mr Humphries: "Governments", did you say? Did you say "governments"?

MR BERRY: Mr Humphries interjects as if he thinks he should have the sole right to do anything in this place, just because he is called the Government. Mr Speaker, his is a minority government, so he has to accept that there are certain other impacts of this Assembly which he will have to live with, though it agitates him severely. I can understand the agitation of the Liberals opposite. All of their employer mates would be out there ringing in saying, "For heaven's sake, we thought we had knocked this one off. You people have got to get in there and make it look as though you really care".

Mrs Carnell: You mean the small business people of Canberra, the people you said will be the basis of growth in this city?

MR BERRY: Mrs Carnell says, "You mean the small business people?". Mrs Carnell and John Howard have supervised the introduction of a recession in this Territory. How dare Mrs Carnell even mention the words "small business". They are the ones that are suffering because of Mrs Carnell and John Howard. Do not even mention small business. You ought to be ashamed of yourself.

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Mr Speaker, that minimum standard was one that was to apply across the country, and, as I have said, there is a recognition that State and Territory governments will be able to prescribe other holidays if they so desire. As I mentioned earlier, there has also been an appeal in relation to the public holidays issues.

Mr Humphries: Yes, it is sub judice.

MR BERRY: No, the appeal matter has been resolved, Mr Humphries. The court said:

The public holidays test case set a national safety net standard which should appropriately be adopted in the award. The setting of that standard does not entail a judgment that no extra generally observed holidays or public holidays be available. But it is based on a conclusion that the setting of such extra public holidays should be a matter within the autonomy of either the relevant State Government -

which we make the rules about -

or of the parties by agreement.

That is why we need this Bill. We need to provide legislation to protect the rights of workers, who now have their conditions threatened by the friends of this Government.

Mrs Carnell: It does not matter about small business; it does not matter about jobs; just the union picnic day matters - great!

MR BERRY: Mrs Carnell interjects again, "It does not matter about small business". Every time small business gets into trouble, people like Mrs Carnell and her conservative colleagues want to attack wages and working conditions. What you have to do is go back to the cause. The first cause: Kate Carnell. She was the one who started the downhill slide in the ACT. Second cause: John Howard. He fixed us right up.

In the ACT we also have Canberra Day, Bank Holiday for the finance sector, an extra holiday for public sector workers in the Christmas-New Year period, and, until the recent move by the Confederation of ACT Industry, the union picnic day. In other words, 12 public holidays for all sectors was the standard in the ACT.

Mr Whitecross: Mrs Carnell wants to get rid of the public service holiday too.

MR BERRY: That is her next step. The effect of the confederation's move is to remove one public holiday from one sector of the ACT work force.

The first workers who have come under attack are mostly females. How is this, Mrs Carnell, from a government that pretends it defends the wages and working conditions and rights of people who might be disadvantaged? The first workers who have come under attack are mostly females. They include the retail and wholesale industry, 89 per cent female; hairdressing, 75 per cent female; child-care industry, 99 per cent female; catering, cafes and restaurants, 70 per cent female; community services, 95 per cent female; community and aged care, 80 per cent female; parking stations,

70 per cent female; hotels, clubs and boarding establishments, 60 per cent female; caretakers, cleaners and lift drivers, 70 per cent female; and if they have to work on the day they will probably get penalty rates anyway. This is another condition they want to take away from them.

Mrs Carnell supports the gross cynicism of the employers' move in this matter, which is exemplified by the fact that the first affected amongst the awards they have attacked have been the lowest paid and the ones least able to defend themselves.

Mr Whitecross: Least able to strike a blow.

MR BERRY: That is right. The ones who are industrially weak are the first ones they try to get stuck into. It is a military plan; it is the way these people attack workers' wages and conditions. Notwithstanding all of that, if the move of the employers is allowed to persist - and this Bill will prevent it - the holiday will come under attack on a wider front and we will see a precedent for an attack on the twelfth holiday enjoyed by public sector workers in the Christmas-New Year period.

Mr Speaker, none of us was elected to do any of this. If some of us had it in the back of our minds at the last election, they kept it pretty quiet. This Government, headed by this brazen and arrogant Chief Minister, would stand back and see these low-paid workers who are not in a strong industrial position disadvantaged by a group of employers, who would rip off the conditions of workers without any consideration of the effect of their actions. They just do not care. Already, thousands of employees are affected by this deliberate and mean-spirited attempt to remove a longstanding entitlement to next Monday's union picnic day. Mr Speaker, there is 58 years of history behind this. It is part of our social structure in the industrial area.

Mrs Carnell: We need more jobs, not more holidays.

MR BERRY: Mrs Carnell says that we do not need more holidays. I am prepared to go along with her. But we do not need less. That is the point I am making. We do not need less, and we do not need to join with employers and get stuck into the weakest first. Mrs Carnell is showing herself up as a greedy small business person who is interested only in the bottom line and not in the social interests of her work force.

The timing of this was not my choice, but it is the responsibility of the Assembly to protect constituents from an unfair attack on their conditions wherever possible. If this Assembly does not act decisively this week, thousands of workers will lose their entitlement to next Monday's picnic day.

Mr Kaine: They have already lost it. The Industrial Relations Commission has said they have lost it.

MR BERRY: Mr Humphries interjects that they have already lost it. The Industrial Relations Commission says they have lost it.

Mr Humphries: No, I did not. Mr Kaine said that.

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MR BERRY: Mr Kaine, in his newfound hat of Industrial Relations Minister, has to work out that before you open your mouth you have to do a bit of research. The first thing you have to do is have a look at a couple of the decisions in relation to it. The Industrial Relations Commission made it pretty clear that it is the role of this legislature to decide what the public holidays will be.

Mr Speaker, I am quite proud to stand in this place and act decisively to protect the union picnic day, to ensure that my constituents in the community are protected. I am pleased now that this Government has declared its position, because we will be able to advertise that this Government has kept another secret under its hat. They intend to attack holidays out in the community.

Mr Kaine: We do not intend to attack anything.

MR BERRY: Vote with me, Mr Kaine, if you do not intend to attack anything. In that way we will have the holiday in place.

Mr Kaine: I will defend my position without attacking anybody. The only person I will attack is you.

MR BERRY: There you go. Mr Kaine wants to attack the man, not talk about the issue. He says he will attack me. What we need to do is deal with the issue here, and the Liberals at least have kept their heads down. On Sunday, Mr Kaine did not want to say anything about it because he did not know enough about the issue. You seem full of information now, but you are a bit short on substance because you have not read the decisions. I suggest that you go away and do it; you would be better informed as a result. I know that the phones will be ringing in the Liberal Party office from their various employer friends, who would attack these conditions. Mind you, there is a strong group of employers out there who do not like this because they believe that it was reached by agreement and ought to stand. Once the precedent is set, people get on the bandwagon and go after these conditions because they think it is quite fashionable to do so.

I do not make any pretence about my position. I came here as a Labor politician to advance the position of workers and the community generally. I did not come here to undermine wages and working conditions, as did the Liberals. They really and truly believe that by attacking workers they can make it good for everybody. As I said a little while ago, the best way to deal with the issue is to examine your conscience. You will soon find out who is the cause of the recession we have here in the ACT. The first cause was Mrs Carnell. She was the one who started to bring the economy down - - -

MR SPEAKER: Relevance, Mr Berry. We are talking about a picnic day, not about a recession, as I understand it.

MR BERRY: Mr Speaker, it might cause you Liberals to twitch, but your leader is the one who put this Territory on the slippery slide, and John Howard came along with a pot of grease. He is the one who put this Territory on the slippery slide downhill. He is the one who is causing the most difficulty for small businesses out there.

Small businesses are in trouble because of two Liberal governments. They have already worked out that, the more Liberal governments you have in the ACT, the worse it is for small business.

MR SPEAKER: Relevance in relation to the picnic day, Mr Berry.

MR BERRY: Just have a look at the facts, Mr Speaker. It is not appropriate to attack workers' wages and conditions, such as the picnic day, when you have these circumstances in place. You cannot blame the fact that there is a picnic day in place for the recession that has been created by Kate Carnell and John Howard.

Mr Kaine: On a point of order, Mr Speaker: I have not heard any member of the Government attack the workers, or say anything about attacking their wages or conditions. Mr Berry is getting a bit ahead of the debate. If anybody is alluding to such things, it is him. I think he needs to get his facts straight, as he was suggesting I do.

MR SPEAKER: I uphold the point of order.

MR BERRY: If Mr Kaine is not going to attack the working conditions and wages of workers, I would urge him to vote with me when the Bill comes up for a vote next Thursday.

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

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1996

Debate resumed from 27 June 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

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

ANIMAL DISEASES (AMENDMENT) BILL 1996

Debate resumed from 18 February 1997, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CORBELL (11.53): Mr Speaker, the Opposition expresses cautious support for this Bill. When this legislation was first tabled, the Opposition expressed some serious concerns about issues which we felt were not addressed in the proposed legislation. In particular, these were in relation to inspections, the use of framed hives, in particular that there was no requirement for framed hives, the issuing of certificates stating that hives were clear of disease, and the identification and treatment of diseases. I note that these were concerns that were also raised by the local Beekeepers Association at the time.

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An additional initial concern was that any winding down of inspections for disease in apiaries could have had an adverse effect on commercial apiaries in surrounding areas of New South Wales. I understand that since then the Government has given undertakings that regulations will be formulated which will address these concerns.

The Opposition does maintain some concern that the ACT Government did not initially inform the New South Wales Government of its proposals in relation to this Bill. This is an important point because the issue of disease-carrying across borders from hives in the ACT to hives in New South Wales is an important one. Clearly, the New South Wales Government would be concerned about these changes if the ACT did not continue an effective bee disease control management program. There is also concern that the Bill, if it had been approved in its original form, could have had an impact on the export of bees and bee products from surrounding areas of New South Wales if there was no effective disease management program here in the ACT.

Again, the Opposition now understands that these issues have, to a large degree, been resolved in discussion between the department and the local Beekeepers Association and that the Government will be formulating regulations to address these concerns. We understand that those discussions have been fruitful and will resolve the main areas that have been raised by the people in the bee industry. On this basis, the Opposition will support the Bill.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.56), in reply: Mr Speaker, I appreciate the Opposition's support for this Bill. I think it is a quite important piece of legislation. Although it affects only a small number of keepers of animals in the ACT, namely, beekeepers, it does indicate a couple of things in a broader sense. One is that we are about reducing the volume of legislation which unnecessarily proves to be a burden for those who seek to operate particular hobbies or businesses that may be affected by that kind of regulation. In this particular case, the Apiaries Act 1928 was framed in a period when registration of beehives was thought to be an appropriate mechanism for dealing with things like the volume of bees in, say, an urban area and diseases of afflicted bees.

It is clear that times have changed and that it is more appropriate for the mechanisms generally available under the Animal Diseases Act to be applying also to bees and the keepers of bees. The Government proposes in this legislation to enable the provisions of the Animal Diseases Act to apply now to beekeepers and to bees, so that provision can be made through regulation to govern the way in which this sector should operate, and the capacity of a generally accepted mechanism for dealing with problems through the Animal Diseases Act is the appropriate mechanism for dealing with the problems in this area as well. The amendments widen the scope of the legislation to cover invertebrate animals, which I am advised include bees.

The Apiaries Act was identified as one of those pieces of legislation from the pre-1980 legislative review which required updating or repeal. That reflected the fact that, whereas some years ago beekeeping was a fairly significant occupation within the ACT - I think there was even a commercial industry operating in the ACT - that is not the

case today. In many ways, the ACT is not a suitable place for the commercial operation of apiaries, but it is certainly a place where a number of people still keep bees for hobby purposes. Beekeeping is not permitted in conservation areas in the Territory, which means that most of the Territory is not suitable for beekeeping.

As Minister for the Environment, I have had a number of complaints from time to time about people being affected by bee swarms, almost invariably bees kept by neighbours in urban areas. It seems to me that the transfer of these provisions to the control of the Animal Diseases Act 1993 gives us an opportunity of being able to regulate more appropriately activity within an urban area. I believe that the provisions are better suited in that Act to the kind of problem which occurs apparently fairly frequently here. The main concerns surrounding contemporary beekeeping in the ACT are related to preventing the spread of diseases to commercial apiaries. Mr Corbell mentioned the position in New South Wales. As far as I am aware, we have no commercial beekeeping operations in the ACT but there are some in surrounding parts of New South Wales, and that is why it is important for us to have a means of protecting appropriately those commercial apiaries from diseases that may spring up in the ACT or for some reason afflict the ACT.

My department also had consultations with the Beekeepers Association of the ACT. They had a number of concerns, which I think can be addressed adequately through regulation. We are going to gazette bees as stock, so that the provisions of the Animal Diseases Act apply to them. As appropriate, diseases of bees will be declared under the Animal Diseases Act to be endemic diseases. A regulation will be made to prohibit the keeping of bees other than in framed hives so that inspections of diseases can be undertaken. A regulation will be made to prohibit honey and honeycomb being left exposed in the open, where it may be a source of infection for other bees. The Parks and Conservation Service will maintain staff with appropriate training who can assist in the identification and eradication of bee diseases and who can issue health clearance certificates for owners wishing to move hives into New South Wales. Control of the use of antibiotics against bee diseases will be investigated through the Pesticides Act 1989, although I think that is legislation that is targeted for repeal.

I know that one of the concerns expressed by the Beekeepers Association has been the proposal to drop the requirement for compulsory registration of apiaries. It is my view that it is appropriate not to continue with a legislative scheme for registration, for a couple of reasons. One is that apparently a large number of beekeepers do not register their bees anyway, and in those circumstances the lack of capacity to enforce a policy across the whole industry has to be therefore called into question. The second and perhaps more important reason, though, is that the list of registered apiaries, as far as anyone I have spoken to can recall, has never been used as a device to control or prevent bee diseases. Bee diseases have been confronted in other ways. Having some means of knowing who is keeping hives through registration has never been a particularly efficacious device to prevent those diseases from spreading. Without an up-to-date register of apiaries, registration would be of only limited value in a disease control program.

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What we are going to do as an alternative to registration is to have a regulation under the Animal Diseases Act requiring hive owners to mark their hives with their name and address. That would allow a trace-back mechanism for diseased or abandoned hives, which would be useful in the event of a serious disease outbreak. It would also allow people to see whose hives are causing problems. Some hives are kept in people's backyards; but other hives are kept on what could be public land, which is good in that it is away from urban areas and means that people are less likely to be swarmed or stung, but probably it constitutes an illegal use of the land. In any case, if the bees are being kept there, we should know at least who it is that is keeping those bees on that site, so that they can be spoken to about any problems that might arise. The Parks and Conservation Service will be working with the Beekeepers Association to ensure that information on good beekeeping practices is widely available.

Mr Corbell also commented on the winding down of inspections in this area. I have had some concerns expressed by the Beekeepers Association about that issue as well. I really need to put on the record that a decision was taken quite some years ago to wind down the level of inspections of beehives and bee regulation generally in the ACT. It occurred probably four or five years ago and is not a recent phenomenon, and apparently has been a matter of little or no comment by beekeepers until quite recently. I maintain that we need to regulate in this area to some extent. I am not pretending that we should vacate the field, by any stretch of the imagination; but we do need to make sure that the means of regulation are appropriate and up to date. Clearly, the present Apiaries Act of 1928 does not meet our contemporary requirements, and I would suggest that this legislation, under the mainstream control of the Animal Diseases Act, is a much better way of being able to achieve those purposes. I thank members for their support, and I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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

Debate resumed from 26 September 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR BERRY (12.06): Mr Speaker, this Bill is characterised in the explanatory memorandum as a Bill to correct a number of omissions and errors of a technical nature that have come to light over the period of the operation of the Act. In addition, the Bill streamlines the process for making amendments of a technical nature to the public sector management standards. Mr Speaker, if you look at the Bill as a whole, that is true; but, if you examine it a little more closely, it has some more significant effects.

Clause 5 of the Bill, which seeks to amend section 9 of the principal Act, deals with the general obligations of public employees. What the Government seeks to do in relation to this matter is to add to the wide-ranging general obligations of public employees which are dealt with in the principal Act. I will not go into all of them, but they cover the broad range of activities that a public employee would be faced with in the course of their duties. They are comprehensive. There is no doubt about that. They are absolutely comprehensive. Mr Speaker, the Government is attempting to widen - - -

Mr Humphries: Destroy the workers?

MR BERRY: Indeed, in some ways. Mr Speaker, Mr Humphries interjects flippantly, "Destroy the workers?". Indeed, it does offer unscrupulous governments the opportunity to place an unfair burden on employees.

Mr Humphries: And, of course, we are one of those, aren't we, Wayne?

MR BERRY: Mr Humphries interjects correctly, "And we are one of those". I think he was asking a rhetorical question, but I would say yes.

Mr Speaker, I refer to a matter which was dealt with, I think, in the last week of sitting and which raised the issue of fear and intimidation in the public sector work force which can arise from a contract situation. I think the general obligations of public employees, which the Government seeks to extend, are unreasonable. Mrs Carnell, in her presentation speech, referred to the introduction of the Public Sector Management Act and said this:

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.

Those are quite proper statements. She continued:

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" ...

Neither should it have done, Mr Speaker, because an element of double jeopardy arises when these sorts of provisions are included in an Act. When you look at the extension of the obligations which is proposed by the Government in the context of the recent debate which has occurred, for example, over the discharging or the sacking of Jacqui Rees from the Interim Kingston Foreshore Development Authority, we get an entirely different picture about what could occur with the extension of these general obligations. In her speech Mrs Carnell said this:

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.

I think that is a bit of gobbledegook. It means that she wants to widen the pressure she can put on employees. She continued:

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.

On the face of it, neither should it.

Mr Humphries: Indeed. So why not give us the power to deal with it?

MR BERRY: Mr Humphries says, "Why don't you give us the power to do it?". Because I think it would be unfair, in the circumstances, especially given the Government's actions in dealing with its appointees and other people who are employed under the Public Sector Management Act.

Take what happened to the director of mental health, for heaven's sake. If that was not a classic example of making a scapegoat of somebody, I have never seen one before. It shows that we have a government with an intemperate mood about its employees who differ with it. Let us take the issue of Jacqui Rees, where an unprecedented action was taken in the Assembly to correct something that was dead wrong. Whatever you think about Ms Rees, the principles that were adopted by the majority of this Assembly were correct. You cannot treat people like that. What the Government is asking us to do is to widen its powers so that it can find more reasons for disciplining its employees.

I read in the explanatory memorandum, Mr Speaker, which I have misplaced for the moment, a repeat of what Mrs Carnell said in relation to after work social functions. The case that she raises here is of one employee assaulting another. It is a poor example to raise if you want to widen the public obligations of the employees. It is a terrible example. If somebody assaults somebody you call the police and they come and deal with it. If it is not serious enough for them to come and deal with, it is not serious enough to worry about.

Mr Humphries: Supposing they do and they charge them. You can still employ them, can you?

MR BERRY: Take a civil action. You really ought not have the authority of management widened to fix up employees. Here is a hypothetical case which may occur. You have a senior manager at a function with a junior person, an ASO2 or ASO3, who have had a bit of a difference of opinion and the junior person romps up to the senior person and gives him a good mouthful about his behaviour. The situation arises where this may be construed to be improper conduct.

Mr Humphries: It is a bit of a longbow.

MR BERRY: Who knows, with you lot opposite, and that atmosphere of fear and intimidation which we now know occurs in a public administration dominated by contracts. For my part, I am not prepared to widen the powers of the administration on such flimsy evidence as has been put forward in this case. It is far too flimsy. After one or two incidents, by the look of it, on the evidence that has been provided in this place, there has been a push by the bureaucracy to have the Government widen its powers. Mr Speaker, we will not be in that. This is clearly an inappropriate move, especially with the performance of this Government as the background music. This Government has behaved badly in the way it treats its employees. It has behaved badly in the way it treats its appointees to public boards and authorities. It, in a sense, has been censured for that. I would not agree to an extension of the powers of the Government and the administration in the way that has been suggested.

I think what was said in the first place was correct. There was a comprehensive range of general obligations of public employees set out in the Public Sector Management Act covering a couple of pages. A full range of obligations, from (a) to (t), which employees are expected to observe, was set out. I will read the relevant part of what is now proposed:

- (2) A public employee shall not -
 - (a) engage in improper conduct as a public employee; or
 - (b) engage in improper conduct otherwise than as a public employee, being conduct that adversely affects the performance of his or her duties or brings the public sector, or any part of it, into disrepute.

That is pretty wide. It was thought unnecessary at first. On the basis of somebody being assaulted, which was clearly a police matter, the Government wants to widen the influence of the administration. As I said earlier, Mr Speaker, we will not be in that.

MR MOORE (12.16): Mr Speaker, I rise to support the legislation in principle; but, like Mr Berry, I have some difficulties with clauses 5 and 6 of the Bill. In her introductory speech the Chief Minister addressed clause 5 of the Bill in particular. I quote from the Chief Minister's speech:

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.

The argument is then put that the Government has decided to proceed in this way. The Chief Minister began by saying this:

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.

So, clearly, there has been some concern within the Government about this very issue. The same sorts of concerns, I think, have been raised by Mr Berry, and I have the same sorts of concerns. Firstly, “improper conduct” is not defined in this clause. Just exactly what is “improper conduct”? Further, when I look at proposed new subsection 9(2) in clause 5, it says this:

A public employee shall not -

... ..

- (b) engage in improper conduct otherwise than as a public employee, being conduct that adversely affects the performance of his or her duties or brings the public sector, or any part of it, into disrepute.

To me, this seems to be cast too broadly. Take a public employee at a public meeting who presents the Government perspective and takes some action that may be appropriate in terms of the Government. People at this public meeting feel that it is entirely unfair - we come across these issues in planning matters all the time - and say, “That is the bloody Public Service. They never do anything”. In a sense, that brings the Public Service into disrepute. So the casting of this section, I believe, could put somebody in those sorts of situations in an inappropriate position.

I understand from discussions with the Chief Minister that she is quite comfortable about relooking at the section and discussing with members the way it works. I would be happy to do that. I am supporting the Bill in principle because I think the legislation is fine. I just have these particular concerns about the way this particular piece of legislation may be used. Mr Speaker, at the same time, I can understand why it is that the Government put this up. I can understand concerns, particularly if you are talking about, for example, sexual harassment that occurs outside the workplace but at a work-related function. I know that Mr Berry put his perspective that there are laws that cover that. What I am saying is that I understand the sort of thinking behind why this was put up. However, my concern is genuine; this may be opening up too broad a power to ensure that public servants have fewer rights than ordinary people. I think we have to be very careful in dealing with this sort of issue. There is no doubt, from my interpretation of the Chief Minister’s presentation speech, that these are issues that are not easily resolved. That is why it is that I am reluctant to support those two clauses of the Bill. The rest of the Bill is fine as far as I am concerned.

MR HUMPHRIES (Attorney-General) (12.21): I will not be very long. Mr Speaker, I think there are a few points that need to be made. I think anyone listening to Mr Berry speak in this debate would imagine that he is a person who does not believe in terminating the contracts of public servants, and that they deserve pretty well complete security of tenure. I think the impression that he is trying to create is that, because the present Government has tried to sack public servants, we therefore should not be entrusted with powers that might facilitate that happening in the future. The fact is, first of all, that this Bill, if passed, will continue for a long period of time. It would not be used just by this Government, if it were used at all by this Government. Secondly, Mr Speaker, the record

ought to show that Mr Berry and his then Government also have been responsible for sacking public servants. Bear in mind, Mr Berry, that one of the very first acts of the Labor Government in the ACT upon self-government was to sack a senior public servant, Mr Keith Lyon.

Mr Berry: No, he was not sacked.

MR HUMPHRIES: He was sacked. We have had this out before, Mr Berry.

Mr Berry: He was not sacked and he was not sacked by the Government. So do not lie.

MR SPEAKER: Order!

Mr Berry: He was transferred.

MR HUMPHRIES: He was transferred in certain circumstances. The same thing happened later, Mr Berry, under a Liberal government and you said it was a sacking. You claimed, for example, that Mr Bissett was sacked. Mr Speaker, I just put on the record that it is not just Liberal governments who occasionally believe that it is appropriate to remove public servants. The Labor Party also has demonstrated that it is quite capable of sacking public servants.

Mr Speaker, Mr Berry cited some examples of where this might be abused. Let me give members of this chamber an example - I just thought this up - of when you might want to sack a public servant. Let us suppose that a doctor at the hospital decides he is going to use radiography equipment to take X-rays of his dog. I just made that up. It probably would never happen, Mr Speaker, but just suppose that a doctor did that.

Mr Berry: You would do nothing about it.

MR HUMPHRIES: Mr Berry says that we would do nothing about it. The Government, in a particular case to which I am referring, of course, did want to do something about it but could not do something about it because a provision like this did not appear in the legislation. The legislation says that a public employee may not engage in improper conduct, or words to that effect, as a public employee. That sort of provision exists in the legislation already, but this particular doctor in this particular case argued that he was not performing his X-raying of his dog as a public employee. He was doing it as a sideline, other than as a public employee, or in his own time, if you like. That is what he argued and that is what made it impossible to deal with that particular public employee.

Mr Berry: That is a scurrilous argument.

MR HUMPHRIES: It is a very good argument, Mr Berry. In fact, it is - - -

Mr Berry: It is a scurrilous argument. It holds no weight at all, and it does not do the first law officer any justice to argue that sort of thing.

MR SPEAKER: Order!

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MR HUMPHRIES: Mr Speaker, it is precisely that case that led to this amendment. Members of this place excoriated the Government for not having dealt with that particular public employee.

Mr Berry: How did he go in the argument about fraud? You do not want to talk about that because the case was never brought.

MR HUMPHRIES: Mr Speaker, could I be allowed to make some remarks?

MR SPEAKER: Yes. There are far too many general interjections. If you want to join the debate, get up and talk when you have the opportunity.

MR HUMPHRIES: Members of this place attacked the Government for not having dealt with that particular public employee; yet, that is exactly the kind of case that this amendment is designed to deal with. If you think that we should deal with such people in a particularly direct and decisive way, why not provide the power in the legislation? You cannot have it both ways. You cannot get stuck into the Government for not acting against public servants in these circumstances and then, when the legislation needs to be amended to fix that particular problem, deny the Government the capacity to use that sort of power. It does not make any sense.

Mr Speaker, Mr Berry, I think, greatly exaggerated the circumstances of engaging in improper conduct. It is not simply engaging in improper conduct otherwise than as a public employee in your private life. It is limited to very clear circumstances. It is conduct that adversely affects the performance of a public servant's duties or brings the public sector or any part of it into disrepute.

Mr Berry: Subjective.

MR HUMPHRIES: It is subjective; but, Mr Speaker, I think the point needs to be made that such tests necessarily are always subjective. There are already subjective tests within the Public Sector Management Act, and there always have been subjective tests. In fact, there have been subjective tests in lots of legislation. It is my recollection that the term "improper conduct", or some term very similar to that, appears in the Judicial Commissions Act whereby we deal with improper conduct by judges. The term is not defined in legislation, but we have to have a provision which is fairly subjective because it is impossible to define the whole range of individual circumstances where a person might behave in a way which requires their removal. If Mr Berry or Mr Moore is concerned about the lack of definition of improper conduct, why have they not put it into other legislation where that term has been used? Mr Moore supported the Judicial Commissions Act when it was brought before this place, as did Mr Berry.

Mr Berry: Yes, but that was before the sacking of Jacqui Rees and the director of mental health and all that stuff.

MR SPEAKER: Order!

MR HUMPHRIES: I know you are upset about Jacqui Rees, Mr Berry, and you can whip us and beat us and so on all you want about these things, but letting your pique govern the way in which you deal with legislation like this is a very foolish and short-sighted way of dealing with a problem of this kind. You yourselves have said that we should be dealing with these sorts of problems in a more decisive way and now, because you all have your knickers in a knot about Jacqui Rees, you are saying, "No, you cannot have the power to deal with public servants who engage in improper conduct". Mr Speaker, obviously it depends on when we bring this forward as to what sort of reaction we are going to get, but there is a real problem here. There are occasions when public servants behave in a strictly private capacity but ought to have their employment terminated. Is Mr Berry saying or is Mr Moore saying that such circumstances can never arise or have never arisen? If they believe they can never arise or have never arisen, how do they characterise the behaviour of a particular doctor at the then Woden Valley Hospital? How do they characterise that behaviour? Obviously, they do not attempt to do it on this occasion, although they were very strident in their criticism on a previous occasion.

Mr Speaker, I have to say that I think the Government has been left in a very difficult position here. It is being asked to act against this sort of behaviour by public servants but being denied the capacity to deal with it by an amendment generated by a particular incident about which the Assembly was extremely critical of the Government. I would appreciate some direction from the Assembly about how we deal with this problem.

MS TUCKER (12.29): I have listened to this debate with interest, but I will be supporting an adjournment of it because I have some concerns as well. I heard what Mr Humphries just said. I think you were saying that it was the example of the dog case that caused you to do this.

Mr Humphries: Yes.

MS TUCKER: I am interested in listening to more discussions around that; but, as it looks now, the Bill is extremely broad. I also heard what you said about "improper conduct" being a term that is used in other legislation. I suppose it has been brought to our attention particularly in this Bill because there is concern about the independence of the Public Service and the radical changes that have occurred in the Public Service. There is some concern that it might be going a little bit too far. As you said in your tabling speech, Mrs Carnell, people's private lives are their own business. There are concerns about how this could be misused, although I am not suggesting that Mr Humphries's or Mrs Carnell's Government would misuse it. But, obviously, there is potential for it.

I noticed in the presentation speech that you say there are cases where management action is appropriate and justified even if it is not as serious as a police matter, but it is too serious to ignore in a workplace context. In those circumstances the employer may be subject to civil liability, and so on. I suppose my own reaction to that is that I assume that the persons who did use the X-ray machinery inappropriately, on their dog, have been dealt with in many ways. They were publicly shamed, if you like, in one way, and I imagine that no other doctor is likely to repeat that.

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Mr Humphries: We were told we should sack them.

MS TUCKER: I hear you say that. I do not recall whether we said you should sack them. I do not think we did. Anyway, you would need to see that there were processes within any workplace when someone has upset how that workplace can work reasonably harmoniously. I would have thought that those processes would be in place within a workplace. To have to legislate some disciplinary action seems to me to indicate that there has not been a lot of thought about the processes within the workplace.

Obviously, these sorts of situations can arise and they are an indication of some huge communication problem. If someone starts hitting someone else at the office party there is obviously a problem in the office that needs to be dealt with by management, because management have a responsibility to ensure that these sorts of things are resolved, hopefully without resorting to physical assault. I am not totally sure that it is appropriate that it should be put into legislation, but I am quite happy to listen to the Government further on this and to discuss perhaps different wording. I will support the adjournment of this debate.

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

Sitting suspended from 12.33 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Ambulance Service

MR WHITECROSS: Mr Speaker, my question is to Mr Humphries in his capacity as Minister for Emergency Services. Minister, I refer to your media statement yesterday entitled "Ambulance crewing and response to be reviewed". In that media statement you claimed:

ACT Ambulance management has been crewing five ambulances on each day shift and almost all night shifts - especially shifts where demand is higher, such as Friday and Saturday nights.

Minister, can you confirm that in the month of February, until the 20th when the tragic incident which has recently been reported in the media occurred, there was no fifth ambulance available on the nights of the 1st, 2nd, 4th, 7th, 8th, 9th, 10th, 13th, 15th, 16th, 19th and 20th February, that is, 12 out of 20 nights? Furthermore, I refer to your statement that the fifth ambulance is available, and I quote again:

... especially shifts where demand is higher, such as Friday and Saturday nights.

How do you reconcile that statement with the fact that there was no fifth ambulance available on the 1st, which was a Saturday night; the 7th, which was a Friday night; the 8th, which was a Saturday night; or the 15th, which was a Saturday night; that is, a fifth ambulance was available on only one out of five Friday or Saturday nights before last week's incident occurred? Minister, why, in your press release, did you deliberately mislead the public?

MR HUMPHRIES: Let me not thank you for your question. I think that part of the question where you said that I have misled the public is very untrue, and I think you should be asked to withdraw that. You have obviously come to this parliament with certain information; my information is different to that. I have information from officers, delivered to me only today, of the Ambulance Service - and I will table this information in a moment, for members' interest - which does not give a breakdown of what shifts were on what days but which suggests that there were a total of 49 shifts so far in February, which I assume is till a day or so ago; on 39 of those 49 shifts, five crews were available, that is, for 80 per cent of the total number of shifts available for the month to date; there were 4½ crews available on a further four shifts, another 8 per cent of the total for the month to date; and there were four crews available on only six shifts, or 12 per cent of the total number of shifts available. Therefore, 80 per cent of the available shifts were covered by a minimum of five crews. Sometimes there were more than five crews, but a minimum of five crews.

I do not know whether the particular dates you have referred to are provided for in the total, but I think you have actually read out more than a total of 10 shifts where there were supposedly fewer than five crews. Mr Whitecross said there were 12 such shifts. My information is that there have been only 10 shifts to date this month where there have been - - -

Mr Whitecross: You said eight and six; eight and six are 14.

MR HUMPHRIES: Okay, 14 shifts then. My information is that only 10 shifts this month to date - - -

Mr Whitecross: You said eight and six.

MR HUMPHRIES: No; I said 80 per cent. I will repeat the information for Mr Whitecross's benefit. There were five crews on 39 shifts, representing 80 per cent of the total shifts to date for this month. I am not sure what that list goes up to; I understand it was a day or so ago. There were 4½ crews on four shifts, or 8 per cent; and four crews on six shifts, or 12 per cent. If you have information that says there were 12 shifts where there were fewer than five crews, then your information differs from mine. I have been given information, and I relay it to the parliament in good faith. I spoke to my staff only a few moments ago, and that is the information that they confirmed to me is accurate.

MR WHITECROSS: Mr Speaker, I do not think Mr Humphries has fully addressed the matters raised in my original question about his claim, for instance, that they especially made these crews available on Friday and Saturday nights; whereas, in fact, the evidence

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I have is that on most Friday and Saturday nights they did not. My supplementary question is: Will you provide the Assembly with information as to on which nights there were five and on which nights there were four? Can you also explain, for the benefit of the house, what half a crew is?

MR HUMPHRIES: I am sure Mr Whitecross's sources would have told him that, if he had been prepared to ask the question. I have already answered your question, Mr Whitecross. I have indicated already that my information differs from yours. My information says there are only 10 shifts to date where there were fewer than five crews.

MR SPEAKER: Order! If you want to have a private conversation, Mr Whitecross and Mr Berry, you might like to go outside.

MR HUMPHRIES: It follows from that, Mr Speaker, that the information Mr Whitecross has presented is different from mine. I do not absolutely preclude the possibility of a mistake; but, obviously, this information was collected for me in the last few days. Given the sensitivity of the matter, I am prepared to stand by it in this place. Let me say that I am quite prepared also to table the details of on which shifts there were which crews. I also indicate to Mr Whitecross and the Assembly that a crew is two people; and that 4½ crews is when one person is available but another person is not available to make up a full fifth crew. That person is half a crew.

Mr Whitecross: No ambulances?

MR HUMPHRIES: Oh, no; there are ambulances. The ambulance is available. We have plenty of ambulances.

Mr Whitecross: You cannot get an ambulance on the road, with only one person.

MR HUMPHRIES: That is right, yes; a single person and an ambulance are available. Since Mr Whitecross raises that issue, it seems to me entirely appropriate that, if one person is available, there is an ambulance available and the person is qualified, that person ought to be on the road. I should put on the record that that is not the view of the Transport Workers Union, which resists the concept of half a crew, even though it is a concept now being widely used in other States, including New South Wales. You would have seen those ambulance motorcycles. That sort of concept is being widely used. I do not know whether a single-person crew might have been able to assist a particular lady who suffered a cardiac arrest in the early hours of last Friday. We have initiated a review of this area so that we can see whether issues like that can be used to address the problems facing our Ambulance Service.

MR SPEAKER: Mr Humphries, are you tabling that paper? Did you say you wanted to table that?

MR HUMPHRIES: I am sorry; yes, I table the summary data for the months of October to February.

General Revenue Grants Relativities

MRS LITTLEWOOD: Mr Speaker, my question is to the Chief Minister. Can the Chief Minister explain to the Assembly the outcome of the Commonwealth Grants Commission 1997 update of general revenue grants relativities and the implications for the ACT?

MRS CARNELL: Thank you very much for the question. Members would all be aware that a large proportion of ACT Government revenue comes from the Commonwealth Government in the form of general revenue assistance. Members would also be aware that since self-government in 1989 the Commonwealth has savagely cut funding to the ACT, with general revenue assistance down by 50 per cent in real terms. In short, the ACT has gone through a very steep transition to funding on the same basis as the States. Transitional funding was due to be phased out in 1997-98, which would have meant another sharp reduction in Commonwealth funding next financial year. Appeals to the Treasurer, Mr Peter Costello, and the Prime Minister, Mr Howard, met with the response that we should argue our case before the Grants Commission. That is what the Government did, and I am very pleased to be able to report to the Assembly that we have met with some success.

The Commonwealth Grants Commission 1997 relativities update released today includes a recommendation that transitional funding to the ACT should be extended by a further two years. If the Federal Government accepts the recommendation - and I will certainly be doing my utmost to ensure that both Mr Costello and Mr Howard keep their word on that - it will mean a \$15m boost to the ACT over the next two years.

Mr Berry: Is it a core promise or is it one written in the party office that they did not agree to?

MRS CARNELL: Is it not interesting, Mr Speaker, that we have an extra \$15m - - -

MR SPEAKER: No, it is not, actually. Constant interjections from that source are extremely boring.

MRS CARNELL: Here we have \$15m, and Mr Berry wants to be negative about it. I really cannot understand it.

Mr Speaker, the last review of transitional funding arrangements was conducted four years ago, in 1993. In its report, released today, the Grants Commission notes:

... the passage of further time allows a clearer perspective of the task which faced the ACT at self-government and of the scope which successive governments have had to tackle that task.

It goes on to say that more time is needed for the ACT to adjust to funding on the same equal footing as the States. Mr Speaker, the Grants Commission recommendations, if accepted by the Federal Government at the Premiers Conference next month, will give the ACT a little breathing space. However, this Government will not be doing what

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previous governments did and pretending that the ACT can go on living outside its means. Obviously, we still have to get down to State-like funding over the next few years. That is why we will be using this additional funding for initiatives designed to broaden our economic base and reduce the ACT's reliance on Commonwealth funding.

Mr Speaker, the Grants Commission also recommended a \$200,000 increase in the allocation to the ACT for special fiscal needs and adjusted the ACT's per capita relativity slightly, with the effect of reducing the ACT's share of general grants by \$1.4m. I am still interested that those opposite want to interject on something that is good news for the ACT. Possibly, the reason for that is that those opposite told us we were wasting our time. Mr Whitecross indicated that there was absolutely no show that this approach would - - -

Ms McRae: On a point of order, Mr Speaker: I would like to know whether the Chief Minister advised the Independents that she would be making a ministerial statement and that is why they are not listening.

MRS CARNELL: Sit down. That is not a point of order, Mr Speaker.

Ms McRae: Mr Speaker, when are you going to rule on what is the difference between a ministerial statement and an answer to a question? This is a ministerial statement.

MRS CARNELL: Mr Speaker, I would have thought those opposite would have been interested to know as soon as possible of something that is very important to this Assembly. The fact is that those opposite do not want any good news. All they want to do is run down the ACT. This is \$15m worth of new money to the ACT over the next two years. Mr Speaker, I believe that is good news for the Territory, even if those opposite do not.

Ambulance Service

MR WOOD: Mr Speaker, my question is to Mr Humphries as Minister for Emergency Services. Minister, can you confirm that in the 1995-96 budget half-a-million dollars was appropriated by the Assembly for that and subsequent years for a fifth ambulance to operate from 8.00 am to 6.00 pm and that an additional \$180,000 was appropriated in the 1996-97 budget to allow the fifth ambulance to go full time from 1 October 1996? Can you confirm that from 1 January 1997 ACT car owners have been paying \$15 for the so-called road rescue levy, which will raise about \$1.4m in a full year - nearly twice as much as the full accrual cost of the fifth ambulance? Minister, when will the ACT community actually get the full-time fifth ambulance that we are already paying for?

MR HUMPHRIES: Mr Speaker, it is a pity Mr Wood did not ask that question before he put out his very misconceived press release of yesterday. First of all, let me just put into context the irony of members of the Labor Party asking a question about the fifth ambulance. People should remember that in 1991, when still in opposition, those opposite said, "We desperately need a fifth ambulance in this Territory; it has

to happen; it needs to happen tomorrow. People are dying in the streets because we do not have a fifth ambulance". Mr Berry took over as Health Minister and for four years nothing happened. The promised fifth ambulance never arrived. In our very first budget we put aside the money to move towards the creation of that fifth ambulance.

Mr Berry: It is "move towards" now.

MR HUMPHRIES: That is what we promised in our first budget, Mr Berry.

Mr Berry: No; you said it would happen on 1 October.

MR HUMPHRIES: No; that was not our first budget; that was our second budget, Mr Berry. Pay attention, please. In our first budget we put aside half-a-million dollars to provide an extra number of crews - to provide, if you like, an extra half an ambulance or a peak-hour ambulance. That service operated partially over the period that we had intended it to, but not fully because an industrial dispute arose with the Transport Workers Union. The Transport Workers Union said that they did not believe in having an ambulance operating on only a part-time basis. Mr Berry retreats to his paper so that he does not have to hear this information, but this goes to the heart of the matter. The Transport Workers Union said, "We do not want to operate a part-time ambulance crew, because, if we do, what we will end up doing is affecting that 10 : 14 roster arrangement which we hold very dear to our hearts. Therefore, we do not want anything less than a full fifth crew, because it is going to affect our rostering arrangements and introduce a new element".

Mr Berry: You said a full fifth crew from last October.

MR HUMPHRIES: Listen, Mr Berry. That is the first budget I am talking about, you dill. Mr Speaker, in the first budget we brought down we promised only a part-time fifth ambulance - listen, Mr Berry - and we delivered on that. But there was the problem of the Transport Workers Union not being prepared to accept a part-time fifth crew. In the second budget, the budget brought down in August last year - - -

Mr Whitecross: September, actually; the 24th, if you like.

MR HUMPHRIES: September, okay; if you are so accurate, Mr Whitecross. Pay attention to all of this and you will get a few pointers out of it. In September we brought down a budget and said that we would supply - - -

Mr Whitecross: I am ahead of you, Mr Humphries.

MR HUMPHRIES: I have been perfectly accurate so far. We said that we would supply a full-time fifth ambulance crew and we would do so from 1 October. Mr Speaker, that was the commitment we made in the budget. We delivered the money to do that. The service has been substantially delivered, with a fifth crew, but not entirely. Mr Speaker, the reason for that is not, as Mr Wood's question suggests, that we lack the money to do so; there is more than enough money to provide the fifth crew on a full-time basis. What is lacking is the people to man it. The Government advertised in July for a fifth crew - - -

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Mr Berry: You said it was happening.

MR HUMPHRIES: Mr Berry can look at the ads in the paper; they are there in the paper in black and white. In July 1996 we advertised for expected vacancies in the service - - -

Mr Berry: I have it here; from 1 October it will happen.

MR HUMPHRIES: Mr Berry, I cannot guard against all eventualities. The physical ambulance itself is available. We advertised for the crews to man it. We put money aside in the budget to pay those crews, when they were available. Indeed, we actually recruited enough staff to fully man the fifth ambulance. Unfortunately, other people who were already on the payroll of the Ambulance Service retired, took leave or were retired on invalidity grounds, or whatever. As a result, it has not been possible to man that shift on a full-time basis from the beginning of the proposal for the service.

Mr Speaker, I do not rise in this place in any sense apologetically. We said that we needed a fifth crew, and we have substantially delivered that fifth crew. On my advice, on every day shift since the beginning of this year there have been five crews available to help the people of Canberra; and on 75 per cent of the night shifts there have been five crews to help the people of Canberra. I do not rise in any sense apologetically, and I certainly will not apologise to those people opposite who promised shamelessly a fifth crew in 1991 and never delivered.

MR WOOD: Mr Humphries is ducking for cover as usual, blaming everybody else but himself.

MR SPEAKER: No preamble, Mr Wood; as you know, there must be no preamble to a supplementary question.

MR WOOD: I have said what I need to say. Minister, you have indicated that you have not delivered as you promised. You have reluctantly acknowledged that. Will you, therefore, apologise for this fraud on the members of this Assembly who voted for your budget and also to the ACT car owners who have been paying this road rescue levy under false pretences?

MR HUMPHRIES: I have fully answered that question. I will simply say this: Money does not solve every problem, Mr Wood. The money is there. It is not an issue of money; it is an issue of finding the people available who are properly qualified and properly trained to run the service. I cannot kidnap people from other jurisdictions, bring them here and force them to work on our ambulances, but I can make reasonable endeavours to find those people. Mr Wood, if you have a better solution as to how to force people to work in our Ambulance Service, I invite you to put it forward in this debate.

MR SPEAKER: The second part of the question is an imputation and is out of order.

Marlow Cottage

MS TUCKER: My question is to Mr Stefaniak as Minister for Family Services. I have given his office two or three hours' notice of this question. My question is in relation to Marlow Cottage, previously known as Kaleen Youth Shelter. Minister, how many young people have been referred by Family Services to Marlow Cottage, which is now managed by the Richmond Fellowship, over the past 12 months? How many of these are on bail; how many are on final court orders under the Children's Services Act?

MR STEFANIAK: I thank the member for the question. As a result of the time available, I have the following information for her: Ms Tucker, I am advised that approximately 150 placements of young people have been referred by Family Services since January 1996. That has involved 84 actual young people. I would imagine, on those figures, perhaps some of them have gone back more than once. Approximately eight of those, I am advised, would have been on bail in regard to Children's Court matters. The majority are on children in need of care orders. Those orders are both final orders and interim orders leading up to final orders. In terms of any further or additional statistics, I would be happy to provide those to you, Ms Tucker, at a later date.

MS TUCKER: I have a supplementary question, Mr Speaker. How does the Minister justify this in light of the fact that the Richmond Fellowship is provided with funding for only, at most, two staff members who are not trained to deal with young people experiencing severe behavioural problems? Is the Minister aware that this practice of mixing the two groups contravenes article 40, paragraph 3, of the United Nations Convention on the Rights of the Child, which states that parties to the agreement should establish institutions specifically applicable to children accused of or having infringed the penal law?

MR STEFANIAK: I think you probably have the wrong end of the stick a bit there, Ms Tucker. Marlow Cottage, and indeed its predecessor, which was run by the department, is a very useful adjunct both to the court system in Canberra and to looking after children in need of a special type of care. It fills a very necessary gap which would otherwise appear in terms of placement in foster care of children staying in the home or, right at the end of the process, I suppose, sadly, children who are actually incarcerated in an institution such as Quamby.

As you know, Ms Tucker, the Richmond Fellowship is currently the body responsible for the shelter known as Marlow Cottage. That fellowship is an extremely professional and caring organisation which does excellent work with children who are referred to the shelter. Young people referred to Marlow Cottage usually have emotional disturbances and family problems. The shelter is set up for short-term crisis placements. Young people are found longer-term placements as soon as possible. Because of the degree of special needs, some children are there for longer because longer-term placements are harder to find.

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Ms Tucker: Mr Speaker, on a point of order: The Minister is not addressing my question.

MR SPEAKER: There is no point of order.

MR STEFANIAK: There is no point of order, Mr Speaker.

Mr Moore: On a point of order, Mr Speaker: I think Ms Tucker is quite correct. Standing order 118(a) says that the Minister's answer shall be confined to the subject matter. That is the point of order that she is taking.

MR SPEAKER: There is no point of order. The Ministers, as you know, can answer questions as they see fit. Have you finished, Mr Stefaniak?

MR STEFANIAK: No, Mr Speaker.

MR SPEAKER: Confine your answer to the subject matter of the question, under standing order 118(a).

MR STEFANIAK: One other thing I would refer you to - - -

Ms Tucker: Mr Speaker, can I speak to that point of order?

MR SPEAKER: No. Mr Stefaniak is answering the question as he sees fit.

MR STEFANIAK: You have referred to breaches of United Nations conventions and all sorts of things, Ms Tucker. In relation to that, might I also refer you to something?

Mr Moore: Mr Speaker, quite a number of times we have heard you give a ruling to the effect that the Minister can answer the question any way he likes. I am going to ask you to reconsider that, Mr Speaker. Standing order 118(a) does not give the Minister that prerogative at all. It says that the answer to a question without notice shall be concise and confined to the subject matter of the question. I accept that ruling, but Ms Tucker has raised quite properly that it shall be confined to the subject matter, which is what he is not doing.

MR SPEAKER: I was under the impression that Mr Stefaniak was just beginning to address the United Nations aspect of the question.

MR STEFANIAK: Yes; and I would suggest to Ms Tucker that she probably has the wrong end of the stick there and has probably completely misinterpreted that. On having a look at that, I am happy to perhaps have a little chat to her later and point out where she has the wrong end of the stick. One thing I would do, Mr Speaker, is simply refer Ms Tucker - - -

Ms Tucker: On a point of order, Mr Speaker: You said that it has to be confined to the subject matter of the question. I do not think the Minister understands what my question was.

MR STEFANIAK: I did. I just answered that part of it. If you sit down, I will give you something else.

MR SPEAKER: Order! This is not a debate; this is question time. You have indicated that you are going to look at the matter, have you, Mr Stefaniak?

MR STEFANIAK: I will certainly be delighted to do so. Ms Tucker can come and see me; we will go through that. I think she has it completely wrong. I am happy to point out where she probably has that completely misconstrued.

MR SPEAKER: Order! This is not a dialogue.

MR STEFANIAK: I am talking to you, Mr Speaker.

MR SPEAKER: Thank you. Ms Tucker was, I think, attempting to talk to you. You talk to me; we will just ignore the rest.

MR STEFANIAK: Finally, Mr Speaker, I would also like to refer Ms Tucker to the Official Visitor's report in relation to Marlow Cottage, by Mr Aldcroft, who is quite laudatory in his comments in relation to how that house is run and how there has been an improvement in the activities and control of the children placed into care there.

Mr Berry: On a point of order, Mr Speaker: A couple of questions ago Mr Humphries called me a dill. I think you must have missed it, Mr Speaker. It is an offensive word, contrary to standing order 54, and I would ask you to have him withdraw it.

MR SPEAKER: Did you refer to Mr Berry as a dill, Mr Humphries?

Mr Humphries: I most certainly did, Mr Speaker.

MR SPEAKER: Would you like to withdraw?

Mr Humphries: No; but I will.

Mr Berry: Would you ask him when he last saw one? Perhaps it was when he was cleaning his teeth this morning.

MR SPEAKER: Sit down; otherwise you may be in some difficulty.

Ambulance Service

MR CORBELL: Mr Speaker, my question is to Mr Humphries as Minister for Emergency Services. Minister, I refer to a media statement issued by your office, dated 24 February this year and entitled "Ambulance crewing and response to be reviewed". In your statement you claimed that recruiting of ambulance officers to cover the fifth crew is taking longer than expected. On 24 September last year you released a media statement in which you claimed the extra full-time ambulance crew to staff the fifth ambulance would operate from 1 October last year, that is, just under seven days after you released the media statement of 24 September. Minister, how do you reconcile these two diametrically opposed statements?

MR HUMPHRIES: Quite simply. One was a prediction of what we were going to be able to do - - -

Mr Corbell: It was a promise.

MR HUMPHRIES: All right; I concede that.

MR SPEAKER: Order! Mr Corbell is entitled to have an answer to the question.

MR HUMPHRIES: Mr Speaker, I concede that it was a promise. Yes, we did promise a fifth crew. The Opposition is chasing a sort of a will-o'-the-wisp. I do not pretend that we did not promise to deliver a fifth crew. In that respect, Mr Speaker, I make no bones about the fact that we have not been able to deliver a full-time fifth crew from 1 October as promised, if you like, Mr Corbell.

However, I have to say to you that it is not because of any lack of money; it is not because of any lack of effort or conviction on the part of the Government that that is the case. The fact is that that has not proved possible. Mr Speaker, I cannot say when people are going to retire unexpectedly from the service, fall sick or become injured and not be able to continue in the service. I do not know when that will be the case. We anticipated being able to start the service from 1 October, and substantially we did. As the figures I have shown indicate, the service did operate substantially from that date.

Mr Whitecross: No, it did not.

MR HUMPHRIES: It did. Mr Speaker, in October just over half of the shifts available were covered by 4½ or five crews. In November that rose to 77 per cent. In December it fell back to 71 per cent. I do not know why that was. In January it rose to 80 per cent. In February it has been, on my advice, 80 per cent. If you expect Ministers to be able to prevent eventualities like people resigning from frustrating promises, then let me say you are setting yourselves a very high bar to jump over as the alternative government. We made a promise in good faith and we funded that promise.

Mr Berry: It was not a core promise.

MR SPEAKER: Order!

MR HUMPHRIES: Do they want an answer or do they not, Mr Speaker? Again I say, “How dare you people opposite criticise us for trying to deliver on a fifth crew when you people promised it and never even tried”.

MR SPEAKER: Do you have a supplementary question?

MR CORBELL: Thank you, Mr Speaker. Minister, do you now agree that it was a mistake to announce on 24 September funding for a fifth crew to be available only seven days later? In which media release of the two I have already quoted in the previous question do you feel you deliberately misled the community? Was it your release of 23 September or your release of 24 February?

MR SPEAKER: Order! The question is out of order. You are asking for an expression of opinion.

MR HUMPHRIES: Mr Corbell and particularly his colleague Mr Wood are deliberately misleading the Assembly and the community on this issue. They know that 24 September was budget day. Information that was factored into the budget for budget day was produced some time before budget day. You do not write the budget speech on budget day.

Mr Whitecross: So press releases released on budget day are not necessarily true?

MR HUMPHRIES: All that information was factored in - - -

MR SPEAKER: Order!

Mrs Carnell: On a point of order, Mr Speaker: Standing orders 39 and 61 prevent the sorts of interruptions and disorder we have seen.

MR SPEAKER: Constant interruption. I uphold the point of order.

MR HUMPHRIES: I emphasise, Mr Speaker, that, when saying that there would be a full-time fifth crew, what the Government was saying - - -

Mr Whitecross: You were saying that you would provide a full-time fifth crew.

MR HUMPHRIES: If those opposite would like to listen, they might hear.

MR SPEAKER: Order! The next person who interjects will be warned.

MR HUMPHRIES: We were distinguishing between the part-time crew we had funded in 1995-96 and the full-time crew we were promising for 1996-97, or at least from 1 October 1996. It was a full-time crew in the sense that it was resourced to be operating 24 hours a day.

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Mr Berry: He is not even blushing.

MR HUMPHRIES: If those opposite are not interested in this, then that is their bad luck. We have delivered much more for the people of Canberra than those people ever managed to deliver, and I am very proud of that fact.

Mr Moore: Where is your helicopter?

MR HUMPHRIES: That is not, again, my responsibility.

Dogs - Registration

MR OSBORNE: My question is to Mr Kaine in his capacity as Minister for Urban Services and is in regard to the Dog Control Unit. Minister, in recent briefings that I have received from officers of the Parks and Conservation Service it was drawn to my attention that there has been an extremely low compliance with our laws requiring the registration of dogs in the ACT. While investigating this matter I have recently learnt that our previous Prime Minister, Mr Paul Keating, does not have his dog, Reuben, registered. Am I barking up the wrong tree, Mr Kaine, or does your department treat previous Prime Ministers differently from ordinary people? If they do not, can you assure the people of Canberra that your department will bring Mr Keating to heel on this matter and acquaint him with his legal requirement to register his dog?

MR HUMPHRIES: Mr Speaker, I will take that question, since I am actually responsible for dog control. In all the yelping that is going on in this place it is very refreshing to hear a question which is actually to the point and which makes some sense. The situation was that the former Prime Minister, who apparently maintains a house in Canberra, did have a dog by the name of Reuben which was not registered. I think that problem has now been rectified. However, the former Prime Minister was not to be treated any differently from any other citizen of the city. When the information that the dog was unregistered was brought to the attention of my department, action was taken to provide advice to Mr Keating or to his - - -

Mr Kaine: You did call him to heel, did you?

MR HUMPHRIES: We sort of called him to heel, yes; in a manner of speaking. I am pleased to say that my understanding is that that has now been rectified and that Reuben is a fully legal dog. If any other former Prime Ministers' hounds or other pets come to members' attention, I would be very happy to hear about them.

MR OSBORNE: I have a supplementary question, Mr Speaker. Mr Humphries, I just hope your bark is not worse than your bite. On a serious note: Given the low level of compliance of dog registrations in the ACT, is your department developing a strategy to rectify this? Will you inform this Assembly of that strategy and when should we expect it?

MR HUMPHRIES: Mr Speaker, it is not always easy to reach all dog owners. Some of them travel widely around the world and attend functions in places where you cannot reach them. I do not know how we would educate all dog owners about these matters necessarily, but I will take that part of the question on notice and see whether it is possible or appropriate to make any further efforts to engage in public education about the requirements of the Dog Control Act.

Ambulance Service

MS McRAE: Mr Speaker, my question is to Mr Humphries. Mr Humphries, I refer to your press release of 24 February 1997 in which you claim the problems encountered in providing a fifth ambulance can be attributed to work practices and recruitment problems. Is it not the case that there has been no full-time fifth ambulance because of budget cutbacks imposed on employing staff after hours?

MR HUMPHRIES: Absolutely not. Mr Speaker, I do not believe I actually said in the press release that it was attributable to work practices. I said it was an issue we had to look at to see whether we could improve the quality of our services. I do not resile from the fact that I think work practices have to be looked at, Mr Speaker; but I am not saying that is the problem necessarily which has led to the problem with the fifth crew.

Mr Whitecross: You have no evidence that that is the problem.

MR HUMPHRIES: No; I did not say I did. I said it had to be looked at.

MS McRAE: My supplementary question is this: Is your omission from your press release another example of your seeking to deflect blame away from policy failures by you and your Government to Emergency Services staff?

MR HUMPHRIES: They have obviously reached the bottom of the barrel for this question time theme, I can tell you, Mr Speaker.

Ms McRae: It is a pity you do not answer the questions.

MR HUMPHRIES: I am afraid I did fully answer every question that was asked of me, Ms McRae; and I have answered this one as well. I did not say in the press release what you alleged I said. That was the first part of your question. I did not attribute the lack of a fifth ambulance crew to work practices. You go back and read my press release very carefully and you will see that is so. In fact, I am sure that if I had you would have quoted it back at me in the supplementary question.

Let us bear something in mind. The fifth crew is meant to be located, according to the plans we have announced, in Fyshwick-Narrabundah. That is the place where present surveys indicate there is a gap in our services, where the response times are slower, because the crews in Ainslie and Woden are too far away to be able to reach that point within the required, I think, eight minutes.

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Mr Whitecross: Why do you not pay overtime?

MR HUMPHRIES: We do pay overtime. We pay lots of overtime, Mr Whitecross; we pay plenty of overtime. I can tell you about the overtime we pay. Mr Speaker, the point about this fifth crew, of course, is that if there is an incident in, say, Belconnen, as was the case the other night, a fifth crew based at Fyshwick will not necessarily be able to assist in alleviating that problem. Sometimes it will, but sometimes it will not. Ms McRae is obviously so interested in the question that she is not even bothering to tune in any further.

Ms McRae: You are not answering it.

MR HUMPHRIES: I am fully answering your question. I have answered every component of your question.

Ms McRae: Would you like me to read you the press release, Mr Humphries? You are not answering it.

MR HUMPHRIES: You go right ahead. If you have another question on that theme, I am sure you will be able to do it then. I say that people should not assume that the fifth ambulance necessarily provides any better level of service in a particular case.

Schools - Voluntary Contributions

MR MOORE: Mr Speaker, my question is to Mr Stefaniak, Minister for Education. Once again, with the commencement of the school year, I have received information that schools are still blackmailing parents with regard to voluntary fees. In the case of Lake Ginninderra College, I believe students who have not returned a form with their fees or indicating how the fees will be paid have not received their textbooks. I also believe Lake Ginninderra College is not alone in this respect. When is the Government going to enforce their policy of these fees being voluntary - that is, v-o-l-u-n-t-a-r-y - only and not use children's education as a pawn in order to receive fees?

MR STEFANIAK: I think this Government has made it quite plain now from the word go that we regard voluntary contributions as just that - voluntary. We have had an inquiry in relation to this by an Assembly committee. We have also stressed that point, I think, to the satisfaction of groups who have been constantly pushing that - groups like the P and C - to the stage now that groups like that are keen to look at the positive side of contributions and ensure that school communities know what benefits flow from contributions. As you are probably no doubt well aware, Mr Moore, the Government is assisting schools in terms of actually providing sample letters to go out. There are a number of publications from various schools, Mr Moore, which you might be interested in. I saw a very good one, I think from one of the Belconnen high schools, just recently, which you might have seen - I think it was Canberra High - which made it quite plain from the word go.

In relation to the school you spoke of, that question was asked in the media several weeks ago, I think, at the beginning of term one. I understand that the actual student concerned has, and has had for some time, the textbooks that the particular student required. Also, I have had a look at the particular form that college sent out. Whilst perhaps part of it might have been better worded, it did stress that the fees were voluntary and that the information it sought was simply what the parents' intentions were in relation to payment or non-payment. There was nothing saying that people would not receive materials if no payment was made; that was quite clear. The particular problem there has, in fact, been sorted out, Mr Moore. I have reiterated our policy, as the department has. The department has done so on a number of occasions, as to the voluntary nature of fees. Might I say, Mr Speaker, that, whilst it is this Government's policy that fees, in fact, be voluntary, we do encourage parents, who are able to, to make that contribution. Some schools have an excellent history in terms of explaining to parents exactly what the fees go towards and how it benefits a child's education. They have an excellent rate of contributions from parents.

MR MOORE: I have a supplementary question, Mr Speaker. My own children's schools have also sent out excellent letters in which they have explained exactly what the fees are used for. But the reality is that there is a management issue here that has to do with your department - and it manages the principals of the schools - ensuring that the parents understand that the fees are voluntary. What action are you taking to ensure that message goes through?

MR STEFANIAK: That message goes through to schools through directives from the department, Mr Moore. Last year school principals were directed to review publications and correspondence to ensure consistency with Government policy. I understand the department has also been in contact with the school in question in relation to this. Also, school boards themselves have a role here to consult with their communities on parental contributions to achieve a consensus. Indeed, most do that very well. As a result of the last review we had in relation to this, standard letters are available for schools, to assist them in terms of what contributions are for.

I do reiterate, as you yourself concede in relation to your own children, that there have been very good communications from schools in terms of advising parents what the contributions are for, why they need to make them, and what it all goes to. When that occurs, the result has been very good indeed. It is something the department continues to monitor, Mr Moore, because it is policy. That policy will continue to be the case, and the department will continue to monitor it and continue to ensure that schools do advise parents that the contributions are voluntary. Of course, at the same time, it is important to ensure that the information sent out to parents is thorough, to encourage maximum participation, which obviously benefits each individual child at the school and the schools themselves.

Ambulance Service

MR BERRY: My question is to Mr Humphries in his capacity as Minister for Emergency Services. I refer to a media statement, Minister, issued from your office, dated 24 February 1997 and titled "Ambulance crewing and response to be reviewed". In your statement, you claim that you have ordered a review into the operation of the Ambulance Service. I am reminded of the last time this Minister had a review into one of his bungs. That resulted in the head of the Health Department being made a scapegoat. You might recall that bungle, Mr Humphries. Minister, will you give a guarantee that this review will not become a witch-hunt in order to put the blame on Emergency Services Bureau staff? What I am asking is this: Will you give a guarantee that nobody will be necked because of your blunder, or can we expect to see an article in the *Canberra Times* in which the head of Emergency Services or perhaps the superintendent of the Ambulance Service is forced to publicly defend himself, as was the case with the chief executive officer of ACTION?

MR SPEAKER: Mr Humphries, all I can suggest is that some of that question was obviously hypothetical.

MR HUMPHRIES: I think it was too, Mr Speaker. It is a bit rich being lectured by Mr VITAB on blunders. Let me say that the review will be appropriate and thorough and will apportion blame, if any has to be apportioned, where blame is due.

MR BERRY: I have a supplementary question, Mr Speaker. Minister, can you confirm that this is another example of general Government policy to set up inquiries to blame public servants for the failure of the Government? For how long will you continue to duckshove the problems instead of fixing them?

MR SPEAKER: The supplementary question is out of order. It is hypothetical.

Mr Whitecross: Mr Speaker, on a point of order: I do not expect you to address this point of order now. I ask you to consult the Clerk and maybe come back to the Assembly with your definition of the word "hypothetical", which clearly does not fit with the definition I learnt at school.

MR SPEAKER: I would be happy to.

Kingston Foreshore Development - Design Competition

MR HIRD: Mr Speaker, my question is to the Chief Minister. In January this year, Minister, you launched the competition of ideas for the Interim Kingston Foreshore Development Authority. Given that a number of members of this parliament, notably those on the Opposition benches, have openly claimed that there would be very little interest in the Kingston foreshore project, can you inform the Assembly of what the response has been to the design competition?

MRS CARNELL: Mr Speaker, we on this side of the house have become used to, of course, those opposite and others actually, at times in this Assembly, simply knocking any new idea at all. The Kingston foreshore redevelopment has been very much part of that as well.

Opposition members interjected.

Mr Hird: Mr Speaker, I cannot hear.

MR SPEAKER: Order! Mr Hird wants to hear.

MRS CARNELL: I suspect that it is to cover up for the appalling lack of new ideas coming from those on the Opposition benches. In fact it is worth noting, just listening to Mr Whitecross, that Mr Whitecross will have been in the job for, I think, one year in about a week's time. As a competition, I would ask members to think of one new idea that Mr Whitecross has come up with in that time - a whole year, Mr Speaker, and no new ideas at all; no new ideas on how to create jobs, something that the Kingston foreshore redevelopment will do; on how to broaden our economic base, something that the Kingston foreshore redevelopment will do.

Mr Whitecross: On a point of order, Mr Speaker: Mrs Carnell is talking about all the jobs that the Kingston foreshore redevelopment will create. Surely that is hypothetical. Mrs Carnell would not want to do that. Going on Mr Humphries's previous experience, an announcement that something is going to happen could be wrong a week later.

MR SPEAKER: There is no point of order, though I must admit I came close to asking the Chief Minister to confine herself to the subject matter of the question, rather than your term in office as Leader of the Opposition. Be assured I have your interests at heart at all times.

Mr Whitecross: Thank you for your protection, Mr Speaker.

MRS CARNELL: Mr Speaker, I was not aware that there was a standing order that talked about answering questions in hypothetical ways. I thought that was something to do with questions. But I am very happy to bend to your superior understanding of these matters. I am happy to be able to say that, unlike all of those - - -

Mr Moore: On a point of order, Mr Speaker: I think the standing order to which Mrs Carnell refers is standing order 118(b), which says that the - - -

MRS CARNELL: I am not referring to a standing order at all.

Mr Moore: Standing order 118(b) says that answers to questions shall not debate the subject to which the question refers. Perhaps Mrs Carnell is feeling a little guilty about this and is doing some projection on that issue.

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MRS CARNELL: Actually, I can guarantee that I was not. Mr Speaker, I am happy to say that, unlike those on the Opposition benches, there is certainly no shortage of ideas on what we can do with the Kingston foreshore development. I had the privilege of launching the Interim Kingston Foreshore Development Authority's competition for ideas on 27 January.

Mr Moore: For how long is it going to remain the interim authority?

MR SPEAKER: Order! It was Mr Hird's question, not yours, Mr Moore.

MRS CARNELL: Registration for the competition of ideas closed last week. A total of 216 registrations were received by the authority in that three-week period from all over Australia. This development project, which Opposition members and, it seems, Mr Moore as well seem to be ridiculing at every opportunity, has caught the imagination of the design professions right around this country. It is very exciting to see such enthusiasm for this project nation-wide. The amount of interest, Mr Speaker, I thought, would be, again, something that this Assembly would be very excited about. We certainly are. Each of the registered entrants is being sent the community brief which outlines what the Canberra community wants to see on the Kingston foreshore, based on the comprehensive community consultation exercise. Again, it has been very interesting that those opposite find - - -

Mr Moore: On a point of order, Mr Speaker: This is very interesting for those opposite, but it is quite clear that Mrs Carnell is leading into a debate on the matter. Standing order 118(b) makes it very clear that she cannot debate the matter.

MR SPEAKER: I do not believe Mrs Carnell is debating the matter. I am also sure that she will avoid any move to do so, enthusiastic as she may be to do so.

MRS CARNELL: Mr Speaker, I can guarantee I am not debating the issue at all. In fact, I am answering the question fully. Each of the registered entrants will be sent the community brief which outlines what the Canberra community wants to see on the Kingston foreshore, again, based on a comprehensive community consultation exercise - again, something I thought those present in the house today would have been very positive about. Community ideas will be fed directly into the competition for ideas. Entries will be judged by a six-person jury chaired by eminent Sydney architect, Ken Woolley. Registered entrants now have until the end of April to complete their submissions. I think this is a very exciting project for Canberra. Again, I would have thought that 216 registrations would have been something that this Assembly would have been very positive about - a project that can create jobs; a project that the community as a whole supports, as we found out in the community consultation which resulted in the community brief that will be presented to the registrants.

Gowrie Court - Security Measures

MS REILLY: My question is to the Minister for Housing, Mr Stefaniak. During lunchtime, Mr Stefaniak, I received a phone call from a young mother. She is living in the Gowrie Court flat complex, with her husband and two young children who are two and three years old. She reported another assault in the Gowrie Court complex this morning. This young woman is very frightened for her family. Her situation is not unique; I have had calls from other young families and older people about safety and security. Your current security measures for these flat complexes, which include the use of security services, are not working. What are you going to do, as their landlord, to make these tenants feel safe in their own homes?

MR STEFANIAK: I thank the member for the question. Ms Reilly, you were not here during the Second Assembly, but I can assure you that a lot has happened since then in terms of security in large flat complexes. Things like this have always been a problem. It is considerably better now than it was when you lot were in government. In fact, police indicate that, in the ABC flat complex, about 90 per cent of the incidents that used to occur no longer do.

You asked about Gowrie Court, though, Ms Reilly. Yes, in any large flat complexes, unfortunately, there will always be certain problems. It is also literally, I suppose, impossible to say that you will totally clear up all problems throughout Canberra 24 hours a day, seven days a week, 52 weeks a year. But there are a number of things we can do and a number of things we are doing, Ms Reilly. For members' benefit, Gowrie Court comprises 72 two-bedroom units in six blocks, each containing 12 flats. In other words, it is a large flat complex, and we have a number of complaints there.

You talk about an incident of assault. There have been a number of other complaints received about abandoned vehicles, intimidation, noise, vandalism, and breaking and entering. Investigations of those complaints are carried out by ACT Housing, also of course by the Australian Federal Police. Reports from ACT Housing and indeed reports received from the police support the view that visitors and, on occasions, large groups are the primary cause of those complaints. That is not uncommon to a lot of our flat complexes, Ms Reilly. It is not necessarily the tenants who do it; it is often visitors who come there. It is believed that many of the visitors reside in the Narrabundah area. Also, there are a number of activities on the oval adjoining the complex, and those often spill over into the complex.

ACT Housing has taken considerable action at Gowrie Court to improve the situation; just like we have at the ABC flats; just like we have at Burnie Court at Lyons; and just like we have at some of our other large flat complexes. The actions we have taken have included referring incidents of violence and intimidation to the AFP and employing a private security firm to patrol the grounds eight hours a day for four days each week. I understand that from 25 January to 15 February that firm did just that. There has been cleaning and deodorising. There were some complaints in relation to the stairwells. There have also been regular inspections of the grounds and the stairwells. We will continue to monitor the situation in the complex; we will continue to liaise closely with the AFP; we will continue to undertake essential maintenance; and we will also continue to respond as best we can on an individual basis to tenants' complaints.

The liaison with the AFP is particularly important, Ms Reilly. The AFP do, on occasions, have various blitzes. We had one recently, I think, in another flat complex, which was highly successful in apprehending a number of law-breakers who will be taken before the courts and charged with a number of various offences. In relation to that flat complex - I am not going to say which one it is - we have had some very good feedback from a lot of the tenants, especially elderly tenants, that things have improved. Those are the steps we are taking and will continue to take. I would love to be able to tell you that we could completely cordon off and quarantine complexes like Gowrie Court and all our other flat complexes and that there would never be any problems there. I am sorry; we cannot do that. We will do the best we can. I must tell you that we have made considerable improvement over the last two years on what situations were like at flat complexes, say, three, four or five years ago.

MS REILLY: Mr Speaker, I have a supplementary question. Will you, Minister, give priority to applications for transfer to other ACT Housing accommodation from ACT Housing tenants living in Gowrie Court and other flat complexes when they feel unsafe? We are talking about tenants here, not other visitors or whatever. Will you give that undertaking?

MR STEFANIAK: We have a very detailed, thorough and, I think, most appropriate system in place in relation to transfers and priority transfers. We have a number of people on the waiting list. I think it would be improper if everyone who felt a problem in a complex automatically got a transfer. I do not think that would be feasible. I do not think that would be fair to everyone involved. But there are processes in place, as you well know. If there are particular specific, individual problems of a very real nature that warrant a priority transfer, those are looked at sympathetically. Indeed, as you are also aware, there are mechanisms within Housing, within the system, if people are not satisfied with an application for a transfer being rejected, such as the Housing Trust Review Committee. It regularly looks at things like that. It is pretty hard to make a blanket statement that, yes, all people who feel a bit uneasy at something will automatically go onto a priority transfer list. Each situation has to be looked at individually, against all the various criteria.

It is important, Ms Reilly, that in these complexes we do all we can to alleviate the situation. I cannot stress enough the need for good liaison between Housing and the police and the need for police attendance. When that occurs, as it has done at some stages fairly recently, there has been considerable, marked improvement. Other steps which have been taken in relation to other flat complexes are also terribly important, such as tenants having a greater sense of ownership, I suppose; a feeling of ownership of the unit; and the forming of tenants associations, as has been the case at the ABC flats and Burnie Court, Lyons. Those things are obviously very much of assistance. I understand that those types of things are also being looked at at Gowrie Court.

Methadone Program

MS HORODNY: My question is to Mrs Carnell, Minister for Health. It has been brought to my attention by a client on the methadone program that it is still extremely hard to access methadone in the Civic area. Could you detail, for the Assembly, where methadone is available in the city and other central areas in Canberra?

MRS CARNELL: Mr Speaker, I think that is the sort of question that should have been asked on notice, but I am very happy to tell Ms Horodny the sites which I know are available in Civic; and then I will see whether that is all of them. Obviously, we have a methadone clinic in the Civic Health Centre. That one is run by the Government. You would also be aware that there has been an extension of methadone places in community pharmacies, that is, the extension from 350 to 400 places that we announced in the last budget. There are community pharmacists who are willing to do it, who are properly trained and who have been identified across Canberra.

I understand that there has been some difficulty in getting a community pharmacy in the actual centre of Canberra that is willing to do so. I do understand, though, that the Canberra Arcade Chemist, over near the Canberra Club, is actually distributing methadone from that pharmacy. We have that pharmacy and the Civic Health Centre distributing in Civic at this stage. We would certainly like to have another pharmacy, possibly in Garema Place or that part of the world; but at this stage the pharmacists involved are not interested in being part of the program. I have to say we cannot make them if they do not want to. Equally, we have one pharmacy in Civic and the Civic Health Centre. That is one more outlet than we had before we put pharmacies into the program. We will certainly continue to urge other pharmacists to take up the challenge.

MS HORODNY: As a supplementary question: What other avenues are you exploring, given that you have presented some of the problems that exist at the moment in the central area?

MRS CARNELL: Ms Horodny may not be aware that under the legislation there are not any other options. Under our legislation, the only two outlets that are actually possible are health centres - and we already operate from our health centre in Civic - and pharmacies. There is not another option that is legal.

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

Car Registration Renewal Notices - Accompanying Brochure

MR KAINE: Mr Speaker, I would like to provide an answer to a question that Ms Horodny asked me on 20 February. It had to do with the inclusion of advertising material with registration renewal notices. Ms Horodny asked me under what arrangement this was done. There was some comment about whether the Government is very hard up and needs the revenue. Then she asked what arrangement the Government had with a particular company, named Ultra Tune, in this connection. Then, as a supplementary question, Ms Horodny asked what guidelines, ethical or otherwise, the Government uses to determine advertising or corporate sponsorship.

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The answer is a very interesting one, Ms Horodny. I discovered, on inquiring of my department, that these arrangements have been in place since they were put in place by the Labor Government in 1992 - five years ago. In that year, in May, the department was approached by a company called Contract Media Sales with a proposal to include advertising material in registration renewal reminders as a source of potential revenue to the ACT Government. This proposal was agreed to by the then Minister for Urban Services in July 1992.

The contract specifies that a maximum of two mail-outs can be included at any one time. The contract specifies that all advertising material must be submitted to and approved by the Department of Urban services before it may be included in renewal mail-outs. Under the terms of the contract, the fee payable to the Territory is 60 per cent of all fees paid to CMS by its clients for the advertising material. The revenue raised in the 1995-96 financial year through this scheme was \$46,000. So, it seems that there were a number of companies taking advantage of it.

There seemed to be some concern expressed in Ms Horodny's question that there is a specific deal between the ACT Government and Ultra Tune Auto Service, which was the company to most recently advertise with registration renewals. The facts are, however, that the choice of the advertiser to be included in the mail-outs is made entirely by CMS, subject to approval by the Department of Urban Services. In addition, a disclaimer is included on all advertising material stating:

The Territory and Registrar of Motor Vehicles do not warrant, endorse or recommend any of the items or services advertised in this material.

Any company is able to approach CMS for inclusion in this advertising scheme. Due to the relatively large costs for the companies involved, generally only large national companies have participated. There are no specific guidelines for the type of material to be approved. However, because the advertising inserts are included with registration renewals, they have generally been oriented towards vehicle maintenance or insurance. Some other companies which have taken advantage of the advertising scheme are Discount Tyre Service, FAI Insurance and GIO Australia.

In connection with the supplementary question, guidelines covering this type of advertising activity have been in place for some time. These guidelines deal with, among other things, equity of access or opportunity and the appropriateness of the advertising and products or services advertised, because we, too, are somewhat concerned about the fact that this advertising is done through Government means. These guidelines are currently under review. When they have been reviewed and a new determination made, I will make those guidelines available to the Assembly.

**WODEN PLAZA CAR PARK DOCUMENTS
Statement by Speaker and Paper**

MR SPEAKER: I present, for the information of members, a copy of advice received from the Government Solicitor concerning the publication of a series of papers relating to the leases granted for car parking areas adjacent to the Woden Plaza in Phillip. The papers were tabled in the Assembly on the morning of 22 November 1996.

Members may recall that on 3 December 1996 I made a statement to the Assembly informing members of representations that had been made to me concerning the sensitivity of certain of the documents presented on 22 November. In that statement I informed members of my decision to use the discretion available to me as Speaker pursuant to standing order 212 and not give permission for other persons to inspect the documents or take copies of them or extracts from them. I also indicated that I had asked that legal advice be sought as to whether publication of the documents, particularly 10 of the documents nominated as containing sensitive information, may be actionable. I now present a copy of the legal advice.

Following my statement on 3 December, a motion was moved to authorise the publication of the documents tabled on 22 November. That matter is still before the Assembly and is listed as order of the day No. 22 under private members business. In view of the fact that the question of the publication of the documents is now before the Assembly for resolution, I do not propose to release the documents to persons other than members until the matter is resolved.

TEMPORARY DEPUTY SPEAKER

MR SPEAKER: I wish to inform the Assembly that, pursuant to standing order 8, I have nominated Mr Hird as a Temporary Deputy Speaker. He will take the chair when requested by either me or the Deputy Speaker. Mr Hird takes the position which was vacated by Mr Kaine on his appointment to the ministry. I present my warrant nominating Mr Hird.

**LEGISLATIVE ASSEMBLY MEMBERS SUPERANNUATION BOARD
Report**

MR SPEAKER: I present, for the information of members, the Legislative Assembly Members Superannuation Board Report for 1995-96, pursuant to section 22 of the Superannuation (Legislative Assembly Members) Act 1991.

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AUDITOR-GENERAL - REPORT NO. 1 OF 1997
Contracting Pool and Leisure Centres

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 1 of 1997 - Contracting Pool and Leisure Centres - pursuant to section 17 of the Auditor-General Act 1996.

MR HUMPHRIES (Attorney-General) (3.39): Mr Speaker, I seek leave to move a motion authorising the publication of the Auditor-General's report.

Leave granted.

MR HUMPHRIES: I move:

That the Assembly authorises the publication of Auditor-General's Report No. 1 of 1997.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISION
Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a code of practice, determinations and instruments of appointment. I also present a notice for the commencement of the Motor Traffic (Amendment) Act (No. 2) 1996.

The schedule read as follows:

Animal Welfare Act - Code of practice - Recreational and sport fishing - Approval
- No. 28 of 1997 (S22, dated 24 January 1997).

Health and Community Care Services Act - Determination of fees and charges -
No. 39 of 1997 (S42, dated 13 February 1997).

Motor Traffic Act - Determination of road rescue fees - No. 40 of 1997 (S46,
dated 20 February 1997).

Motor Traffic (Amendment) Act (No. 2) 1996 - Notice of commencement
(21 February 1997) of remaining provisions (S45, dated 20 February 1997).

Occupational Health and Safety Act - Instruments of appointment to the Occupational Health and Safety Council -

No. 26 of 1997 (S21, dated 24 January 1997).

No. 27 of 1997 (S21, dated 24 January 1997).

Taxation (Administration) Act - Stamp Duties (Interests in Land) - Determination No. 38 of 1997 (S40, dated 12 February 1997).

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Report and Statement**

MR WOOD: Mr Speaker, I present Report No. 1 of 1997 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

MR WOOD: This is also report No. 1 with me as chair. I thank my colleagues Messrs Hird and Osborne for the great enthusiasm with which they welcomed my appointment.

Mr Hird: Deserving, Mr Chairman.

MR WOOD: Absolutely. I was waiting for that.

Mr Speaker, among other matters, the committee comments on the Medical Treatment (Amendment) Bill 1997 and draws attention to an apparent inconsistency in clauses relating to requests concerning particular processes outlined in the Bill. It appears that, although the medical practitioner in a written request is to be required to be one of the witnesses to a written request, there is no such requirement to be a witness in a request that is not in writing. It may be that it should be specified that the provisions should cover an unwritten request and an unwritten direction.

The committee also reports on a matter of some significance, especially today, as it may be that the \$15 road rescue fee has not been validly collected for some period of time. It appears that there was no commencement announcement under the relevant Act - the Motor Traffic (Amendment) Act (No. 2) - before 1 January 1997. There is a reference to the Motor Traffic (Amendment) Act (No. 3), but that is not relevant to the road rescue fee. In the absence of any commencement, road rescue fees collected under determination No. 290 of 1996 prior to the commencement of the statutory provisions would be illegal. The period of this collection would appear to be some seven weeks, from 1 January to 21 February. The Government obviously will need to respond urgently to that matter in this report.

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The committee also reports that, once again, guidelines for the preparation of disallowable instruments have not been followed, in this case in relation to the determination of fees for the disposal of garbage at ACT Government landfills. It is not the first time that the need to observe the guidelines has been raised. No doubt, reminders will not be necessary in the future. This report also comments on other matters, and I am sure that members will attend to them. In fact, it comments on some six Bills, 53 pieces of subordinate legislation and one Government response to the committee.

RATES AND LAND TAX LEGISLATION Exposure Draft and Paper

Debate resumed from 5 December 1996, on motion by **Mrs Carnell**:

That the Assembly takes note of the papers.

MR WHITECROSS (Leader of the Opposition) (3.43): Mr Speaker, Labor is generally in support of the proposed new rating system as described in the exposure draft, although we have a number of concerns, which I wish to raise. I also have a number of comments to make in relation to the way this issue has been handled over the last two years, which are important to where we now are in relation to this matter.

Mr Speaker, in 1995, Mrs Carnell made a great deal of noise about the rating system in the ACT.

Mr Berry: She does that every year.

MR WHITECROSS: Yes. Indeed, she and her colleagues thought that when they got to occupy the government benches a new and better rating system would just fall into their laps. When she was in opposition Mrs Carnell thought that everything was going to be easy; but when she got into government she realised that finding solutions to many things is much more difficult than criticising the previous system. Actually delivering on promises made in an election campaign can be difficult. Indeed, actually complying with Territory laws appears to be difficult for Mrs Carnell, as we discovered recently in relation to the 1997 valuations.

Mr Speaker, in 1995, the Chief Minister capped rates to the CPI, using the 1994 valuations for one year while she undertook a review. It should be noted that, before the 1995 election, Labor had already come up with a proposal for a new rating system using three-year rolling averages to smooth out some of the fluctuations up and down which had occurred under the previous rating system using single year values. But, rather than adopting the policy of the Labor Party, she capped rates using 1994 values while she undertook another review.

This review occurred, but with, in the opinion of the Labor Party, severely flawed terms of reference. The terms of reference were flawed, because the Government did not know what it was looking for. It had no ideas of its own about what it wanted out of the rating system. So, it sent the consultants off to do the work with no real guidelines.

Mr Speaker, the result was that the consultants came back and proposed a rating system that suited them - at a cost of \$72,000 to the taxpayers - which Mrs Carnell immediately rejected. If you do not give consultants decent terms of reference, you get junk. Mrs Carnell immediately rejected the report. Mrs Carnell seemed almost surprised that none of the recommendations were fair or politically palatable.

Mr Speaker, we do not question her rejection of the recommendations, because the consultants' proposal - which is for 50 per cent of rates to be collected by a flat fee and 50 per cent by an ad valorem charge on the value of people's properties - was not a fair proposal and would have caused a significant shift in the rates burden to people in lower value properties. As I said, we do not question her rejection of those recommendations; but it is remarkable that she was willing to waste \$72,000 on a report to come up with a proposal that she was not going to implement, given subsequent events.

Mr Speaker, Mrs Carnell then decided that her election promise to produce a new rating system after one year could not be kept. So, last year, in June, the Chief Minister scuttled back into the Assembly and attempted to put through a rates Bill that would have kept rates to the CPI using 1994 values for two further years.

Mrs Carnell: On a point of order, Mr Speaker: Those opposite were very keen to call points of order on relevance earlier today. What we are actually debating here is the exposure draft. I do not think Mr Whitecross, apart from one sentence at the beginning of his speech, has so far spoken about the actual draft at all.

MR SPEAKER: Mr Whitecross, I would remind you about relevance.

MR WHITECROSS: Mr Speaker, I am indeed very conscious of the importance of relevance, and I think it is highly relevant to talk about the context in which a new rates and land tax system is being proposed. Mr Speaker, Mrs Carnell interrupted me when I was pointing out how, in June 1996, she broke her election promise by coming back here and asking us to cap rates and land tax using 1994 values for two further years - a blatant breach of her election promise, an admission of defeat, an admission that she did not have any idea of what to do about the rates system and was hoping to put it off - - -

Mrs Carnell: Our election promise was the CPI, which is exactly what we did.

MR WHITECROSS: Mrs Carnell cannot even be accurate about her election promises, Mr Speaker. She was hoping to put it off until after the next election, because then all the problems would accrue to whoever was the government after the election, and she would not have to worry about explaining to the people of Canberra at the next election why she had not achieved a decent rates system.

Mr Speaker, Labor and the crossbenches took the view that Mrs Carnell's approach was unacceptable. It was not acceptable to continue to use a system that was designed for only one year and promised for only one year - a system that was only ever intended, even by the Liberals' bad policy, as an interim measure. Capping rates using out-of-date values destroys the relationship between rates charges and land values and the concomitant notion of equity as between ratepayers and their ability to pay.

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Mrs Carnell: Mr Speaker, on a point of order again: Mr Whitecross still has not started to talk about the issue that is on the table. How long can this go on for?

MR SPEAKER: Relevance, Mr Whitecross.

MR WHITECROSS: Mr Speaker, this is all context. Mrs Carnell does not like hearing about her failures, but this is important context for the current debate.

Mr Speaker, capping or pegging of rates liabilities to overcome large increases requires properties with little or no increases in value paying a disproportionate share of rates. Labor successfully moved an amendment to the June 1996 Bill that gave the Chief Minister a one-year reprieve and asked her to bring forward a new rates system for 1997. This is the new rates system. Not only was this amendment designed to force the Government to keep its election promise to produce a new rates system, albeit a year late, but it was designed to ensure that rates were levied on up-to-date valuations.

Mr Speaker, we all know that in the debate last week Mrs Carnell sought to get out from under her responsibility to use up-to-date valuations. The one thing I will reiterate about the debate we had last week is that Mrs Carnell's attempt to avoid using 1997 valuations and to once again use 1994 valuations was designed to achieve a similar purpose to her original purpose in trying to use 1994 valuations through to after the next election - namely, to put off the bad news that her capping rates to 1994 values was disguising the fact that some residents in Canberra were going to get big increases in rates. She set up a problem for herself. She did not listen to people who warned her that she was creating a problem for herself. She realised too late that there was a problem, and she has now been trying to figure out ways of avoiding having to wear the responsibility for her problem.

Mr Speaker, the new rates system using 1997 values will ensure that we do have a fair rates system in the ACT, will ensure that it uses up-to-date values, and will ensure that any blame for rates increases suffered by individuals in the community because of Mrs Carnell's decision to use 1994 values long after they were out of date rests with Mrs Carnell and her Government.

Mr Speaker, there are several components to the new rates system that I want to mention particularly. The first and most important feature of the new system is the three-year rolling averages. The new rates system proposal put forward by the Government includes the use of the three-year rolling averages, which will assist in smoothing out fluctuations in valuations and, therefore, fluctuations in rates bills. The Labor Opposition will, of course, be supporting this. After all, it was the Labor Party that put forward this proposal in 1994.

Mrs Carnell: You did not implement it.

MR WHITECROSS: Mr Speaker, Mrs Carnell says that we did not implement it. We would have implemented it, except for one small thing: Mrs Carnell took over as Chief Minister, and she chose not to implement it. But, if she had, she would have saved herself a lot of trouble. If she had, she would not be in the mess she is in now.

But, Mr Speaker, she was not smart enough just to adopt Labor's policy and keep herself out of trouble. The fact is that the three-year rolling averages are a good idea. It was a positive proposal when it was brought forward in 1994. It is a positive proposal now, and the Labor Party is happy to support it. We announced it. We would have done it two years ago without the prevarication. We would not have wasted time with the 1994 rates caps that Mrs Carnell has been using for the last three years. We certainly would not have defied the Assembly and broken the law in relation to automatic revaluations. But we are happy that they have finally adopted our proposal.

Mr Speaker, two other related features of the proposed new rates system are a flat fee component, which has been set in the exposure draft at \$220, and a \$19,000 threshold. That is where the first \$19,000 of someone's land value will not attract rates. Mr Speaker, we are not intrinsically opposed to these components of the rates system. However, I should flag a couple of concerns. The first is that the Government has not linked the flat fee to any service or benefit to the householder. It would appear that the figure has been plucked out of the air, unrelated to any explicit policy objective. Mr Speaker, I do not think that that is a good enough position. I would feel much more comfortable if Mrs Carnell could identify some rationale for the fee. Similarly, the threshold appears to be arbitrary.

Let me say this about these two things: Officials privately and Mrs Carnell in the chamber last week have suggested to me that these figures will be manipulated to get what Mrs Carnell regards as a fair rates outcome. Mr Speaker, it should be noted that the fee and the threshold basically cancel each other out. In that sense, we do not have a major concern. But we would have a major concern if, when the 1997 valuations are done, we see some radical manipulation of the threshold and the fee to achieve what Mrs Carnell defines as fairness. We believe that they have to have some objective basis and not just be used as tools of the Government to achieve some unstated objective.

Mr Speaker, the other new feature of the system which is canvassed in the exposure draft is the idea of an 85 : 15 split between residential and commercial rates. We were initially rather concerned about this, because the McCann report on rates, which had been done previously, suggested that the split was 80 : 20, not 85 : 15. This appeared, on the face of it, to be a shift in the rates burden towards residential customers. Mr Speaker, on discussion with officials, it would appear that perhaps there are two sets of figures, and this set of figures suggested that 85 : 15 is the current split and therefore is an appropriate one.

However, Mr Speaker, the figures that were initially supplied to us in order to make that point subsequently turned out to have been incorrect, and we were issued with a revised set of figures, which affect how the trends go. Mr Speaker, 85 : 15 still appears, on the face of it, to be a reasonable split. However, before Labor gives a final commitment to this particular division between the two sets of rates, we will be interested to look at what the split looks like in the light of the 1997 valuations, and when the Government brings forward that information we will make a final decision on whether the exact split is correct. But, Mr Speaker, I can say at this stage that the principle of doing

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a split along the lines proposed, we believe, is a reasonable one and will add some certainty to people's rates bills, particularly in the commercial sector, where they could be subject to significant fluctuations as a result of relatively minor movements in the residential sector just because of the relative sizes of the two components.

Mr Speaker, in conclusion can I just say that we look forward to the debate in June. (*Extension of time granted*) Labor is supportive of the proposed new rating system, subject to the qualifications that I have indicated. We are disappointed that it took the Government two years to come up with this system. I am pleased that the Government has finally adopted Labor's 1994 proposal for three-year rolling averages. We are even more pleased that the Government will now be doing 1997 valuations to ensure that the final rates bills will be based on up-to-date valuations. Mr Speaker, finally, can I say that I look forward to the final debate on this legislation when the Bill is brought forward in June.

MS TUCKER (3.59): Mr Speaker, it is no secret that the revenue position of States and Territories is deteriorating, and the ACT is no exception. There are many reasons for this, and the Greens support any moves to put tax reform on the agenda. It is true that, traditionally, rates are used to pay for municipal services at the local government level. However, in the ACT, we have so few progressive, broad-based taxation systems at our disposal that we believe that it is important that the rating system be made as equitable as possible. We must not see rates in isolation from other sources of revenue and the need to pursue a number of policy objectives, such as equity, in our taxation sources. With respect to income, rates are a regressive form of tax. However, rates are one of the few Australian taxes on wealth. They do, therefore, make a positive contribution to equity in our taxation system.

Last year, the Government was sent away by a majority of members in the Assembly to come up with a better rating system. In December, the Government presented an exposure draft. Last week, Mrs Carnell commented that, if everyone was happy with the exposure draft, she would not have to change it. Mr Speaker, this Bill is an exposure draft. The whole point of tabling it last year, I understood - forgive me if I am wrong - was to give members of the Assembly and the community time to consider the proposals and offer feedback. Just because everyone did not jump up and down in the first hours after it was tabled does not mean that, after further consideration, people might not have comments on this.

The Government also produced a question-and-answer fact sheet on the proposals. I am not sure to whom that was sent, but it did offer an opportunity for comment. So, if the Government has entered into that consultation process in good faith, it must be prepared to listen to the feedback it receives. We ourselves have some comments we would like to make on the proposals. I hope that, because this is an exposure draft, the Government will give them serious consideration.

On the whole, what has been proposed in this exposure draft is acceptable; but we do have some comments. Last week, we debated the issue of 1997 valuations. There is certainly some appeal in saving \$400,000 by not conducting a valuation in 1997. There are certainly a number of services desperately in need of more money.

However, after careful consideration, we believe that this approach would be irresponsible. If we are going to maintain confidence in the rating system and this rating system is based substantially on unimproved valuations, then annual valuations are an important part of the administration of the system. There may be administrative costs associated with this; but that, unfortunately, is a burden that the Government has to bear. It is a smaller short-term cost than ending up with a rating system that does not have the confidence of ratepayers.

During the by-election, many constituents rang and actually spoke to me of their concern about the valuation that was occurring, because they did see such a great difference between the two - 1994 and 1997. While I understand absolutely that it would not have a huge overall impact on individual people, it is really very important that the community believes in the integrity of how the rating system is working. That is why we supported the Labor Party in that debate.

Three-year rolling averages are something we agree with. I will not repeat the arguments that have already been put forward in favour of this by other members. The fixed charge of \$220 is of some concern to the Greens, although this is offset to some degree by a rate-free threshold. On the issue of the threshold, whatever final level of threshold we come up with, we believe that it should probably be indexed according to the CPI.

We understand the Government's arguments about the cost of providing the basic level of municipal services. However, as I said earlier, the Greens believe that other social, economic and even environmental policy objectives can be pursued through our rating system. That is why we believe that the \$220 is too high as a fixed charge. We believe, instead, that charging a fixed rate to cover the garbage collection cost alone may be an alternative. This could have a number of advantages. It would send a very strong message that, rather than paying for a bundle of services which are not very clearly defined, households would be made aware of the costs of garbage collection, currently around \$12m a year in the ACT. With around 108,000 households and a little over 4,000 commercial properties, a garbage charge could be around \$100 to \$120.

We also think the Government could explore some sort of scheme to offer financial incentives to households who minimise waste. Rates may not be the most appropriate vehicle, but I think it is worth exploring the options. Maroochy Council, for example, has a computer chip installed in recycling bins so that households who put out their recycling bins more than 20 times a year are given a \$20 concession on their rates. This is an example only of what could be done. Maybe it would be better if it were for putting bins out under 20 times a year. Another suggestion is the installation of a non-refillable insert to reduce the volume of the garbage bin. We would be happy to pursue these ideas in more informal discussions, if the Government were interested.

The other area of concern for the Greens was in relation to the 85 : 15 ratio for residential and commercial properties. We commend the Government for acknowledging that there has been a drift towards residential properties bearing a greater proportion of the rates burden over recent years and trying to do something about it. The current balance is about 86 : 14. I would be interested to hear how the Government came up with 85 : 15 as a ratio. Why not 80 : 20, if that is what we have been drifting away from?

The 85 : 15 ratio will mean that there is a slight difference in the rate in the dollar between the commercial and residential sectors. However, setting a differential commercial rate may be a better solution to this problem than setting an arbitrary ratio. While the ACT's land tax regime differs from that of other jurisdictions, we are one of the few jurisdictions that do not have a differential rating structure. Mr Speaker, in conclusion, we appreciate that a lot of work has gone into preparing this model. However, as this is an exposure draft, we would like to see our ideas taken on board in coming up with the final rating system.

MR MOORE (4.05): Mr Speaker, I appreciate the opportunity to debate this exposure draft. I think it is a very appropriate method for the Government to deal with a particularly difficult and vexed issue. I congratulate it on using this method in this case. The system incorporates a fixed charge of \$220, to apply to all properties other than rural properties; a charge based on unimproved valuations; rolling three-year averages; a threshold of \$19,000; and, finally, separate revenue targets of 85 : 15 to apply to the residential and non-residential sectors respectively.

Mr Speaker, I would like to take that very last point about the separate revenue targets of 85 : 15. As I said publicly at the time this exposure draft was introduced into the Assembly, I believe that we should be aiming for a ratio of 80 : 20 to apply. The Chief Minister provided for me a briefing by her officers. I thank the Chief Minister again for such briefings, which are quite regular. The officers are always incredibly professional in the way they handle them. At the briefing, I asked, "How did we ever get to this ratio of 85 : 15?". The answer was, "Commercial properties have remained fairly stable, whereas residential properties have grown significantly over the last 15 or 20 years. So, there has been a change in the ratio, not necessarily because commercial properties individually are paying less but because there are simply more residential properties. Hence the change in the ratio".

It still seems to me that our long-term goal should be something like an 80 : 20 ratio, if we are going to use this ratio system, although I still have some difficulty in understanding why we actually establish a ratio and why we do not have entirely separate systems for the two. The risk of that process, Mr Speaker, is that the burden will fall more heavily on one sector than the other. I believe that we should try to correct this somewhat. I would be the first to say that what we cannot do is suddenly say, "We are going to have an 80 : 20 ratio to apply next year. Therefore, we will be expecting a small drop in the rates of the residential sector and a significant increase in the rates of the commercial sector". It would be a very significant increase in the rates of the commercial sector. I think that what we ought to be doing is projecting that change over the next five years. I would be open to suggestions that it should be even a little bit longer, considering the stress on small business and the commercial sector in the Territory at the moment. But, Mr Speaker, we should certainly set as a goal an 80 : 20 ratio, if we are going to use the ratio system at all.

Mr Speaker, the first point was the fixed charge of \$220 to apply to all properties. When this was originally suggested and this exposure draft was tabled, there was a call from some sectors saying, "This is just a poll tax". That is a total misunderstanding of what a poll tax is, in the first place. A poll tax is a tax on the individual numbers of people within a property, not a tax that is levied across the board like this.

So, in the initial instance, there are major differences between the two. However, the notion of a poll tax, in Britain, brought such odium that Mrs Thatcher finally backed away from it. So, there is some advantage for those who are not trying to debate this sensibly but who are trying to get a public campaign going to say that it is just a poll tax. It is not.

In fact, what I believe the Chief Minister has found here is a method between what is, on the one hand, a poll tax and what is, on the other hand, a fair and equitable system of ensuring that ordinary people pay their fair share for services that are delivered. So, we have now separated services that are delivered, and that is at about a \$220 level, and a taxation system that is, I suppose, in some ways, associated with a wealth tax. It is a tax on a non-productive enterprise, a tax on property valuation, and an increase in that property valuation. Both of those things, I think, make very good sense.

Mr Speaker, I think that this is all about finding a balance. The balance that the Government has found in this exposure draft, I think, deserves congratulations. I am delighted to support the thrust of where this is going. It may well be that, when we see the final draft and it seeks to have some compromises, I will wish to negotiate a little further. I reserve my prerogative to do that. But, generally, the thrust of what is here in this exposure draft, I believe, is correct. The very fine balance is something for which the Government deserves congratulations. I look forward to having this legislation before the Assembly and I look forward to supporting it.

MRS CARNELL (Chief Minister and Treasurer) (4.11), in reply: Mr Speaker, Assembly members voted last week to support the motion put forward by Mr Whitecross to determine 1997 unimproved property values to be used to calculate rates and land tax for 1997-98. As I pointed out in that debate, Mr Moore, the consequence is that the Government will not be able to actually present the final Bill until June. Assembly members need to pass that legislation in June to enable the new rating system to be introduced in 1997-98 so that we can collect - - -

Mr Moore: I am sure that you will be able to circulate early versions for us.

MRS CARNELL: We actually will not be able to, Mr Moore, because, until we have the 1997 valuations back, the issue of the 85 : 15 ratio and so on will be impossible to actually put on the table for you.

Mr Moore: That is okay. We will look at the rest of the legislation.

MRS CARNELL: It is just a reality of the situation. I certainly made it clear last week. I would obviously be given an undertaking by this Assembly that that legislation will be passed in June so that we will have a rating system for next year. It will also mean that the modelling will have to be redone to incorporate the new valuations, as everybody has said, and the levels of some of the components may have to be adjusted to ensure a fair, and similar, outcome for all ratepayers.

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The fixed charge of \$220 and the residential to non-residential ratio of 85 : 15 are unlikely to change, as they have been set to achieve better equity in the distribution of the rates burden and to minimise the difference between this year's and last year's rates bills. The rating factor and the level of a threshold may be adjusted once the 1997 values are obtained and incorporated into the three-year rolling average.

I would like Assembly members to consider today the features of the proposed system, rather than the actual amounts, and to give support to the new system. We have certainly seen that members have, at least in principle, done that. I think that everybody has already indicated that there has been significant work done in the preparation of this new model. The way it has been put together has been supported generally.

Mr Speaker, when I present the final Bill in June, I do not want to be accused of forcing members to make a hasty decision, particularly as the delay really has been caused by the Assembly's insistence that the 1997 values be included.

Mr Moore: That is not true, of course.

MRS CARNELL: It is true. We actually cannot present the Bill finally until we have the valuations on the table, because the bits - - -

Mr Moore: You should have done the valuation in January.

MRS CARNELL: I am sorry; we made it clear, Mr Moore. Turn to page 2 of the exposure draft presented in December, which made it very clear - - -

Mr Moore: We made it very clear from our vote earlier that you were to do the valuations.

MRS CARNELL: Fine, okay, spot on. Mr Moore, the decision taken by the Assembly to have a 1997 valuation was taken last week. We immediately put in place a requirement to do a 1997 valuation. Mr Moore, as you know from discussions that you and I had, you and other members of the Assembly had not made a decision on whether you were going to support it until Monday of last week. Therefore, it was impossible for us to go ahead with a 1997 valuation until last week. Mr Speaker, we made it very clear that it would take three months for the valuation to be done. Until that valuation is done, the final Bill cannot be put on the table. I made all these points last week in the debate. Mr Speaker, that means that the capacity to actually put a Bill on the table is impossible until we get the valuations back.

Mr Moore: I understand that.

MRS CARNELL: Okay. That means that we are going to have a Bill on the table, probably in June, Mr Speaker, or maybe in late May - I do not know whether we even sit in late May - but certainly in that timeframe. We will then have to pass this Bill very quickly. So, I think it is very important for members to understand right now that that is the reality. We do not want to have a situation in June where we table the Bill in June, require it to be passed in June, and have members say, "Shock, horror! It is all being done too quickly".

Mr Speaker, following presentation of the exposure draft in the Assembly in December 1996, I sought the community's views on the exposure draft. I would like to address some of the issues raised about the system. There is a perception held by some members of the community that the business sector is not paying enough in rates, while others think that they are paying far too much. That is not a big surprise, Mr Speaker. The introduction of separate revenue targets of 85 : 15 for the residential and non-residential sectors will provide more certainty for all ratepayers and will reduce the possibility of significant fluctuations in individual liabilities caused by shifts in each sector's property values from year to year, as happened under the previous Government's system, Mr Speaker.

The revenue targets of 85 per cent for the residential sector and 15 per cent for the non-residential sector are broadly based on recent years' contributions. They minimise the level of cross-subsidy between sectors which occurred in the past when there was a significant shift of valuation from one sector to the other. Given the small number of non-residential properties, any significant change in the ratio - say, as has already been spoken about today, to 80 : 20 - would cause an enormous increase in rates bills for businesses in what is a very difficult economic environment.

Views have also been expressed about the level of the fixed charge. The amount of \$220 per property is much lower than the average cost of providing municipal-type services, and it recognises the varying services provided to sectors of the community. Mr Speaker, while the non-residential sector does not receive a waste management service, it does enjoy a wide range of other services, including streetlighting, landscaping, lawn-mowing, additional stormwater drainage, and street cleaning, including litter removal. Canberrans will not feel that they are paying for a service that they do not receive, Mr Speaker.

The amount of \$220 approximates the lowest bills for residential properties last year. Any higher fixed charge would obviously increase the amount these ratepayers have to pay. This level is sufficient to assist in reducing annual fluctuations in rates bills and to introduce into our rating system, as a starting point, an element of fee for services. The fixed charge will apply to all except rural properties, in recognition of the significantly reduced level of services supplied to properties outside the city area. Individual units will each be separately charged, and the final Bill will incorporate provisions to achieve this. A fixed charge relies on a threshold to protect owners of lower valued properties. For example, the fixed charge on its own could see many residents of Tuggeranong facing increases of \$125, which represents a 30 per cent increase, Mr Speaker. I am sure that nobody here would want that to happen. The introduction of a threshold balances this effect, while still acknowledging unimproved capital values. It also stabilises annual fluctuations.

Mr Speaker, the proposed rating system is an integrated package designed to provide a fair deal for all ratepayers. It is a system which has flexibility to allow adjustments over time to reflect more closely the cost of providing services and to review, as required, the distribution of the rates burden amongst ratepayers. The new system does have more components than the previous one, which was based solely on unimproved capital values. It was the simplicity of the old system that caused rates to increase by massive amounts in some suburbs.

Mr Speaker, this system has been designed to combine capacity to pay and the cost of providing services with certainty to ratepayers and minimum fluctuation in annual rates bills. It achieves these goals by retaining unimproved capital values which broadly reflect capacity to pay, a fixed charge which reflects the cost of services, and a threshold, revenue targets and average values to smooth out valuations from year to year. Administrative efficiency and cost-effectiveness have still been achieved.

I would like to bring to the attention of Assembly members that the three-year average value will also be used as the basis for land tax. The current rates and land tax system utilises the one valuation basis for both calculations, for administrative efficiency. (*Extension of time granted*) Mr Speaker, the system draws on findings of previous reviews - we have had a few - and presents a package which I hope will be suited to all Canberra ratepayers.

Mr Speaker, I think that some of the comments that have been made here today need to be addressed. Mr Whitecross indicated that somehow the Government had not done what it promised in its election campaign. What we did in our election campaign was to promise to cap rates to the CPI, which we have done - - -

Mr Whitecross: For one year.

MRS CARNELL: For one year; that is right. We did not say that we would not do it for two years or three years or four years, Mr Speaker. We said that we would cap rates to the CPI for one year and have a full review of rates, which we did. We had an external review of rates, which came up with findings which, as those in the Assembly would know, the Government believed were unacceptable. The Government believed that they were unacceptable because what the recommendations of that review would have done would have been to create enormous increases in rates in some of the outer suburbs, in some of our lower unimproved capital value areas of town, and actually a decrease in the rates burden in some of the areas which could be regarded as the more affluent parts of Canberra.

We believed that the recommendations of this review were unacceptable because they created inequities in the system. On that basis, the total of the rates review was not accepted. On that basis, we decided to go for a second year of CPI increases - again, a situation significantly more predictable for ratepayers than the system that existed under the previous Government, where people could get increases of 30 per cent in any one year and, in fact, even more at certain times. We then went about putting together a system based on some of the outcomes of our rates review and some of the outcomes of the 1994 in-house review. By the way, Mr Speaker, our own people in Revenue and Treasury have indicated, as I am sure they did to Ms Follett, that the three-year rolling average in itself would not overcome the problems. It certainly flattens the system, but only in the short term. Mr Whitecross, I am sure, would be aware that a three-year rolling average, again, on its own, would not solve the problems that existed. Mathematically, it simply does not work on its own. That is the problem, Mr Speaker.

So, what we did was to take, I suppose, the good bits of the reviews that had been done and, I hope, to come up with a system that takes the best of the previous reviews, throws out the bits that did not work or the things that we believed would be inequitable, and comes up with a system that I believe will be in the best interests of ratepayers in Canberra. Mr Speaker, we have put an exposure draft on the table. Obviously, members may have amendments to that exposure draft that they want us to incorporate. I assume that Mr Whitecross will want us to incorporate an amendment with regard to the 1997 valuations. There may be other amendments that the Assembly is interested in putting into this particular Bill. If that is the case, we would certainly like to have discussions on those amendments as soon as possible. Mr Speaker, I commend this exposure draft to the Assembly. I believe that it will create a significantly fairer system. Again, it is an exposure draft; so, amendments from members of this Assembly will be taken on board and looked at very seriously.

MR MOORE: Mr Speaker, I seek leave of the Assembly to make a further short speech on this exposure draft.

Leave granted.

MR MOORE: Thank you, members. Mr Speaker, in saying a few extra words, I would like, first of all, to reiterate that I support the general thrust of this legislation. Also, I think it is important in this place to understand that there are some very different perceptions from Mrs Carnell's about how this legislation got to the point where the final legislation will be introduced into the Assembly in June and we will need to deal with it very quickly. Mrs Carnell's perception is that it is because the Assembly forced her to do a revaluation in 1997 and that we forced her to do it last week. Indeed, Mr Speaker, I would say that Mrs Carnell knew very well - from an amendment, as I recall, put by Mr Whitecross, which made it very clear - that she was to do 1997 valuations at the beginning of the year.

She, in turn, tabled an exposure draft, which indicated very clearly to us that she did not intend to do those 1997 valuations. That certainly gave her the legal grounds to say, "I am not breaking the law, which requires me to do it as early as possible" - "as early as practicable", I believe, is the wording of the legislation - because the Assembly may well have agreed with what she was presenting. It was clear that the will of the Assembly was that valuations should be done. She asked for it to be reconsidered. It was her wish to have that reconsidered - it was reconsidered last week - that delayed it. It was not the Assembly coming out and saying, "We are going to force you to do it"; it was, through this exposure draft, her request that we reconsider it. We did reconsider it. We said, "No. You will do the valuations". There is a whole series of reasons for that, which we do not need to reiterate.

I have a very different perception, Mr Speaker, of why we are going to have a very short time to debate the Bill in June after it is tabled. I intend to do that, Mr Speaker. It will be easier. Mrs Carnell has invited members, where they have amendments, to get them to her so that they can be considered. I would say to her that, even apart from the section in terms of the valuations, she should get the rest of the legislation out to us so that we can see it as well. We have already started that process. I have congratulated her for having the exposure draft out.

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I presume that it will largely follow the same sort of form, because it has the general agreement of the Assembly. There is a difference in terms of the perception. I do not think we are playing a media game here as to who is right and who is wrong; but it is important to get on the record, as far as I am concerned, that the Government has gone back to the Assembly and has requested that we reconsider our view. We did, and we said, "No. You are still to do the 1997 valuations". I do not wish to reflect on that vote, Mr Speaker, but that is the way it is. Now we have gone through that process, and I hope that we will have a successful piece of legislation that we can put through in June.

Question resolved in the affirmative.

AUTHORITY TO RECORD AND BROADCAST PROCEEDINGS Amendment to Resolution

MR KAINE (Minister for Urban Services) (4.30): Mr Speaker, I seek leave to move a motion altering the resolution authorising the broadcast of proceedings relating to the debate on the Medical Treatment (Amendment) Bill 1997.

Leave granted.

MR KAINE: Mr Speaker, I move:

That paragraph (1) of the resolution of the Assembly of 19 February 1997 authorising the recording with sound of the proceedings of the Assembly in relation to the Medical Treatment (Amendment) Bill 1997 when considering the question "That this Bill be agreed to in principle" be amended by inserting "and other television networks" after "Prime Television network".

Mr Speaker, I think that the intent is clear. It is obvious that the video media consider this to be an issue that they are all interested in. They all wish to be able to have the opportunity to record it. This amendment simply allows those channels other than Prime to do so. I commend the motion to the Assembly.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Legislative Assembly Staff

MRS LITTLEWOOD (4.31): Mr Speaker, I stand today to say thank you to the members of the Assembly staff for the courteous, professional and very helpful way in which they have assisted me in the past week or 10 days. I do appreciate it, and I would like to have that recorded.

Question resolved in the affirmative.

Assembly adjourned at 4.32 pm