



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 August 1993

Tuesday, 24 August 1993

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MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

QUESTIONS WITHOUT NOTICE

Chief Minister's Visit to Japan

MRS CARNELL: My question is to the Chief Minister. I refer to the fact that the Chief Minister and a delegation will be travelling to Japan in October to promote the ACT - an entirely worthy undertaking. However, is it true that a two-week trip to Japan will cost the ACT ratepayers in the vicinity of \$180,000? How can this extraordinary sum be justified? Whose travel is covered by the sum? Will the Chief Minister provide a breakdown of the estimated cost of this trip?

MS FOLLETT: I thank Mrs Carnell for the question. It is the case, Madam Speaker, as I have made public - it is not a secret - that I will be leading a delegation to Japan in October of this year. The purpose of that delegation is to promote Canberra on three fronts - in the tourism area, in the area of education and, of course, in the area of advanced technology. In deciding to undertake this trip, Madam Speaker, I took into account the fact that I had been urged to do so by some organisations within the ACT. I had in mind also Mrs Carnell's statement that this is the sort of activity I ought to be undertaking. So, I find it a little strange that she is raising the issue at this stage.

Madam Speaker, it does cost money, obviously, to go overseas for a period of time, and Mrs Carnell would be no stranger to that fact. At this stage the delegation has not been decided. The itinerary is still in the process of being decided; hence the precise costs are not settled at this stage. But I expect that the figure Mrs Carnell has mentioned is roughly the order of cost, Madam Speaker, and that cost will be met from within the funds available to my Economic Development Division. We will not be going for additional funds to meet that cost. Until such time as all of the details are settled we will not know the precise cost. It is my intention, of course, that private sector people coming on that delegation should bear their own costs, and that is the basis on which I have been working.

MRS CARNELL: I have a supplementary question, Madam Speaker. Chief Minister, which ACT agencies do you intend milking to help meet the unprecedented cost of this exercise?

MS FOLLETT: The question has been answered, Madam Speaker. I suggest to the Leader of the Opposition that she listen.

Freedom of Information Charges

MR LAMONT: My question is directed to the Deputy Chief Minister. I refer to criticism by the current Leader of the Opposition in relation to charges for the processing of freedom of information requests, in particular, requests for information about the hospice and pregnancy termination services. Can the Minister inform the Assembly what is the application fee under the FOI Act and what is the average charge for a request?

MR BERRY: I thank Mr Lamont for the question. This is classic Carnell - foot on the loud pedal before you engage the grey matter. This is a classic; the pharmacist's placebo; another classic one imposed upon the community of the ACT. I heard her this morning on the radio whingeing about the costs of freedom of information, the very same costs that members of the community have to bear if they make an application for information. I heard her complaining about the costs, but not once has she tried to make out a claim that there was financial hardship, and neither could she, given her salary, given her staffing levels and the fact that she is only a part-time pollie. Our part-time pollie surely could afford to pay the \$30. There is a range of facilities within her role as the Leader of the Opposition, the part-time pollie of the ACT, to get access to information. It is the highest paid part-time job I have heard of. She can have access here to question time, as she has done today, and ask as many questions as she likes on any issue that she likes and be fully informed - or better informed, at least. Soaking up the information seems to be a bit of a problem.

There is full access to the committee process. At the Estimates Committee you are able to have a full range of bureaucrats in front of you and to harass them until they wither. You can do that during the estimates process. In all of the other committee processes you are able to question bureaucrats closely and gain information from them. You have far more access to information than people out there in the community and it is very hard for you to make out an argument that there is financial hardship, because there cannot be.

Mrs Carnell: We are not trying to. It is just the public interest thing. No, it was the public interest.

MR BERRY: The complaint that I heard on the radio this morning was that it was too costly. Not once have you raised the issue of financial hardship, because you would fail. You also have to question how serious Mrs Carnell is about asking questions. These are just some of the topical issues that Mrs Carnell claimed in this morning's radio interview. In 1992 she asked one question about the hospice, two questions about Acton Peninsula, and one question about the relocation of QEII to Acton. That was a very serious pursuit of information, I would suggest! She was very busy! These are questions that have been asked in this Assembly.

Mr De Domenico: Did you answer them?

MR BERRY: Of course I answered them. I always answer the question and I always give you the information that you ask for; but I give you the information that you do not want, too, and this is some of that. In relation to pregnancy termination, in 1992 there was not one question. In 1993 Mrs Carnell has asked two questions about the hospice; and no questions about pregnancy terminations.

You are not serious about this issue of information. You are not serious about seeking information through the processes that are available to you. Do not try to mislead the community out there that there is some question about the level of information that is provided by this Government. What you have to convince them of is that you are serious about doing your job here. Spend more time here. Get your staff to do a little bit more. We are not here to do all of your inquiries for you. You have to do a little bit of work as well, and that will continue to be the case. Stop misleading the community on this question. There is ample access to information in this Assembly for the Liberals and every other member of the Assembly. How many times have you asked for detailed briefings on these issues?

Mrs Carnell: Regularly. You told me that you would not give me any briefings. Zero. None.

MR BERRY: There have been very few requests from Mrs Carnell. Take the list of questions. One question on the hospice; two questions about Acton Peninsula; one question about the relocation of QEII to Acton; no questions about pregnancy termination in 1992; two questions about the hospice in 1993, and we are well over halfway down the track there, and on pregnancy termination, no questions. So, Mrs Carnell, get serious. When you look as though you are pursuing information in this place people will believe that you are serious about the question of information.

Chief Minister's Visit to Japan

MR DE DOMENICO: Madam Speaker, I refer the Chief Minister to the answer she gave to Mrs Carnell's first question. I think her own words were that it was going to cost around the \$180,000 mark.

Mr Lamont: Diddums is upset because Diddums is not going.

MR DE DOMENICO: Mr Lamont, if I were going to Japan I would be paying my own way. Are you? I draw the Chief Minister's attention to the fact that Senator Richardson, a Federal Minister, was recently able to travel halfway around the world at public expense, from Hong Kong to London and The Hague, with his wife and staff, at a total cost to the Australian taxpayers of \$53,000, including air fares and high-quality accommodation over a two-week period. I also draw to the Chief Minister's attention that details of this trip drew howls of public outrage when they were released. Why is it necessary, therefore, Chief Minister, for you to travel in what seems to be greater luxury and with a larger entourage than even the Federal Cabinet Ministers enjoy?

MS FOLLETT: Madam Speaker, I am unaware of any of the detail to do with Senator Richardson's visit. I repeat that the costs of the Japan trip are not finalised. Certainly, they will be available when they are. It is the case, Madam Speaker, that this is a delegation, so I am not taking a spouse or whatever it was that Senator Richardson took. I am not aware of how long his trip was. As far as I am concerned, the Japan visit will be achieved at the minimum possible cost. The figures that I am working on are as I have said before and, if they can be reduced in any way, they will be. Mr De Domenico is just itching to get in a supplementary question. Madam Speaker, it is not a secret and I would certainly be open to briefing members opposite at a time when the details are more settled.

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MR DE DOMENICO: I have a supplementary question. The Chief Minister invited it, although I do advise the Chief Minister that I am hideless, I must admit. In light of that answer, Chief Minister, what members of the private sector, if any, will the ACT Government purse be funding to go to Japan?

MS FOLLETT: Madam Speaker, I have already said in answer to Mrs Carnell that it is the intention that the private sector fund their own visits.

Schools - Commercial Sponsorships

MR MOORE: My question is directed to Mr Wood, the Minister for Education. I would like to know what you are doing about providing the guidelines necessary for schools to be able to make decisions about commercial sponsorship, particularly the government schools of the ACT?

MR WOOD: Madam Speaker, some time ago the Australian Education Council put out draft guidelines for the use of school systems as those systems worked up their own policies. The ACT Department of Education has been working on those and is about to put out a draft policy, if it has not already gone out. It may be in the next few days that it will be out for comment in the community and in the schools before the policy is more firmly set in place.

MR MOORE: I ask a supplementary question, Madam Speaker. Minister, will you make sure that members are provided with a copy of that?

MR WOOD: Yes, indeed.

Freedom of Information Charges

MR HUMPHRIES: Madam Speaker, my question is to the Attorney-General. Talking about misleading, I refer the Minister to his - - -

Mr Connolly: I raise a point of order, Madam Speaker. Is that snide little remark - "talking about misleading" - an accusation that I am misleading the house? If so, it should be withdrawn.

MR HUMPHRIES: Madam Speaker, I was referring to Mr Berry's reflection that Mrs Carnell had misled the public, and I make the same reflection in relation to Mr Connolly.

MADAM SPEAKER: I think you ought to be very careful, then, Mr Humphries.

Mr Berry: I raise the same point of order. That clearly is an imputation against Mr Connolly. It ought to be withdrawn.

MADAM SPEAKER: Mr Humphries, were you pointing out to me that there was no intention of imputation against Mr Connolly?

MR HUMPHRIES: I make the same reflection on Mr Connolly that Mr Berry made on Mrs Carnell.

MADAM SPEAKER: But there was no point of order then. There is a point of order here and now.

MR HUMPHRIES: All right. In that case, Madam Speaker, I withdraw, and I ask that Mr Berry also withdraw his reflection on Mrs Carnell.

Mr Berry: We will have a look at the *Hansard* first. What did I say?

MADAM SPEAKER: Mr Berry, if you made the same accusation I will get you to withdraw it.

MR HUMPHRIES: You said that she misled the public.

Mr Berry: That is fair enough; she did. Thousands of dollars, when the average cost is \$95. That is pretty misleading, in my book. I withdraw, to bring calm back to the Assembly, Madam Speaker.

MADAM SPEAKER: Thank you.

MR HUMPHRIES: Thank you, Madam Speaker. I refer Minister Connolly to his diurnal intercession on the Matthew Abraham program this morning, particularly when he advised listeners about the policy of the ACT Government concerning FOI requests by opposition members and justified the higher charges levied for opposition members as distinct from members of the general public. He said:

Well, we checked practice throughout Australia and all Governments have that policy. Mrs Carnell tries to say that we're different. In fact, we're quite the same.

Is the Minister aware that in Victoria there is a flat fee of \$20 for an FOI application and that, apart from that flat fee, FOI applications are free? Is he aware that in Tasmania there is no charge for members of the Opposition using FOI requests? Is the Minister further aware that in South Australia opposition members have access to FOI for free up to the first \$350 per request? Is the Minister further aware that there is no charge in Queensland for a request for personal information?

Mr De Domenico: Under Wayne Goss's Government?

MR HUMPHRIES: Under Wayne Goss. If there is a personal application there is a flat \$30 fee. I ask the Minister: Does he consider that he might have misled the public of the ACT this morning on public radio, and, if so, what does he intend to do about it?

MR CONNOLLY: No, absolutely not, and I am glad that Mr Humphries asked me this question. I was prompted to ring Mr Abraham this morning as a result of Mrs Carnell's extraordinary claims that the ACT Opposition is treated harshly and unlike the practice in other States. In fact, as I said this morning, we have checked on the policy of other States and we are, in fact - - -

Mrs Carnell: I did not say that.

MR CONNOLLY: You did. You said, "We are singled out". I do not have the full transcript, but you claimed that you were hard done by. We did check, and the situation was as I said; that in most States - - -

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Mrs Carnell: No; you said all.

MR CONNOLLY: The only exception, Madam Speaker, is Tasmania. The interesting one is Victoria. Mrs Carnell said that it is free in Victoria to members of parliament.

Mrs Carnell: Which it was until two months ago.

MR CONNOLLY: Ah; which it was until two months ago. So what Mrs Carnell meant to say was that it was free in Victoria for opposition Liberal members when a Labor government was in charge, but as soon as a Liberal government got in charge they stopped it being free for opposition members and they started to impose charges. So, Mrs Carnell, when you said, "It is enshrined in the legislation that it is free for members of the Opposition", what you really meant to say was, "That is what it used to be until my party colleagues changed the position". Madam Speaker, I apologise to Mrs Carnell. I should have been referring to what she meant to say because she clearly meant to say what was correct. The fact that she said something that was 180 degrees at variance from the position was merely a slip of the tongue.

Madam Speaker, the position in Victoria, as a result of the Liberal Government's amendments, is that members of parliament are exempted from the \$30 charge, or the \$20 charge, the flat charge, but the legislation specifically says that members of parliament are liable for the processing fees and the copying fees. They are, in fact, what is usually most expensive. We are quite low in the ACT. We charge only 10c a page for photocopying; whereas the charges in most other jurisdictions, to the extent that we have been able to find out, is in the order of 50c. In the Commonwealth the position is identical to the ACT; that is, anyone must satisfy a public interest test in order to get exemption from charges.

Mrs Carnell: What is the test?

MR CONNOLLY: The test is, "Is it in the public interest?", not, "Is it in the individual politician's interest?". In the 1992-93 financial year there were seven applications from members of the Assembly, in respect of which there were three grants of remissions of fees, so - - -

Mrs Carnell: How many knock-backs on information?

MR CONNOLLY: I am glad that you asked me that question, Mrs Carnell, because I can tell you. In 1992-93 - this will be tabled shortly as part of my annual report - we refused access in 3.3 per cent of cases. Access was refused under this Labor Government, under this awful, nasty, secretive Labor Government, in 3.3 per cent of cases; whereas under the open, accessible, user-friendly Alliance Government led by the Liberals, which was much more open than this Government, access was refused in 9.8 per cent of cases. I said that 10 per cent was the order of magnitude; but, more precisely, it was 9.8 per cent of cases. So, in effect, we have refused access to information at a rate that is one-third of the rate at which the Liberal Party refused access to information when it was in power.

Mr Humphries: I did not ask this question then.

MR CONNOLLY: Mrs Carnell did; she interjected. Mrs Carnell said, "How often do you refuse access?". I said, "I am glad that you interjected, because I can tell you". We refused access in 3.3 per cent of cases. You refused access in 9.8 per cent of cases. In New South Wales there is a \$30 application fee for politicians. They may choose to seek rebate on public interest grounds. They can get a maximum of 50 per cent rebate; whereas we grant full rebates, as we did in three politicians' cases out of seven. Precisely, we granted rebates to Mr Humphries on one occasion, to Mrs Carnell on one occasion and to Mr Kaine on one occasion. In Victoria, as I say, under the Labor Government, Mrs Carnell was right; there was a legislative provision which said that politicians got it for nothing. That was changed by the Liberal Government to say that politicians do not have to pay the application fee, but it specifically says that they do have to pay the processing and copying fees, and they can be quite high. In Queensland there is a \$30 application fee and no remissions. Politicians are treated the same as everybody else. It is 50c a page.

Mr Humphries: For non-personal information.

MR CONNOLLY: For personal information it is not here either. If anyone wants to apply for personal information documents they will get them for nothing, but that is not what you are after. You are after Cabinet documents and what have you. You are after a free research service provided by the Government. Here, like everywhere, members of the public get access to their personal information for nix. So we are all the same in that respect. The issue is charges for politicians. As I say, in Queensland politicians are treated like anybody else. Western Australia is still sorting out the position. You are correct in saying that in Tasmania there does seem to be a free policy to politicians, but that is the only State which has that. The specific statement by Mrs Carnell that it was free in Victoria, as I have demonstrated, is at 180 degrees from the truth because the Victorian Liberal Government repealed that free access provision and replaced it with a provision which says that politicians have to pay the processing charges.

MR HUMPHRIES: Noting the Minister's "Mrs Carnell misled; therefore I am entitled to mislead" defence, I ask the Minister: Will he concede that the practices of other States are considerably more beneficial to the public interest argument for opposition members than they are in the ACT? If so, will his Government consider adopting the policy of any of these other States, if you like, referred to in my question, as a way of improving access to information by members of this parliament?

MR CONNOLLY: Would you like the Commonwealth position, which we have adopted? Would you like the New South Wales position, which has a maximum of 50 per cent rebate; whereas in three out of seven cases we have given you 100 per cent rebate? Would you like the Victorian position, which has the full charge for the processing fees, which, as I say, are often the most expensive? The \$20 or \$30 application fee is really neither here nor there, as Mrs Carnell was pointing out. The problem is that if you are after thousands of documents the clock ticks over for that processing and copying and that is the big charge. Would you like the Queensland position where, I am advised, politicians are treated the same as anybody else? In fact, the 1991 Parliamentary Committee for Electoral and Administrative Review strongly recommended that there be no public interest waivers, no remissions at all in Queensland.

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Would you like the Western Australian position? We do not know what the Western Australian position is because the Act has not yet been proclaimed. Legislation has been drafted but has not yet been put through the chamber. Presumably you would like the Tasmanian position, which is the only State which provides free access to politicians at the moment. As we have seen, the Victorian position was that it was free, but as soon as the Liberals got in they shut it down. Would you like us to return to the position when you were in government, when 9.8 per cent of requests were being refused, or would you like us to continue with the current situation where 3.3 per cent of requests last year were refused?

Urban Renewal

MS ELLIS: Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. I am pleased that it is to the Minister and not to the Opposition, as the question would not be heard. In view of a number of media reports on the matter, can the Minister inform the Assembly whether there has been any ad hoc planning and lack of consultation on the urban renewal program?

Mr Kaine: Absolutely not.

MR WOOD: Mr Kaine acknowledges that there is no lack of consultation. Any changes to planning in the ACT, over a very long period, will bring a spirited debate. I note in the paper, on the TV, on the radio, persistently, that claims are being made about ad hoc planning - this is a current favourite - and lack of consultation. It is not the view of this Assembly, because one day last week, as we debated first the Belconnen golf course proposal and then the Tuggeranong Homestead, members on both sides expressed confidence in the very good processes that are undertaken.

By way of an example, let me quote something I heard from the Conservation Council who used those words. It expresses, I think, the difficulty that I have sometimes in working proposals through. Over a year ago - it must be about that timeframe; I do not have it clearly in my memory or in my diary and I did not go back and check - I gave the Conservation Council the urban renewal program in a rather more detailed way than was generally available to the community. I do not think that there was any suggestion of adhocery there, because we gave them a very clear program. It was never said at the time, "Minister, this is not well done". It was not said at the time that there is no consultation.

What the Conservation Council did, through their director, was go around all the sites, or most of them, that were indicated. The director then came back and sat with me and others on the fifth floor and went through each one, saying, "This one is fine, this is fine". For example, with North Watson, he said, "A good idea", and indicated to me a couple of reservations about trees in one area and that maybe there could be some problems with sewerage and drainage and we would have to check with ACTEW, which of course was going to happen anyway. They gave the tick to North Watson, and then a little bit further down the track I seem to be hearing other things.

I am reassured by the comments last week of the members in this Assembly about the good process that is undertaken. It will be continuing with a range of other proposals that have emerged. I am confident that when each of those proposals comes back to the Assembly - if indeed they do emerge and do not drop out - we will have the same plaudits.

Band Festival

MR KAINE: I have a question to the Chief Minister and Treasurer. Last Thursday evening Mr Lamont stood up and gave a plug to an international band festival. "High School Band Festival" is the brochure to which he referred. I ask the Chief Minister and Treasurer: Is Mr David Lamont the same Mr David Lamont who appears from the program to be the principal behind this festival? If it is, was government support for this contingent upon Mr David Lamont, MLA being the principal behind this, and just how much support did the ACT Government give for this festival?

MS FOLLETT: Madam Speaker, I will take Mr Kaine's question on notice and get him a detailed answer on the matter, but I can assure him that Mr Lamont's support for this would not have been contingent upon any such arrangement. I cannot really answer for Mr Lamont, but I would take it that his support for the festival was because it was an activity which was of great benefit to Canberra, particularly in tourism terms and in bringing visitors to Canberra. It is the kind of activity that this Government would certainly support. Madam Speaker, I am not aware of the precise details of Mr Lamont's involvement in it. Perhaps Mr Kaine could await my reply on that. I will certainly check out the matter and give it to him as soon as I can.

MR KAINE: I have a supplementary question, Madam Speaker. Since the Chief Minister is going to take that question on notice, could she also determine who were the principals behind this festival? There is nothing here in the information, except a list of committee members, whatever that means. Could we have an idea of just who the principals were and what their backgrounds are?

MS FOLLETT: Madam Speaker, I will take that part of Mr Kaine's question on notice as well.

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

Answers to Questions Without Notice

MS FOLLETT: I have two answers to questions which I took on notice last week, Madam Speaker. The first is from Mr Cornwell, who asked me a question about the effect of the Federal Government's budget on adult literacy programs. Mr Cornwell asserted that there was a reduction in the Federal Government's support for adult literacy programs. Madam Speaker, the answer to Mr Cornwell's question, put briefly, is that in fact the ACT expects to get an increase under the 1992 resource agreement with the Commonwealth so that the Canberra Institute of Technology will have \$376,000 for adult literacy programs compared to \$322,000 last year.

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Mr Kaine asked me a question regarding the effects of increased costs of fuel and petrol on the ACT Government fleet and the cost of the fringe benefits tax on ACT Government vehicles which are driven home each night. Madam Speaker, it is a lengthy answer. The short answer on the increased cost of fuel and petrol to the government fleet is some \$80,000 spread right across the entire fleet operation. In regard to the fringe benefits tax, Madam Speaker, this tax is already paid; so the increase is simply an increase in the current liability. I am informed that to consolidate all of that information on the increased effect of the fringe benefits tax across the whole ACT Government Service would be an extremely time consuming exercise. That exercise will not be undertaken at this stage; but the general impact, Madam Speaker, is something that, clearly, we will have to keep under review. I seek leave to have those answers incorporated in *Hansard*.

Leave granted.

Documents incorporated at Appendix 1.

PERSONAL EXPLANATION

MR LAMONT: Madam Speaker, I seek leave, pursuant to standing order 46, to make a personal explanation.

Leave granted.

MR LAMONT: Madam Speaker, during question time Mr Kaine asked a question in relation to me, addressed to the Chief Minister, about a function which was held in Canberra over last weekend, commencing last Friday - the second international school band festival. The first of those festivals was held last year. I had much pleasure in accepting an invitation from the organisers to perform a welcoming function and to act as a formal reception committee to a number of the visiting bands. This year the organisers were successful in attracting participants from Seitoku High School in Japan. Seitoku University is an internationally renowned university with a range of specialities, not the least of which is music. There was a group from Germany and a group from New Zealand. The Marching Koalas performed exceptionally well, along with all of the other bands on the weekend, not the least being a performance at the Canberra Raiders game on Sunday. The German and Japanese bands performed last weekend in the formal reception hall in the new Parliament House.

I needed to explain that, Madam Speaker, to answer the substance of the question by Mr Kaine to the Chief Minister. I thought it was appropriate that I explain at least that much to indicate what my involvement has been. I am quite pleased to be associated with the international school band festival - it is a great function and activity for the ACT - as, indeed, your previous personal secretary was, Mr Kaine.

Mr Kaine: Were you one of the principals, Mr Lamont?

MR LAMONT: No, I was not.

Mr De Domenico: Madam Speaker, as invigorating as this festival may or may not have been, I do not think that that constitutes a ground for Mr Lamont to personally explain something. I suggest that Mr Lamont - - -

MADAM SPEAKER: Thank you, Mr De Domenico. I was going to intervene with that very point of order of my own accord.

MR LAMONT: In conclusion, Madam Speaker, I am not a principal. However, I am extremely pleased to be associated with it, as is the former personal secretary of Mr Kaine.

AUDITOR-GENERAL'S REPORT NO. 5 OF 1993 Visiting Medical Officers

MADAM SPEAKER: For the information of members, I present the following paper:

Auditor-General's Report No. 5 of 1993 - Visiting Medical Officers.

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

That the Assembly authorises the publication of Auditor-General's report No. 5 of 1993.

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

That the Assembly takes note of the paper.

SUBORDINATE LEGISLATION Papers

MR BERRY (Deputy Chief Minister): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for appointments and a determination.

The schedule read as follows:

Betting (Totalizator Administration) Act - Appointment of members, Chairperson and Deputy Chairperson (S135, dated 2 July 1993).

Public Place Names Act - Determination No. 109 of 1993 (G33, dated 18 August 1993).

LAND (PLANNING AND ENVIRONMENT) ACT LEASES
Paper and Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members and pursuant to the Land (Planning and Environment) Act 1991, I present a schedule which details the leases granted in the quarter ended 30 June. I ask for leave to have the schedule incorporated in *Hansard* and to make a short statement to the Assembly.

Leave granted.

Document incorporated at Appendix 2.

MR WOOD: As members may recall, an amendment was made to the Land (Planning and Environment) Act 1991 to remove the requirement to table leases that were granted by direct grant. Section 216A of the Act now requires that a schedule of all leases granted by direct grant be tabled within five sitting days of the expiration of the quarter. The last quarter ended on 30 June. I now table the schedule required, which covers the period 1 April to 30 June 1993. Copies of the leases are available to members of the Assembly and the public from the department's shopfront at the John Overall Offices.

YOUTH MINISTERS COUNCIL AND NATIONAL YOUTH POLICY
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the Youth Ministers Council and the national youth policy.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, recently I attended the meeting of the Youth Ministers Council in New Zealand. At this meeting Ministers with responsibility for youth affairs from Australia and New Zealand discussed a number of important issues relating to young people. Today I would like to outline some of the more significant conclusions of the meeting and to discuss a number of initiatives taken by this Government in support of young people in the ACT.

A wide range of issues was discussed at the meeting of that Ministers council. These included income support, education and training for disadvantaged young people, youth sector training and the role of youth Ministers in coordinating and consulting on youth issues across Australia and New Zealand. However, most importantly, the council supported and endorsed the national youth policy, which I believe represents a landmark in progressing consideration of matters affecting youth at a national level. I introduced the national youth policy and was supported by Virginia Chadwick and Ross Free, the New South Wales and Commonwealth youth Ministers respectively.

The national youth policy, which was agreed upon by all Ministers present, is an important document which establishes a framework for improving coordination, consultation and cooperation in policy development and service delivery in youth affairs across Australia. I believe that it is worth noting that the ACT has been closely involved in the development of the policy through its representation on a working party which has developed and refined the document between meetings of the youth Ministers. Significantly, this policy has also been developed after considerable consultation with a wide range of community and government organisations and with interested individuals.

Nationally, the response to the policy has been very encouraging, and in the ACT in particular the policy was received favourably by a range of agencies when it was distributed for comment. The national youth policy is significant in that it encourages a holistic approach to youth affairs which is based on cooperation between all levels of the government and non-government sectors. I believe that in taking this approach the policy addresses in a comprehensive and integrated manner the major concerns and issues facing young people. The policy is also based on a recognition of the challenges facing young people and on an acknowledgment that young people require a supportive and informative environment which encourages them to reach their full potential as individuals and active citizens. In addition, the policy is based on the important principles of social justice and, of course, in this respect is fully supported by this Government.

The national objectives outlined in the policy focus on a number of areas, including the importance of consultation with young people to ensure their ongoing participation in the community and in decision making processes, and the role and responsibilities of each level of government in providing assistance and opportunities to young people. The policy also confronts issues such as the provision of additional assistance to disadvantaged young people and the education, employment, health, housing, transport, recreational and income support needs of young people. It also deals with the just treatment of young people by our legal system. Importantly, the policy also acknowledges as an objective the enhancement of support to families to assist them to cope better with economic and social change and, in so doing, seek to protect young people from violence, neglect and discrimination.

In presenting the ACT report to the Youth Ministers Council meeting I was able to provide an account of the action which has been taken in the ACT in accordance with the national policy. Primarily, I was able to highlight the Government's initiatives in a number of areas, including its initiatives under the youth services grants program. This has involved the development of new service agreements with youth organisations which provide a greater degree of accountability and targeting of programs. The Government has also taken a number of steps to deal with youth unemployment and, in particular, has initiated and broadened such programs as the ACT Youth Conservation Corps, the venture and development assistance program, the ACT Jobskills program and the employment and training grants program. All are designed to provide additional support and choice for young people in pursuing training and employment options.

At the council meeting I was also able to restate this Government's commitment to ensuring that our most disadvantaged young people are not alienated by our education system. This has meant ensuring that a safety net of services is provided for young people and that positive steps are taken through education

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and training to ensure that opportunities are made available. In practical terms the Government has demonstrated this commitment through ensuring that the system is relevant to the needs and aspirations of young people. The process of public consultation we have undertaken on the establishment of an ACT Training Authority, the move of the former TAFE onto a corporate footing as the Canberra Institute of Technology and the consolidation of the portfolio responsibilities for education and training are examples of structural changes which go to the core of ensuring that our education system has the capacity to give young people choices which will enhance the quality of their lives and the contribution they are able to make to the society in which they live.

Within ACT Health a number of initiatives are worthy of note. In particular, two mental health outreach workers have been employed to work with young people experiencing mental health problems. This aims to increase young people's access to existing services and to provide early intervention programs. In addition, ACT Health is developing a youth alcohol strategy. This project will address a variety of issues related to young people and alcohol abuse, including the connection between alcohol and violence and the role of the media in raising awareness.

The national youth policy also highlights the importance of ensuring that people working in the youth sector have access to adequate and appropriate training. In fact, this issue was discussed as an agenda item in its own right at the youth Ministers conference. I took particular interest in this discussion. I believe that the youth sector training councils have done some excellent work and continue to provide much needed training to people working in the youth sector. In the ACT this is especially true of the ACT Youth Sector Training Council, which provides a comprehensive calendar of field based training relevant to both community and government workers dealing with young people.

The discussion at the council meeting centred around the issue of funding to the youth sector training councils and the fact that the current joint Commonwealth-State funding arrangements will cease at a national level in December this year. In the course of discussion on this issue I was instrumental in negotiating the inclusion of a resolution which will allow States and Territories to individually enter into bilateral negotiations with the Commonwealth for jointly funded approaches to youth sector training. I believe that this was an important concession, as it ensures that States have the option to continue to pursue the support of their training councils with the assistance of the Commonwealth.

Madam Speaker, I have outlined the substance of the outcomes of the ministerial council meeting and the current ACT initiatives in line with the national youth policy, so at this point it is timely to return to the development of the first youth budget statement. The youth budget statement will be tabled with other budget documents in September. Essentially, its production demonstrates a practical example of this Government's commitment to put policy into practice. Through the budget statement the Government and the community will be able to monitor the level of resources being directed towards our young people and to assess the impact of our policies and programs across the ACT Government Service on young people in the ACT.

The statement will also highlight those areas the Government needs to address to further improve the quality of life for young people in the ACT through identifying gaps in policy development and service provision. It will also offer a yardstick against which to measure the effectiveness of the Government's resource allocation. I believe that the production of the youth budget statement for the first time this year demonstrates the Government's commitment to addressing the needs of young people through taking a whole-of-government approach to the issues. In addition, it is important to note that this approach is consistent with the objectives of the national youth policy. The Government is also committed to ensuring that young people in the ACT have the opportunity to participate in decision making which affects their futures. In line with this commitment I have recently appointed a new Youth Advisory Council. This council is invaluable to me as a source of advice on issues affecting young people and as a vehicle for receiving young people's views. The first council provided not just me but areas across government with useful insights and constructive suggestions which we were able to use in defining our policy objectives. In particular, the first council's work program focused on the specific needs of young women, on youth employment, on the housing and welfare needs of young people, on young people's health needs and on the relationship of young people to the law. I look forward to receiving further high-quality advice and ideas from my second council.

Madam Speaker, in conclusion, I would like to reiterate my support for the outcomes of the meeting of the Youth Ministers Council and, in particular, the endorsement of the national youth policy. Further, I wholeheartedly support the concept of this policy as a living document which will be adapted over time to address emerging needs and to recognise new challenges facing young people. On the implementation of the national policy, I am pleased to advise members that a working group of officials, including representatives from the ACT, is developing strategies for governments to follow in actually meeting the policy's objectives. This will involve examining current programs, services and activities against the policy's objectives. From this exercise it will then be possible to identify gaps and overlaps in service provision and linkages between key issues.

This Government is committed to addressing in a strategic and comprehensive manner the many difficult issues which face young people in the ACT. Our close participation in the development and implementation of the national youth policy, the preparation of a youth budget and the appointment of the second Youth Advisory Council are important reflections of this commitment. I believe that the national youth policy provides a very valuable tool for us to use in ensuring that our policies and programs are developed and delivered in a considered and coordinated way and in a way that ultimately endeavours to assist young people with the challenges they face. I understand that the national policy will be publicly available from the Commonwealth in the near future, and I will be very pleased to provide copies of the policy to members when this occurs. I present the following paper:

Youth Ministers Council Meeting and National Youth Policy - Ministerial statement,
24 August 1993.

I move:

That the Assembly takes note of the paper.

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

DEAFNESS AWARENESS WEEK
Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Mr Deputy Speaker, I seek leave to make a ministerial statement in relation to Deafness Awareness Week.

Leave granted.

MR BERRY: Mr Deputy Speaker, the week 22 to 29 August is Deafness Awareness Week. Communication, which we all take for granted, is a basic need of all of us, and this special week is an opportunity to gain a greater appreciation not only of the difficulties encountered by the hearing impaired but also of the richness of the unique language and culture of the deaf community.

Communication, Mr Deputy Speaker, is essential for survival and is a major contribution to our overall sense of well-being. In our society we acquire and share information through the medium of language to such an extent that we place a very high value on being able to speak and hear. However, deafness, like hearing, is not necessarily visible to the observer. Not all persons with a degree of hearing loss will require hearing aids and many will choose not to wear them. Those who can hear tend to take the ability to hear for granted and, for this very reason, tend to think of deafness as being a less disabling condition than those which are more visible. Deafness affects people of all age groups. One can be born with a hearing impairment or acquire it as a result of illness or ageing, or through exposure to harmful environments in later life. Deafness can be temporary or permanent. It can range in severity from a mild deficit to complete hearing loss. Some forms of hearing impairment are treatable through medical or surgical means.

Mr Deputy Speaker, impaired hearing is common in older people and can lead to isolation and loneliness. Access to, and management of, hearing aids can be particularly difficult for the aged. People with any form of deafness require acceptance and a demonstrated understanding of concerns relating to deafness in the community. Community support is important and can go a long way towards reducing the isolation and dissatisfaction that the deaf experience. The Government recognises this and incorporates this approach into the range of services provided by the ACT Department of Health.

In April this year my colleague Mr Terry Connolly, the Minister for Housing and Community Services, approved \$16,000 of recurrent funding to be given to the ACT Deafness Council as part of the disability services grants program. These funds will allow the council to employ a part-time community worker to coordinate the development of support services for people who are profoundly deaf.

Mr Deputy Speaker, services to children are vital to their development, and early detection and intervention are critical for a child with a hearing impairment. In the first three years of life, a child will acquire most of the language structure that forms the building blocks for communication, learning and vocation.

In the ACT child health clinics provide hearing screening for infants during their first weeks, with specific testing at six weeks and seven months. The Community Nursing Service provides hearing assessment for primary school children as part of the school health program. It also offers hearing assessments through its audiometry services. These services are designed to detect and enable management of hearing loss as soon as possible.

ACT Health aims to help prevent deafness by providing free immunisation services which target vaccine-preventable causes of deafness such as measles and rubella. Beyond prevention and detection, ACT Health also provides services for children with hearing loss through the Child Health and Development Service. Child health medical officers provide developmental assessment and monitoring services for children with conductive hearing loss relating to middle ear disease. Speech pathologists, whose expertise lies in the area of communication, develop remedial programs for children with hearing loss. Their aim is to maximise the development of communication and speech, and they frequently begin this process with children as young as four months of age. They maintain contact with the children through their developing years.

The Government recognises the importance of a well-coordinated approach to meeting the needs of these children and has encouraged a team approach involving all relevant departments, the private sector and the Commonwealth's hearing service. Services provided through this approach cater for the full range of childhood hearing problems, including those less severe but equally important transient hearing losses.

Mr Deputy Speaker, the Government is also committed to the provision of quality educational services for hearing impaired children. Special education programs are available to children as soon as their deafness is detected. These services continue from preschool through to secondary college and strive to support the deaf student in open education settings and in special units. Through adopting the three-pronged approach of prevention, early detection and intervention, the Government is actively working to meet the special needs of people who are hearing impaired. Information on these services is available in health centres throughout the ACT.

Mr Deputy Speaker, the Government intends to continue its demonstrated commitment to, and support for, people with impaired hearing by maintaining linkages with Australian Hearing Services, a major provider of services to adults, and through its cooperation with the non-government services, community groups and the private sector. I present the following paper:

Deafness Awareness Week - Ministerial statement, 24 August 1993.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

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BETTERMENT ARRANGEMENTS **Ministerial Statement**

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Mr Deputy Speaker, I ask for leave of the Assembly to make a ministerial statement on betterment.

Leave granted.

MR WOOD: Mr Deputy Speaker, some time ago, towards the end of March, I indicated that the Government would examine and review current betterment arrangements. The review was to look at, amongst other things, who in the process benefits from any lease change. Considerable work has been done both within my department and the Treasury and by consultants in the Australian Valuation Office. The matter has generated some debate in the community over recent times. Some comments in the media have been inaccurate or malicious and have done little to further inform consideration of the many and varied issues.

Many of the issues that have been raised are those which have already been subject to consideration by the department. I have also sought the views of various eminent persons and peak bodies. The review is nearly complete, and it is my intention to make a further announcement in the Assembly during the September sittings and to outline at that time any legislative changes which the Government deems necessary. However, I would like to take the opportunity today to address a number of the factors which are central to this debate.

At the outset, for the benefit of members, I would like to outline the present betterment arrangement, as there appears to be some confusion as to how this charge is determined. Where a lease variation increases the market value of the lease, the Land (Planning and Environment) Act provides that an amount commonly known as betterment shall be paid by the lessee when the lease is varied. The regulations set out the formula by which that amount is determined. There are two elements in calculating betterment. First, the before and after values have to be determined. These values, which are calculated by the Australian Valuation Office, are based on the unimproved value of the lease before the change in use and after the actual change in use. The amount payable is equal to 100 per cent of the difference in value unless the lessee is entitled to a remission. The remission rate is based on the age of the lease. It varies from zero for a lease less than five years old to 50 per cent for a lease that is 20 years old or older.

Many of the commentators have recognised these two elements and have then proceeded to recommend changes to the arrangements in an effort to ensure that the community receives a more equitable return for the change in lease purpose clause. This presupposes that the current arrangements do not ensure that the community receives adequate compensation, and there has been much debate about the formula having to include potential in the before value which affects the likely amount to be charged. It has been suggested that the formula should be changed to exclude potential. Certainly, if potential were excluded, a greater return could be expected. In a recent instance a before value of \$900,000 was levied on a consolidation of four blocks to enable a medium density development. If potential had been excluded, the before value would have been \$600,000 - a difference of some \$300,000.

The other part of the equation, the remission rate, has also attracted considerable comment, with it generally being recommended that no remission should be allowed. On the other side there are those who consider that if the formula were changed, causing betterment charges to increase, then it is likely that the rate of development would be adversely affected if the increase in betterment could not be passed on to the end buyer.

These views have all been examined in the work that the department has been doing. They highlight the complexity of the betterment issue and make it plain to me that if changes are to be made it is necessary to address a wide variety of issues, including the nature of Canberra's leasehold system, the impact on government policies, the effect on rating values and any inequities which may result. From the work done to date it is clear to me that there is a case for making changes to the current arrangements. It is imperative that any changes be handled carefully so as to avoid any unintended consequences. Further, it is necessary to recognise the need for certainty in the arrangements that those wishing to initiate developments will want to put in place. All these matters will be fully addressed when I make my announcement next month.

I note that Mr Moore has foreshadowed an intention to introduce legislation to attempt to vary the system. In the circumstances I suggest that it would not be appropriate to proceed with that Bill until the Government's review is complete and the debate therefore better informed. I present the following paper:

Betterment Arrangements - Ministerial statement, 24 August 1993.

Mr Deputy Speaker, I move:

That the Assembly takes note of the paper.

MR KAINE (3.32): I would like to comment briefly on the Minister's statement on betterment arrangements. I note with interest that he says that he will be making a further statement on this matter within a month. He states that there are issues that need to be addressed so that people are fully informed; that debate has been going on for some time, some of which has been informed and a lot of which has been uninformed. I agree entirely with those statements. What concerns me is that, having said all that, the Minister then concludes that it is clear to him that there is a case for making changes. I have not heard anything put forward by anybody that would warrant making a change. I am surprised that, since the Minister has said that he is not yet fully informed and is going to make another statement in a month's time, he is prejudging the issue and saying that there is a need for change. Mr Deputy Speaker, I suggest that there may well be a need for change, but not necessarily for the reasons that the Minister has in mind.

We need to have a look at the history of land tenure in the ACT, I suspect - the nature of it and how it has changed. The argument about betterment flows from the proposition that all land in the Territory is owned by the public and is leased; it is leasehold land. If you go back to 1901, or even 1927, that was the case. In those days, when people were granted a piece of land, in some cases they paid nothing or virtually nothing for it. I can remember that even in the 1950s when land for residential purposes was auctioned in Campbell the premiums were relatively small. But there was clearly a leasehold system, and the way the Government recouped its share of the money for the community was by way of land rent.

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That was the system. If that were still the system, then this argument about the community being entitled to betterment would hold good. This is a learned dissertation, and Mr Wood might listen to it. The fact is that today, whatever you call it, we have a system that is very close to freehold tenure.

Mr Moore: No.

MR KAINE: Listen to me. People have a lease and up front they pay a sum of money that is no different to what you would pay for a piece of freehold land in Brisbane, Sydney, Melbourne or anywhere else. Up to \$100,000 is paid for a residential lease, let alone a commercial lease. Go and ask a few petrol station owners around this town how much they paid for their piece of ground. They paid millions. That sort of money having been paid up front, when a lease, particularly a residential lease, expires then, according to the law, that lease is extended without a single dollar, other than an administrative fee, changing hands.

For all practical purposes, when I go and buy a block of land today I pay up to \$100,000 for it. In fact I could buy a block of land in Brisbane, Sydney or Melbourne cheaper. I pay a very substantial sum up front. I get virtually leasehold in perpetuity, and in a practical sense that is no different in principle to freehold land. The Government has had its profit in the premium that has been paid up front. I am just putting forward an argument here, and I would be interested in the Minister's refutation of it - if he can refute it. Accepting that that is the reality, if I find that I can use my land for some different purpose I go through the whole process of lease variation, which I am obliged to do, and the Planning Authority and everybody agree that I can change the purpose and use the land for something else, why should I pay a new sum because I choose to use the land for something else? It does not necessarily follow.

If the Government wants to pander to this element of the community that says, "It is always publicly owned land", then let us do away with the hefty premium up front so that it is clearly only a lease and you do not have to pay a fortune to get the piece of land in the first place, and let us go back to a land rent system under which you satisfy the community interest by levying a land rent. If we want to go back to the 1920s and the 1930s and reintroduce that system, that is fine. I do not think we do, frankly. It was abandoned for good reasons, but when you abandon that truly leasehold system and you set in place a de facto freehold land system you cannot then claim the benefits of both worlds. The Government has to make up its mind what it wants and proceed down that route.

The Minister tells us that he will be making a statement in a month's time and then everybody will be fully informed. We will see. I hope that the Minister will approach this with an open mind. I hope that he has not made up his mind without hearing all the arguments. I would be disappointed if that were the case. I am interested in what is being done and I have been following the debate with great interest because, as the Minister has pointed out, there is a law about this at the moment. Some people seem to think the Minister can wave his wand and change the arrangements overnight. He cannot do that. The law has been in place for about three years now.

Mr Wood: Not quite overnight.

MR KAINÉ: I think it is equitable. You can change it overnight if you have Mr Moore and Ms Szuty on side. I know that. I am well aware of that. But it does not say that you can do it without some debate. I will be interested in pursuing this debate further. There is more than one position that can be adopted on this. We have to look at whether or not we really have a leasehold system in the ACT today. It is a carryover from a leasehold system. It is very close to being a freehold system in many ways, even if we do not choose to call it that; and I think there are ramifications that flow from that that the Government should be taking into account.

MR MOORE (3.39): Good try, Trev - I mean "Mr Kaine", but I use "Trev" just for the alliteration, Madam Speaker. Before I deal with the Minister's speech, I would like to take up some of the points that Mr Kaine raised, especially the point he made in his summary that we have a de facto freehold system. Mr Kaine's arguments were all premised on the notion that, basically, since we pay so much money up front for our leases we have a de facto freehold system. He said that, if you accept that premise, then a series of things follow.

I do not accept the premise. There is one huge difference between a lease and a piece of freehold land that you do not seem to have recognised. It is very strange, but you do not seem to have recognised it. A lease is an agreement with a series of conditions and a series of purposes for which you can use that land. That is what distinguishes our system from a freehold system. Granted, the land rent system had other things that distinguished it. I agree with you that that was the case. But we still have a leasehold system that is distinguished very clearly from a freehold system by the fact that you have a certain purpose for which you can use your lease. That is what the betterment debate is about. If you wish to change the purpose of your lease, as far as I am concerned, there should be only one reason, and that is that it is in the public interest. "Public interest", of course, can be defined very broadly, and often the public interest will coincide with the interests of the individual leaseholder and of a developer waiting to develop a particular piece of land.

The notion that you put forward, Mr Kaine, is that for all practical purposes there is no difference. For all practical purposes there is a world of difference between a freehold system and a leasehold system. This has been a source of anguish and annoyance to the Liberal Party. One thing that surprises me is that the Government is so reluctant to move to a point where they can raise revenue through this system. It seems to me that that would be far less painful than the system of raising rates. Look at the Liberal inspired ratepayers association that is currently rearing its head to object about rising rates. At the same time as the Liberals do not want rates to rise, they do not want something that can raise taxes in any other way. It seems to me that we have the possibility of doing that.

The other mistake - and it was just a simple mistake - that Mr Kaine made was when he said to Mr Wood, "You cannot just change this overnight with a wave of the hand". The reality is that Mr Wood can do just that. What I can do by giving drafting instructions, having legislation drawn up and having legislation tabled in this Assembly Mr Wood can do by regulation. There is no question about the fact that he has the power to change the betterment scale by regulation. He could change it from the current sliding scale to 100 per cent simply by regulation, should he wish to. He has that power.

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The Minister drew attention to an even more pertinent part of the debate - the potential value of the land. Instead of doing all this talking, he could do something about it. Under our current system of valuation, instead of having a lease valued according to the purpose of the lease, we have a situation where before and after values are established, taking into account the potential value of a site. Say that we have a church site worth \$100,000. The only buyer of such a lease would be another church. In terms of supply and demand, that site would not be worth very much money. If the site had the potential for an office block, then it might well be worth \$5m after the lease is changed. Under recent valuations taking into account the potential for a change of purpose, that site may well have been valued at \$3m. Our community is losing what it is entitled to - the real value of the difference between what the lease purpose allows and what the new lease should allow. My reading of Mr Wood's statement is that this is an issue that he is at present considering.

Madam Speaker, let me re-emphasise that the Minister has it within his power to change the regulations and to do it this afternoon, should he so wish. Madam Speaker, I had hoped to have available tomorrow the legislation that I was preparing for tabling, but I am told that it has been delayed and that it will not be ready perhaps until Thursday but probably until the next sitting of the Assembly.

Madam Speaker, it seems to me that the real question about the leasehold system is: Who benefits? That is the question that Mr Wood raised in the initial instance. If you look back through letters to the *Canberra Times* to see who was defending the current system and who was looking for a system that allowed the community to benefit from the leasehold system, it is quite clear that the potential for benefit to the community is huge. That is supported by notable commentators on the leasehold system such as Professor Max Neutze and Mr John Langmore, who have both been responsible for quite detailed reports on the leasehold system.

I must say that the report brought down by John Langmore was not his own report; it was a parliamentary report. It was a report issued, as I recall, without dissent by the Federal Parliament. That means that that careful study into the leasehold system and its recommendations were supported by Liberal members - Liberal members from across Australia who are not subjected to the sorts of pressures that might well be put on Liberal members here by local developers. I mean in terms of argument, Madam Speaker. I am not suggesting anything improper at all. It is not my intention to do so.

Madam Speaker, I look back to 5 December 1991. The *Hansard* indicates that when we dealt with the planning legislation I moved an amendment to give effect to 100 per cent betterment tax. I note that the vote was 14-1. I stood out on my own. Ironically, the Residents Rally, who at times had said that they supported 100 per cent betterment, did not see their way clear to support it on that occasion. I do not remember the exact reason why. I looked through the arguments; but, as I looked back on them, they did not seem particularly coherent. There has been an interest in betterment charges because of the benefit to the community. Should we use this system appropriately, should we use it to its full potential, then I think there is a real possibility that the Government would have the ability, at the very least, to peg the rates and, at the best, to reduce rates to members of the community.

Madam Speaker, it is important that we consider the two issues I have raised. First of all, the before and after valuation system does not take into account potential worth. Secondly, the community owns the land as the main landlord, the ground landlord. Liberal landlords would be horrified if their tenants tried to achieve the same thing as the tenants of the community. The thing that I find most ironic in this debate is that the very people who, put in the same position themselves, would not tolerate the same thing cry out for a difference in approach. They just want to win on every single turn of the wheel. Madam Speaker, it is about time the community as a whole won.

MR DE DOMENICO (3.49): A lot of things were said by Mr Moore. He suggested that Mr Wood had the power to change regulations with the stroke of a pen, and he castigated Mr Wood for not having done so in five minutes, mainly because Mr Moore believes that that is what Mr Wood should do. For Mr Moore's information, the Minister's approach is a sensible one. Perhaps we should ask all interested parties what should be done, and after an informed debate and public consultation the Minister can bring his views to this house. Mr Moore also suggested that there is a great difference between leasehold and freehold, although Mr Moore should realise that, whilst one can buy a piece of freehold land in other places besides Canberra, there are certain zoning restrictions there as well. What Mr Kaine had to say was not far off the mark, Mr Moore, I am suggesting.

I agree with Mr Moore that it is the community that ought to be benefiting. One has to work out in which way the community can benefit and at the same time be fair and equitable to people such as developers. I know that developers and Mr Moore do not ever see eye to eye. Mr Moore perhaps thinks that developers should be wiped off the face of the globe. It is important that we also get a certain amount of development in the ACT, because development can mean jobs and can mean a lot of good things for the ACT. It is important to strike the right balance between what is fair and equitable to the community and what is fair and equitable in terms of the structure and the type of development allowed in the ACT.

Mr Moore also suggested that it was easier for members of this Assembly to be influenced - and then he quite rightly explained that he meant influenced in terms of argument - than other members of the Liberal Party. I suggest that there are also people very interested in investing in this town who do not come from the ACT and that their access to Federal members, whether they be members of the Liberal Party or members of the Labor Party, is not restricted in terms of geography or anything else.

Finally, Mr Moore made some remarks that had nothing to do with betterment tax. He suggested that a certain member of the Liberal Party was involved with the formation of a ratepayers association. For the information of members - - -

Mr Berry: Two.

Mr Connolly: Different associations.

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MR DE DOMENICO: Who is the other one?

Ms Ellis: No. There are two associations.

MR DE DOMENICO: Right. For the information of members of this Assembly, people who support the Liberal Party - even members of the Liberal Party - actually pay rates. Amazing as that may seem, even members of the Liberal Party and members of the Labor Party pay rates. I do not know what Mr Moore's in-tray is like, but I have hundreds of letters of concern from members of the Labor Party, even members of the former Residents Rally and the very few people who support Mr Moore. They are very concerned about the fact that their rating bills have gone up by such an amount. Of course no tax is a good tax in the thinking of the community. To suggest that being a member of the Liberal Party precludes anybody from setting up a ratepayers association is nonsense, Mr Moore.

Mr Lamont: Is Ms Spier a member?

MR DE DOMENICO: Yes, she is a member of the Liberal Party.

Mr Connolly: She is the one who says that we should not be spending money on welfare.

MR DE DOMENICO: If Mr Lamont and others want to get involved, I am not going to entertain them. Madam Speaker, if I were to name members of the Labor Party who are members of other community organisations, we would be here all night. I would welcome that debate. We can book the Albert Hall and have it there, but I am not going to waste the time of the Assembly by having it here.

In summary, Madam Speaker, I think that the Minister's approach is a sensible one. Once again, it might not be the one that Mr Moore agrees with, but then again there are a lot of things that the Government does that Mr Moore does not agree with - quite rightly, Mr Moore. I look forward to the Minister's further statement to the Assembly. I agree with the Minister that a lot has been said about betterment tax without people actually understanding what it is and how it works. The Minister might come back and say that it is the best way of ensuring equity between the community and the developers. There may not need to be any changes at all. But we will be interested to hear what the Minister has to say.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.54), in reply: Madam Speaker, it is correct, as Mr Moore says, that I can very rapidly change the regulations; but, of course, the major part of the timescale is the consideration that precedes that, and I would not wish to act hurriedly. At the same time, after two years as Minister, it is clear enough that I have been giving quite ample consideration to this. The department for some time has been monitoring the effect of betterment, and it was earlier this year that I asked them to review it and to prepare a paper. It could well have been in this Assembly before, had it not been for the time Cabinet has been spending on the ACT budget.

Mr Kaine's views are not surprising, given that the Liberals have a policy that the leasehold system in the ACT should be converted to a freehold system. Mr Moore is correct to say that there is a big difference between the leasehold system and the freehold system. Mr De Domenico said that the basic question is how the community benefits. He may see that benefit in other ways; but the principle of the leasehold system, whether you support it or not, has been that any change in the lease conditions that increases the value is taken back to the ACT community. That is the fundamental part of it, and that is the control that I am predominantly looking at. It is the case that John Gorton - in 1970, I am told - because of a by-election and a desire to do something perceived to be popular, made very significant changes to the leasehold system from which arose the betterment; but that will be part of a debate in the future.

I did indicate some time ago that we were having this review. I did not run it as a major public issue because I felt that it had the potential to create activity ahead of a possible change or that it might stir up those who were active in that part of life in the ACT. So there was not a consideration on my part at that stage of going into full community consultation. I did not believe it appropriate; but a debate has emerged since, and in order to see that that debate is well informed I have put out this statement today. As soon as I can, I will come back into the Assembly with some more details.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR MOORE: I seek leave, under standing order 46, to make a personal explanation.

MADAM SPEAKER: Yes, you have my leave.

MR MOORE: Thank you, Madam Speaker. Mr De Domenico made a statement with reference to me and developers, saying that in some way I was out to attack all developers and so forth. That simply is not the truth of the matter, Madam Speaker. I think the developers in this town have a very important role to play, and I think they are entitled to make their profit at the appropriate time. I believe that they are not entitled to make profit from an area that I believe belongs with the community as a whole, but I recognise how the law stands at the moment, Madam Speaker. The way the law stands at the moment, they are entitled to do that. I would like to see the law changed to ensure that the community gets what I believe to be its full entitlement. Madam Speaker, to suggest that in some way I am just anti all developers is totally inappropriate.

LEAVE OF ABSENCE TO MEMBER

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

That leave of absence from 24 to 26 August 1993 inclusive be given to Mr Stevenson.

ACCESS TO GOVERNMENT INFORMATION
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received a letter from Mrs Carnell proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The Government's failure to provide adequate access to information to ensure that government is accountable.

MRS CARNELL (Leader of the Opposition) (3.58): Madam Speaker, freedom of information laws give everybody a legally enforceable right to know what government knows, and I mean that quite sincerely. It gives everybody a legally enforceable right to know what government knows, except in certain circumstances, and they are laid out in the various Acts. Those certain circumstances are to do with privacy, security or problems with legal cases and some others. Generally, information on all the things government is doing or, for that matter, not doing should be available to the public at large. The right to know what government is doing or not doing is essential to democracy. It is only with access to information that the Opposition and the Independents can do the job we were elected to do. It is only with access to information that we can be part of informed debate, and the essence of good government is informed debate. That should not mean debate that is based upon leaks of information - information we have half of at times; it means being fully informed.

There are a number of ways, unfortunately, that a government with a siege mentality can thwart FOI requests, and it seems that the Follett Government uses them all. First of all, the Follett Government fails in many cases to grant full access to material. Last year, the ACT Government granted full access in only 32 per cent of cases; the Commonwealth granted full access in 71 per cent of cases. But the ACT Government was not always so secretive. Two years ago it granted full access in 66 per cent of cases. Secondly, the Follett Government is slow to respond to FOI requests, and I think everybody here has good examples of very slow responses. By law, requests are meant to be handled in 30 days. Last year, the ACT Government achieved this in only 37 per cent of cases, down from 65 per cent two years ago. The Commonwealth managed to handle 71 per cent of requests in 30 days. I think everybody here who has put in requests has been subject to delays, delays that are totally unnecessary.

Then there is the issue we have debated already today, the issue of fees. The Follett Government uses the imposition of an open-ended fee structure to discourage FOI requests. Fascinatingly, the Australian Consumers Association highlighted this as long ago as 1986, when the Commonwealth first introduced fees for their FOI requests. They said that fees inevitably tied the hands of some people, stopped some people requesting information. The FOI legislation in the ACT states quite categorically in section 29(3)(c) that the agency or Minister shall - and I stress "shall" - take into account when deciding whether or not to remit fees "whether the giving of access is in the general public interest or in the interest of a substantial section of the public".

As elected representatives, as people who are elected to represent the community, any information we request could easily and appropriately be regarded as in the public interest. I am certainly not suggesting that frivolous claims should be taken on board, and there have been situations where frivolous claims have been made in other parliaments. I understand that Jeff Kennett chose to introduce his \$20 flat fee because of the frivolous requests from members of the Opposition - frivolous to the extent that one of the requests asked whether the Government paid for a top hat and set of tails. Mr Kennett appropriately said, "No, we will not impose fees that are open-ended".

I think it is important to look at the fees somebody who requests information is up for, if the fees are not remitted. First of all, we have an application fee of \$30. Nobody is arguing whether that is appropriate or not. A \$30 fee is totally acceptable. However, on top of that you then have a situation where you pay \$15 an hour for location and retrieval of documents, and \$20 an hour for decision making. That is open-ended, with no idea of how long people will take. If you have ever tried to get a quote from the ACT Government on what they might charge, there is no way in the world you can get it. You cannot get a clue what it might charge.

To my knowledge, every single parliament in Australia that levies a per hour rate on the general public - because no State parliament, except New South Wales, levies a per hour rate on parliamentarians - will give a quote so that people know what they might be up for. That is not the case in the ACT. If a member of the Opposition or an Independent does not have the fee remitted, and for that matter a member of the public, they are in a position of having an open-ended bill.

Also, under our legislation there is absolutely no capacity to appeal in respect of the remission of fees. All that a Minister or an agency head has to say is that they have decided to impose charges for the processing of your application, full stop. There is no information as to why the request for remission of fees in the public interest has been knocked back, so there is no capacity to know what information you could have put forward to convince the person involved. It seems to us that there would be no capacity to convince anybody, because, the moment the information we request is in any way useful or interesting or has any substance to it, we are knocked back. The fees are not remitted.

This morning on ABC radio, Mr Connolly claimed that, on the basis of figures that one of his researchers had gained last year, fees were levied on members of parliament everywhere in Australia. Mr Connolly was wrong. He misled the people of Canberra.

Mr Connolly: Not as much as you did: "No fees in Victoria".

MRS CARNELL: Do you mean that there are levels of misleading? The fact is that there is no fee for service in Victoria. In Victoria there is a flat application fee - \$20, end of deal. Every State makes a photocopying charge. That is just a charge to photocopy, and that is based upon how much information you get. It is just a 10c or 20c or 30c per copy fee for photocopying. Apart from that, Victoria has a flat \$20. That is quite acceptable, Mr Connolly. They are very happy to pay \$20, but that is all they can be up for. That fee was introduced only on 8 June 1993, on the basis of Mr Kennett being placed in a position of having a number of frivolous complaints. Again, I say that there is no fee for service. There is an application charge, but there is no fee in Victoria.

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In Tasmania, there are no fees at all for members of parliament. Again, wrong, Mr Connolly. In South Australia, there are also no fees, unless you go over \$350 per request. Mr Berry rightly made the comment earlier that that would be an exceedingly large request. That is substantially higher than the average request. So it is free for opposition members, except in the unique circumstance that one request goes over \$350. We have a situation in Queensland where, again, there is no fee for service. All there is is an application fee; that is, \$30 straight. It is just a \$30 charge, a flat fee - no per hour rates, no \$15, no \$20; just a \$30 application fee. Again, as I said, every State and the Commonwealth charge an amount per sheet for photocopying. The only State that Mr Connolly was right about was New South Wales, which does levy charges. There is no doubt about that. The Northern Territory and Western Australia have yet to sort out what they are doing.

What is really important in this debate is to ask when access to information is in the public interest, and the short answer is often. Everybody who makes an FOI request and intends to disseminate the information they get, can - should - claim a fee waiver. Anyone who is able to broadcast or publish official information more broadly is acting in the general public interest or in the interest of a substantial section of the public. Therefore, officials should exercise their discretionary power and waive fees. These are not my words, they are the words of Paul Chadwick in his textbook on this subject, *FOI - How to Use the Freedom of Information Laws*. This is a textbook on the subject. That is a quote from Paul Chadwick. This Government does not agree with Paul Chadwick; there is no doubt about that.

This morning Mr Connolly said that the bureaucracy could be bogged down with FOI requests from the Opposition, that they would end up with this absolutely remarkable amount of work, which would mean that they could not get on with the business of government. He seemed to indicate that the Opposition filed a large number of FOI requests - again, wrong. As Mr Berry said earlier, the Opposition uses FOI very sparingly. We have lodged in the whole term of this Assembly - not just last year - less than 15 FOI requests, hardly an excessive number. In fact, there were only 156 FOI requests in total during the year 1991-92.

Let us look at the requests Mr Berry did not believe were in the public interest. Remember that the legislation talks about the public interest. First of all, the absolutely classic one was when in April last year I asked for information relating to the establishment of a hospice at or near Calvary Hospital. I put that request in to both the department and Mr Berry's office. The department thought it was in the public interest and remitted fees; but Mr Berry did not think it was in the public interest, so he did not. It would seem that there is a bit of an obvious - - -

Mr De Domenico: An argy-bargy between the Minister and his department.

MRS CARNELL: I do not think the Minister speaks to his department. Obviously, what the Minister believes is in the public interest and what the department believes are two different things. In fact, there is an obvious conflict between the Minister and his department. I am sure that the Minister got exceedingly cross about that.

Then there was the request I put in for the written submission made by the ACT Government to the review of Medicare. That is the Macklin report, the National Health Strategy, I think No. 2. In this case they did remit fees, but then they were unable to locate a copy. They did not say that they had not written one; they were unable to locate it. So that was not much good either. Then we had the requests for the legal opinions from 1986 to the present on HIV and AIDS notification. Again, fees were remitted, but the information was refused. Then we have information for the documents by ACT Health about the provision of methadone to prescribed addicts. If Mr Berry does not believe that that is in the public interest he has not looked at the facts. In this case, what happened was that the fees were not remitted because Mr Berry does not think that is in the public interest. We end up with the requests in December last year. One was on information re the corporate division, and again it was knocked back. More recently, the abortion clinic information request was knocked back. It was not in the public interest, according to Mr Berry.

It seems to me that the basis of good government, the basis of everything we believe in in any democratic situation, is to have information that is right and information that flows appropriately, particularly to the Opposition. That certainly does not seem to be the view of this Government, and I think it has to change.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.13): Mr Berry and I are both very enthusiastic to get at the Opposition on this, so there was a bit of tick-tacking as to who would have the first hit. The Opposition's claim is that somehow the ACT is being secretive, is misusing FOI, is denying the public and members of parliament access to information that they should rightfully have - or at least I think that is what they are saying. It almost sounds like special pleading for members of parliament rather than access to the public generally. I would think Mrs Carnell should say that everyone should have access, but she seems to be spending most of her time on special pleading for access for members of parliament.

We inherited an FOI Act as part of the self-government package. We did not as an Assembly enact an FOI Act; it was part of the structure of administrative law which we inherited.

Mr Humphries: We fixed it up.

MR CONNOLLY: There have been some changes, which Mr Humphries moved as a private member. One of the remarkable things, when one looks at the statistical record of FOI in the ACT since self-government, is the consistency in the rate at which waiver of fee or remission of fee applications have been granted - in the order of between 42 and 44 per cent consistently across each year and across each administration. The difference across administrations, as I have pointed out before, has been that the level of refusal of access under the Labor Government is considerably lower than the level of refusal of access under the Liberal Government. When Mr Kaine was in office as Chief Minister, when the Liberals held the reins of power in this Territory, there was a rather higher level of refusal of access.

Mr De Domenico: Who was the Minister responsible for that?

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MR CONNOLLY: The administrative unit of FOI was contained within the Chief Minister's Department. The move of the FOI unit into my portfolio occurred only last year, and it occurred as a result of last year's annual report. One thing on which I would agree with Mrs Carnell is that last year's annual report did not show a good set of figures in terms of delayed applications. I think something like 28 per cent of applications last year had not been dealt with within 60 days, and that is clearly unsatisfactory. At the time I made some public comment that I thought that was unsatisfactory. I think I may have said that in the Estimates Committee when this issue was being pursued. As a result, we moved the FOI unit into an area where it was rather closely supervised by the administrative law section. This year's annual report, which will be forthcoming shortly, will show some improvement. The level of requests that have not been dealt with in 60 days is now back to 22 per cent from 28 per cent. Members could rightly say that that is still not as good as it should be, but it is trending in the right direction.

Last year, of 206 applications for access to information, waivers were made in 85 cases. Of seven applications by members of this Assembly for access, waivers were made in three cases - strangely, precisely the same proportion as for the general public. So members of this Assembly are treated in exactly the same way as members of the general public. A public interest test is applied and, strangely, in about 40 per cent of cases that remission is made. Last year fees were remitted for Mr Humphries in relation to one request, for Mrs Carnell in relation to one request, and for Mr Kaine in relation to one request. Of seven applications by members, remissions were granted in three cases.

Where is the drama? Where is the problem here? Applications under this Act are dealt with according to the Act. The public interest test which is stated to apply does apply, and it is made out in fully some 40 per cent of cases. There is hardly a problem. There is no change in trends in terms of a tightening-up on access to remissions. It has remained pretty constant over the life of several governments. The only trend change over several governments is that under this administration there is a much lower level of refusal. The 66 per cent as a highlight of applications granted in full, which Mrs Carnell referred to as the high water mark, was in 1989-90 - the first year of a Labor administration. The rate at the moment is running at 53 per cent. During the period of the Alliance Government, 1990-91, it was down to 42 per cent for access in full. So again, the only trend you can get from a look at the statistics of FOI administration over time is the trend that would indicate that things were rather tighter and rather more restrictive while the Liberal Party was in power.

There has been much bumf said about what is the situation in other States. Mrs Carnell made the bold assertion on the radio this morning, no doubt confident that no-one would contradict her, that there are no fees charged for members of parliament in Victoria.

Mrs Carnell: No; Matt Abraham said that. I did not say that.

MR CONNOLLY: Yes, you did, Mrs Carnell. My clear recollection is that you did. As authority, Mr Abraham cited a book by Mr Chadwick. Mr Chadwick's book, of course, is out of date. Politicians are charged fees in Victoria.

Mrs Carnell: A fee.

MR CONNOLLY: No; two sets of fees. My understanding was that they were not charged the \$20 fee, but Mr Humphries advises me that his advice is that they are. A reading of the Act would indicate that they are not, but we will give you the benefit of the doubt and we will not apply my more generous reading. They are charged \$20 and they are charged a fee for the photocopying of documents. So there is a fee which accrues as time goes on at, incidentally, twice the rate that is charged in the ACT - 20c per page, as opposed to 10c per page. So fees are charged to politicians in Victoria; fees are charged to politicians in New South Wales; fees are charged to politicians in Queensland; we do not know about Western Australia; fees are charged to politicians in South Australia. The only State which I was not aware of this morning was Tasmania; but I suspect that neither was Mrs Carnell aware of Tasmania this morning, or she would have said so.

We are not out of kilter with practice in other jurisdictions; far from it. We have a public interest test. Fees are remitted in some 40 per cent of cases. Access to information under freedom of information in this Territory is similar to other jurisdictions and the system has not changed over time. The level at which remissions are granted under this administration, coincidentally, is running at about the same as the level at which remissions were granted when you were in power. The only difference is that we are granting access to rather more material and we are refusing access to rather less material. We are refusing access to some 3 per cent of material, as opposed to some 9.8 per cent when you were in power. So, Madam Speaker, we have a freedom of information system which is working well.

Of course, there are other ways that members can get access to information, as Mr Berry pointed out this morning. Members of parliament have access to questions on notice, which is a very powerful tool. They can use it widely. Mr Cornwell uses it extremely widely. He has asked some 200 questions, I think, in relation to the Housing Trust. That is his right; he can ask those questions. He gets answers in many cases. It is a very time consuming and expensive exercise from the department's point of view. We actually did a monitoring of that during one month. I was interested to see what the level of cost was in answering questions from members, and it was working out for the month of April at about \$105 per question in terms of the time of officers. I had asked my officials to monitor that and that was the information. If you apply that over some 200 Housing Trust questions, that has generated about \$20,000 worth of bureaucratic effort. Mr Cornwell, as a member of this Assembly, is entitled to ask questions and he gets answers. It is also a Minister's entitlement to say, in appropriate cases, that the resources required to give a full answer would not justify a full answer being given, and that reply is not uncommonly given.

Members also have access to information through the Estimates Committee process, although Liberal members probably would not want to focus on that too often. During last year's Estimates Committee many Liberal members were conspicuous by their lack of enthusiastic application to asking questions during the Estimates Committee.

Mr De Domenico: Tune in this time.

MR CONNOLLY: I hope, Mr De Domenico, that we will all do better this year.

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Mr Cornwell: I raise a point of order, Madam Speaker. I really must take objection to those words, "their lack of application". That is a slur upon the Liberal members who were present at the Estimates Committee. There were some members absent, but the suggestion that we failed to apply ourselves, I believe, is a quite unfair comment.

MR CONNOLLY: Madam Speaker, I would certainly withdraw in relation to Mr Cornwell because, from my recollection, he was assiduous in asking questions. He was noticeable by his presence, as opposed to members who were noticeable by their absence.

MADAM SPEAKER: Thank you, Mr Connolly.

MR CONNOLLY: Madam Speaker, there are a range of measures by which members of this Assembly can apply to get information about the activities of government. They can ask questions on notice, and they do regularly.

Mrs Carnell: And the Act says FOI as well.

MR CONNOLLY: They use FOI, and they get charges remitted at the same rate at which charges were remitted when your party was in government, Mrs Carnell. The suggestion that you keep trying to beat up when there is no other story running, that somehow this Labor Government is secretive in relation to FOI, is simply not borne out by the facts. The facts show that we are refusing fewer applications for access than were refused during the period that you were in office. We are dealing with more applications in total terms and last year we refused access in full to only some 3.3 per cent of applications, as opposed to that 9.8 per cent when you were in office.

We apply a regime of fees and charges which has been constant since this administration was set up, with one exception, and that is that this Labor Government changed the fee for access to the Administrative Appeals Tribunal. Previously a \$240 fee was levied to appeal. We reduced that to a \$135 fee to appeal. So the only change to the fees and charges regime which applied when you were in office has been a reduction in the rate which applicants to the AAT are charged. The fees have remained constant. The fees were applied by your administration when you were in office to give remissions in about 40 per cent of cases; and they are applied by this administration to achieve remissions in about 40 per cent of cases.

As for the position in other States, which we have been through, there will be much quibbling and agitation over the precise position in different States. With the exception of Tasmania, where it does appear that no charges at all are applied for politicians, the situation is that those other States which have working FOI regimes apply fees of one sort or another to politicians. Victoria again was an exception to that rule prior to the decision of Mr Kennett, and I was intrigued by Mrs Carnell's enthusiastic support for Mr Kennett. She said that he had to act because there were all these frivolous requests by opposition members; so he was right in acting. It is an interesting mind-set; that anything that Mrs Carnell wants is legitimately in the public interest and she should be granted access to it in full and with no fees, whereas Mr Kennett was quite right in dealing with those terrible opposition members who were making frivolous FOI requests.

Madam Speaker, the truth, of course, as always, lies somewhere in the middle. Many applications by the Opposition are legitimate applications and a public interest test legitimately applies. That has been granted in some 40 per cent of cases. In other cases, Madam Speaker, the public interest test may not be made out and has not been made out. Mrs Carnell's support for Mr Kennett is touching. Her endorsement of the proposition that Labor members in Victoria were making frivolous applications, as opposed to the stout-hearted public interest of members of the ACT Liberal Party, does show rather a degree of partisanship. The Government's position, Madam Speaker, must be viewed as rather fairer, as is borne out by the record, in that in a number of cases we have granted remission of fees in the public interest when members of this Assembly have made applications. In some other cases - - -

Mrs Carnell: Not very often.

MR CONNOLLY: In three out of seven, Mrs Carnell, which is not a bad strike rate. Interestingly, it is the same strike rate as applies generally. Members of the public or members of this Assembly tend to be granted remission where there is a public interest test.

There was a piece in the *Canberra Times* the other day from the Watson Residents Association, who were having a bit of a grizzle about a particular matter and it was reported that they were dissatisfied with the way they were being dealt with under FOI. What was not reported was the fact that they were granted remission of fees in relation to that particular application. There was a delay because the documents that they seek relating to better cities are documents which obviously, in many cases, come from the Commonwealth, and there are specific provisions in the Act which say that where you are dealing with documents of another government you can apply for an extension of time while you consult with that other government, and that is what we are doing. But again, that is just one example. An uninformed reader of the media may think, "Oh dear, the Watson Residents Association have not been granted remission. They have been dealt with harshly". In fact they have - - -

Mrs Carnell: How about the Weetangera Action Group?

MR CONNOLLY: That was the case in which you people refused access to documents and appealed all the way to the AAT. They were seeking access to - - -

Mrs Carnell: In 1992?

MR CONNOLLY: Yes, that was when the decision was handed down. It related to access to documents from the joint party room. If you read the decision - - -

Mr Humphries: Did you reverse the decision?

MR CONNOLLY: Mr Humphries, I would have liked to reverse the decision, but there is a convention that it is not appropriate for an incoming government to reverse decisions in relation to access to documents of a previous government.

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I would be delighted, Mr Humphries, if you wish me to, to make a decision that there is to be full, free and unfettered access to all documents in relation to the Cabinet activities of the Alliance Government, because I am sure that they would be interesting reading. Of course, it is not appropriate for me to make a decision in relation to your documents.

MADAM SPEAKER: Order! Minister, your time has expired.

MR CORNWELL (4.29): Madam Speaker, I think it is timely to remind members of the topic of the MPI, and that is:

The Government's failure to provide adequate access to information to ensure that government is accountable.

It is not a debate on freedom of information, although Mrs Carnell quite properly has adverted in detail to the question of FOI because it is a serious aspect of this question of information from the Government. However, it is not a unique example. I would like, therefore, to concentrate on a remark that Mr Connolly made in passing, earlier in this debate, that we in the Opposition have the opportunity of questions on notice to obtain information. That is very interesting. The problems with questions on notice fall into three categories. The first is the excuse of resource implications; the second is the question of privacy; and the third is the question of public interest. I would like to devote a little time to each one.

I refer first to resource implications. I have here one of my many questions, question No. 227. In relation to supported accommodation properties owned by the Housing Trust, I had the temerity to ask what was the purchase price of each property. This answer came back:

This information is not readily available. I am not prepared to divert the considerable resources necessary to compile this information.

Madam Speaker, I would think that that is a fairly fundamental request. All I wanted to know was the purchase price of each of the supported accommodation properties owned by the Housing Trust. The reply was:

I am not prepared to divert the considerable resources necessary to compile this information.

Maybe they do not know how much their properties cost, but that is an outrageous reply. It shows gross incompetence.

Ms Follett: But you keep running to the media with refuge addresses. That is probably why.

MR CORNWELL: No; you did not listen, Chief Minister. I did not seek an address. I simply wanted to know the purchase price of each property. But, "No, we are not prepared to provide that information". How about this question in relation to privacy? In question No. 802 I asked whether section 6, block 4, Ainslie, had been purchased by a group or cooperative, and, if so, what was the name of this group or cooperative. The reply was:

Because all tenants and residents in the ACT have the right of confidentiality, the name of the organisation will not be revealed.

I did not want to know by name the people who were living in the place. I certainly did not want to know of their relationship to each other. I just wanted to know the name of the organisation. But privacy prevents it from being put forward.

In question No. 679 I asked whether bed-sitter accommodation is allocated to single persons in Burnie Court, Lyons, and, if so, how the Minister could justify saying, in a reply to question No. 592, that there is one child officially resident at Burnie Court. I asked whether the statement was correct, and how was it that a single mother with two children was in residence on 19 February. I got this answer back from Mr Connolly:

Both statements are correct but I am not prepared to divulge the particular circumstances of a tenant as it would be a serious breach of the Privacy Act.

Why? I did not want the name; I did not want the address, the flat number, or in fact the age of the children. These are simple questions, Madam Speaker. The real lulu of this privacy act was a rather difficult exchange I had with Mr Connolly on 17 June in relation to a 14-year-old girl living with a 19-year-old man in a bed-sitter. Mr Connolly, in his rather angry response to me, said:

But, if Mr Cornwell is genuinely concerned about that case, I can arrange for an officer to brief him about it, as much as I have been briefed about it.

When I was briefed two officers from Community Services came to see me, and they said, "We are terribly sorry; privacy prevents us from giving you any information whatsoever". Mr Connolly, I do hope that you were better briefed than I was on that particular issue, because, frankly, it was a farce. You gave me an undertaking to give me a briefing. I then found out that I could not be told anything about the issue because of privacy provisions. How can you justify your statements that the Government is being accountable to the community? We are representing the community as much as the individuals out there in the electorate who may come to you for information. How can you possibly justify that statement?

The last example, Madam Speaker, is this question of the public interest. You may remember 15 April and your reply to question No. 585, Mr Connolly, when I asked for some details of the incidence of crime at Burnie Court in Lyons. Mr Connolly came back with this reply:

I do not believe it is in the public interest to provide the information sought by Mr Cornwell.

That is an outrageous statement. It is absolutely outrageous. It so happened that the Woden Community Service kindly provided me with the information a fortnight ago. We had some details provided about various aspects of deaths, in fact, that have occurred.

Mr Connolly: Some allegations, unfounded, in relation to suicides, not the police crime report.

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MR CORNWELL: I asked a reasonable question of you as Attorney-General and you refused to answer the question on the ground of the public interest.

Madam Speaker, the biggest problem that this Opposition faces in relation to access to information is the absurd arrangement that this Government has imposed upon us of having to put every request for information through a Minister's office in order to get even the basic facts out of the departments. This is absolutely absurd. It ties up scarce resources. At least, Mr Connolly maintains that answering questions on notice ties up a great many resources. Why, therefore, should you waste time with simple questions that this Opposition may put to the department when not talking about policy issues? Members of this house are experienced enough to know that it is improper to go to a department and seek a decision, or a ruling, or comment upon what is clearly government policy. We would go direct to your offices in each of those cases. But when we have a simple request that does not involve policy we still have to go through Ministers' offices, and we sometimes wait several days to get a response.

Mr De Domenico: That is when the factions decide what to do.

MR CORNWELL: Perhaps that is when the factions decide, Mr De Domenico. I find this probably the greatest abuse and denial of information among all the examples that I have provided. It seems to me that the Government is using this simply as a matter of controlling the information that is coming out to opposition members. It is a means of finding out what they imagine that we are on about. I do not believe that that is the way the matter should be carried out and conducted. I do not believe that that is providing this Opposition with adequate information to ensure that your Government is accountable, and that is the name of the matter before you - accountability. You hide your accountability through FOI. You hide your accountability through blustering about resource implications. You hide behind the Privacy Act and hide behind what you believe is not in the public interest. Worst of all, by putting everything through your departments you are also denying us, I believe, the freedom that we are entitled to as opposition members representing the electorate and keeping your Government accountable.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.38): Madam Speaker, this has been raised as a matter of public importance, but it is an erroneous charge in the first place. This Government continually provides a level of information which I think the community is well satisfied with. We are not here to satisfy the Liberal Party. If we were to satisfy the Liberal Party we would not be here, but we are and we are staying. So we have a conflict, in the first place, in relation to whether we will please the Liberal Party or not. I hope that we do not please them. It seems to me that they have a job in life and it appears, up to this point, that being unhappy is their primary role. The issue of information very clearly is one that the community is interested in and they see a constant flow of information from this Government about a whole range of activities which they are concerned about. Just today there was an Auditor-General's report on visiting medical officers. The Auditor-General went in and discovered a whole heap of information about visiting medical officers.

Mr Kaine: That is the sort of information that we were looking for weeks ago and you refused to provide it.

MADAM SPEAKER: Order! The Leader of the Opposition was heard in silence.

MR BERRY: The sort of information that the Auditor-General has come up with might not be something that pleases the Liberal Party because he clearly demonstrates on pages 1 and 2 that during the course of the Alliance Government Mr Humphries abandoned his post when it came to negotiating with the Australian Medical Association about visiting medical officers' contracts.

Mr Wood: It actually says that.

Mr Cornwell: It does not actually say that.

Mr De Domenico: What else does it say about it?

MR BERRY: He tells the public that Mr Humphries was responsible for the legacy we now have. That is what he tells us. That sort of information continually flows. There are examples around my desk. Here is another one, the activity report from ACT Health which is issued - - -

Mrs Carnell: Yes, but you actually produced that because we put a motion forward.

MR BERRY: No; do not tell a big one here, Mrs Carnell. This has been provided voluntarily by the Department of Health.

Mr De Domenico: That is just not true.

Mr Humphries: What a load of cobblers!

Mr De Domenico: What sort of porky pie is that?

MR BERRY: I ask that that be withdrawn, Madam Speaker. That is rhyming slang for lie.

Mr Humphries: Porky pie or cobblers?

MADAM SPEAKER: Order!

MR BERRY: It is rhyming slang for lie. You cannot say that.

MADAM SPEAKER: Order! Mr De Domenico, that was directed directly at Mr Berry. I ask you to withdraw that one.

Mr De Domenico: Which particular comment?

MADAM SPEAKER: Mr De Domenico, the direct comment that Mr - - -

Mr De Domenico: The porky pie one?

MADAM SPEAKER: Yes.

Mr De Domenico: I withdraw "porky pie".

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MADAM SPEAKER: Thank you. Members, from memory, Mrs Carnell was heard in relative silence. Please, let us have a bit of order.

MR BERRY: Aside from the financial data which has been called for by a motion of this Assembly, this is a full report of the activity of Health, which is not provided by other health departments around the country. This is something which has been designed by me and the Health Department. It was put up by agreement between me and Mr Jim Service, the then chairman of the board.

Mrs Carnell: I was chairman of the committee that put it together, Mr Berry.

Mr Connolly: Yes, acting under the Minister.

MR BERRY: Acting under instructions, as the board has had to do. As I said earlier, this is vintage Carnell. This morning she sent up a balloon about the Government's position on the supply of information. It was the same old placebo - all show and no go. There was no substance at all to the claim because there is a constant flow of information to the community through a whole range of documentation that you people seek to deny. You are not going to get away with it. You have not got away with it. You get access through the freedom of information legislation, which you deny you get, as has been explained by Mr Connolly.

Mrs Carnell: We do not.

MR BERRY: If you cannot make out a case for the public interest, Madam Leader of the Opposition, you do not get the fees waived. It is as simple as that. If you do not have financial hardship, you do not get the fees waived. It is as simple as that. If you are not prepared to comply with the law to get access to information, that is just too bad.

Mrs Carnell: I am.

Ms Follett: Special laws.

MR BERRY: As the Chief Minister rightly interjects, you want special laws for Katie. You are not going to get them.

Mr Kaine: You will continue to waive them for me, though. I am in financial straits.

MR BERRY: If you can demonstrate that there is a financial difficulty, Mr Kaine, I am sure that they would be waived; but Mrs Carnell would have some difficulty in demonstrating that because she is paid a lot more than you these days, she has a lot more staff helping her and, of course, she does not spend much time here. She is our only part-time politician.

Mr De Domenico: I raise a point of order, Madam Speaker. Madam Speaker, to show how untrue are some of the things that Mr Berry alludes to from time to time, Mr Berry made a statement that Mrs Carnell does not spend a lot of time here.

MR BERRY: That is not a point of order.

Mrs Carnell: It is.

MADAM SPEAKER: Order! I am listening to determine the point of order.

Mr De Domenico: Thank you. What Mr Berry said is simply not true. It is a reflection on Mrs Carnell and her position as Leader of the Opposition, and I ask him to withdraw it.

Mrs Carnell: Unless you have some facts.

MR BERRY: Only an imputation.

Mr De Domenico: Hold on; the Speaker has not ruled yet, with respect.

MADAM SPEAKER: The standing order refers to all imputations of improper motives and personal reflections. I guess that it is in the area of a personal reflection. I think it is very borderline, Mr Berry, but I would ask that you withdraw it.

MR BERRY: It is withdrawn, Madam Speaker. Mrs Carnell, of course, is our only part-time politician. We see her working Saturday mornings up at the Red Hill pharmacy.

Mrs Carnell: What do you do on Saturday mornings?

MR BERRY: I get out and do my job for the community.

Mr Humphries: And the Labor Party. That is low.

Mr Moore: Come on, Wayne. She does 60 or 70 hours in here, and you know that. Nobody here does less than 60 or 70 hours a week.

MR BERRY: I have them all agitated and worrying about how many hours they work a week. I can proudly say, Madam Speaker, that my own portfolio provides a great range of information for the community. As I have said, the reports that we provide to the community in the ACT are unique in the country. No other government produces such a large amount of information for public release. There is no applause for that; just criticism. Members opposite, as I have said earlier, have access to this Government during the Estimates Committee. They have wide access through the committee process with a range of committees.

To assume that the only way to gather information is through the freedom of information legislation is really lacking imagination, but that is the Liberal Party. We are used to it. This is an accountable government and all Ministers are only too happy to answer questions during question time and to answer questions on notice; but, as has been said before, we are not going to pull out the whole bureaucracy to answer frivolous questions or questions which require a whole heap of resources to be poured into the issue. If you are dinkum about these sorts of things, why do you not ask some questions? You complained this morning that you could not get access to the Government for information; but, as I showed earlier in question time, you do not ask questions about the issues you complained about this morning. You have to be fair dinkum on this score. It is not good enough to say, "I am not getting my own way; therefore there is a public interest issue at large". The fact is that, if you do not get your own way, that does not justify the fees being waived in the public interest. You cannot argue, of course, that there is financial hardship. So, Madam Speaker, this is a farce.

MR HUMPHRIES (4.48): Madam Speaker, it is amazing how every MPI we bring up is a farce. Is it not amazing? There is never anything of any substance if it in any way attacks or draws criticism towards this Government. It is really amazing, is it not? Madam Speaker, I think this Government has a lot to answer for on the question of access to information. I think this Government has a very unfortunate record on this question and it deserves to face the music on occasions such as this.

Let me, first of all, rectify some of the impressions created by the Attorney-General when he spoke about this Government's record on matters of freedom of information. I quote from reports in the *Canberra Times* of October last year and January this year concerning access to information under FOI. Mr Connolly, it seemed to me, was quick to say that the record of his Government with respect to supplying information - that is, the number of requests that were granted each year - was going up. Each year it was getting better and better and he was improving on the record. Well, obviously Mr Crispin Hull of the *Canberra Times* got it very badly wrong when he reported on 17 October last year that, in 1989-90, 67 per cent of FOI requests were granted in full; in 1990-91 it fell to 42 per cent; and last financial year, that is 1991-92, the last year for which we have any figures I might point out, it fell to 32 per cent.

Mr De Domenico: Was that under the Alliance Government?

MR HUMPHRIES: No, it was not under the Alliance Government. This was under the Labor Government - 32 per cent. The Minister can bluster all he likes but those figures are worse; 42 per cent is a better figure than 32 per cent, and 32 per cent is worse than 42 per cent. There is no justification for saying that this Government's record on FOI has got any better. In fact it has got worse. Almost two-thirds of freedom of information requests in that financial year were not decided upon within the time required by law. That is an appalling record. That is hopeless. Mr Rod Campbell, in the *Canberra Times* of January this year, opened his article by saying:

The ACT bureaucracy is more secretive than its federal counterpart, takes longer to respond to Freedom of Information Act requests, and is more likely to charge fees for the requests it grants.

That was from the 1991-92 annual report on the operation of the Freedom of Information Act. In answering these sorts of concerns we saw resort to the usual tactic of this Government, which is to pick off issues of irrelevance and to focus on those issues, to draw the fire away from the matters of real concern. So we saw a whole series of red herrings being trotted out by this Government. We saw the rate of remission of fees being referred to by Mr Connolly at great length. He said, "We have had a better rate of remission of fees than you had and the rate of remission of fees is getting better over a period of time".

With respect, Madam Speaker, the information that we have been talking about in this debate has been focused very heavily on the question of the operation of this Assembly and of members of this Assembly, and there is no way that you can make any reasonable argument for saying that members of this Assembly have had better access to information over a period. In fact, the Minister's failure to

mention any figures tells me very clearly that the rate of remission of fees for members of this Assembly has dropped during the life of this Government. It has dropped. I think, Madam Speaker, that that is very much a reflection on the very points raised by Mrs Carnell in her speech on this matter.

Another red herring, financial hardship, was constantly pleaded by Mr Berry. He said, "You should not be claiming financial hardship. You cannot claim financial hardship. Financial hardship is irrelevant". There are several grounds for claiming a remission of fees, Mr Berry. You should look at those grounds. One is financial hardship. No member of this Assembly, I think, would reasonably argue financial hardship. We are all paid well enough not to need that kind of argument, but there is a very clear case in the Freedom of Information Act for remission of fees based on public interest.

Those opposite have denigrated claims by this side of the chamber that public interest is important, that there is a reasonable case for public interest in much of the work we do. They have suggested quite scurrilously that members of this Assembly have made FOI requests on the basis of some personal interest rather than public interest. That is a sleazy kind of claim to make and it is not backed up by any specific example. It could only come from a person like Mr Wayne Berry. The fact is that every claim that has been made by members of this Assembly on this side of the chamber has been based on legitimate public interest grounds - information about the hospice, information about the Government's budgetary requirements, information about the siting of an abortion clinic in the ACT. Those are all matters of legitimate public interest. Like it or not, they are. You would rather that they were not, of course, but they are.

Before I leave the question of red herrings, we have this delightful exchange from the Minister concerning the figures quoted on today's Matthew Abraham program. What a spectacle! The Minister was claiming that Mrs Carnell misled and therefore, I suppose by implication, he is entitled to mislead as well. Let us take the arguments as they come. Mrs Carnell suggested that there was no fee in Victoria. Well, that is clearly an exaggeration, Madam Speaker.

Mr Berry: I raise a point of order, Madam Speaker. I heard clearly the imputation that I had misled this Assembly and I think that ought to be withdrawn.

Mrs Carnell: No, it was Mr Connolly.

MR HUMPHRIES: Misled the public.

Mr Berry: If he is accused of making misleading remarks in this Assembly it ought to be withdrawn.

MR HUMPHRIES: Okay, I withdraw, Madam Speaker, and I will say this: The argument put by Mr Connolly was, "Mrs Carnell gave inaccurate facts and therefore I am entitled to give inaccurate facts to members of the public". That was the argument that Mr Connolly used in his debate. He said that Mrs Carnell said that there were no fees charged in Victoria. The fact of life is that there is a very small fee charged in Victoria for the application.

Mr Berry: But you said that the fees were not the problem.

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MR HUMPHRIES: If I could finish, Madam Speaker, there is no fee charged, apart from a \$20 flat application fee and a small fee for each photocopy, 20c per photocopy. That is a fee that I think any member of this chamber would grasp with both hands, particularly when they want to get information from a recalcitrant government. That is not an unfair fee to charge; it is a very respectable fee.

The fact of life is that, when Matthew Abraham suggested that the rest of Australia followed a very different practice and the Minister denied that that was the case, the Minister was not accurately stating the facts as they stand. The fact of life is, as was well illustrated today, that there is a very different set of practices applied by other States in this country. Substantially they charge little or nothing to members of parliament. That is the case with other parliaments around this country, with a couple of exceptions - New South Wales and apparently the Commonwealth. In other cases, such as Victoria, Tasmania, South Australia and Queensland, effectively members of parliament get access to information from government at a very low rate or for nothing. Mr Connolly said, and I quote his words:

... we checked practice throughout Australia and all Governments have that policy.

Was that accurate or was it not? No, it was not accurate. Madam Speaker, this is information which, frankly, the Government should be brave enough to admit that it got wrong.

Madam Speaker, the Government's record is appalling and the Government's record has been inconsistent. Briefings have been refused, questions have not been answered on the floor of this Assembly and on notice, and FOI requests have been routinely blocked by this Government, particularly by Mr Wayne Berry. There has been exclusion by this Government from health system activities that have taken place from time to time. This Government provides no-one access to the health system, except itself. Madam Speaker, it is a disgraceful record. It indicates a government which is besieged and beleaguered, and it deserves to be condemned because ultimately the people who pay the price for that kind of attitude are the public of this Territory.

I might point out that Mr Berry just does not realise that the information that we bring to this Assembly on many occasions does not come from our own minds. It comes because people in this Territory come to us and say, "We want to know what is going on. Will you help us find out what is going on?". Those are the people who are denied access to information just as often as we, as members of parliament, are denied access to information, and that is disgraceful. The job of a good government is to make sure that its record can be scrutinised by all people who have legitimate questions to ask about the operation of that government. People do not get that from the ACT Labor Government. They get a government which is secretive and deceptive, and that, Madam Speaker, is something which the Government will have to take to the next election.

MADAM SPEAKER: The discussion has concluded.

Sitting suspended from 4.58 to 8.00 pm

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on 1993-94 New Capital Works Program**

MR LAMONT (8.01): Pursuant to order, I present report No. 16 of the Standing Committee on Planning, Development and Infrastructure on the 1993-94 new capital works program, together with a copy of the extracts of the minutes of proceedings, and I move:

That the report be noted.

Madam Speaker, as was the case last year, the Planning, Development and Infrastructure Committee has at some length investigated the major capital works provisions for the Government for the 1993-94 financial year. As is custom, this matter is investigated by an appropriate Assembly committee prior to the budget being brought down in this house. Madam Speaker, two issues that I wish to address myself to in tabling this report this evening concern the question of public access to information provided to the committee and - - -

Mr Cornwell: You should have been here for the MPI this afternoon.

MR LAMONT: Secondly, I want to refer to the process which the Planning Committee forms part of in that community consultation. To that extent, Mr Cornwell's interjection is quite pertinent. It is appropriate that I read into the record the organisations that appeared before the Planning, Development and Infrastructure Committee, all of which had made previous written submissions. They are the ACT Right to Life Association, the Association of Parents and Friends of ACT Schools, the Belconnen Community Council, the Conservation Council of the South-East Region and Canberra, the Gungahlin Community Council, Mr D. Hannan of Hannan and Associates Pty Ltd, the Master Builders Association, the North Duffy/Holder Residents Action Group and the Watson Community Association.

Madam Speaker, in addition to those non-government witnesses who appeared before the committee, members will find on page 24 a list of the government agencies that appeared. It is an extremely long list of government officers who on the public record were required not only to answer questions put by members of the committee but also in turn to answer the issues raised by the particular non-government groups that I have already outlined. That was seen as being an absolutely invaluable process to the committee in arriving at the conclusions, the outlines of which are contained on the fourth page of the recommendations. I am laughing because my copy does not have all the pages numbered, Madam Speaker.

Mrs Carnell: It is all right. It is not just yours.

MR LAMONT: Members of the Assembly will find the recommendations on what should be page 4. There are some 18 individual recommendations that the committee has made. We have done so, as I have said, Madam Speaker, after an exhaustive public consultative process. That process that this Assembly asks its Planning Committee to go through is part of the overall consultative process that this Assembly and the Government have put in place. That needs to be borne in

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mind not only in relation to the capital works program but, as the Minister has said today, in relation to planning issues in general, but specifically land use variations that apply in the ACT. The Planning, Development and Infrastructure Committee goes through an exhaustive process on top of what the Government goes through itself. It is critical that it is placed on the public record that that is the position that our committee has adopted.

Madam Speaker, we are suggesting that, in a departure from previous years' procedures, the Treasury in future years should actually appear before the committee in public session prior to any of the other witnesses appearing before the committee. This situation will provide the committee and the public in general with an overview as to how Treasury sees the capital works proposals for the ensuing year fitting into overall government policy and into overall economic activity in the ACT. As was pointed out by a number of the witnesses who appeared before us, that is an extremely important part of what the Government should be doing - that is, ensuring that the capital works component assists in retaining, maintaining, enhancing and developing a viable building and construction industry in the ACT.

Some questions were raised by the Master Builders Association about whether the \$30m cash reduction in the capital works program this year was an appropriate decision for the Government to make when, on the MBA's figures, that would lead to a reduction in the building, construction and associated industries of some 450 positions. The view that the Government put to the committee was that, with the activity generated by Commonwealth capital works expenditure in the ACT and the level of activity in the private sector, the level of activity in the building and construction industry in the ACT this year and next year was likely, notwithstanding the \$30m cash reduction by the ACT Government, to be of a higher order than had occurred in the previous two years. Of that reduction, \$20m is directly related to a reduction in funding of the hospital consolidation program. Funding for that program is on a downward trend.

Madam Speaker, we found some difficulty in accepting the documentation that was provided by a number of the agencies, including the Treasury. It is just not good enough for the Planning, Development and Infrastructure Committee to get, and then make public, what are basically extracts from Cabinet submissions. That is the form in which the documentation is provided to the PDI Committee. Madam Speaker, if you go to what should be numbered as page 22 and to page 23, you will notice that we have listed a range of documents which were provided by government agencies and authorised for publication. These constitute quite critical and necessary supplementary information elicited by the committee.

The questions that we posed in relation to such things as whole-of-life costings and whether or not value management techniques should be adopted in the formative stages of projects are not answered if you have a look at the documentation that was provided to the PDI Committee and, dare I say, to the Executive. That information, quite clearly, was available within the sponsoring agencies. In our recommendations we say that it is an absolutely essential prerequisite that when information comes to the PDI Committee for publication it include additional year-to-year information. We also believe that it is absolutely imperative that, where funds - in some cases quite significant sums of \$350,000 to \$400,000 - are allocated in bulk for minor new works, there be some indication as

to what that money is intended for. We do not get, but have requested for future years, an indication as to what allocated money was spent on in the previous 12 months. We believe that that would give a very good indication of the types of issues that are likely to arise in relation to minor new works for the ensuing year. It is critical that that information be provided.

Madam Speaker, we have also made a number of recommendations in relation to the relationship between the Treasury, Public Works and sponsoring agencies as far as the capital works program is concerned. We believe that it is absolutely essential in the formative stage, in the gestation stage, of capital works within agencies that both Public Works and the Treasury become involved in the process which sees forward capital works projections put into the forward design program and ultimately into the capital works program. We believe that there needs to be far better coordination at that formative stage between the various agencies of government. We believe that that will lead to a more efficient structuring of the capital works program in future years. It will also, we believe, lead to a greater degree of efficiency in how some of these forward design concepts are actually put into practice.

If Public Works are able to become involved in the formative stages of a particular project - for example, a school - it may very well be that, while the Department of Education has an idea as to the function, the scope and the desirability of particular aspects of a school, Public Works may be able to recommend a better delivery method at that early stage. One suggested better delivery method considered by this committee in relation specifically to the education program was that in future capital works being undertaken for the Department of Education the Government should consider the co-location of some core facilities, such as ovals, for the systemic schools and the government schools. We put some detailed questions to the Department of the Environment, Land and Planning about the placement of school ovals, costs, whole-of-life costs, maintenance, watering systems and so on; but it seemed obvious to us that, in times of economic restraint and reduced capacity by the Government to provide some of this infrastructure, we should look at ways of trying to reduce the cost to the community in providing such things as playing fields and ask whether two schools in the same suburb need two separate ovals. We believe that there are in fact ways in which that situation can be addressed. It is possible to address that question in the formative stages of planning for schools.

Madam Speaker, in the brief time left to me I wish to place on record a tribute to the work that has been done by Rod Power, who is the secretary to the Planning, Development and Infrastructure Committee. Mr Power is required, along with all of the MLAs, to undertake a fairly detailed analysis of the documentation that is provided to us and to try to break down into the essential elements the submissions that are made orally and in writing to the committee. May I say on the public record, Madam Speaker, that on this occasion Mr Power has excelled the already high level of achievement that he has demonstrated in other reports tabled by the PDI Committee, including the planning report. I regard it as an absolutely great feat that Mr Power has been able, in a very short period of time, to break down all of that great body of information that we were finally able to elicit and to assist the committee in formulating the report. Madam Speaker, I commend this report to the Assembly.

MR KAINE (8.15): Madam Speaker, I can only endorse the comments of the committee chairman in their entirety. There are a couple of points that I would like to make, however, in amplification of that. I think that the recommendations of this committee, if read carefully by the Government, show the increasing requirement of the committees - not only the Planning Committee but also the other committees of this Assembly - to elicit more detailed information about what government is doing. It is part of the process that was dealt with in earlier debate in the house today about getting information from the Government about what their intentions are and where they are leading to.

There are three or four particular recommendations that I would like to refer to in that connection. The first is recommendation 3 of this committee. It asks that the capital works program contain information on the anticipated capital works expenditure of all government bodies, not only those that are on budget but also those that are off budget. We refer specifically to such activities as those of ACTEW and the ACT Housing Trust, because the committee has a great deal of difficulty, and has had in the past, in determining what the total capital works program of the Government is when the committee receives information about only those that are on budget. If we have information about what those government bodies that are off budget are doing, it gives us a better picture of the capital works program of the Government and it gives us a better understanding of how that fits in with such things as job creation within the Territory and the like. So we have asked that in future we be given a little more information about what those off-budget bodies are doing.

The second recommendation that I want to refer to is recommendation 7, which asks that the capital works program include a status report on those projects that have been carried over from previous years. What we receive now is a statement from the Treasury that says, "Here is this year's new capital works program - and oh, by the way, there are \$200m worth of projects that have been carried forward from previous years". But it does not really tell you what the status of those projects is and how much is expected to be expended in connection with each of them in the current fiscal year. The committee has an incomplete picture, and I can only assume that, if the committee is not fully informed or if the committee does not feel that it is fully informed, then few other people outside the committee structure would be.

The third recommendation that I want to refer to also deals with additional information. It is recommendation 8, which states:

That the Capital Works Program include information updating the status of items that appeared in the previous year's forward design program ...

Ms Szuty, I have no doubt, will comment on this, because we noted - and it was Ms Szuty who brought it to our attention specifically - that last year's forward design program included all sorts of projects which one would assume would have appeared in this year's capital works program. Many of them did not. It raises the question of why they were in last year's forward design program. What priority did they have that put them into the forward design program last year if they then disappear and do not appear in this year's capital works program? The questions that arise from that are: Why did they disappear? What has changed that gives them a different order of priority? Are they going to appear next year or at some future time in the capital works program? Further information about those would be useful.

Probably the most significant recommendation that we have made, apart from that desire to elicit further information about what is going on in the total project, focuses on specific projects. Recommendation 9 states:

Before a project is placed on the draft Capital Works Program for consideration by the Executive -

and then, of course, by the Standing Committee on Planning, Development and Infrastructure -

a clearly defined user brief should have been developed by the agency concerned and enough technical assessment completed to ensure the nature of the project is defined.

In other words, when it comes to the Planning Committee, the project should be capable of standing alone in terms of its justification. That means that a proper cost-benefit analysis should have been done to justify the project coming into the capital works program. Of course, we had also asked last year, and we failed to get it this year, that there be a proper whole-of-life costing in connection with that project so that the committee can see not only how it fits into this year's program but also the effect it is going to have on future years' budgets.

We believe that as time goes by the Planning Committee is becoming much more perceptive as to what should be presented to it and to the Executive in terms of requests to put projects into the capital works program. We are becoming better informed, and we are seeking more and more information from the Government and its agencies about the projects that come in. Those comments, Madam Speaker, indicate a trend not only in the Planning Committee but also in the Public Accounts Committee, the Estimates Committee and all of the other committees of the Assembly. More and more information is being sought. We are becoming much better informed about what is going on, and that is leading to a much more searching approach to the propositions that the Government puts to us, that the public service puts to us, so that we can satisfy ourselves that what is being proposed is in the best interests of the community and that it can and should properly be funded from our consolidated revenues.

The next recommendation that I want to comment on, Madam Speaker, is recommendation 14, which has to do specifically with the proposed urban infill at North Watson, North Duffy-Holder and the Tuggeranong Homestead. We specifically recommended that none of the money included in the budget - and I think from memory there is about \$5m in round figures - should be spent on any one of those three projects until the process to vary the plan has been completed; that is, until it has been considered by the Planning Authority, it has been considered by the Executive and it has been considered by the Planning, Development and Infrastructure Committee. Only then, once it has gone through that entire process, and endorsement has been given to those three projects proceeding, should any of the money in this year's budget be expended. We understand the need for the Government to make provision for this expenditure; but we are insisting that it not occur until the total process is complete, until everybody in that process is satisfied that these developments should go ahead.

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The final recommendation that I want to comment on, Madam Speaker, is recommendation 18. It refers specifically to a Tuggeranong youth resource centre. The committee was unanimous in its decision, based on what is happening in Tuggeranong - the increasing population, the difficulties that are being encountered by youth there - that something needs to be done quickly to provide a youth resource centre of some kind in Tuggeranong to assist our youth, to give them something to do other than being on the street; that the Government needs to take this into account and quickly do something there.

I do not believe that there was a single dissenting voice on the committee, and I do not believe that there will be a single dissenting voice in this Assembly. I hope that there will not be a single dissenting voice on the part of the Government when it comes to consider these recommendations. I believe that yet again this report demonstrates how easy it is for a committee to come up with not only a bipartisan approach but a multipartisan approach. If we sit down seriously and genuinely as a group of people and try to figure out what is best for this community, we can come up with a good report about which there is no dissenting voice. This is yet another case of that being done when people of goodwill sit around and discuss the problems together. I think this report is one that the Assembly should adopt without question. I commend it, as the chairman does, to the Assembly.

I would also like to endorse the chairman's comments in connection with our committee secretary. I think that the committee is indeed blessed to have a committee secretary of the calibre of Rod Power. He does an excellent job. He has the ability to sift out the relevant from the irrelevant and to put together a report which really expresses the views of the members of the committee. It is yet another outstanding example of that, and I very much appreciate his contribution. With that, Madam Speaker, as the chairman has done, I commend this report to the Assembly for its adoption.

MS SZUTY (8.24): Madam Speaker, the Planning, Development and Infrastructure Committee's report on the 1993-94 new capital works program is a report critical of current practices and processes. I do not propose to comment on each of the recommendations made - there are some 18 of them, as has been pointed out - as both Mr Lamont and Mr Kaine have covered some of the issues in their remarks. However, I do wish to pay attention to particular recommendations, notes and comments in the report. Recommendation 7 is:

That the Capital Works Program include a status report on all projects carried over from previous years, identified by project.

Mr Kaine has already referred to this particular recommendation. It is significant in that it implies that the committee is seeking continuity of information and feedback about how government decisions, once reached, are implemented and how they fit into the overall picture of capital works construction for the year. Timeliness of completion will also be scrutinised to ensure that projects are not unduly delayed and that community needs continue to be met. It is interesting to note that the membership of the Planning, Development and Infrastructure Committee has been constant since the committee's formation in March 1992, and I believe that members have a genuine and continuing interest in works scrutinised at an earlier time which we are keen to see brought to fruition.

Recommendation 8 is:

That the Capital Works Program include information updating the status of items that appeared in the previous year's forward design program (to show if and where money has been spent, together with an indication of whether the project continues to be rated highly by the agency).

Mr Kaine commented on this particular recommendation and indicated that I would be referring specifically to it. Again, Madam Speaker, the committee is looking for continuity and feedback about specific projects and proposals. The ACT Government prides itself on the degree and extent to which it consults with the community. Here we have a perfect opportunity for the Government to inform the community about what the future holds for particular projects on the forward design program. We know what happened to some projects which were on the 1993-94 forward design program because they appeared in this year's program. Examples of those are the Tuggeranong youth resource centre, the Woden-Weston Creek long day and occasional care centre, the replacement and refurbishment of Quamby stage 2 and the Gungahlin Primary and Pre-School, which has become the Palmerston Primary and Pre-School in Gungahlin.

However, the future of a range of other projects is largely unknown. In the context of this year's program these projects include the Tuggeranong indoor sports stadium, the Gungahlin neighbourhood centre, Belconnen interchange weatherproofing improvements, and Belconnen fire station extension and a community arts access workshop, all of which appeared on the forward design program for 1992-93 but are not in the capital works program this year. It would not be too difficult, Madam Speaker, for the Government to present to the Planning, Development and Infrastructure Committee and to the community information about the likely future of these projects and the reason for their non-appearance in this year's program. Quite justifiable reasons may well be an earlier overestimation of demand for the facility or a change in government priorities. While the reasons for the delays are important, the primary consideration and motive of the Government should be to inform the community about the future of these projects.

Recommendation 10 relates to information on three-, four- or 10-year indicative works design programs of each agency being included in the documentation provided. Again, as in recommendation 7, it indicates that the committee is desirous of more long-term information with which to assess the adequacy of each year's works program. Recommendation 11 refers to minor new works. Mr Lamont referred to this particular recommendation in his remarks. The committee noted that minor new works provisions in this year's program total some \$6m. Little information was provided by most agencies, especially in the first instance, about what works would actually be included under this general heading. It was suggested in the course of the committee's public hearings that the minor new works provisions could be convenient "slush funds" from which agencies could easily draw funds when needed. Additional information, when provided, was helpful and informed committee members about these provisions in more detail. It was felt in 1992 and again this year that the Canberra Institute of Technology sets the benchmark for the provision of full information about minor new works, about the works to be done in the coming year and about works already accomplished with allocated funds.

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I too would like to comment on recommendation 14, which is about the allocation of moneys for North Watson stage 1, North Duffy-Holder stage 1 and Richardson, section 450, stage 1 - the Tuggeranong Homestead site. It is simply inexcusable for the documentation prepared by agencies to imply that the Planning Authority will actually proceed with the variations on these sites with or without our approval and subsequently that of the Assembly. It is especially difficult for members of community groups currently opposed to the variations proceeding to have any faith at all in the integrity of the planning process. It is important to note that, while the committee notes the notional allocation of funds for these projects, no moneys will be spent until the planning process with respect to these draft variations has been finally determined.

Recommendations 12 and 16 both relate to the needs of Gungahlin residents. The committee paid some attention to the needs of those residents and appreciated receiving representations from members of the Gungahlin Community Council about how the implementation of community infrastructure in the new town centre was progressing. The committee noted that a number of projects referred particularly to the needs of future residents there. The construction of Palmerston Primary School and Pre-School will be the first educational facilities provided for Gungahlin residents. A number of other works were considered, including road works, a temporary bus interchange, Mulligan's Flat fencing and forward tree planting. Again the committee is looking for long-term planning strategies and timeframes which will guide the provision of appropriate infrastructure in future years. Educational and community facilities will warrant particular consideration.

Again I will comment on the Tuggeranong youth resource centre, recommendation 18, which will proceed with the committee's special endorsement, noting that it will need to be large enough and offer enough attractions and facilities to be able to meet the needs of Tuggeranong's ever-growing population. The timing of the construction of a new youth centre in Gungahlin will also need close monitoring and attention to ensure that it is completed in time to meet the needs of Gungahlin's young people. Following the committee's recommendations at the front of the report, it is worth mentioning that the committee will consider not proceeding with certain minor new works and landscaping provisions unless adequate documentation and information has been provided. It is simply unreasonable to expect the committee to approve millions of dollars of expenditure with little or no supporting information.

I would also like to draw the Assembly's attention to paragraph 44 of the report, which relates to the funds allocated to the bus-shelter construction program. We received advice that these were to be reduced from \$350,000 to \$100,000. The report states:

The Government may care to consider allocating the unutilised funds to accelerate work on 'Playground Safety and Landscape Development' (page 27 of the CWP).

It was interesting for the committee to note the media statements by the Minister for Urban Services, Mr Connolly, about the seemingly generous allocation in the capital works program for bus-shelters. I consider, Madam Speaker, that the provision of bus-shelters for the amenity of passengers is important and it will encourage people to use public transport, especially during inclement weather.

However, given the Minister's comments, the committee has noted that the Government could redirect these funds to accelerate upgrading of community playgrounds. I would go so far as to recommend that this course of action be taken. I am appreciative of the receipt of the draft Canberra children's playground survey, capital works program 1993-94, which details the degree to which Canberra's playgrounds fail to meet Australian design standards. However, it seems to me, Madam Speaker, that the identification of current inadequacies and perceived lack of funding is no substitute for concerted action in this area. The allocation of additional funds to this project will enable most of the outstanding urgent works to be completed within 12 months and will ensure greater protection for Canberra's young children.

I would also urge the Department of Education and Training to conduct a similar review of preschool and primary school playground equipment, which will, hopefully, enable substantial funds to be committed to necessary upgrading work in the 1994-95 financial year. I requested specifically information about what could be done for Fraser Primary School, which has had almost all of its playground equipment removed due to concerns about the safety of the equipment. The response provided from the department indicated that there were more schools like Fraser in the same situation and that a specific allocation would not be made, due to the need to assess priorities. (*Extension of time granted*). Given that these circumstances are not of individual schools' making, I urge the department to do all it can to address the situation urgently and, if necessary, request moneys to be allocated in next year's program.

Madam Speaker, this Planning, Development and Infrastructure Committee report has been critical of many aspects of the Government's capital works program for 1993-94. I sincerely hope that many people will learn much as a result of the committee's deliberations and that the process will be considerably improved in time for the committee's consideration of next year's program. Finally, Madam Speaker, it would be remiss of me not to thank the many witnesses who appeared before us at public hearings and who contributed so ably to our deliberations. I would also like to thank, as Mr Lamont and Mr Kaine have done, our secretary, Mr Rod Power, for his continuing tireless efforts to ensure that our committee meets its deadlines and its obligations. That is no mean task at times.

MS ELLIS (8.36): Madam Speaker, I have just a few brief remarks to make, as most of my comments have been covered by the chairman, Mr Lamont. Firstly, I reiterate what I have said in many speeches I have made to this chamber in relation to reports from committees. My learning curve continues to expand in front of me. I am starting to wonder whether I am ever going to reach the end of my learning curve. The examination of the capital works program for this current year and the production of the report in no way misses out in relation to the learning curve. The information that was provided to the committee this year as compared to last year was better; there is no doubt about that. But there is also no doubt, as the recommendations in this report indicate, that an improvement is still required. Even though we sound a little bit cutting in some places in the report in relation to the provision of that information, I think it is important to say that there has been an improvement from last year. On that basis I think we can be optimistic as to the production of that information for next year.

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I have a couple of observations of my own. I think in some cases there was a sloppiness in terms of the production of the paperwork. There were no huge errors of calculation or judgment in terms of the project in question, but there was a certain sloppiness, a certain laziness. I think the officers concerned in the bureaucracy and in the administration, having had the errors drawn to their attention, will understand that when the committee says that it wants information at a certain level there is no excuse for that sort of incidental error. I am fairly optimistic that we will not see that sort of thing next year.

The level of consideration given by the committee to the projects concerned, I think, was incredibly high. Whilst the other members who have already spoken have paid tribute to the secretary of the committee, which I absolutely and fully endorse, I would also like to thank not only the chairman, Mr Lamont, but my colleagues on the committee. I think the words that Mr Kaine used tonight were that it is an easy process for a committee to come up with a report like this. I am not disagreeing in any way with that, but I tend to think that it is not really easy. It is really a case of the people on the committee being dedicated to what they are there to do, giving themselves and each other a very high level of understanding of the job in front of them, and instilling a level of cooperation that I think a lot of other people within the community could learn from. Never, really, do we always get, as individuals, precisely and absolutely what we want with no concession to anyone else.

I think some members of the community who give evidence to our PDI Committee could take a little bit of a learning leaf out of the book of the committee, because not all of us always get what we want either; but we certainly understand each other's position, and take very seriously the level of cooperation that is required to come up with a report like this. I think the lesson for each of us on the committee, having done it, is that we can continue to do it. More importantly, other people can look at the difficulties we faced while still managing to come up with a report about which we all feel happy. I think that in itself is a bit of a lesson.

The process of a project in the capital works program from beginning to end was another aspect of our inquiry which I think gave us a few lessons to learn. I think parts of the administration could learn from it also. An important factor is the time at which Public Works gets involved in a project. I think the rest of the committee would agree that, given a little more careful timing and a little more consideration of the end product, any client - when I say "client" I mean any part of the administration seeking completion of a project - should seek information, cooperation and input from Public Works at an earlier stage. I suggest that that should happen at the very beginning. Then a lot of the problems that we unearthed and that show up in this report will start to disappear. A lot of the suggestions in the recommendations already have been implemented to some degree by Public Works. That in itself is why we feel very strongly that some of those clients should go to Public Works a bit earlier.

Again my thanks go to the committee secretary, Mr Rod Power, but not only because he was such a help in compiling this report. As a member of the committee, each time another pile of papers arrived on my desk I felt slightly overwhelmed by the amount of time required to go through it; but he had to sift through that material at a level that I would not like to have to do and to dispense it to us. I may have had to read it once, but he had to sort it out several times

before it even got to me. I think that there is a committee secretary that we can be very proud of, and I commend him very much for his work. Again I wish to express my sincere thanks to the other members of the committee. Without the level of cooperation and understanding that we display within that committee, we would not have come up with this report. I, along with all of the previous speakers, very strongly recommend this report to the Assembly.

MR DE DOMENICO (8.41): Madam Speaker, there is very little left for me to say, but I would like to endorse some particular comments made by all members of the committee. The first one relates to documentation. All members of the committee have spoken about the level and quality of documentation. Perhaps the most salient comments were those made by the chairman, Mr Lamont, and Ms Szuty. Once and for all, people in the bureaucracy must realise that, notwithstanding what might have happened in the past, they now have elected - I stress the word "elected" - members of this Assembly to deal with. Elected members of this Assembly - perhaps more than ever after the change of the electoral system - have certain geographic and other vested interests that they have to look after as well as the interests of the people of the ACT. I think it was the committee chairman who said, "Lo and behold, next year, if the documentation is not of a quality that satisfies the committee and enables it to make a sound decision, perhaps that documentation will be thrown out until it does meet that criterion".

I would like to concentrate my comments on recommendation 9. Mr Kaine, I think, quite adequately covered it, but I must stress it. This relates to a concept called value management. I am aware that management concepts come and management concepts go; but, in view of the incredible knowledge available to the people of the ACT in terms of value management, we need to look very carefully at the benefits of such concepts. I am reminded, Madam Speaker, for example, that in the United States the houses of parliament are now considering legislation - I stress the word "legislation" - to make sure that any projects costing over a certain amount must go through certain processes and certain documentation before those houses of parliament approve them. Hopefully, we will not get to that stage in the ACT, but that depends on the quality of the documentation presented to the PDI Committee in years to come. I think that is one recommendation that the Government needs to heed.

Mr Lamont talked about liaison and the relationship between organisations like Treasury and Public Works. We know that from time to time it is very difficult to make sure that everybody consults with everybody else; but, in such important areas as the public works program, it is important that there be close liaison between the two organisations, to ensure that they are all fully aware of what is going on, that they are saying the same thing and are working on the same sorts of priorities, if possible. Other speakers, Mr Kaine in particular, made comments about priorities. The question that needs to be answered is: Who makes the decisions on priorities, under what circumstances are those decisions made, and on what documentation, philosophies and what have you are they based? It is important to know those things.

Mr Lamont: The Executive.

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MR DE DOMENICO: The Executive, Mr Lamont, also needs to be fully informed so that it can make proper decisions on priorities as well. If the documentation going to the Executive in certain circumstances is as good as or as bad as what goes to the PDI Committee, I suggest that sometimes it might be difficult for the Executive to make those informed decisions. I think the comments made by other members of the committee are important. There is no place to run, there is no place to hide; the PDI Committee, in a non-political way - I stress that because every other member has said it - before it makes up its mind about recommending the expenditure of millions and millions of dollars of taxpayers' and ratepayers' funds, will make sure that the documentation and the arguments presented to us are plausible.

I will not elaborate on other comments made by members of the committee, but Mr Lamont made an important comment about coeducation and co-location and about systemic schools and government schools. He said that in times of economic restraint the Government ought to look at co-location. I suggest going a step further and doing this in terms of commonsense and not just in times of economic restraint. In terms of commonsense it might be advisable to look at the sharing of certain facilities. I will go a bit further than just sharing playgrounds and parks and what have you. For example, if two schools want to conduct a French class one teacher could be employed and used by both schools to make sure that that facility was available to all students, notwithstanding whether it was a systemic school or a government school. It has been done before and it will be done again. It has been done before in other States and Territories in this country and it is the commonsense approach of working closely together.

Comments were made about the Tuggeranong youth centre. I endorse the comments made by all members of the committee. But let us make sure that we ask the youth in the Tuggeranong Valley what their views are and what their needs are before we go ahead and start building monoliths.

Ms Ellis: The Government has done that already.

MR DE DOMENICO: Ms Ellis has already done that. Okay. I cannot stress that enough. We have to ask the users of the facility what their needs are, instead of other people making decisions on their behalf.

Comments were made about the minor new works situation. I think Ms Szuty said that this is not an avenue for hiding slush funds for other purposes. Perhaps the greatest example of realisation that there is nowhere to run and nowhere to hide is in paragraph 71 of the report under the heading "Department of Health (Program 26 - ACT Health)", where reference is made to a minor procedures unit and all sorts of things. The PDI Committee quite rightly put in its report that, when questioned, that really meant that part of that minor procedures unit included an abortion clinic. Whilst it was very difficult - - -

Mr Berry: No; you are wrong.

MR DE DOMENICO: The Minister says that we are wrong.

Mr Kaine: It is right, and the secretary of your department said so.

Mr Berry: It will provide some abortion services. It is not an abortion clinic.

MR DE DOMENICO: When questioned by members of the committee, Mr Berry, the secretary of your department, Ms Biscoe, said yes, that \$45,000 of that money would be used for the funding, or part-funding, of an abortion clinic. Notwithstanding what views members of the Assembly may or may not have on that issue, Mr Berry, come clean. The Government was not prepared at the time to put the word "abortion" in their press release. We all knew what you meant, Mr Berry. Notwithstanding the personal views of members of this Assembly - - -

Mr Lamont: Isn't this up for debate tomorrow?

MR DE DOMENICO: No; I am debating paragraph 71 in the report, Mr Lamont. What the \$45,000 was for, Mr Berry - - -

Mr Berry: It will be a service you can be proud of, Mr De Domenico.

MR DE DOMENICO: No, no. The committee asked, Mr Berry, and, unlike some of the answers that you give in this Assembly, Ms Biscoe told the truth and said yes, that \$45,000 of that money was to be spent for the funding of an abortion clinic. The PDI Committee, Mr Berry, notwithstanding political things, came clean with that.

Mr Kaine made comments about the Watson, Duffy and Tuggeranong Homestead situation. As with all other areas for redevelopment, it is essential that the PDI Committee look at the documentation and make a decision before surveyors, bulldozers or anything else goes in and commences work on any prospective development. The other little thing I would like to talk about concerns Mr Wood. I think that last week copies of certain documentation in relation to certain areas was given to the media by means of a press release. I think the press release said, "Come along to the press conference. We will be handing out documentation". I think it related to Duffy-Holder or one of the other ones. Mr Kaine, I think, will correct me if I am wrong. This was prior to it being given to the PDI Committee. That is neither here nor there. Mr Lamont, you are shaking your head, but the press release from Mr Wood's office said that and I have a copy upstairs. Perhaps, in the future, that will not happen. It would be nice for the PDI Committee to know in advance that it is going to be getting that documentation just in case we, individually, are approached by the media and asked to comment on it. That is just one minor point I would make.

Mr Berry: Why would we want to help you out?

MR DE DOMENICO: I am trying very hard, Mr Berry, to keep my comments as apolitical and as commonsense as possible, but you make it very difficult.

Mr Berry: You will find it very difficult, Tony. Commonsense is something you do not have a great grip of.

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MR DE DOMENICO: You make it very difficult sometimes. May I also say that Rod Power needs to be thanked. Anybody who works with him will realise what I am talking about. He is a magnificent secretary of any committee, I think. He is also a very pleasant chap and he makes life a lot easier. As Ms Ellis said, the volume of the paperwork that we have to go through is absolutely astronomical. I know that from time to time certain members of the community cast aspersions about the ability and mental capacity of members of this Assembly. I invite anybody who has that point of view to spend a couple of weeks with the PDI Committee when it is going full bore on looking at Territory plans, and then I dare them to make the same comments publicly.

Question resolved in the affirmative.

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

MRS GRASSBY: I present report No. 14 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

MRS GRASSBY: Report No. 14 of 1993 contains the committee's comments on three Bills and five pieces of subordinate legislation. I commend the report to the Assembly.

POSTPONEMENT OF ORDERS OF THE DAY

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

That orders of the day, Nos 1 to 4, executive business, relating to the Motor Traffic (Amendment) Bill (No. 3) 1993, Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 3) 1993, Supreme Court (Amendment) Bill 1993 and the Jurisdiction of Courts (Cross-Vesting) Bill 1993, be postponed until the next day of sitting.

**SENIORS WEEK
Ministerial Statement**

Debate resumed from 25 March 1993, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

MR KAINE (8.53): I think this is a subject that is worthy of some debate. In fact, the Chief Minister, in making her statement on 25 March, noted in her opening remarks that she thought it was fitting that Seniors Week be recognised in the Assembly by a ministerial statement. I presume that that was intended to convey the fact that the Government thought that this was a sufficiently important subject for a ministerial statement to be made about it. That was paragraph 2 of the Chief Minister's speech and it was the highest point of her speech. From there on it went downhill, and I want to comment on that.

One would have assumed, given that the Chief Minister thought that Seniors Week warranted a ministerial statement, that she would then have proceeded to tell the community what this Government was doing. Surprisingly, what she proceeded to do was to tell the people what everybody else but the Government was doing. There is not one thing in this statement made by the Chief Minister that reflects anything that this Government is doing. Perhaps I can just draw upon one or two of them.

Using the usual phrases - "a socially just community" and matters of that kind - she referred to the Social Policy Committee report last year. That report was referred to in debates quite recently when Ms Ellis, the chairman of that committee, brought a recommendation to the Assembly saying that the Government should be doing something about that report, and, indeed, I agree with that. All that the Chief Minister could say in March was this:

The Government will consider these needs carefully in responding to the committee's report.

It is now August and the Government still has not responded, so it must be giving very careful consideration indeed to the recommendations - no priority, mind you, but careful consideration. This is despite the fact that, as I said, the Chief Minister thought it important that a ministerial statement be made on the subject. So we have a committee report, going back to last year, on which the Government is still considering carefully its response.

At one stage the Chief Minister said:

... I opened a new retirement village in Weston Creek. I mention this especially because it is an excellent example of a successful cooperative venture ...

That particular retirement village was produced by private enterprise. There was no government involvement at all in that. It was an old school closed by the Labor Government before self-government that had sat there for four years, completely disintegrating. Eventually the property was sold and a private developer built a retirement village on it. The Chief Minister opened it; but, by the Chief Minister's approach, if she is associated with it in any way by osmosis it becomes a government project. In no way was the Government associated in any way with that particular project, except that the Chief Minister opened it.

She went on to talk about the seniors card. I hate to be immodest, Madam Speaker, but the seniors card was introduced by Mr Trevor Kaine, Chief Minister. Now, here we are, three years downstream, and this Chief Minister is talking about how great the seniors card is. It was not introduced by this Government at all. Three years downstream they are still considering concessions that might be granted under the seniors card.

Mr Humphries: You cannot rush these things, Trevor.

MR KAINE: You cannot rush them. This is real progress! I note with great pleasure that in March 1993 the Chief Minister said:

The Government is presently finalising a major review of concessions ...

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This is three years after the seniors card was introduced and it is typical of this Government. It claims all of these things to be its own, when it has made no contribution whatsoever. She does note this, for example:

The seniors card continues to make a significant contribution towards reducing living costs and encouraging active lifestyles for seniors ...

I agree and I am glad I introduced it. A holder of a seniors card in fact got free bus travel during Seniors Week. That is one contribution that this Government made. I do not know that it was a completely new thought, but the Government did make its contribution. Then, on page 8 of the Chief Minister's important speech about the seniors, she said:

This Government has a strong commitment to eliminate discrimination on the grounds of age. To this end, the Government will shortly make available for public comment a discussion paper which deals with age discrimination legislation.

Indeed they did. Within a week Mr Connolly tabled a discussion paper on issues and options for age discrimination in the ACT, and that paper said that public comment closed on 31 May. We are nearly towards the end of August, and what has come out of it? Absolutely nothing. The public consultation phase ended three months ago. This is another important government initiative that has come to absolutely nothing. Where is this Government going in terms of the aged? It is good to talk about it and it is important that we have a ministerial statement; but let us not do anything, for heaven's sake!

Again claiming credit for things that are not theirs, the Chief Minister said:

In December 1992 I tabled in the Assembly the first report of an important strategic planning process for Canberra.

That was the first report in connection with the 2020 study, and who initiated that study? Ms Szuty. She is not here, unfortunately. This was another of those non-initiatives of this Government as well, but the Chief Minister was claiming responsibility for it. She then went on to eulogise this 2020 study, saying that it identifies the opportunities and the needs presented by the growth of the ageing population, and so on. This was another claim for something that was not an initiative of this Government. It just goes on and on. Having mentioned all of these initiatives, none of which were the initiatives of this Government or this Chief Minister, she said:

I have given a brief picture of some of the current developments under this Government ...

None of them were developments under this Government, but she said that these were only some of them. Where are the others? The fact is that there are no others. The Chief Minister then went on to display just how bereft of ideas this Government is. She claimed responsibility for a seniors painting exhibition that was mounted by non-professional senior artists, not by this Government.

She claimed credit for a debate put on by the Council on the Ageing, which was nothing to do with this Government. She claimed credit for a seminar put on by Successful Ageing ACT, which was nothing to do with this Government. And so it goes on. We had a statement in which this Chief Minister claimed all of these initiatives, and all this credit for the Government, not one of which was an initiative of this Government. It is typical of this Government. They do not have a single idea, not only in connection with the ageing but across the whole spectrum of government activity.

The Chief Minister having made that statement and made false claims for credit for all of the things that are in there, none of which were her initiatives or the initiatives of this Government, I now ask her, since she is so keen on helping the ageing: Where is the assistance asked for by the Council on the Ageing to facilitate their giving advice to you? You said that you were going to continue to ask for their advice. They said, "We cannot provide the advice without further resources". They asked for one additional person to be funded so that they could provide you with the advice that you said you wanted, and you refused to fund it. How can the Council on the Ageing give you advice if they do not have the resources to do so? This was another specious bit of government finagling.

Where, Madam Speaker, is the convalescent unit that has been constantly referred to in reports going back to 1989, 1992 and 1993 - it goes on ad infinitum - recommending that there be a convalescent facility built in this city? Where is it? Where is the commitment from this Government to do it? They acknowledge all of these reports and say, "These reports are fantastic and we are going to pick up all these recommendations", but where is the delivery of the goods? The answer is that there is none. Despite recommendations in report after report on the fact that there is a crying need for assistance for dementia patients in the ACT, where is the initiative from this Government to provide one bed for one dementia patient? There is none; absolutely none. Where is their commitment to providing facilities for respite care, not only for dementia and other sufferers but also for their carers? There is not one commitment; not one dollar; not one dime. Yet every time a report comes down the Government says, "This is a lovely report; we love the recommendations and we are going to fix all this". But there is not one single cent's worth of commitment.

Where is the retirement home project put forward by the Returned and Services League of Australia? It had a piece of ground alongside Lake Ginninderra three years ago. This Government reversed that and three years later the RSL is still trying to get a piece of ground on which to build its retirement home. These are not only ageing people, not only senior citizens; these are veterans as well. Where is the spokesperson on the Government side of the house for the veterans? There is none. They have no portfolio for veterans. In other words, they do not give a hoot, and it is typical.

Where, Madam Speaker, is this age discrimination legislation? Mr Connolly produced his discussion paper in March, with public discussion ending at 31 May. Three months later we are still waiting for him to produce his legislation. He had a draft Bill at the time and it was put out there for public consultation. It did not have to be drafted; it was already drafted. What public comment did he get? If he got none, why is not the Bill on the table? If he did get some comment, when is he going to inform the Assembly on what public comment he received?

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Madam Speaker, I submit to you, and I submit to the members of this Assembly, that the Chief Minister was absolutely justified in saying that this is an important enough subject for a ministerial statement, but it does not stop there. The Government cannot stop by making a ministerial statement. They have to follow it up and do something. I would really like to see this Government actually do something. I have no evidence so far that they intend to - absolutely none - despite the rhetoric. I think it is about time that this Chief Minister started to put her money where her mouth is in terms of this increasing problem with the ageing.

MS FOLLETT (Chief Minister and Treasurer) (9.06), in reply: Madam Speaker, I realise that I am closing the debate. I would like to thank Mr Kaine for his somewhat intemperate comments and say at the outset, Madam Speaker, that I do not consider that I have claimed responsibility or credit for any activities or functions which were not instigated by the Government. If members carefully read the statement that I made in Seniors Week earlier this year they will see that that is the case.

Mr Kaine: Which initiative was yours? Not one.

MADAM SPEAKER: Order! Ms Follett has the floor.

MS FOLLETT: Thank you, Madam Speaker. I will address Mr Kaine's remarks in the order in which I think he made them, Madam Speaker. The first item that Mr Kaine drew attention to was the report of the Assembly Standing Committee on Social Policy on aged accommodation and support services in the ACT. Mr Kaine quite rightly said that the Government has not yet responded to that report, but I can assure members that we will be responding in the near future. It is the case that that report contains a large number of recommendations, and I am sure that members of the committee would agree with that. It is the case also that it is a complex report. It is not something that can be dealt with overnight. The implications of the recommendations are very far reaching. The report is receiving very serious consideration, which at least Mr Kaine did allow for, and we will be reporting on it as soon as we possibly can. It is not something that can be taken lightly.

Mr Kaine also commented on the age discrimination legislation. I can confirm that that discussion paper on issues and options for age discrimination law in the ACT, which was tabled in the Assembly and released for public discussion in April of this year, did attract a fair range of public comment. The Attorney-General's Department, I am advised, has also received a number of written submissions on the matter and there was a public hearing in June. Madam Speaker, following that level of consultation the Industrial Relations Advisory Council has also discussed the issues raised in the discussion paper, and I am pleased to say that the Industrial Relations Advisory Council now considers that the approaches suggested in the paper are reasonable. So I think that is a step forward.

At the present time the situation is that the Attorney-General's Department is reviewing the draft legislation. I am sure that members would agree that the age discrimination law is, again, a very complex matter. We have to be extremely careful to ensure that those jurisdictions where age discrimination is already operating are dealing adequately with the major issues and to ensure that our legislation, when it comes forward, also deals adequately with those issues and in the light of experience in other places. We expect to present that legislation to the Assembly in November of this year; so there is some progress there, Madam Speaker, which I am pleased to report to the Assembly.

Mr Kaine also commented on funding for the Council on the Ageing. I believe that COTA provides a very valuable service to the community and, of course, also to the Government, and we acknowledge and appreciate the contribution and the advice that COTA gives. The council receives funding from several sources within the ACT Government. The recurrent operational funding is provided to the Council on the Ageing from the community services grants program which is administered by the Housing and Community Services Bureau. That is one source of funding. This grant is automatically indexed in accordance with the consumer price index. Additional funding is also provided for the operational costs of the Hughes Community Centre, and a separate grant is made to the Carers Association which is administered by COTA. I understand further, Madam Speaker, that the Council on the Ageing also receives funding from the ACT Cultural Council in order to coordinate and deliver the activities for Seniors Week. This is a separate bundle of funding from the recurrent funding I mentioned. The project grants approved by the Cultural Council are given on a one-off basis and, although the Council on the Ageing has received funding for each year that it has applied, there is no guarantee that this funding will continue.

Funding for Seniors Week has varied over the years. In 1990 it was \$8,500. It was intended to provide the Seniors Week event with a funding base. In 1991 and 1992 the funding was significantly increased to \$22,000. That increase was provided in order to raise the standard of the Seniors Week event and to give it a higher profile in order to attract private sector funding. In 1993 the Cultural Council took the view that the event was well established and that the Council on the Ageing could seek other sponsorship, which they have done. Accordingly, the funding was reduced for this year to \$15,000. That still is a substantial increase on their initial funding of \$8,500. So, Madam Speaker, I would submit that the Government does make a very significant monetary contribution towards COTA. In addition to all of that funding, we also make a contribution towards the directory of services for the ageing in the ACT which is published each year by COTA - and a very valuable directory it is, too.

Madam Speaker, Mr Kaine raised also the issue of concessions. He should be aware that the Commonwealth Government recently has had the issue of concessions under review and has made quite substantial changes to their concessions regime. The Commonwealth changes, I believe, have delayed our own review of concessions because I felt that we needed to move in harmony with those major changes, that we needed to take account of them. I can assure members that the major review of concessions has been completed. I recognise, further, that ACT recipients of pensioner health benefit cards ought to have access to concessions similar to those granted to eligible New South Wales residents when they are travelling between Sydney and Canberra. I have taken up that issue on a couple of occasions with New South Wales Premiers, with both Mr Greiner and Mr Fahey - not to any great avail, but I will continue to pursue it.

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There are officers within my department who are exploring options which would enable eligible ACT residents to obtain return concessional travel by train between Sydney and Canberra. I regard that as an issue that we must continue to pursue. I regret that so far New South Wales has not seen fit to cooperate with us to any great extent.

Madam Speaker, in closing, I thank Mr Kaine for his comments. There is certainly no lack of interest or of action on the part of this Government in relation to the older people in our community. Quite the contrary; we have continually sought to extend to them greater social justice and greater access and equity to the services that are provided by the Government, and we will continue to do so.

Question resolved in the affirmative.

**CULTURAL COUNCIL - "SHARING THE VISION: A FRAMEWORK FOR CULTURAL DEVELOPMENT"
Paper**

Debate resumed from 11 May 1993, on motion by **Mr Wood**:

That the Assembly takes note of the paper.

MR HUMPHRIES (9.15): Madam Speaker, the paper which was presented by the Minister in May this year, "Sharing the Vision: A Framework for Cultural Development", is a quite significant document in the development of an arts policy for the ACT. There have been papers like this beforehand, and there will no doubt be papers like it afterwards, but I find this a reasonably satisfying document in that it tries to set out fairly comprehensively what we are trying to achieve in the arts in the ACT. There are some criticisms, but I think that essentially it is a document which aims high and which achieves a lot of what it sets out to achieve. It is a blueprint for future directions in the arts in Canberra. To some extent necessarily, therefore, the terminology which is used has to be fairly vague. There is a dichotomy or a tension, if you like, between the extent of government or quasi-government control of the arts and freedom in the arts, and that, of course, is always a very touchy subject.

The chairman of the ACT Cultural Council said in his introduction:

It is worth stating that Council does not see itself as a "cultural producer". Rather, Council is an architect planning a strong structure within which the varied activity of a city's cultural life can develop and grow. Council has no desire to interfere with the unique role of artists or cultural organisations, but it will be an advocate for their cultural achievement.

Madam Speaker, the distinction between being a cultural producer and the provider of a framework in which cultural activities might occur is a very fine one. The question is how to encourage and fund cultural activities without allowing value judgments to determine priorities in and between different forms of artistic expression. You might say that that is very difficult to do. In fact, it could even be said that it is impossible to do. Thus far, however, the process has been well intentioned and well planned. Despite that fact, it will have its critics.

There will always be insiders, people who either have access to money or share the orthodoxy of the day, and there will always be outsiders, those who depart from that artistic orthodoxy or who are not funded by their peers for particular activities.

Despite the shortcomings of the approach outlined in this paper in theory, I believe that the process does, in practice, deliver a cultural offering of great artistic diversity in this Territory. After all, Madam Speaker, this is the approach that we have been taking for a great length of time, certainly long before I was involved or interested in the arts in the ACT. It has certainly been a longstanding practice. Canberra has wanted for very little over the past couple of decades in the way of artistic endeavour. We have had everything from grand opera to theatre of the absurd, from the great masters of European art at the National Gallery to what are called installations at the Canberra Contemporary Art Space. We have had everything from the Australian Ballet to fringe cinema. All these things have been in reasonably plentiful supply to Canberrans. The things we do not get in the ACT, things like Joan Sutherland, *Les Miserables* and so on, are generally available a short drive or short train ride away in Sydney. We cannot really complain about the offering available to us here in the Capital Territory.

There are many other advantages in our particular position in the arts in the ACT. Not only do we have all these things, but they are quite accessible in terms both of location and of price. The offerings are regular and they are varied. In fact, I would almost say, Madam Speaker, that we have an oversupply problem. In Europe, for example, to take the other extreme, it is often impossible to experience the more popular forms of performing arts with less than several months' notice, especially in the summertime. Also, very often overseas, price is a very considerable barrier to access to the arts, but those things are rarely true in the ACT. Even for the very best things that come here, we generally have accessibility and we generally have reasonable affordability. That is, I think, a thing that we must endeavour to preserve in this sort of strategy.

The challenge for our cultural policy is to retain this precious vitality, both in the things that we bring into the ACT and in the things that we do here with what I might call indigenous artists. We have to do this in an environment of shrinking resources. It might not, of course, be an environment of shrinking resources in terms of the Government's contribution to the arts. I note that both Mr Wood's Government and the Government of which I was a part were able to sustain arts fundings at real or just about real terms, maybe even with some small increases. But, certainly, the arts are facing a shrinking environment of private sector support, whether it is corporate sponsorship or individual patronage of the arts, and that is a considerable challenge.

The excellence of that offering, notwithstanding those difficult circumstances, is illustrated by the tables which can be seen on page 4 of this document which the Minister has tabled. The first of those two tables shows that attendance at major cultural activities in the ACT puts us on a very favourable basis in comparison with other capital cities in Australia. Canberrans are No. 1 on the ranking of capital cities in this country in terms of participation in the activities of libraries, of art galleries, of dance events, of theatre and of classical concerts. That is a very impressive list. No other city comes even close to that kind of achievement.

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We are No. 2 in terms of museum attendance and pop concerts. That might not be such a bad thing, I suppose. We come in on the lower end of the scale, at No. 5, only in respect of musicals, and that is a reflection, Madam Speaker, of the fact that we do not have the facilities in the ACT for us to bring major musicals like *Cats*, or *Les Miserables*, or whatever it might be, to the ACT. The other table on that page indicates the relatively high rate of arts workers as a percentage of the total working population of the ACT. Our arts population is about one per cent of our total working population, and that is nearly double that of some other places in Australia, which I think is also an indication of the vitality of our artistic endeavour.

Madam Speaker, the Government has adopted an arm's-length funding approach in the ACT. Indeed, many governments have adopted that policy. Policy and funding are therefore, under this approach, developed by an independent or relatively independent body. I think that is basically a good model. It is a model which underpins the policy presented here and I think that is essentially one which works well; but, of course, there are dangers. As the Minister will know, a body like that, especially one which consists entirely of volunteers, is subject to enormous pressure. Unfortunately, the peers of the people who work on these bodies, whether they be the Cultural Council or the subcommittees under the Cultural Council, are not always very tolerant of the work which is done by those people, and sometimes, in fact, are highly critical of them.

Madam Speaker, there are some problems confronting us which I think need to be addressed as this policy is fleshed out and developed over the coming years. One is the problem of bringing the arts from the status of being at the fringe of the life of our city, of our community, to the heart of social activity in this town. The high disposable income which Canberrans enjoy, I think, reflects itself in the high levels of participation in cultural activities in this town. The nagging question at the back of my mind is: How many ordinary Canberrans, if I might use that phrase, are reached, or reached regularly, by the arts in the ACT or benefit from arts funding in the ACT? I note that there are no really good figures available on this sort of thing around the country, and I doubt whether there are any figures available in the ACT, in particular.

I suspect, Madam Speaker, that the figure is much less than half and that it could be dramatically smaller even than half. That is a matter of some concern because we should never see the arts as merely being the preserve or the expression of a small minority of people. It should always be at the very heart of our community's life, at least in theory. I note that the principles referred to on pages 10 and 11 of the report, which underpin the strategy for dealing with the mission and the vision articulated in this document, do not address or mention the question of diversifying the base of the arts, of making the arts reach more and more people in this community, and I think that they should. I hope that the Minister will take that on board.

On page 8, in articulating the vision, the council makes this statement:

The ACT Cultural Council wants to contribute to an ACT where it is part of everyday life to examine the cultural impact of all and any activities, from the erection of a new building to the putting to air of a television program.

Those two examples, I think, remind us of the fact that we must not view the arts as being something at the fringe, something which you find only in a theatre or in a concert hall. There is one particular point also arising from that comment, that is, a reference to architecture, which I think is worth making. Architecture, and public art which goes with architecture, is a very important element of the arts which I suspect in the ACT is an area which we as a community do not give enough attention to.

Certainly, architecture and public art are important components of national institutions in the ACT. The role for architecture and public art in all significant construction in the Territory has not been very great. I think, Madam Speaker, that we need to be looking at this question. We cannot expect, for example, the private sector in the ACT to make a significant effort to put those values, those elements of any project, at a high order of priority if we ourselves, that is, the ACT, as a major constructor of buildings in the Territory, do not similarly give a high priority to those things.

Madam Speaker, the best example I can think of of that principle at work is the construction of the new ACT Legislative Assembly building. I have no criticisms of the building, given the constraints of cost; but we must bear in mind that that building has little architectural merit and very little application of public art.

Mr Wood: Oh, come now! Many people treasure it.

Mr De Domenico: Externally.

MR HUMPHRIES: The plans I have seen have no indication of public art anywhere in the building. I make it clear, Madam Speaker, that when I say "public art" I do not mean just a picture slapped up on a wall. I mean art which is integral to the construction and design of that building, whether it be built into the framework of the building, such as mosaics or architectural features, or something of that kind, or whether it be art which is designed for the place in which it stands. I think, Madam Speaker, that we need to be looking at that question very seriously.

Another issue I want to raise, and a problem which this Government will face, is consultation on the arts. The Cultural Council is necessarily an exclusive body. It is not a substitute for direct discussion between the arts community and the ACT Government. Arm's-length funding, in the same style as the Australian Government has the Australia Council, does not exempt the Government from a close relationship and close dialogue with the arts community. Madam Speaker, I talked, when I was Minister, about the concept of elbow-length funding, that is, funding which is initially the work of an independent source of advice but which is also proffered and implemented by an informed government. I chose to inform myself when I was Minister through the agency of the Arts Forum. It gave members of the arts community a chance for direct dialogue with the Government, and the Government's role, no matter how much arm's-length funding you create, is vitally important in the arts. Governments of various hues are the modern-day equivalent of the Medicis. They are the major suppliers of funding for the arts in this country, far - - -

Mrs Carnell: That mob have a lot in common with the Medicis.

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MR HUMPHRIES: They do have a lot in common with the Medicis, yes. Madam Speaker, we cannot therefore ignore the importance of a strong relationship between the arts community and government and its arms of implementation and funding, and I urge the Government therefore to consider again the question of how they actually engage in that dialogue. We know, through community consultation we have been involved in, that there is criticism of the links of communication between those elements of the arts community, and I hope that it will be a question addressed as this important document is developed. I commend the document; I think that it is worth while. It will provide a good basis on which to proceed to develop a strong artistic environment in the ACT.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I require the question to be put forthwith without debate.

Question resolved in the affirmative.

Assembly adjourned at 9.30 pm