



**DEBATES**  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

22 February 1994

**Tuesday, 22 February 1994**

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

**PETITION**

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

By **Mr Lamont**, from the Rotary Club of Canberra - Belconnen Incorporated, requesting that the Assembly ensure that the Belconnen Trash and Treasure will continue to operate at the Jamison Centre public car park from 6.00 am to 1.00 pm on Sundays by dedicating the location to that purpose or granting a three-year lease to Belconnen Rotary.

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

**Belconnen Trash and Treasure Market**

*The petition read as follows:*

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: That the Rotary Club of Canberra Belconnen having received petitions from 1872 residents of the Australian Capital Territory draws the attention of the Assembly to the concerns advised by these petitioners viz.,

We the undersigned are in favour of the Trash N' Treasure run by Belconnen Rotary continuing to operate in its present location on Sundays 6am. to 1pm.

Your petitioners therefore request the Assembly to:

1. Ensure the continuance of the above mentioned Market held at Jamison Centre public car park on Sunday mornings by dedicating the location for that purpose at that time.

Or Alternatively ...

2. Ensure the continuance of the Market at that location by the giving of a three year lease over the area for the said purpose to the said Rotary Club.

Petition received.

## QUESTIONS WITHOUT NOTICE

### ACTTAB - Contract with VITAB Ltd

**MRS CARNELL:** My question without notice is directed to the Minister for Sport, Mr Berry. I refer the Minister to answers he has given in this Assembly previously about the contract signed between ACTTAB and a private company registered in Vanuatu, VITAB. Will the Minister confirm media reports that ACTTAB negotiated with a Mr Peter Bartholomew on behalf of VITAB? Were any inquiries or searches conducted in relation to the directors of VITAB or the bona fides of the company? Do the ACT Government and the Minister make a habit of entering into multimillion dollar contracts with companies without vetting the bona fides of their principals or the persons it negotiates with?

**MR BERRY:** In late July 1993 I was briefed on the proposed ACTTAB-VITAB arrangements by the chief executive of ACTTAB at that time. I was informed that discussions were being held between Mr Dan Kolomanski and Mr Con McMahon. I understand that the officers from ACTTAB primarily involved in the negotiations with VITAB were its chief executive officer, Mr Philip Neck, the director of administration, Mr Noel Luff, and the director of marketing operations, Mr Bruce Packard. At no time did I meet with any representatives of VITAB, nor was I privy to discussions at any meeting held between ACTTAB and VITAB.

Following a briefing on the proposed VITAB agreement by the chief executive of ACTTAB, I asked that advice be sought from both the ACT Government Solicitor and ACT Treasury on the following issues: Firstly, is ACTTAB legally entitled to enter into such an agreement? Secondly, is there any possibility that the arrangements could lose ACTTAB money? Thirdly, that the bona fides of the shareholders and the directors of VITAB be established. Following detailed analysis of the draft agreement, I was given the necessary assurances that the agreement was financially beneficial to the Territory and, subject to appropriate amendments, legally acceptable to the Territory. In early September 1993 ACTTAB requested Price Waterhouse to conduct a company check of VITAB, and I am advised that the results of this check were satisfactory. Additionally, it was a requirement that a process be included in the final agreement for the clearance of current and future shareholders controlling more than 5 per cent of shares, and directors of VITAB and its management company, Gaming Management International Pty Ltd.

I am advised that on 21 January 1994 VITAB submitted to ACTTAB for its approval in accordance with the agreement a number of changes to VITAB and GMI directors - that is Gaming Management International Pty Ltd - and the shareholding. I understand that ACTTAB and its solicitors are currently in the process of carrying out the checks and approvals of the directors and shareholders in accordance with the agreement. I am advised by ACTTAB that no approvals will be given until all checks are made and proved to be satisfactory. I think that completes the big picture in response to your question.

**MRS CARNELL:** I have a supplementary question, Madam Speaker. Noting the national controversy generated by this contract, will the Minister now concede that the VITAB issue is of public importance and table the VITAB-ACTTAB contract and all related documents?

**MR BERRY:** The issue of commercial-in-confidence contracts is one that has been raised here before. As I have indicated in this place, unless I had the agreement of the company to table commercial-in-confidence matters I would not table them. I have also informed this chamber before that the company is in agreement with the concept of offering no inducements, and I have tabled that letter. You are not entitled in the normal course of events to commercial-in-confidence documents and, no, they will not be tabled without the agreement of the company.

### **Ainslie Village**

**MR LAMONT:** My question is directed to the Minister for Housing and Community Services. I ask the Minister whether he could inform the Assembly of what action the Government is taking in relation to the management of Ainslie Village and, in particular, the report of Mr Justice Kelly.

**MR CONNOLLY:** I thank Mr Lamont for his question. This is a very significant matter of public importance in the Territory. Ainslie Village is a vital facility in the ACT for providing crisis accommodation for persons in need of accommodation of last resort. Successive governments of this Territory have invested significant sums of money in the facility. The physical infrastructure there has had something like \$11m invested in it in the last few years, both by the Labor Government and during the period of Mr Kaine's stewardship. Each year it receives government funding from this Territory and the Commonwealth of in the order of some \$600,000.

Members would recall that last year I tabled in this place a report of an inquiry by Mr Justice Kelly, a former judge of the Supreme Court. Members would recall that the report said that it found in the negative against all the terms of reference of the inquiry, being whether Ainslie Village Ltd has operated in an efficient and effective manner, met its objectives as detailed in its memorandum of association, provided an appropriate level and type of service to the potential and existing residents, adhered to the relevant principles of the SAAP program, such as user rights, and given the staff and residents ample opportunity to be involved in decision making processes. As I say, there was a negative finding against each of those criteria.

I indicated at the time that I expected Ainslie Village Ltd to work with the Government to implement each and every one of the recommendations for reform contained in Mr Justice Kelly's recommendations. In the period since then the Government has become increasingly frustrated at the lack of progress in implementing those recommendations. Members would be aware of significant public disquiet from residents of Ainslie Village. Indeed, I saw members of the Opposition on television joining them at the picket line. I was interested to see that Mr Cornwell then said, "Shock, horror! Mr Connolly cannot take sides in this dispute; he has to be the impartial umpire. But I, Mr Cornwell, will stand on the picket line".

**Mr Cornwell:** You have until the end of March to do it. I was not on the picket line.

**Mrs Carnell:** We just - - -

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**MR CONNOLLY:** So there is a slight contradiction. Mrs Carnell says, "Yes, he was at the picket line".

**Mrs Carnell:** So was I.

**MR CONNOLLY:** There is a slight contradiction. The cameras missed you, Mrs Carnell. Something went seriously wrong there.

**Mr Cornwell:** I was overseas. How could I be at the picket line?

**MR CONNOLLY:** Madam Speaker, obviously it was an attempt to play a bit of politics. The frivolity of the other side aside, it is clearly a serious matter. It is an important facility. It involves substantial sums of government money. There is a 10-year lease on that facility to Ainslie Village Ltd; a lease that was signed during the period of the Alliance Government, but one which is appropriate. It is appropriate that a community based company runs such a facility. But the adverse findings of the Kelly inquiry demand that each and every one of those reforms be implemented. There were findings in this report quite adverse to people at Ainslie Village. In particular there was this finding, and I quote from Mr Justice Kelly:

But Mr Enright's role as Chairperson has become inextricably mixed with his role as consultant. We have difficulty in seeing how Mr Enright can continue as a member of the Board of Directors for any period longer than that expiring on the date of the next Annual General Meeting of the company.

Madam Speaker, a finding like that against a public office-holder, against me as a Minister or any of my colleagues as a Minister, would have obvious and immediate consequences. There seems to have been, Madam Speaker, no intention from Ainslie Village to act on the recommendations. I am disappointed that, as we have increased the urgency for Ainslie Village to implement those recommendations, we are now getting letters back from Ainslie Village saying, "We are going to lawyers. We are challenging this. We are challenging that". We have indicated that their SAAP funding will be withdrawn if they do not implement each and every one of these recommendations. I am disappointed that the immediate response from Ainslie Village Ltd has been to say, "We are going to try to legally challenge that". Well, good luck to them, but we are on firm ground. I indicate to the Assembly that we have discussed with the Commonwealth the very serious nature of such a funding withdrawal. The Commonwealth is fully in agreement with our actions to protect public moneys of this Territory invested on the site, and, most importantly, the interests of the residents.

I am deeply disturbed, as I think members would be, at reports that we are now getting in relation to attempts by Ainslie Village Ltd to commercially sell accommodation to students and to backpackers in the refurbished, high-quality accommodation blocks - blocks built by decisions of this Labor Government and by decisions of Mr Kaine's Liberal Government. Certainly when we allocated that money, and I am sure when Mr Kaine allocated money, we intended that it go to people in housing crisis, people who fit the SAAP guidelines, and that it not be used for backpacker accommodation. It disturbs me that that does not appear to be occurring. It disturbs me that we are hearing allegations from the residents

about continuing undertaking of consultancies by the chairman and the general manager. At the same time we are finding that we are being told by Ainslie Village Ltd, "We cannot attend to matters because we are too busy". You have to decide whom you are serving and what you are doing.

Madam Speaker, the Government is determined to force through each and every one of the recommendations for change in the report of the board of inquiry. I took it, from the absence of any public debate on this report in this place when I tabled it, that it is the general view of members that this should be done, and I am pleased to see the Opposition indicating its support for that. The public should be aware that there is unanimity in this place on this matter - I hope that there is unanimity in this place; everyone seems to be nodding to that - and the recommendations of Mr Justice Kelly must be implemented. Attempts to block that process through legal wrangling or the like will be responded to appropriately by this Government. This facility, which is so important to homeless people, to people in crisis, the sort of people who have been identified by Burdekin, in relation to both homelessness and mental health, must run in their interests. This Government will achieve that.

#### **ACTTAB - Contract with VITAB Ltd**

**MR DE DOMENICO:** Madam Speaker, my question without notice is to the Deputy Chief Minister, Mr Berry, in his capacity as Minister for Sport. I refer to his answer to the question asked by Mrs Carnell. Is the Minister aware of a report on the front page of yesterday's *Sydney Morning Herald* which has the ACTTAB's chief executive officer, Mr Philip Neck, confirming that a "Mr Peter Bartholomew was involved on behalf of VITAB in the latter stages of negotiations with the ACTTAB"? Can the Minister advise the Assembly whether he or ACTTAB was aware of the background of Mr Peter Bartholomew before negotiations with ACTTAB commenced? Was he or ACTTAB aware that Mr Bartholomew had been named in the Costigan royal commission? Was he or ACTTAB further aware that Mr Bartholomew has been arrested twice with a Mr Alan Tripp, who has been convicted of illegal SP bookmaking at least three times? Do any of these facts ring alarm bells in the Minister's mind? If so, will he now commence a public inquiry into the VITAB issue?

**MR BERRY:** Following the article which appeared in the *Sydney Morning Herald* of 21 February, the acting secretary of DELP sought advice on the matters raised in that article. As a result of these inquiries I am advised that Mr Peter Bartholomew attended only one brief meeting, on 21 July 1993, and was not involved in any other negotiations. The chairman of - - -

**Mrs Carnell:** Yes, this is the point.

**MR BERRY:** They do not want to hear the answer. They ask the question, but if they cannot get an answer which makes them entirely happy they grizzle and groan.

**Mr Humphries:** That is right; we get upset. We cannot get an answer.

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**MR BERRY:** I am giving you the facts as they are. The chairman of ACTTAB has also advised that the *Sydney Morning Herald* article took Mr Bartholomew's attendance at that meeting out of context - so it was not correctly presented - and that other details provided in the article on the financial arrangements between VITAB and ACTTAB were wildly inaccurate. I was not aware of Mr Bartholomew's attendance at any meetings related to the agreement until today. I take you back to the point that I raised a little while ago; that in early September 1993 ACTTAB requested Price Waterhouse to conduct a company check of VITAB, and I am advised that the results of those checks were satisfactory. So, on the advice that I have in front of me, all the necessary issues were addressed in the course of developing this contract with VITAB.

I should add, Madam Speaker, that that may go to some of the other issues which might be in members' minds in relation to the VITAB issue. VITAB, on my understanding of it, has been established to tap into the large and underdeveloped Asian gaming market by utilising Australian technical support and betting pools. VITAB does not seek business from within Australia, and I have tabled a letter here - - -

**Mr De Domenico:** Which is worthless, surely. Stick it in the contract.

**MR BERRY:** The written undertaking from VITAB reinforces that position. Nobody has brought forward any evidence to suggest that they are recruiting punters in Australia. You people are whipping up a storm and trying to create a whole heap of dust about the issue, but the facts of the matter are as I have reported them here. The VITAB organisation was issued the second betting licence, not the first, by the Republic of Vanuatu. The first licence was issued to an agent of the Victorian TAB and has been in operation for almost 12 months. The Victorian TAB operation has not been assessed as having a detrimental effect on the Australian TAB network and has not been criticised.

It is not my position to defend Mr Bartholomew. I just put the facts before you in relation to his very brief attendance at discussions with ACTTAB. I note that the Opposition are putting a lot of weight on the fact that somebody has been named in the course of - - -

**Mr De Domenico:** He has been arrested three times for alleged SP bookmaking.

**MADAM SPEAKER:** Mr De Domenico, you asked your question.

**MR BERRY:** Again, it is not my position to defend Mr Bartholomew, but I think you should also place on record what the rest of the article in the *Sydney Morning Herald* said in relation to Mr Bartholomew.

**MR DE DOMENICO:** I have a supplementary question. I ask the Deputy Chief Minister, again, whether he was aware, or ACTTAB was aware, that the same Mr Peter Bartholomew was in the same room at the Hyatt Hotel, Canberra, in 1992 as Mr Alan Tripp, who was arrested, charged, convicted and fined \$13,000 for being an illegal SP bookmaker here in the ACT.

**Mr Berry:** Why do you not say that outside, matey?

**MR DE DOMENICO:** Were you aware, as Minister responsible, that this is the same Mr Peter Bartholomew? Mr Minister, do you not now agree that signing contracts with people of this ilk is the same as giving a pyromaniac access to matches?

**MR BERRY:** As perfect as I may be in most respects, Madam Speaker, I do not keep tabs on everybody in Australia. Where Mr Bartholomew is from time to time is not something that I can control and - - -

**Mrs Carnell:** It was in the Hyatt.

**Mr De Domenico:** It was in the Hyatt, here.

**MADAM SPEAKER:** Order!

**MR BERRY:** I hear the rumblings of a campaign about some sort of connection between Mr whatever his name was, Mr Tripp - - -

**Ms Follett:** They know these people awfully well.

**MR BERRY:** Yes, they know them pretty well. Whether he might have some relationship - - -

**Mr De Domenico:** If you did the proper checks you would know them well too.

**MADAM SPEAKER:** Order!

**Mr De Domenico:** They are in the Costigan royal commission report in the library.

**MADAM SPEAKER:** Mr De Domenico, order!

**Mr De Domenico:** But your public servants scurried around - - -

**MADAM SPEAKER:** Mr De Domenico, order!

**MR BERRY:** I say to you, as much as it might cause your little bowels to knot, that in early September 1993 ACTTAB requested Price Waterhouse to conduct a company check of VITAB, and I am advised that the results of this check were satisfactory.

**Mrs Carnell:** So it is okay?

**MR BERRY:** I will read it out again. Do you question Price Waterhouse now?

**Mr De Domenico:** No; we question you as Minister.

**MR BERRY:** No, they do not question Price Waterhouse. As far as Mr Bartholomew is concerned, I had never heard of him until I saw the *Sydney Morning Herald* article and I was not aware of his involvement in any meetings until today.

## **Education Budget Cuts**

**MS SZUTY:** Madam Speaker, my question without notice is to the Chief Minister, Ms Follett, in her capacity as Treasurer. On 8 December 1993 my colleague Mr Moore asked the Minister for Education and Training, Mr Wood, what specific areas would be reduced as a result of budget cuts in education, and would he inform the Assembly of the specific areas he is targeting. During his answer Mr Wood replied:

I am not in a position to advise the Assembly of what details may yet emerge.

My question to the Chief Minister is: Now that almost three months have passed since the Assembly voted to retain the 80 teaching positions targeted for Government cutbacks in the budget, what expenditure reductions in education and other areas of the budget have been made to make up the estimated \$1.5m shortfall?

**MS FOLLETT:** Madam Speaker, may I correct the member right from the start and say that it is not a \$1.5m budget shortfall; it is actually \$3m in a full year. It is \$1.5m in the current year. I would say at the outset that the Government will, of course, fully observe the Appropriation Act, as amended by this Assembly with the support of Ms Szuty amongst others, and that will be an extremely difficult task. I said during the debate on that matter that the Government had considered all possible measures to rein in the education budget, and so we had. In considering all possible measures, we had arrived at a conclusion with regard to teaching numbers which, in my view, was a reasonable conclusion and the best way of reducing the education budget. All other proposals, all other suggestions of ways to reign in the education budget, were inferior in my view, and in the view of the Minister and the Government as a whole.

Once the Assembly took that position, Madam Speaker, we, as a government, were forced to review again what other possible measures might be taken within education. I have to say that, given the very high priority that this Government affords to education, that is not an easy task. The measures that we had proposed were arrived at after very careful consideration, and they were arrived at also in the face of projections, which we were aware of, indicating that enrolments will be stable or will actually decline in coming years. The Education Department has made major savings in past years. They have made them in the central office area and in other areas of the education budget; but it is a fact that, in education, the overwhelming majority of the budget is in salaries, and the overwhelming majority of that salaries budget is in schools based salaries. So there is no easy way to reduce their budget.

Madam Speaker, I believe that it becomes increasingly difficult to artificially quarantine that school based expenditure from any requirement to achieve a more efficient use of resources and, in fact, I have put that argument previously. It is a fact that they represent some 85 per cent of education expenditure. We are still considering a full range of alternatives. As I have said, I consider them all to be inferior to the ones that were proposed in last year's budget; but they do include other avenues for achieving efficiencies within the education budget. The scope for doing this, without taking measures which may have

a significant impact on social justice in particular, or could lead to some very false economies, is extremely limited. So, Madam Speaker, to respond in brief to Ms Szuty's question, the Government is still considering alternatives; but, as I have said all along, we had previously considered all the alternatives and come up with the best one. This Assembly rejected that.

**Mr Moore:** I take a point of order, Madam Speaker. The Chief Minister is ignoring standing order 52, and really has continued to do so, which requires her not to reflect on a vote of the Assembly.

**MADAM SPEAKER:** There is no point of order. Ms Follett, have you completed your answer?

**MS FOLLETT:** Yes, Madam Speaker.

### **Casino Premium**

**MR KAINE:** Madam Speaker, I address a question to the Chief Minister. Chief Minister, in December 1992 the Planning, Development and Infrastructure Committee recommended to you how the \$19m casino premium should be spent. We have just seen some of the results of that in the last few days with the opening of the convention centre at Natex, or Exhibition Park as it is now. In connection with all of that money, can you tell me how much of the \$19m was made available to Natex for that purpose? Secondly, how much, if any, has been spent on the other major items, the subject of those recommendations - specifically, the Aboriginal keeping place, the upgrading of the Playhouse Theatre, the cultural and heritage facility in the city centre and the equipment for the community theatre on Childers Street? Finally, how much, if any, of the \$2.25m that was recommended for regional community facilities has been disbursed from the trust fund, to whom, and for what purposes?

**MS FOLLETT:** Madam Speaker, I thank Mr Kaine for the question. It is a question on which I will need to consult with other Ministers on some aspects. I will undertake, at the start, to give Mr Kaine a full answer as soon as I have consulted. The break-up of that \$19m, as recommended by the PDI Committee, was accepted by the Government. I think it is fair to say that what money from that \$19m has not been spent is still available and will be spent in accordance with the PDI Committee's recommendations and in accordance with the Government's response.

To answer at least some of Mr Kaine's questions in more detail, Madam Speaker, I believe that the amount spent from the casino premium on the upgrade of Natex, or EPIC as it is now known, was of the order of \$1.5m; but I will get a firm figure on that. In relation to the fit-out of the community theatre, I will have to consult with the Minister on that, Mr Wood. In relation to the Aboriginal keeping place, that matter is still the subject of consultation by the Aboriginal and Torres Strait Islander Advisory Committee. I have put the arrangements for that keeping place into the hands of the advisory committee as the organisation best placed to consult widely with the people whose culture will be reflected in that keeping place. Those consultations are continuing. I think it is fair to say that it has been a protracted business. Nevertheless, I have not sought to hasten it in any way. I think that it is not the Government's role unilaterally to decide on that

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keeping place when we quite clearly have an Aboriginal and Torres Strait Islander community who are much better placed to make those sorts of decisions and ought to be consulted. I will be awaiting advice from the advisory council on the further development of the keeping place. I know that they are working on it; they have continuing consultations.

In relation to the regional cultural centre, the PDI Committee's recommendation was subject to some costing detail, as I recall it. My colleague Mr Wood and I have had a number of discussions on the costing detail of that proposal. I think it is accurate to say at the moment that there are issues still to be resolved, but we will certainly be advising the Assembly at the first possible opportunity on the further development of that cultural centre. Madam Speaker, I will get a full report for Mr Kaine. That, for the moment, is the information that I am able to make available.

**MR KAINE:** I have a supplementary question, Madam Speaker. The Chief Minister has said that she is not in any hurry to spend this money, or she has not placed any great priority on that. I would remind her that it is \$19m that was promised by the Government for community facilities. I just ask: Does she use a whiteboard, and does she intend to dispense this money just before the next election?

**MS FOLLETT:** I know that Mr Kaine would like to be the whiteboard monitor, but the answer to both questions is no.

#### **ACT 2000 Committee**

**MRS GRASSBY:** My question is to the Deputy Chief Minister in his capacity as Minister for Sport. Could the Minister inform the Assembly what are the issues and the opportunities identified by the ACT 2000 Committee to date?

**MR BERRY:** I hear a chuckle from the Opposition. They do not seem to be interested in the opportunities that will flow to the ACT as a result of the great win by Sydney of the right to host the Olympic Games in the year 2000. I thank Mrs Grassby for the question. The initial meetings of the ACT 2000 Committee have highlighted various issues and opportunities for Canberra as a result of the 2000 games. Some of the many issues which are being considered include the need to develop a tourism marketing strategy to maximise international visitation to the region over the next 14-year period. Essentially I see that as an extension of what we already do. A couple of recent examples have been the visit to the ACT by some Japanese soccer teams. I give credit to those people who organised that, because I think it has improved the ACT's standing in Japan no end. When you add that to the hard work that was done in Japan by the Chief Minister some time ago, the advantages to the ACT are beginning to flow. That is one aspect of it.

The opportunities to have the ACT and regional businesses involved in the development and staging of the 2000 games also have been identified by that committee. The opportunity to develop sport as a significant part of the Australian culture in Canberra's tourism attraction is an obvious one; nonetheless people have to do some more work to take the best advantage of it. There is the

opportunity to hold various pre-Olympic sporting competitions and training activities, and to develop our other international athletes. Just recently I had the pleasure of launching our own academy's campaign for the year. I said then that the major job for us is to develop the academy away from the shadow of the Institute of Sport. There is much work to be done there. It is about the preparation of our young athletes for passage into the institute and to those Olympic Games when they occur in the year 2000. There is some great work being done there.

Canberra's participation in the 2000 Olympic Games as a host of the preliminary rounds of competition is also an important area which we will follow through on. I expect that there will be some Australian Capital Territory stars among the contingent of athletes who compete in Sydney in the year 2000, and that is something that I know that, prospectively, we can all be very proud of. The committee has also formed several subcommittees to involve ACT sporting and community groups in considering these and in identifying other opportunities. So it is not just the committee; it is about involving as much as possible of the community that has a contribution to make in the development of the better interests of the Territory as we lead up to those games. The committee and its subcommittees will meet monthly to produce an action plan for consideration by the Government in late August 1994. I suspect, Madam Speaker, that we will have some good news for members on that action plan as we set ourselves up for the run in to those Olympic Games.

### **John James Hospital**

**MR HUMPHRIES:** My question is to the Minister for Health. I refer the Minister to the construction of new obstetric beds at John James Hospital pursuant to permission granted by the ACT Government in 1990. Is the Minister aware that the Department of Health has told the hospital that, notwithstanding that earlier permission, the policy of the department now opposes the building of new obstetric beds in Canberra? Does the Minister know that work on the new beds at John James is well advanced - indeed, it is due for completion in September this year - and that hundreds of thousands of dollars have been committed already to the project? Will the Minister guarantee unequivocally that the hospital will be able to open the beds it is building, pursuant to permission from the Government that it has received?

**MR BERRY:** I think it is very important to go over the history of the permission that was given to John James Hospital. It was given by Mr Humphries. Therefore it is not odd that he should raise the question now, trying to justify a position which really was not tested against the needs of the Territory in those days. One of the questions which have not been examined is how it will better deliver obstetric services here in the ACT, and they are issues about which I am very concerned.

**Mrs Carnell:** But it is not public money.

**MR BERRY:** Mrs Carnell says, "It is not public money". All she is concerned about is the money side of it, not the service delivery to women in the ACT. What we are about is providing quality obstetric services in the ACT, and we intend to make sure that we continue down that path. There is no guarantee

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that the development of obstetric services in the private sector will improve the quality of services to women. One thing you can rest assured of is that it will be more expensive and it will not be accessible for all ACT residents. Those issues are being considered against the background of the decision which was made by Mr Humphries, apparently without consideration of those issues. A decision on the licensing of those beds will be made against that background.

**MR HUMPHRIES:** I ask a supplementary question, Madam Speaker. I think the Minister misses the point. If the Minister disagreed with the decision taken by the Alliance Government, why did he not inform John James Hospital in June 1991, when he became Minister, that they should not proceed with the building of those new beds, rather than wait until three years and several hundred thousand dollars later before advising them of this change of policy? Will the Minister also admit that this letter advising the John James Hospital of the Government's change of mind arrived during the VMOs dispute and in fact was an act of brinkmanship designed to put pressure on ACT doctors?

**MR BERRY:** There are two separate issues. The doctors dispute was one of the most disgraceful actions that we have seen in the ACT - a major attack on the community and, in particular, those in our community who are sick.

**Mr Humphries:** Can you answer the question? This is getting back at them, is it?

**MR BERRY:** I have to say to Mr Humphries that it had nothing to do with it.

**Mr Humphries:** So why did you not tell them three years ago?

**MADAM SPEAKER:** Mr Humphries, let the Minister answer the question.

**MR BERRY:** Mr Humphries will now go away and say that I did not answer the question. On ABC radio this morning he said, "Mr Berry has not answered a question for years". What a big one! He knows, and the rest of the community knows, that I have stood up here day after day and answered every question that this mob can throw at me. I have to say, and I am pleased to say, that very few of them made you happy. If you are waiting for answers from me that make you happy, do not hold your breath. Do not hold your breath, members, because it is not going to happen.

When it comes to the obstetric services which were approved by Mr Humphries, I say again that they very obviously were approved without proper consideration. In relation to the further licensing of those beds, the matter is still under consideration against the background of all of those issues that I mentioned when Mr Humphries raised the question in the first place.

**Mr Humphries:** Can you answer the question?

**MR BERRY:** I have.

**Ms Follett:** I ask that further questions be placed on the notice paper, Madam Speaker.

## **SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS**

### **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 declarations, determinations and regulations. I also present notices of commencement of Acts.

*The schedule read as follows:*

Animal Diseases Act - Declarations -

No. 5 of 1994 (S13, dated 24 January 1994).

No. 6 of 1994 (S13, dated 24 January 1994).

No. 7 of 1994 (S13, dated 24 January 1994).

No. 8 of 1994 (S13, dated 24 January 1994).

Building Act - Determination of fees - No. 176 of 1993 (S273, dated 24 December 1993).

Building and Services Act - Determination of fees -

No. 177 of 1993 (S274, dated 24 December 1993).

No. 178 of 1993 (S281, dated 30 December 1993).

Buildings (Design and Siting) Act - Buildings (Design and Siting) Regulations (Amendment) - No. 54 of 1993 (S3, dated 5 January 1994).

Bushfire Act - Bushfire Regulations (Amendment) - No. 51 of 1993 (S275, dated 24 December 1993).

Chiropractors and Osteopaths (Amendment) Act - Notice of commencement (1 January 1994) of remaining sections (S279, dated 24 December 1993).

Electricity and Water Act - Canberra Sewerage and Water Supply Regulations (Amendment) - No. 52 of 1993 (S276, dated 24 December 1993).

Housing Assistance Act - Long Stay Caravan Park Housing Assistance Program - Determination of fees - No. 1 of 1994 (S9, dated 19 January 1994).

Land (Planning and Environment) Act - Land (Planning and Environment) Regulations (Amendment) - No. 53 of 1993 (S277, dated 24 December 1993).

Magistrates Court (Civil Jurisdiction) Act - Magistrates Court (Civil Jurisdiction) Regulations (Amendment) - No. 1 of 1994 (S15, dated 1 February 1994).

Motor Omnibus Services Act - Determination of charges -

No. 179 of 1993 (S6, dated 14 January 1994).

No. 2 of 1994 (S10, dated 20 January 1994).

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Motor Traffic Act - Motor Traffic Regulations (Amendment) - No. 48 of 1993 (S256, dated 10 December 1993).

Motor Traffic (Amendment) Act (No. 3) - Notices of commencement -

(13 December 1993) of paragraph 4(d) and sections 25 to 31 inclusive (S256, dated 10 December 1993).

(7 February 1994) of section 22 (S20, dated 4 February 1994).

Optometrists (Amendment) Act - Notice of commencement (1 January 1994) of remaining sections (S279, dated 24 December 1993).

Pharmacy (Amendment) Act - Notice of commencement (1 January 1994) of remaining sections (S279, dated 24 December 1993).

Proceeds of Crime Act - Proceeds of Crime Regulations - No. 50 of 1993 (S269, dated 22 December 1993).

Public Health Act - Determination of fees - No. 3 of 1994 (S11, dated 21 January 1994).

Public Place Names Act - Determinations -

No. 170 of 1993 (S263, dated 15 December 1993).

No. 171 of 1993 (S263, dated 15 December 1993).

No. 172 of 1993 (S263, dated 15 December 1993).

No. 173 of 1993 (S263, dated 15 December 1993).

No. 4 of 1994 (S12, dated 21 January 1994).

No. 9 of 1994 (S14, dated 24 January 1994).

Real Property (Amendment) Act - Notice of commencement (1 January 1994) of remaining provisions (S270, dated 21 December 1993).

Supreme Court Act - Supreme Court (Fees) Regulations (Amendment) - No. 49 of 1993 (S262, dated 15 December 1993).

## **LAND (PLANNING AND ENVIRONMENT) ACT LEASES**

### **Paper**

**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 statement which details the leases granted in the quarter ending 31 December 1993.

**GOVERNMENT'S PRIORITIES FOR 1994 AND  
AUTUMN LEGISLATION PROGRAM  
Ministerial Statement and Paper**

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, I seek leave to make a ministerial statement on the Government's priorities for 1994 and the autumn legislation program.

Leave granted.

**MS FOLLETT**: I thank members. Madam Speaker, I thought it appropriate at the beginning of this important year to outline the Government's policy priorities for the year. As is customary on the first sitting day of each Assembly session, I would also like to table the Government's legislation program for the 1994 autumn sittings. The program provides an overview of the legislation proposals the Government intends to introduce into the Assembly in the first half of this year, as well as those to be prepared for introduction at a later date. The Government has arranged its legislation proposals by portfolio and in a two-tier priority order, with the first priority category consisting of those legislative initiatives which the Government has accorded the highest priority for drafting. It is intended that the initiatives classified as "first priority" be introduced into the Assembly as soon as possible and before the conclusion of the autumn sitting period.

Returning to the Government's policy priorities for 1994, first and foremost it is my intention to continue to deliver responsible government for the ACT. We will consolidate and build on the Government's achievements over the past few years and respond in a considered way to the community's needs. As I have said before, my vision is one which integrates social justice, environmental protection and economic security for the Territory. Underpinning the Government's agenda for the year will be: Continuing stability in the delivery of programs; measures to take advantage of our economic development opportunities; social justice initiatives; and preservation of the special features of our Territory - integrating a modern urban plan into a unique bush setting.

Madam Speaker, let me now turn to some of the specifics of my Government's proposals for this year. A social justice budget statement is being developed for the 1994-95 budget. This statement will help the community to understand the social impact and equity implications of government programs. 1994 is the International Year of the Family and the Government sees the year as an excellent opportunity to celebrate family life, to recognise the importance of families, and to support and strengthen families. I shall make a detailed statement about the international year in the Assembly tomorrow.

An early item in our legislation program this year will be the introduction of legislation to complement the Commonwealth Native Title Act 1993. Madam Speaker, the Government believes that our response to the Mabo decision needs to deal with not only the complex legal and land planning implications but also the broader social justice issues. Accordingly, we are developing a specific Aboriginal and Torres Strait Islander social justice agenda. The agenda will be broad in scope, in recognition of the economic disadvantage Aboriginal peoples have suffered due to dispossession of their land. We aim to increase the

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participation of Aboriginal peoples in decisions that affect them, and to support the maintenance and the development of Aboriginal cultures. The agenda will also aim to address the aspirations of Aboriginal peoples beyond the entitlements created by the High Court's Mabo decision and the Native Title Act 1993.

The Government recognises that strategic planning is needed to enable us to meet the needs of our increasingly aged population. It is in this context that the Government will place a high priority on caring for the aged this year. During 1994 we will closely examine our role in the care of aged people in the ACT. We will investigate issues of concern for older Canberra residents, develop strategies for closing any gaps in the provision of services, and review our policy framework on caring for the aged.

The Government will also continue to improve services for young people. In implementing the objectives of the Australian youth policy, two groups have been identified as priorities in 1994. They are young people with disabilities and young people from non-English-speaking cultures. I shall announce further initiatives in 1994 to implement the Too Hard Basket report on access to services by young people from non-English-speaking cultures. These will include strategies to tackle the issue of racism within schools and to help teachers incorporate a multicultural perspective into senior secondary courses.

While our unemployment rate remains well below the national average, the level of youth unemployment has been of great concern to this Government. In the last budget the Government introduced a number of programs to help the most disadvantaged people in the ACT labour market. For example, the innovative Youth Joblink program provides real jobs for unemployed youth. The ACT Jobskills program provides long-term unemployed people with six months' work experience and training. Madam Speaker, the Government will not rest on its laurels. We will continue to build on our 1993 initiatives to ensure that economic growth provides the jobs necessary for our expanding labour force and to help unemployed people gain access to the jobs that are created. We will again consider the special needs of unemployed young people.

With recovery from the recession gaining strength, the Territory can look forward to a secure future. The Government's acclaimed record of financial responsibility will continue in our policies and decisions in 1994 and over the following difficult years of reducing Commonwealth funding. The ACT has joined the financially strong States of Queensland and New South Wales to be rated AAA - the highest level of financial rating - by the agency Standard and Poor's. This is a totally arm's length assessment by investment advisers of the financial soundness of the Territory, but it is also a reflection of our strong record in financial management and a vote of confidence in the Government's ability to carry out the sometimes painful but necessary adjustments. Madam Speaker, the Canberra Business Council made a point of writing to congratulate the Government on the AAA rating. They have also supported a number of Government initiatives, including development in the North Watson area, which the Opposition has tried to delay.

Despite reduced Commonwealth funding, Madam Speaker, there are good reasons to believe in the Territory's future economic security. A key component in building our future is the tourism sector. The past year has been important for the development of tourism in the ACT and the strengthening of links between the private and public sectors. Our standards of excellence are being recognised

not only in statistical data but by our achievements at the national tourism awards. Festivals increasingly form a major part of the Canberra tourism calendar and the Events Unit set up by the Government has been very successful in attracting and developing festivals and sporting events for the ACT. The Commonwealth Pacific Power Cycle Classic, the Esanda Car Rally, the National Folk Festival, the Osibi African Festival, the National Science Festival and, more recently, World Cup Show Jumping demonstrate that the ACT is an attractive location for major events. We have managed to attract a large number of visitors, especially during traditionally slow tourist periods.

This year will see a new addition to the festival calendar with the first Autumnfest being held over eight days in April and May. Autumnfest will focus on the brilliant colours of autumn as well as the variety offered by a large chrysanthemum display. It is expected that this festival will grow over the coming years to be like Floriade, a tourist drawcard for the ACT with truly national and international appeal. The Government is also positioning the Territory to take full advantage of the opportunities for business and tourism offered by the year 2000 Olympics in Sydney. We have commissioned a report by the end of this year from the ACT 2000 Committee on how to maximise the benefits for the ACT.

Tourism, growth and prosperity depend on effective marketing. In recent years I have been encouraged by the continuing success of ACT industry in national and international markets. As a Territory we are now looking beyond our borders to make new markets and business opportunities. This year the Government will strengthen the tourism links made during my Japan visit. South-East Asia and Japan are prime areas to target our marketing activities, and the major Japanese inbound tour operators have already shown a high level of interest in developing inbound package tours. The visiting soccer teams from the J-League Association who played here recently are another tangible example of the opportunities which have arisen through our contacts with the Japanese market. The Tourism Commission will concentrate on developing these sporting links with a view to staging major tournaments, as well as our target markets in Japan and South-East Asia.

I believe that local business confidence is growing and the time is right to market the ACT aggressively in targeted national and international markets. This is an important and exciting priority for 1994 and my Government will be increasing its activities in this area. In this context I am particularly pleased that planning is on target for the first intake of local, interstate and international students in 1995 at the Australian International Hotel School, which I recently announced. Madam Speaker, the Government is also fostering the cooperative marketing of ACT education for overseas students. The ACT business delegation to Japan served to reinforce the importance of external marketing, highlighting many new business opportunities. The business delegation featured a special partnership between the Government and the business community - a partnership I wish to maintain and strengthen in marketing both the business potential of the ACT and opportunities for existing ACT companies. I am sure members will agree that such cooperative work must underpin all of our economic development activities.

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Madam Speaker, the message to the people of Canberra is that their financial and economic future is in good hands. The policies that we have been following, geared as they must be to the adjustment in Commonwealth funding, need to be continued, and they will be continued. Nationally the financial climate has become very tight and the pressure to meet national standards in the effectiveness of our public services is irresistible. We will continue with initiatives which sharpen the focus on providing quality services in an efficient manner. Madam Speaker, our public service is obviously a key to the effective delivery of these services to the people of the ACT. The Government has pursued a process of improving the efficiency and accountability of the ACT Government Service by undertaking necessary investments to modernise operations and by expecting continuing efficiency gains throughout the administration. Our position has consistently been that providing quality, cost-effective services to the community is one of our highest priorities. Fundamental to this is a suitably qualified, adequately trained, motivated and professional public service. It is the Government's view that the ACT Government Service should be unified, with clear values and standards. Staff will be treated equitably, with common employment conditions, although differences can be accommodated where this is sensible.

One of the areas the Government will be looking at this year is the development of more flexible working arrangements to provide for the special needs of workers with family responsibilities. Staff in the new ACTGS will be able to move freely across the service, consistent with their abilities and interests. I believe that this will encourage a more diverse and multiskilled work force, with broader opportunities for progress and career development. Our negotiations with the Commonwealth are nearing completion, and I look forward to launching the new service on 1 July 1994. The Government will continue to consult closely and to negotiate with all sectors of the community to find equitable and affordable solutions that will ensure quality and efficient services for the people of the ACT.

Madam Speaker, an important focus this year is the implementation of the electoral system chosen by the people of the ACT. When the Assembly has passed the necessary legislation, the Electoral Commission will be mounting an education campaign to familiarise voters with the new system. In the field of education, the Government intends in 1994 to establish a Vocational Education and Training Authority as the Territory's training agency. In the health arena, Madam Speaker, the Government recently reached agreement with the Commonwealth on a charter of patients' rights, which ties in with the health complaints legislation recently passed by the Assembly. This is an important social justice initiative. It sets out the rights and standards of care which public patients are entitled to expect. We intend to appoint the first Commissioner for Health Complaints later in the year. During 1994 we will develop proclaimed places for more appropriate treatment of alcohol-affected citizens in the ACT. We are working on the development of new public health and environmental health legislation to replace the outdated 1928 Public Health Act. The new legislation will provide a clearer legislative and philosophical framework for public health services.

Madam Speaker, the Government will continue its strong record in social reform with the introduction of the Domestic Relationships Bill. This legislation, which has been the subject of public consultation, will provide legal rights and protection for people who live in domestic relationships. This year should also see the passage of our Mental Welfare Bill, which represents a major overhaul of the law. The Government has been concerned at the high cost and adversarial nature of our legal system. To enable alternative dispute resolution where this is appropriate, we are developing mediation legislation to give legal certainty to mediators and to facilitate the use of mediation.

My Government will never lose sight of the need for Canberra citizens to continue to enjoy the city that they live in. We are committed to preserving those characteristics which make it so special. This year the Government will aim to improve existing environmental laws by introducing integrated environment protection legislation. This legislation will enable the ACT to meet its obligations under national agreements. Other intended environmental legislation will protect threatened species and ecological communities in the ACT. Madam Speaker, legislation recently passed by the Assembly will result in the first state of the environment report later this year by the Commissioner for the Environment. This will represent an important benchmark against which the community will be able to judge future environmental change. One of the key factors in preserving our environment is the extent to which we recycle our rubbish. Tenders are currently being evaluated on the provision of a kerbside recycling program throughout the ACT. The trial arrangement at Kaleen has shown that household wastage can be reduced by one-third, which is in line with the Government's commitment to reducing unnecessary landfill in the Territory.

In terms of town planning, much of our focus in recent years has been directed to the activities that take place on particular blocks of land. This is evident in the development of new planning legislation and the formulation of the Territory Plan. Both of these were very significant exercises, but their area of concern is primarily administration of a contemporary planning system rather than a longer-term approach to Canberra's development. With their successful implementation we can now give some greater attention to how we see the future of Canberra in the longer term - what kind of city we would like to see 50 years from now. This process began with the release of the 2020 study last year. It will now be a major focus of our planning effort.

Madam Speaker, in 20 years' time the Territory is expected to have 400,000 people. In 50 years' time the population could be over half a million. We need to ensure that we gain the benefits that will emerge from growth, both in the ACT and elsewhere, and from economic, social and technological change. In some ways Canberra will be a different kind of city, with a strong emphasis on new technologies, flexible service activities and tourism, particularly ecotourism. Parallel with that emphasis, we are determined to see that Canberra retains the features that we have inherited from its early days, particularly its sense of space and its attractive landscape setting. These are the things that make the bush capital so special. This heritage of Burley Griffin, reflected in the hills and ridges in and around the city, the structure of its central areas and a concern for the natural and built environments, will remain a basic aspect of Canberra's development. Reconciling the competing demands of environmental protection and growth is a task that will face all governments in the coming decades.

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We intend to see that the balance is the right one. In response to these pressures we expect to see more variety of lifestyles, a more compact form for the city, and more environmentally friendly systems.

Madam Speaker, I am proud of the Government's record of solid achievements and stability. 1994 will see the Government build upon that record. There will be no froth and bubble, none of the empty effervescence and populist politics that we have come to expect from the Opposition. There will be no departure from our emphasis on quiet, deliberate and solid achievement. 1994 will mark the culmination of a successful three-year term in government. I move:

That the Assembly takes note of the paper.

Debate (on motion by Mrs Carnell) adjourned.

### **GOVERNMENT SERVICE**

#### **Discussion of Matter of Public Importance**

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

Lost opportunities for public benefit - the failure of the Follett Government to provide direction on the establishment of the new ACT Government Service.

**MR KAINE (3.28):** Madam Speaker, I must say that I raise this subject for debate today more in sorrow than in anger, because - and I want to emphasise this - it really does have to do with lost opportunities. I think that in today's world these are opportunities that we simply could not afford to lose, but in many cases we have already. We are well aware, of course, that positive action from Ms Follett on this matter began only after Paul Keating told her to get on with it. It is another one of those cases where the initiative did not come from this Government. In fact very few initiatives at all have come from this Government. What that meant, of course, was that we had already lost approximately three years before Ms Follett began to do anything about this matter.

**Ms Follett:** You did not do it either.

**MR KAINE:** I would remind her that when I was Chief Minister I was talking constantly about the need to do this, but another two years went by and then Paul Keating had to tell the Chief Minister to get on with it. A delay of five years in putting into place what is in fact the final mosaic in the panel of the new body politic, in my view, has been far too long. We already had the court system and we took over the police function, and we did those things a long time ago. The fact that it has taken five years already before we have even begun to move towards establishing our own public service is in itself an opportunity lost.

The Chief Minister has not been motivated by any urgency at all on this matter. In fact I noticed in a speech that she made back on 17 December 1992 that she made the point that "progress has not been rapid" up until that point. It has been even less rapid since. In the second speech that she made on this matter, on 11 May 1993, she said:

In my December statement I said that we expected to achieve a separate service by 1994. That remains my expectation. I have said that since I do not expect the necessary legislation to be passed by this Assembly until February 1994 ...

Well, this is February 1994. It is almost over. The Chief Minister referred to this matter in her speech today, but she did not mention any target for tabling the legislation. How does she expect to have the legislation in place to put a new public service in place on 1 July when she has not yet even tabled the legislation that would put it into effect? I presume that she expects to bludgeon that legislation through this Assembly, over everybody's objections if they do not like it, and put the public service into place on 1 July so that she can say that she met her target. There has been no urgency, and the Chief Minister, even today, exhibits no sense of urgency in this matter.

The point is, Madam Speaker, that, after a period of five years in which people have had a long time to think about this, it is a one-off opportunity for some beneficial change in the way things are done in the Territory; but in order to achieve that beneficial change a few things are required. The first thing that is required is some direction on this matter, some direction that involves innovation, some vision and some will for change, and there has been no demonstration of any one of those three things in anything that the Chief Minister has said or done up until today.

It is clear that the mundane minds of the members of the Follett maladministration have failed totally to grasp the potential, because there is no evidence of innovation, there is no evidence of vision and there is certainly no evidence of will for change, and I will discuss these matters over the next few minutes. Unfortunately, it seems that Ms Follett has lost the plot. She has let the opportunities pass her by. She has had months, in fact years, to think about this and has done nothing. Ms Follett has left the exercise entirely in the hands of her public service and has failed to provide any direction whatsoever that might have exhibited these attributes of innovation, vision and a will for change. What we see, in consequence, is an exercise that concentrates and focuses entirely on the mechanics of the public service itself and the arrangements within which our public service employees will function. Major emphasis is on the rights of the participants.

I must say that this exercise, so far as it goes, represents a job well done by the public servants concerned. It is a great tribute, I think, that they have been able to achieve this with absolutely no input whatsoever from the political level.

**Ms Follett:** The same maladministrators?

**Mr Connolly:** Ha, ha!

**MR Kaine:** You can chuckle, because I will come to this in a minute. The Chief Minister has made no contribution over the last one-and-a-half years, other than making three speeches on the issue. That was her only contribution. Two of them were made in this Assembly - one in December 1992 and one in May last year - and the third one was made in a public service forum within the last few days. They were the only three public statements made by the Chief Minister on this major question in a one-and-a-half-year period.

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What in fact has she said in those three speeches? The answer is "very little", because she focused entirely on the mechanics of the public service as well. In fact, the tone of her speeches is such that you can almost guarantee that the very same public servants who have done all the work on this issue over the last couple of years wrote her speeches for her. There is no change. The wording is bureaucratic. They are non-definitive. They are even ambiguous. There is no political direction, or even a sense of any political direction, in any of those things. I could go through them; but they talk entirely about the public service itself, the rights and prerogatives of the members, and not about structural and other change.

What has been done so far is quite proper and is quite necessary. Obviously, no government could move towards severing thousands of public servants from the Australian Public Service without preserving the existing rights and prerogatives that those people enjoy. It is fundamental. I was talking about that when I was Chief Minister in 1990. Here we are in 1994 and the Chief Minister is still talking about it, but she has not done anything about it. The legislation that she expected, confidently, in May last year would be passed by this Assembly by now is not even on the table. We have not even seen it.

The efforts that have been put forward so far, by the public servants, I repeat, have been unduly restrained and directed not toward innovation and vision but, on the contrary, to preserving the status quo. Everything that the Chief Minister has said, even in her speech today, talks about preserving the status quo. It talks about maintaining public servants' superannuation entitlements, perpetuating the use of Comcare, and mobility between the public service and the APS. It is all good stuff, but there is not a single change from what we do now. In other words, what we have today is just great, and we do not want and we do not need to change anything. Nobody can sit here today and tell me that an organisation with 23,000 people in it is operating at its best; that it has the best structure; that its role, functions and responsibilities are clearly defined in the most optimal fashion. If you do, you know nothing about organisation or organisational dynamics. It simply is not the case.

The problem is that the exercise demands much more than what has been put into it so far. In particular it demands that the Government do some constructive and innovative thinking, and provide some direction from the top. There needs to be direction on such matters as the organisational form that this structure is going to take and how effectiveness and efficiency are going to be enhanced, and some specification of what the corporate roles, functions and objectives of this new organisation are going to be. How can you set out to create a new organisation of 23,000 when you have not even defined what its roles, functions and objectives are going to be? That is the responsibility of government. It has not been done. If it has been done, perhaps the Chief Minister can table the document that shows that it has been. I have not seen anything like that.

How can public servants deduce what is in the minds of their political masters if it is not articulated clearly? Ms Follett's only recognition of the totality of this need consists of one small sentence out of the only three public statements that she has ever made on the matter. I quote from her speech in a public service forum only three or four days ago. I quote what the Chief Minister said:

There will be a range of minor changes to machinery of government arrangements.

That is the best she can do when talking about structure and the way the operation is going to work. This must be the only government in Australia that has not embarked on major change over a period of years. Even now, with this opportunity before us, the best that the Chief Minister can say is that there will be some minor changes in the machinery of government. She qualifies even that statement, because the next sentence says:

These changes are designed to refine and clarify accountability arrangements.

So even they have to do with only the internal mechanisms of this organisation; they have nothing to do with the relationship of the organisation with its outside environment, with its customers, with the taxpayers.

Not only the Chief Minister's speeches on this matter have been totally uninformative; government papers issued during 1993 were quite ambiguous as well. I would like to quote a couple of statements from a document called "Strategic Directions for ACT Government Service, June 1993". The first couple of statements relate to organisational structures. One of the things that I am worried about is that there has been no change. I will quote a great bit of public service gobbledegook:

Different organisational configurations such as minimalist management structures will have implications for administrative structures, the use of senior management levels, devolution of authority and risk management.

**Mr De Domenico:** You did not write that, did you?

**MR KAINE:** No, I did not, and neither did the Chief Minister. It is fine; that is a good statement as far as it goes. But it is very academic. What do they mean by it? What are the implications for administrative structures? In what way are they going to change? I can assure you that that is as definitive as this paper that talks about strategic directions ever gets in terms of defining the new structure. It goes on:

Multiple reporting lines are available to the Executive through the creation of offices within agencies and bureaus as sub-agencies ... This has been demonstrated to be a flexible and responsive suite of options and should be retained ... The creation of a separate ACT public service brings this issue into focus and provides the vehicle for resolution at macro levels. This could include the value of existing central agencies.

In other words, what we have now is just great. There is no contemplation that we could be doing it in a different way. Anyway, what does it mean? What does that mean in relation to the structure of the organisation that is about to be put into place? It means nothing. From the same paper, relating to managers, I quote:

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The different role and functions of different levels of management in the ACTGS is sometimes blurred, and authority generally has not been devolved as far as is permitted. There are also limited incentives for good performance, and little guidance on how to manage in a reducing environment. This has implications for structures, levels, training and culture, staff commitment and the provision of encouragement and incentives to foster the development of good management structure ...

If that is the case, what is the Government doing about fostering the development of good management structures? "That is very good", I have written here; but what are the implications and how will that affect the organisational structure? That does not tell you. It raises some questions - it is a very academic paper - but, as with all of the papers put out by the Government, it means nothing.

Madam Speaker, the outcome of five years of self-government is that we have a public service led proposal for change, and this has occurred because the Government has not the wit or the desire to determine the nature and direction of change. We have here yet another bizarre example of the Follett Government's consultation process. The unions have been consulted, and properly so. There have been protracted negotiations with the Commonwealth, again properly so. But where is the consultation with the community, with business, with academia? How is it that, on such a major issue that affects every taxpayer in this community, the community has not once been asked for its opinion? The answer is: Because the Chief Minister does not even comprehend the importance and the significance of what she is doing. It does not even occur to her that she should be asking somebody for a view.

Madam Speaker, there is one major step, one really important aspect of this matter, that the Government has done a lot of work on, and it has to do with logos. There was an article in the paper the other day and they have done a lot of work on this matter. I had a look at some of the logos and I could not figure out what they meant. I did notice that one of them shows the current swans without legs. I presume that that is representative of this Government, which is also legless. That is really important stuff - that we get the logo right, and that we have the right label to put on our bottles of wine that will be bottled specially for the occasion. I am sure that our public relations experts must be delighted. If they are, they must be the only people who are. Madam Speaker, I submit that the Government has failed miserably on this major issue. The taxpayers of the ACT deserve better and the members of the ACT Government Service deserve better.

**MS FOLLETT** (Chief Minister and Treasurer) (3.44): Madam Speaker, Mr Kaine is confused. He is confused on this issue, completely and absolutely. If you want evidence of Mr Kaine's confusion you need look no further than the headlines on his own media releases on the subject in letters an inch high. On 27 January Mr Kaine, Trevor Kaine MLA, headed his press release "New ACT Public Service - Where is the political direction?". Madam Speaker, they say that a week is a long time in public life, but two or three weeks is long enough for Mr Kaine to forget what he said, because on 17 February 1994 - the same year - Mr Kaine's press release was headed "Follett's speech a blatant attempt to politicise ACT Government Service". Madam Speaker, there they are. It is no wonder that Mrs Carnell sought to intervene, elbowed Mr Kaine out of the way and took over the public service comment herself - not to any great effect. It was out of sheer embarrassment, and I can understand that.

Madam Speaker, Mr Kaine is confused about what is occurring with the change to a separate ACT public service. He is confused about the difference between a legal authority, an employing authority, and micro-economic reform. That is the fact of the matter. Mr Kaine is also confused in his own analysis of what is going on. He has accused me of putting the emphasis on mechanics. Well, yes; when I am undertaking an exercise aimed at changing the employing authority, Mr Kaine, I am dealing in mechanics. Let us have no doubt about that. He has accused me of lacking innovation, vision and the will to change. He has said that there is no structural or other change. He has criticised that, as it is his right to do, Madam Speaker.

Of course, what Mr Kaine has not done is come forward with one single concrete reform that he would put forward in similar circumstances. We have heard from him nothing but empty rhetoric, and very confused rhetoric at that. Madam Speaker, I believe that in public comment on the public service I have said a great deal about what sort of a public service it is. Mr Kaine is quite wrong on the lack of consultation. I believe that I have previously reported to this Assembly on the forums that have involved the groups that Mr Kaine has accused me of ignoring. I do appreciate the significance of this step.

Madam Speaker, I would like to add to the comments that I made last week about the nature of the new ACT public service. Rather than go over the same ground again, I will address my remarks today to some other issues. I would like to say that the main purpose of the Public Sector Management Bill, which will be before Mr Kaine's committee next month, is to allow us to run our own show. But it will do more than that. It will give us the framework and the flexibility to embark on further major public sector reform. It will open up the enterprise bargaining agenda further and allow the public service to respond and adapt to new ways of doing things without having to argue for the Commonwealth to agree to that change, which is the current situation.

The new Bill is about improving responsiveness and accountability, without which the Government and democracy cannot work. It is very much also about equity for our employees and, particularly, equal employment opportunity. The public sector in the ACT is a trendsetter in this area, so public sector reform is one of the driving forces behind our goal of greater social justice. Our agenda is also about service, and that is service to the community. Madam Speaker, that probably does sound simplistic, a matter of mechanics as Mr Kaine might say; but if a public service does not actually serve the public there is absolutely no point in having one.

I would like to list some of the specific reforms that will be contained in the Public Sector Management Bill. There will be, first of all, a clear and up-front statement of values on which public administration is to be based. That has been the subject of a public forum that did have representation from the community sector, from the unions, from business and so on. That up-front statement will be complemented by principles of administration that build on those values. There will be an explicit statement of the behaviour that we expect from our own public employees, and this will be supported by disciplinary provisions. It will include an explicit prohibition on sexual harassment.

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We will establish a unified service that will span almost all of our 23,000 public sector employees. That is a much broader coverage than that of the present Commonwealth Public Service Act, which covers only about 13,000 of our present employees. We will be establishing an executive staffing committee which will make promotions in the Senior Executive Service. This committee of agency heads will also reaffirm the independence of the service from political interference and the merit based nature of public sector employment. In addition to retaining legislative provision for equal employment opportunity and industrial democracy, as I have said before, we will legislate for access and equity principles. I think that that is another first for the ACT and a real reform.

Madam Speaker, the role of our commissioner for public sector management, however called, will go beyond the traditional public service commission role of personnel management reviews to a much broader statutory role of management review across the service, and that will be another important vehicle for driving the Government's reforms. We will be abolishing the Australian citizenship requirement that applies to the Australian Public Service. I think that will remove a form of discrimination that is simply not justifiable in this Territory and in this time. We will make our so-called continuing employees, who are mostly blue-collar workers, officers. That will remove the longstanding second-class citizen status of those employees, and open up new careers and new mobility for them. In line with the Estimates Committee recommendations, we will be legislating against double dipping by banning employees who have accepted a voluntary redundancy pay-out from being re-employed within two years, unless it would be in the interests of the Territory to do so. We will have full reciprocal mobility with the Australian Public Service, and that was a must, I thought, in creating our own public service. It is in fact another first, and it establishes a very desirable precedent for further reform at a national level as interservice mobility is on the COAG agenda.

We will reform temporary and casual employment practices. I think this is fair to our employees, and it will certainly enhance the accountability of managers in their use of that kind of labour. We will consolidate all of the subordinate rules, regulations and instructions of public employment into a single set of public sector management standards, which will be written in much plainer language than the current rules are. This is consistent with our view that managers should be more clearly responsible and accountable for their management. We cannot reasonably ask this of managers unless we make it easy for them to know what is expected of them at both the broad level, through the values and the principles that I spoke about that will be in the Bill, and the detailed level, through the public sector management standards. Finally, Madam Speaker, as I have said, we will be including what are known as whistleblower provisions in the Bill, based on the Gibbs committee recommendations. I spelt out some detail on that in my speech last week. Madam Speaker, the reforms that we will make in the Public Sector Management Bill are very substantial, and that is only the start. The Government is committed to further public sector reform through enterprise bargaining and budget initiatives, and that will become plainer over the coming weeks and months.

I think there is a stark contrast, as I said at the start, with the Opposition's record and the Opposition's agenda. What do we know of their proposals for reform? What did we hear from Mr Kaine? Not a cracker. Not a word. Empty rhetoric. Madam Speaker, all they have done is sit on the sidelines, criticising, and, even then, all too often they get it wrong. They say that we have been too slow, without any appreciation of the complexity and breadth of the issues that are being dealt with and the reforms that are being made.

**Mr Berry:** Next they will say that we have gone too fast.

**MS FOLLETT:** Yes. They take no account of the fact that I would not give the green light to the separate service until I had personally obtained assurances from the Prime Minister on certain preconditions, most notably continued mobility with the Australian Public Service. That was just over 12 months ago, and we are still working towards 1 July as the start-up date. I believe that 18 months is a very short timeframe for such a major change. To say, as they have said, at least in one of the press releases but not both of them, that there is no political direction is just ludicrous. Our agenda, particularly on matters such as equity and accountability, has been clear all along. This was remarkably lacking in anything said by the Opposition. It was clear in our statements before the last election, for example, Madam Speaker, and, as people know, we are a Government that believes in consultation. Just because we give interested parties a say in reform, and because we act on their suggestions where it is sensible to do so, that does not mean that we lack political direction. Do we lack political direction, Madam Speaker, because we consulted the community on the values and the principles of our new service and then reflected the views of the community in that Bill? The suggestion coming from the Opposition is absurd.

Madam Speaker, I would like to throw down the gauntlet to the Opposition. As I have said before, where is your agenda for reform? We have heard from Mr Kaine about how he would like to cut down the numbers in the public service - 3,000 jobs to go. That is not a reform, Madam Speaker. I do not believe that it is a reform, but at least it is a concrete suggestion that we have had from Mr Kaine. All we have heard from Mrs Carnell, after she had elbowed Mr Kaine aside, got Trevor off the radio and given a burst herself, was that she would - I think this was what she was saying - contract out a lot of things.

**Ms Ellis:** Absolutely. It was the message that I got.

**MS FOLLETT:** Members agree with me that that was the message that Mrs Carnell was attempting to convey. Madam Speaker, that is not reform either. If the members opposite want to make a valuable or realistic contribution to this debate they have to come up with an idea or two, and so far they have not. So far all they have done is snipe from the sidelines. It is the Government, of course, which has got on with the job and, as is usual, is doing the job in consultation. In particular, with the public service Bill, we will be doing that job in the best interests of our own employees as well as the best interests of this community generally.

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Madam Speaker, I very much look forward to the creation of a separate ACT public service. I do regard it as much more important that we get it right than that we snipe across the chamber at each other, and that is what this Government is intending to do.

**Mr Kaine:** We do not know what you are doing yet. We have not seen your legislation.

**MS FOLLETT:** But you will, next month.

**MR DE DOMENICO (3.56):** Madam Speaker, the last remark of the Chief Minister was incredible. She said, "It is better to get things right than just to snipe at each other across the chamber". I would like to take umbrage at those comments made by the Chief Minister because - -  
-

**Mr Lamont:** Because all you can do is snipe across the chamber.

**MR DE DOMENICO:** And at the echo at the back there. Chief Minister, this chamber's role is to entertain ourselves by debating the issues of concern to the community. I cannot recall one time when Mr Kaine was Chief Minister when he spoke at a forum of public servants and used that forum to attack the Labor Party. The Chief Minister the other day had an excellent opportunity to come out with her Government's vision on how to attack the imposition of the ACT public service; but, no, what did she do? She attacked the Liberal Party. She attacked the Opposition. So much for the vision and whatever that this Government has. Mr Kaine was right. There was no vision. There was no direction. It was an opportunity lost. It was an opportunity for the Chief Minister to give her visionary statement about what novel ideas she has in mind in establishing the new ACT public service. It was lost totally.

The other words that the Chief Minister uttered were also pathetic. She said that Mr Kaine did not know what is occurring and that he was confused. I will tell you what; Mr Kaine knows what is occurring today, and so do the people of the ACT. This wonderful Chief Minister, with her vision for the public service, ought to be reminded that today there are no buses in the ACT. The Transport Workers Union is so happy with that vision that its members are all off work. Why are they all off work? Let us look at the words of the Transport Workers Union. Do not listen to what the Opposition says; listen to the Transport Workers Union. A press release dated yesterday, put out by Mr Schulz, said:

Our members are outraged that the tardiness of the Chief Minister's Department has continued into the New Year.

He went on to say this:

We believed that the industrial action taken by our membership in December had convinced the Deputy Chief Minister, Mr Berry, to take this matter seriously. Instead, his Department is continuing to delay and obstruct the final approval of the agreement.

The enterprise bargaining agreement struck between the Transport Workers Union and management at ACTION provides for savings of at least \$6.5m off the subsidy paid by the Canberra community for public transport services.

So here we have one of the great support groups of this Labor Government saying, "Hey, listen, you have it all wrong".

**Ms Ellis:** I do not know what this has to do with the matter of public importance.

**MR DE DOMENICO:** I will tell you what it has to do with this, Ms Ellis. If you read the matter of public importance, it says, "Lost opportunities for public benefit". Ms Ellis ought to realise that a \$6.5m potential saving, and more perhaps, on the buses has something to do with "Lost opportunities for public benefit". Ms Ellis would know that, notwithstanding the fact that only about 6 per cent of the Canberra community use the buses, for a start, this enormous subsidy is somewhere over the \$50m mark. Mr Connolly gets outraged sometimes when people do not quote figures verbatim according to what he has to say.

**Mrs Carnell:** It is basically a million dollars a week.

**MR DE DOMENICO:** That is right. Basically, any opportunity to save \$6.5m, or \$5.5m, or \$4.5m, ought to be taken up by the scruff of the neck.

**Mr Kaine:** Think what it would do for the Education Department. It would get Bill off the hook with his education budget.

**MR DE DOMENICO:** Exactly. The Transport Workers Union, in their own words, has said, "Listen, we are sick and tired of this Government's lack of action, its lack of direction and its lack of understanding of the issue". That is not what I said; that is what the Transport Workers Union has said. Who can ever forget, Mr Deputy Speaker, what Mr Heaney said before Christmas?

**Ms Ellis:** It has nothing to do with him.

**MR DE DOMENICO:** Ms Ellis is saying, "It has nothing to do with it". I will tell you what it has to do with it, Ms Ellis - and we do not get it from a whiteboard, by the way; we get it from pieces of paper written by union people, unlike people in other places. I will tell you what happens. All those unions that are now coming up and attacking Mr Berry and the Chief Minister and the departments for their lack of action happened to be, at one time, members of the central coordinating group. I say "happened to be" because they no longer are. Why are they not? It is because a lot of them have said, "Listen, we are sick and tired of this procrastination that has been going on".

**Mr Lamont:** Mr Deputy Speaker, it behoves me to rise - - -

**MR DEPUTY SPEAKER:** Is it a point of order, Mr Lamont?

**Mr Lamont:** It is a point of order, Mr Deputy Speaker.

**MR DE DOMENICO:** Under what standing order, Mr Lamont?

**MR DEPUTY SPEAKER:** Order!

**Mr Lamont:** It is the concept of relevance. We have a matter of public importance - - -

**MR DE DOMENICO:** What standing order?

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**Mr Lamont:** If you want to give me 30 seconds I will find it for you and quote it to you verbatim.

**MR DE DOMENICO:** No, no; come on! What is your point of order? There is no point of order, Mr Deputy Speaker.

**Mr Lamont:** Mr Deputy Speaker, it is a requirement, when addressing a matter of public importance, that the speaker maintain relevance to it. For Mr De Domenico's edification, the subject is "the failure of the Follett Government to provide direction on the establishment of the new ACT Government Service".

**MR DEPUTY SPEAKER:** Yes, I would accept that. However, you did leave out the first five words, "Lost opportunities for public benefit", Mr Lamont. I am sure, though, that Mr De Domenico will get back to the topic under debate at the moment.

**MR DE DOMENICO:** Mr Deputy Speaker, whilst I have been on the point, I will reiterate. If Mr Lamont wants me to concentrate on the words "ACT public service", I will. I recall one fine day in May 1992 when Ms Szuty and I were in Brisbane on the PDI Committee or the Tourism Committee. May 1992 was when the Prime Minister, Mr Keating, wrote to the Chief Minister, Ms Follett, and said, "Hey, listen, we now give you advice that we want you to establish your own public service". Two years later, have we seen legislation? No. Have we seen any direction from the Government? No. Have we seen any political vision from the Government? Have we seen any move by the Government to change the current structure of the ACT public service? Have we seen any indication that the Government may want in the future to change the structure of the ACT public service? Absolutely not. Have we seen any inclination by this Government to encapsulate modern industrial relations and enterprise bargaining concepts? The answer is no. The Chief Minister did mention, in some cliché, that she intended to open up the industrial relations situation. Industrial relations, I dare say for members opposite, is the crux of the establishment of the ACT public service.

Let us have a look at the industrial relations scenario. We will never forget last Easter, by the way, when there was an attempt at proper enterprise bargaining by ACTEW workers, with the permission of the management and with the signed permission of the Minister, Mr Connolly, who said, "Here is an opportunity, a wonderful opportunity, for public benefit". Minister Connolly signed it off, only to be scuttled at the door of the Industrial Relations Commission by whom? By Mr Berry; the very person to whom Ms Follett has given the responsibility of negotiating industrial relations for the establishment of an ACT public service.

**Mr Kaine:** Did he have Helga with him?

**MR DE DOMENICO:** I do not know who he had with him, but guess who won. It was not Mr Connolly who won. It was not the public benefit that won. It was Mr Berry. Mr Berry had his way. Interestingly enough, the Transport Workers Union are not criticising Mr Connolly. They are criticising once again, believe it or not, the lack of action by Mr Berry and Ms Follett.

Here is an agreement, albeit an ambit agreement, involving \$6.5m - perhaps it is a bit more than \$6.5m - and what does this visionary Government, concerned about public funds, concerned about social justice, social equity and all these sorts of other cliches, do? It completely ignores all the warnings it has had from the Transport Workers Union. It will not even sit down and talk to them officially. It will not even sit down and talk to them unless they agree to this centralised, bureaucratic, non-flexible industrial relations system. No other government in this country - I think no other government on earth, in fact - is following the example of this Government, and in particular Mr Berry, in wanting this bureaucratic, cumbersome, centralised, inflexible system.

**Mr Kaine:** The Supreme Soviet.

**MR DE DOMENICO:** Exactly. No wonder there are unionists standing out there and saying, "Hey, listen, Mr Berry; you have got it wrong". As I said, Ms Follett can stand up here and say, "Listen, it takes a long time to do all these things". Sure it does. The Chief Minister has had two years. She sought no public consultation whatsoever. She is prepared to sit on her hands, steady as she goes, and leave matters as they are.

That is not the way to establish a new ACT public service. Centralised, inflexible things are not the way to establish a new ACT public service. The unions agree with that, and everybody else agrees with that - except this Government. This Government, as always, puts ideology before commonsense. Ms Follett tries to say that the Liberal Party is doing nothing. The Liberal Party is saying, "Listen, let us all stand where sensible people meet. Let us have a look at what has happened in other States and Territories and let us make sure that we do not make the same mistakes". If we continue along the track of centralised, inflexible industrial relations systems, it is no wonder that most of our 23,000 public servants - whether they be bus drivers, teachers, doctors, people in the Legal Aid Office or people in the DPP - say, "Hey, listen; the way you are doing it is not the way we think you should do it. It is going to affect us. Please listen to what we have to say". But this Government will never listen.

**MR LAMONT (4.07):** I thank Mr De Domenico for his farewell speech as the chairman of the Select Committee on the Establishment of an ACT Public Service, and I will remind him of some of his own words a little bit later. I regard it as somewhat apocryphal that this matter of public importance has been placed upon the paper today by a member of the Liberal Party about to be appointed to the Select Committee on the Establishment of an ACT Public Service. I find it somewhat apocryphal because it is quite obvious that he has a quite deliberate intention to proceed in a particular direction as far as this committee's inquiry is concerned. It is also extremely obvious that he has not been listening to the experts, at least the self-proclaimed experts, on the establishment of an ACT public service. Mr Kaine, do you believe that you should do that? The answer obviously is yes. Let me remind Mr Kaine of one of the experts and what they have said about where the Government is up to. Mr Deputy Speaker, let me quote:

The committee's work was greatly assisted by a briefing from the Chief Minister and officers of her department on 31 August 1993. The briefing focused on the ACT Government's submission to the committee, which we received on 13 August 1993 and which was briefly discussed in this chamber on 14 October. The submission

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itself included a valuable dissertation on the machinery of government, as well as other papers relating to how the process of public sector reform might be continued within a separate service. Also included was an outline of the points for discussion between the ACT and Commonwealth governments. The successful conclusion of those negotiations was clearly central to the establishment of a separate service.

**Mr Kaine:** Who was this? This is Karl Marx you are quoting, is it?

**MR LAMONT:** He continued:

Both parties are no doubt concerned with getting the best possible outcome for their public sectors.

Mr Kaine said, "Who was this person?". It was Mr De Domenico, Mr Kaine. Obviously you, the person about to assume his mantle as a member of this committee, have not listened in this chamber as your own party members have indicated the appropriate nature - - -

**Mr Kaine:** No; I might have a different opinion. Has it occurred to you that I might have a different opinion?

**MR LAMONT:** A different opinion, Mr Kaine? That is probably the least of the differences between you. But I will go on, Mr Kaine.

**Mr De Domenico:** Unlike the Labor Party, we allow differences of opinion in the Liberal Party. We do not do what we are told by the faceless people.

**MR LAMONT:** Mr De Domenico, you are the current chairman - - -

**MADAM SPEAKER:** Mr De Domenico, as I recall, you have had your turn. Order!

**MR LAMONT:** Mr De Domenico, a member of your party, is the current chairman, Mr Kaine, of the select committee. He then went on to say:

Madam Speaker, the committee received a further briefing from the Chief Minister's Department on 8 November. The committee was encouraged to hear that many of the 20 points to be discussed with the Commonwealth had been agreed in principle.

He said that the committee was informed that there were other outstanding issues which needed to be resolved.

**Mr Kaine:** They are still unresolved.

**MR LAMONT:** As you well know, or you should know if your colleague has briefed you on where his stewardship of this committee - - -

**Mr Kaine:** He has not briefed me.

**MR LAMONT:** He has not briefed you? He has left you in the dark.

**Mr Kaine:** I am not a member of the committee.

**MR LAMONT:** The notice paper this afternoon says that you are to be appointed a member of this committee.

**Mr Kaine:** It is not on any notice paper that I have seen.

**MR LAMONT:** I will speak slowly. The daily program says:

Standing and Select Committee - Membership. Mr Humphries, by leave, to move motion to discharge and appoint Members to the Standing Committee on Planning, Development and Infrastructure and the Select Committee on the Establishment of the ACT Public Service.

**Mr Kaine:** That is nothing to do with me.

**MR LAMONT:** I understand that it is, certainly in the discussions that have been held by your party. Have they not told you, Mr Kaine - - -

**Mr Kaine:** No.

**MR LAMONT:** Have they not told you that you are about to become a member of the select committee?

**Mr De Domenico:** I raise a point of order, Madam Speaker. The topic of the matter of public importance is "Lost opportunities for public benefit - the failure of the Follett Government to provide direction on the establishment of the new ACT Government Service". Madam Speaker, Mr Lamont ought to be told to speak on that subject, and not on what may happen in the future in relation to the notice paper.

**MADAM SPEAKER:** Mr Lamont, I think that your attention has been brought to the subject in hand.

**MR LAMONT:** Thank you, Madam Speaker. I can understand why Mr De Domenico was obviously embarrassed; he has not even told Mr Kaine that they are about to appoint him to a select committee. Had Mr Kaine received that briefing and joined that committee, I am absolutely confident that he would not have raised this MPI this afternoon.

**Mr Kaine:** I raise a point of order, Madam Speaker. I do not think that it is within the standing orders of this Assembly for any member to talk about what may or may not be going to happen in the future. It is sheer speculation about what this Assembly might do at some future time. I suggest that he confine himself to the matter before him and deal with facts, not speculation.

**MADAM SPEAKER:** Mr Lamont, please proceed.

**MR LAMONT:** Thank you. Madam Speaker, I have been advised by the Liberal Party that they are proposing, this afternoon, to change the representation by appointing Mr Kaine to the Select Committee on the Establishment of the ACT Public Service and removing Mr De Domenico. I can understand, probably, why they have not told Mr Kaine that, and I can also understand why they want to remove Mr De Domenico.

Madam Speaker, the reason why I alluded to this statement made in the house on Thursday, 9 December, by the current chairman of the Select Committee on the Establishment of the ACT Public Service was so that the sheer and arrant nonsense proposed in this MPI was exposed for what it is. There is obviously great dissension within the Liberal Party. It is obvious, by Mr Kaine's own admission, that the rest of the party are not talking to him. They have attempted to set him up and to shanghai him into something that he does not know about. I feel sorry for Mr Kaine; but, Madam Speaker, it really does make a mockery of this MPI. Not only does it make a mockery of this MPI; I would submit that it also makes a mockery of a resolution of this Assembly which appointed the Select Committee on the Establishment of the ACT Public Service, a committee which I believe has worked extremely well and diligently to this point in time.

**Mr Kaine:** I take a point of order, Madam Speaker. I really do have to ask you to bring the speaker back to the subject. What we are talking about is lost opportunities on the part of the Government. We are not talking about the select committee. We are not talking about what it did in the past, or what it might do in the future, or what its membership might be. That has nothing to do with the matter of public importance that is before the Assembly for debate now. I suggest that Mr Lamont bring himself back to debate the subject matter that is before the house. Anything else is sheer speculation, as I said before.

**MADAM SPEAKER:** Proceed, Mr Lamont.

**MR LAMONT:** Thank you, Madam Speaker, for your direction. On the simple basis that I think the Opposition have embarrassed themselves enough this afternoon, I will now sit down.

**MRS CARNELL** (Leader of the Opposition) (4.14): Madam Speaker, I am very surprised that those opposite do not believe that the issue of a stand-alone public service is possibly the greatest matter of public importance that this Assembly could be debating today. Certainly, the Liberal Party believe that. The opportunities that a stand-alone public service gives the ACT are the envy of every other State government, and I am sure the Commonwealth Government as well. Unfortunately for them, they do not have this opportunity; but we do. It is also very unfortunate that the Chief Minister is choosing to ignore that. She used in her speech the comment that this is not about micro-economic reform; it is about mechanics. Micro-economic reform is what every other public service in this country has been subject to for the last number of years. It is the reason why other public services in this country are starting to look like efficient operations, ones that people can be very proud of being part of and ones that encourage their public servants to be proud. I think that is what we all want for the ACT public service.

I think it was very unfortunate that the Chief Minister used the opportunity to pan the Opposition and really gave absolutely no information about what was going to happen with our new stand-alone public service when she spoke to the new graduate administrative public servants last week. The inappropriateness of using that forum to pan the Opposition was totally unbelievable. I use this forum to ask the Chief Minister for equal time. Public servants are supposed to be apolitical. The Liberal Party believes that the only way that the ACT can work appropriately is if our public service is kept as non-political as is possible.

Really, that is the basis of the public service in this country. It is the reason why it has worked so well on behalf of the community for so long. Yet the Chief Minister, in one speech, attempts to undo what has been a very appropriate tradition in this country. This particular forum was to welcome new graduates - - -

**Mr Berry:** And warn them.

**MRS CARNELL:** Exactly. That just shows the attitude. It was to welcome new public servants into the ACT, into our service, or what will be our service from the middle of this year. To use that forum to attack the Opposition is just so inappropriate that it is unbelievable. Was it the only forum in which the Chief Minister believed she could get away with it? Was it because these new public servants, at this stage in their lives, are not going to disagree with the boss, shall we say? It is very interesting that the Chief Minister is using forums like this to indoctrinate new public servants.

**Ms Follett:** Oh, wake up!

**MRS CARNELL:** If the Chief Minister perceives this to be an appropriate forum for such things, I am very pleased for her to give us equal time.

**Ms Follett:** I gave you a lot of time in my speech.

**MRS CARNELL:** Give us equal time in front of the same forum. Surely, the job of the Chief Minister - - -

**Mr De Domenico:** She did not even invite us to the function.

**MRS CARNELL:** We do not even have a copy of the speech. Obviously, what that forum should have done was encourage our new public servants to be proud of the public service that they are going into; to believe that we - that means this whole Assembly - are all about making this public service a better place and making Canberra a better place. Obviously it was a totally inappropriate approach, just as the Chief Minister's comments on micro-economic reform were inappropriate. Up to date Ms Follett's Government has not even determined which services should be provided by the public service. It has not done any work in that area, as Mr Kaine said.

**Ms Follett:** Which ones would you leave out? What do you want to leave out?

**MRS CARNELL:** The first thing we would do, Ms Follett, is to do a review to determine which services should be provided. We should be deciding at what level these services should be provided. We should be deciding who should get the services. We should be determining how these services should be provided. This sort of approach - - -

**Mr Kaine:** Like 504 beds in our public hospital.

**MRS CARNELL:** That is obviously a very appropriate service.

**Mr De Domenico:** Ask what service Mr Connolly would leave out if it is not run properly.

**MRS CARNELL:** Obviously Mr Connolly would leave out the buses. That is without any doubt. If you do not do this work, work that every other State government has done already, you cannot determine what sort of public service you need. You cannot determine what the public service should look like. You cannot determine how our public service should be re-engineered to fit the management structure and the requirements of the employees - something that the Follett Government does not seem to care about at all. People have changed. People's expectations of the workplace have changed, and they should change. Every other government in this country, every business and every organisation in this country, has been through a period of dramatic change at the workplace level over the last five years. I do not believe that there is an organisation in this country that has the same management structure now as it had five years ago - that is, any successful organisation or structure in this country - except, of course, the ACT Government. There is, to use the Chief Minister's own words, no micro-economic reform, just a mechanical change; no change to the management structure, just tinkering at the edges. It was very interesting - - -

**Mr Kaine:** A new logo.

**MRS CARNELL:** A new logo, and some nice wine, hopefully. Even the Public Sector Union itself said that it was concerned. This is the union that supposedly has been consulted. They were concerned that all we were going to get, to use their words, was a new logo and possibly new letterheads. If they are concerned, heaven help the ACT after 1 July this year. These are the people that supposedly have been consulted.

With the reduction in Commonwealth funding to the ACT we all know that the public service is under pressure, but where is that pressure being felt? It is being felt at the service delivery end. It is being felt by the bus drivers; it is being felt by the people who are trying to run our health system without enough money, without enough beds, without enough nurses, and without the capacity even to keep operating lists at anything like a reasonable level.

**Mr Berry:** Rubbish! All emergencies are being treated.

**MRS CARNELL:** That is all that is being treated. Spot on. Heaven help you if you are not an emergency. In fact, surgeons in this town are sending people to casualty because it is the only way that they can get anyone into the hospital. People with secondary malignancies, Mr Berry, are going into our hospital via emergency. It is simply unacceptable. The whole reason for that sort of a problem in our health system is that Ms Follett and her Government have not addressed the very real problems that exist in setting up a new public service by looking at the management structure. The public servants are trying to make this city a better place, trying to keep our health system running, trying to keep the services running in this city, trying to keep buses on the road, trying to offer \$6m in savings to this Government but not being allowed to do so because Mr Berry has a very strange view on what enterprise based agreements are.

Mr Berry and Mr Lamont made some pretty unfortunate comments about Mr De Domenico's approach to this MPI. They seem to think that industrial relations have absolutely nothing to do with the new public service. That is certainly not the view of other organisations and other governments in this country, including the Federal Government. The Federal Government agree and support the fact that workplace based agreements are the only way to give flexibility to this new employment culture.

**Mr De Domenico:** Everybody knows that.

**MRS CARNELL:** Everybody knows that. Everybody knows that we need a flatter management structure. We need a focus on the individual. We need workplace based agreements which will give every section of our public service a capacity to service the public, to do their job within the guidelines that you as the Government set, to the best of their ability. The only way that can happen is with workplace based agreements, so that they can produce the efficiencies that they want to produce.

**Mr Berry:** You lost the last election on that rubbish.

**MRS CARNELL:** It is not our policy; it is your policy, Mr Berry.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.24): Mrs Carnell has it wrong again. She talks about politicisation of the public service and all that sort of stuff. She would know, but will not repeat, that politicisation of the public service occurs when public servants actively participate in the political process.

**Mr Kaine:** Or when the Chief Minister inflicts politics on them.

**MR BERRY:** Okay. This is a quote from the Chief Minister's speech:

The Opposition seems to expect us to simultaneously slash and burn the ACT Government Service, to reduce services, staffing and operations. The level of service, method of delivery and associated resource needs are properly set in the budget context, and we do this every year. The head of employment power always has been irrelevant to these types of decisions.

**Mr Kaine:** An absolutely improper statement from a Chief Minister to public servants.

**MR BERRY:** It is absolutely proper because new graduates in the public service are entitled to know what their future prospects are going to be. What we are saying to you - - -

**Mr Humphries:** What? Under a Liberal government?

**Mr Kaine:** So that was deliberately designed to prevent the Liberal Party winning the next election. Yes, deliberately designed. This is not political! Of course not!

**MR BERRY:** It is perfectly proper for the Government to address proposals that deeply affect public servants and their future employment prospects. Labor would, of course, make sure of this in all circumstances. It is proper for the Government to reassure them of the attitude of the government of the day in relation to their jobs and whether the range of opportunities will change. Why should we not tell them? What are we supposed to do? Keep them in the dark? No way. You cannot keep them in the dark. This is even more true for new graduates who are keenly sought after by the Commonwealth departments and who might well leave the ACT Government Service if they thought their opportunities would diminish, as they might well do once they listen to the threats that are being made by the slash and burn Liberals opposite.

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Let us be clear. I am sure it is abundantly clear to everybody from the Chief Minister's comments that not only are we capitalising on opportunities to increase public benefit but we are also providing the basis for future improvements. The Chief Minister has already provided an extensive outline of the provisions of the Public Sector Management Bill and has also provided examples of innovative approaches we have taken to maximise the benefit for the ACT community. We have also told Mr De Domenico very clearly in briefings - something that he applauded.

I would like to elaborate on two particular areas where we have provided direction and innovation - occupational health and safety, and industrial relations. In terms of occupational health and safety, we are keeping the best of existing practice by repeating the OH and S provisions of the Commonwealth Act in the Public Sector Management Bill. We believe that the issues are of such importance to workers that they should be included in the principal employment Act, which in our case will be the Public Sector Management Act. We have negotiated ongoing arrangements with Comcare that will ensure that our employees are afforded the best coverage delivered in the most effective way - - -

**Mr De Domenico:** Comcare? What a waste of money going through Comcare is!. A complete waste of money!

**MR BERRY:** The Government will continue to review arrangements - - -

**Mrs Carnell:** Give people a choice.

**MADAM SPEAKER:** Order! Mr Berry, I would like to bring members' attention to standing order 39, which says:

When a Member is speaking, no other Member may converse or make any noise or disturbance to interrupt that Member.

I believe that I have been very lenient in the application of that standing order. Perhaps we could just - - -

**Mr Kaine:** She is talking to you, Mr Lamont. You are sitting there with your back to the Chair and talking.

**MADAM SPEAKER:** Order! Perhaps we could reduce the amount of noise in the chamber so that I can hear Mr Berry. Mr Berry, proceed.

**MR BERRY:** Thank you, Madam Speaker. The Government will continue to review arrangements to ensure that they are provided in the most effective way. We will be able to provide elements of those services ourselves should it be proven that this is more effective. The public sector management standards also set out the consultative forums that we will apply in the ACT Government Service. We recognise that employees as well as the unions can contribute to decision making processes. Specific provision is made in the standards for staff consultation and broader management improvement initiatives that will ensure that effective decision making processes continue. Clearly, Madam Speaker, enterprise bargaining is another area where the ACT Government has provided

direction and leadership in achieving savings and in providing services to the community. We are making good process on an enterprise agreement which is underpinned by a number of significant initiatives that will provide major benefit to both the ACT Government and the wider community. These initiatives are the result of a structured planning process and are fundamental to the way in which we deliver services to the ACT community.

In conclusion, I would simply say that it is totally shortsighted to say that the Follett Government has not provided, and will not continue to provide, effective direction and leadership to the ACT Government Service.

**Mr Kaine:** It is absolutely true.

**MR BERRY:** In fact, we are doing well. I know that it upsets you, but you will get used to it.

**MADAM SPEAKER:** The time for the MPI has expired.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE**

Inquiry into Guidelines for Residential Development and  
Historic Areas

**MR LAMONT:** I ask for leave to make a statement regarding a new inquiry by the Standing Committee on Planning, Development and Infrastructure.

Leave granted.

**MR LAMONT:** I wish to inform the Assembly that on 10 and 17 December 1993 the Standing Committee on Planning, Development and Infrastructure resolved to inquire into, and report on, the guidelines for residential development in area B1, North Canberra; the guidelines for residential development in area B2, Kingston-Griffith; and the guidelines for the Forrest, Red Hill, Deakin, Griffith historic areas.

Madam Speaker, the resolution of the Planning Committee arises out of concerns that were expressed to the committee and to the Planning Authority during our investigation of, and report on, the Territory Plan. It was indicated that these areas were identified as special areas deserving additional guidelines for their development. Madam Speaker, the B2 area, Kingston-Griffith, has been subject to specific guidelines since 1975, and it is envisaged that the proposed guidelines, slightly amended, will continue that arrangement. Madam Speaker, the Planning Committee has already sought public submissions in relation to these guidelines and will be holding a public hearing on all three of the guidelines on Friday, 4 March. Madam Speaker, what we are proposing to do is to test the veracity of the guidelines vis-a-vis public comment that was made to us throughout the inquiry into the Territory Plan and, indeed, by letter on other occasions. We hope to be able to make comment on the appropriateness of the guidelines for these specifically designated areas.

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I think it is appropriate that I draw to the attention of the Assembly the fact that there is no statutory obligation on the Chief Territory Planner to provide these guidelines to the committee for this type of exercise. I regard it as a test of the relationship between the statutory office of the Territory Planner and the Minister's office that they have readily and cooperatively agreed to having these matters tested by our committee in public hearing in the manner that I have outlined.

**MS SZUTY:** Madam Speaker, I seek leave to make a short statement on the same matter.

Leave granted.

**MS SZUTY:** Madam Speaker, as the chairman of the Planning, Development and Infrastructure Committee has announced, the committee will be inquiring into the development of guidelines for three areas of significance in Canberra - firstly, area B1, which takes in Turner, Lyneham, Braddon and Dickson, predominantly along Northbourne Avenue; secondly, area B2, which addresses Kingston and Griffith; and, thirdly, the historic areas of Forrest, Red Hill, Deakin and Griffith.

Madam Speaker, it is worth noting that one of the objectives of the new Territory Plan was to introduce greater certainty and consistency, to enable proposed developments to be handled more easily. However, it is also worth noting that many specific areas of our city have their own additional objectives and development controls which will guide development on those sites. The Planning, Development and Infrastructure Committee recommended in its report on the Territory Plan:

... the guidelines bearing on the final Territory Plan, and any further guidelines developed in the future, be disallowable instruments pursuant to the Subordinate Laws Act 1989.

It was pleasing for our committee to be approached by the ACT Planning Authority for our suggestions as to how consultation on the proposed guidelines for the three areas that I have mentioned might proceed. Mr Lamont addressed that matter in his remarks. Our suggestions were adopted by the ACT Planning Authority towards the end of last year, and considerable community comment has been generated. The Institute of Valuers and Land Economists; the Royal Australian Institute of Architects, ACT Chapter; the Royal Australian Planning Institute, ACT Division; the Australian Institute of Landscape Architects, ACT Group; the National Trust; the Heritage Council; the Housing Industry Association, ACT Division; and the Master Builders Association have responded to all three guidelines; and a number of individuals have responded to each, with most interest being generated in the guidelines for the historic areas and for Northbourne Avenue. The draft guidelines have now been revised by the ACT Planning Authority, and the Planning Committee is holding a public hearing, as Mr Lamont has said, on all three guidelines on 4 March to hear views and objections.

I have spent some time commenting on what is occurring, Madam Speaker, because I believe that the process that the Planning, Development and Infrastructure Committee has adopted for consideration of the proposed guidelines is a good one. Members have spoken often of the need to enable groups and individuals to have their say on planning matters, and this will be further facilitated during the Planning Committee's inquiry process.

Madam Speaker, I said at the time that the Planning Committee reported to the Assembly on the Territory Plan:

It will also be important to further develop precinct plans for particular areas and suburban plans. I know that the Yarralumla Residents Association is keen to develop a plan for the development of Yarralumla. I believe that we need to encourage communities to work together with planners to achieve cohesively planned communities and neighbourhoods.

The Planning Committee's new inquiry, I believe, facilitates this process. Since I spoke of the work that the Yarralumla Residents Association is doing, it has come to my attention that the Oaks Estate Progress Association is also looking at developing additional planning guidelines for Oaks Estate. This demonstrates a continuing interest by local communities in the development of their areas, an interest which needs encouragement by all the players in the planning process, including the ACT Planning Authority and the Planning, Development and Infrastructure Committee.

**MR KAINE:** Madam Speaker, I seek leave to make a short statement on this matter that the chairman of the committee has raised.

Leave granted.

**MR KAINE:** Madam Speaker, I understand that after today I will not be a member of the Planning Committee, but I would like to record my thoughts on what the committee is about to undertake. We have only just put in place a Territory Plan which is very comprehensive. It even goes into detailed design and siting requirements on a block-by-block basis, and before the ink is dry on that document we have before us guidelines for certain areas that are encompassed by the plan. In other words, there is already beginning to be over the plan an overlay of guidelines that are not part of the plan. Indeed, there are no procedures under the plan by which these guidelines can be properly considered, endorsed and dealt with, so the Planning Authority has found itself an avenue of referring them to the Planning Committee, which is taking unto itself a role that is not part of its terms of reference, in order to legitimise these documents.

I am concerned that the Territory Plan, six months after its introduction, is already proving to be deficient and that we are getting documents such as this being endorsed. They are going through some sort of an endorsement process, but they are not part of the plan. I am concerned that we may very quickly get to the situation where people do not know what the rules are. The plan is quite specific, but beyond the plan there are other documents that are only guidelines. Presumably, the Planning Authority can implement or not implement them as they see fit on a case-by-case basis.

I submit, Madam Speaker, that the Planning Committee should consider as a matter of policy how these documents can be incorporated into the plan once they are approved, so that they become part of the Territory Plan. They are not separate documents; they are not stand-alone documents; they are not documents

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that can be varied by a planner at whim or according to the circumstances of the case. The objective of the plan was to introduce certainty into the process. The minute you put into place a massive guidelines paper overriding a very large geographic area of the city, it immediately removes the certainty that the plan was proposed to put in place.

I ask the committee to consider, along with the documents themselves, whether these documents, once approved, should become part of the Territory Plan. Then there would be no doubt whatsoever in the minds of people using the plan and subject to it where these documents stand, what they are and what force and authority they have. The chairman may wish to take that on as part of this reference.

## **COMMITTEES - STANDING AND SELECT**

### **Membership**

**MR HUMPHRIES** (4.39): Madam Speaker, I ask for leave to move a motion regarding membership of the Standing Committee on Planning, Development and Infrastructure and the Select Committee on the Establishment of the ACT Public Service.

Leave granted.

**MR HUMPHRIES**: I thank members. Madam Speaker, I move:

That:

- (1) Mr Kaine be discharged from attending the Standing Committee on Planning, Development and Infrastructure and Mr Cornwell be appointed in his place.
- (2) Mr De Domenico be discharged from attending the Select Committee on the Establishment of the ACT Public Service and Mr Kaine be appointed in his place.

Madam Speaker, a number of sensitive and important matters are currently before, and will in the future come before, the Standing Committee on Planning, Development and Infrastructure. I am sure that the committee will be disappointed to lose the expertise of Mr Kaine on that committee; but I am sure, Madam Speaker, that members are also aware that at the present time that committee consists entirely of members of the Assembly who are residents of the Belconnen and Tuggeranong townships of the ACT.

**Mr Lamont**: That is not correct.

**MR HUMPHRIES**: Mr Lamont might have moved, but he certainly has been identified with the Belconnen area up until now.

**Mr Lamont:** I have been identified with the whole of Canberra, Mr Humphries.

**MR HUMPHRIES:** Have you? You have been identified with a lot of things I would not like to admit to, Mr Lamont. It seems to me, Madam Speaker, that it is appropriate for there to be a range of geographical locations for members on that committee. Mr Cornwell, of course, brings longstanding residence and membership of the area of Canberra which is now known as the Molonglo electorate. That is a very important change that has occurred since the committee was set up.

Secondly, Madam Speaker, Mr De Domenico, is no longer the spokesman for this party on questions of the public service; that position now falls on Mr Kaine's shoulders. There would be few people in this place with wider experience and knowledge of the ACT public service than Mr Kaine. It is therefore entirely appropriate that he should take that place on the committee and contribute his experience to the committee. Madam Speaker, I commend to the house these changes arising out of changes to the shadow ministerial arrangements.

**MR LAMONT (4.41):** I rise briefly to comment on the proposed changes. The practical position in this chamber is that a particular party determines who amongst its members shall represent it on particular bodies. A decision has been taken by the Liberal Party in relation to the current deputy chair of the Planning, Development and Infrastructure Committee. Madam Speaker, we in this chamber quite often have gibes at each other across the chamber about a whole range of issues, and I think that at times we fail to recognise the contribution that individual members make to the workings of the Assembly and, in particular, on this occasion, the Planning, Development and Infrastructure Committee. I acknowledge the role performed by Mr Kaine during the life of this Assembly, the role performed by him when he was the Minister responsible for planning in the ACT and his invaluable contributions when he went into opposition. Although he has had other role changes in his Assembly life, he has continued as a member of the committee and, indeed, has been the deputy chair.

The continuity of Mr Kaine's involvement in the Planning, Development and Infrastructure Committee is something that I personally value, Madam Speaker. With his experience, he helped draft and present to this Assembly the planning legislation that was - unfortunately, in my view - substantially amended on the floor of this Assembly and made almost unworkable. It is pleasing to see that Mr Kaine was also a keen supporter of the self-reference by the Planning Committee of an inquiry into planning legislation. Mr Kaine, I say with great certainty that you will be sadly missed by me as chair of that committee and, I am sure, by every other member of the committee. You will be missed by - - -

**Mr Humphries:** It sounds as if he is dead or something.

**MR LAMONT:** Let me comment on that, Mr Humphries, by suggesting that his resurrection in this political life is more assured than yours is. Mr Kaine, because we are a party that listens and a government that listens, we are prepared to vote against this motion if you wish us to. All you need to do is give us the nod that you do not wish to depart from this committee and we will only too gladly see your position retained.

**MS SZUTY (4.44):** Madam Speaker, it is with regret that I speak to this motion, which if passed by the Assembly will mean that Mr Kaine will no longer be a member of the Assembly's Standing Committee on Planning, Development and Infrastructure - and no longer Opposition spokesperson on planning matters, something which perhaps we have overlooked. It is probably unusual that a change in the membership of an Assembly committee would attract Assembly notice and comment. However, I believe in this instance that it is appropriate to say a few words about Mr Kaine's contribution to the working of the Planning, Development and Infrastructure Committee and about the circumstances which have led to the change.

Madam Speaker, I first heard of the proposed change in the membership of the Planning Committee when I was on holidays in Western Australia early in the new year. I was surprised and puzzled about the decision at the time and, in my own mind, put it down to Mr Kaine's support of my dissenting report with regard to the draft variation for Kingston, section 25, blocks 4, 5 and 6, which will be - - -

**Mr Lamont:** No. There is only one dissenting report.

**MS SZUTY:** I know that. That draft variation will be discussed in the Assembly later this afternoon or early this evening - early this evening, I expect. The Planning Committee finalised its position on the draft variation close to Christmas in 1993. Whatever the reasons for the decision of the Leader of the Opposition, Mrs Carnell, to change the membership of the Planning Committee, Mr Kaine's contribution to discussion and debate on planning matters needs to be acknowledged. There is no question that Mr Kaine's experience and expertise in understanding planning issues are profound.

As Assembly members will be aware, Mr Kaine was a member of the Planning, Development and Infrastructure Committee of the First Assembly. When Mr Kaine was Chief Minister, Norm Jensen reported to him in his capacity as executive deputy assisting the Chief Minister on planning, environment, heritage and leasehold management. When Ms Follett was re-elected as Chief Minister towards the end of the First Legislative Assembly, Mr Kaine resumed his earlier role as a member of the Assembly's Planning Committee and assumed the chair of the committee. Mr Kaine has been a member of the Planning, Development and Infrastructure Committee of the Second ACT Legislative Assembly since its establishment on 27 March 1992 - for almost two years. Thus it can be seen that Mr Kaine has acquired five years of considerable experience and expertise with regard to planning matters since his election as a member of the Legislative Assembly in 1989.

I have appreciated Mr Kaine's input to Planning Committee deliberations on a wide range of matters, including consideration of the \$19m casino premium, the Territory Plan and two of the Government's capital works programs, along with many draft variations to the Territory Plan that the committee has also considered. I will miss his contribution to future inquiries of the Planning Committee, most particularly the inquiry into planning legislation and the inquiry into the Kingston foreshores. This is not to say that Mr Kaine will not have plenty to say about planning matters in the ACT. I am sure that he will continue to comment about planning issues from time to time.

Madam Speaker, I also do not wish to underestimate the contribution that Mr Cornwell will make to the Planning Committee's deliberations. I particularly note Mr Cornwell's involvement in the examination of the issues in relation to the proposed North Duffy-Holder draft variation, now withdrawn by the ACT Government. In conclusion, Madam Speaker, I regret the departure of Mr Kaine from the Planning Committee. However, I look forward to working with him in another capacity as the newly appointed chairman of the Select Committee on the Establishment of the ACT Public Service.

Question resolved in the affirmative.

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

**MRS GRASSBY:** Madam Speaker, I present report No. 24 of 1993 and report No. 1 of 1994 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation, and I ask for leave to make a brief statement on the reports.

Leave granted.

**MRS GRASSBY:** Report No. 24 of 1993, which I have just presented, was circulated when the Assembly was not sitting, on 23 December 1993, pursuant to the resolution of appointment of 27 March 1992. Report No. 1 of 1994 contains the committee's comments on 25 pieces of subordinate legislation and four Government responses. I commend the reports to the Assembly.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Report on Draft Variation to the Territory Plan - Kingston**

**MR LAMONT (4.48):** Madam Speaker, I present report No. 18 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan - Kingston, section 25, blocks 4, 5 and 6 - together with a copy of the extract of the minutes of proceedings. This report was provided to the Speaker for circulation on Thursday, 23 December 1993, pursuant to the resolution of appointment. I move:

That the report be noted.

Madam Speaker, this planning variation comes about after a long and chequered history. The lease for this site is owned by a well-known and highly respected architect and developer in the ACT, Mr Gary Willemsen. He put forward a proposal to construct what I think is generically called the third Kingston tower. The proposal for the construction of that tower was put out to joint consultation between the National Capital Planning Authority, which gave every indication that they would be supporting such a proposition, and the ACT Planning Authority. Midway through that process it was indicated that the National Capital Planning Authority was not prepared to support the

construction of that tower, and Mr Willemsen then sought, in consultation with the ACT Planning Authority, another suitable proposal for the site. Madam Speaker, the area is directly opposite the main Kingston shopping centre and is contained within the area identified in the Territory Plan for commercial purposes.

Madam Speaker, there is a minority dissenting report provided by Ms Szuty as part of this report. On a motion moved in the committee by Mr De Domenico, there were three votes in favour of the variation and two votes against it. Those two votes were those of Ms Szuty and Mr Kaine. Madam Speaker, in deliberating on whether or not the Planning Committee should approve this variation, my understanding of the argument put by the majority was that the public benefit clearly outweighed any public detriment. In discussions with the ACT Planning Authority, the proponent was asked whether or not he would be prepared to allow on this site, over which he has a 99-year lease, public car parking. In order to facilitate the provision of that public car parking the proponent has exceeded the planning guidelines on a number of points - the density of the block, the setbacks that are required and the height of the building.

In considering the Kingston area, the Planning Committee was mindful that there is a general view that the current state of that shopping centre is not appropriate for such a significant site and a significant shopping centre in the ACT. It was fairly obvious to us that it had been some considerable time since any substantial work had been done to that major shopping centre. In order to promote the concept of regeneration and rejuvenation of the area, we propose to amend the draft variation. I read an extract from the minutes:

Resolved - Mr De Domenico: That the Committee endorse the draft Variation as proposed with the following additions:

that the non-retail commercial land use proposed for the ground floor fronting Giles Street be expanded to include retail and/or commercial land use;

that the ACT Planning Authority undertake a review of the current land uses in the Kingston Group Centre Precinct to optimise the balance between commercial, retail and residential land uses.

It was the view of the committee that that should happen, and that the public benefit of allowing this development to proceed far outweighed the perceived public detriment or the perceived loss of public amenity. It is a majority decision in the report. I understand that Ms Szuty will speak to her dissenting report, and Mr Kaine has indicated, quite properly, that as a member of the committee he wishes to comment on his view and his reason for taking that view. Madam Speaker, I commend this variation to the house.

**MR KAINE** (4.54): It is a bit unusual to indicate what happens within a committee, but the chairman has noted that the vote on this issue was three in favour and two against. I was in fact one of those two who voted against this variation. I chose not to put in a dissenting report because I have the opportunity here and now to say what I think, and that will be on the record. As far as I am concerned, that is quite sufficient.

My exception to this particular development has nothing to do with whether or not that site should be developed. Of course it should be developed. It is sitting unused. The developer has invested a lot of money in it. He should have the opportunity to build something there and begin to get some return for his investment. My objection is to the circumstances under which that development is planned to take place. We have a Planning Authority which in this case imposed an obligation upon a private land-holder to provide public parking spaces on that piece of ground. That in itself, I believe, is unusual. I know of no other case in the ACT in which a developer has been told that he must provide public parking on a private piece of land that he is developing for commercial use. That, I believe, was unacceptable.

The developer accepted the requirement, but I do not believe that he willingly accepted it, because it carries a very severe financial penalty for him. He has to make an investment to provide those parking spaces. They are not being provided at the public expense; they are being provided by the developer. I believe that it was clearly understood by the developer that if he did not agree to provide these parking spaces at his own expense no development would be approved. I do not believe that the Planning Authority of this Territory should proceed in this fashion.

Having placed an obligation on a private developer to provide public parking spaces at his own expense on his own property, the Planning Authority then proceeded to totally set aside the requirements of our Territory Plan to allow him to do so. There are some major requirements, major specifications, when somebody wants to build on a site in the ACT. Those relate to setback, plot density or plot ratio, and height. In order for this developer to accommodate the requirement imposed upon him by the Planning Authority to put public car parking spaces on that block, the Planning Authority itself sought to vary the Territory Plan to waive all of those requirements. I have to ask the members of this Assembly: Why did we put in place only a few months ago a Territory Plan that imposes on developers, private and public, an obligation to comply with the provisions of that plan, only to have those provisions set aside by the Planning Authority itself? For those reasons, in conscience, I cannot support the variation that was put to the Planning Committee.

I believe that the whole process is suspect, and I believe that the developer should have been allowed to develop whatever he chose to develop on that site - as every other developer in Canberra is - provided he complied with the requirements and the specifications of the Territory Plan. But that was not the case, and all of those requirements were set aside, I repeat, to accommodate a requirement imposed on the developer by the Planning Authority itself. I submitted in the hearing that the Planning Authority could have dealt with this public parking problem in another way. But they looked at no other options. They did not say to the Planning Committee that they had examined any other options for solving the public parking problem at the Kingston shopping centre. I believe that they set about solving the problem in their particular fashion.

I believe - this is only my recollection - that the developer told us that it was going to cost him nearly \$2m to provide 82 car parking spaces. That seems to me to be an unconscionable imposition on a developer. Why should a private developer spend \$2m, if that is the figure - and I stand to be corrected - or \$1m or half a million dollars providing public parking spaces on his block of land?

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I think in principle that is an unreasonable imposition on any property owner, private or commercial; but then to set about setting aside all of the provisions and all of the constraints of the plan in order to accommodate it, I believe, is unreasonable and unacceptable. For that reason, I do not endorse this proposal.

Lest it be said, as it has been said in connection with North Watson, that I am delaying development, let me say that that is not true. It is not true in connection with this block and it is not true in connection with North Watson. Let it be quite clear that I do not oppose development on this block. I think that the developer had an undue financial burden imposed on him. I believe that he would not willingly accept that burden, except that, as he explained to the committee, he needs this project to keep his work force in place. In other words, if this project had not gone ahead, the employees on his payroll who will now be employed on this project would no doubt have been put off his payroll because he had no other project to employ them on.

I could have been far more adamant in my position. I could have put in a dissenting report, and I am sure that Ms Szuty and I could have made a lot more noise in the Planning Committee than we did. I accept the fact that the developer has good reason for wanting to go ahead with this development, even under the conditions imposed upon him. I do not think it is reasonable and I do not think it is acceptable - and I do not think the Planning Authority ought to be allowed to get away with the idea that it can do so - that the Planning Authority should unilaterally determine what sort of development takes place on a site, even to the extent of setting aside all of the constraints that we, the members of this Assembly, built into the plan only six months ago. I think it would be totally reprehensible of us as a body to lead the Planning Authority to believe that. They need to be disabused of the idea.

I will no longer be a member of the Planning Committee. Ms Szuty said that I will no doubt be making comments on planning matters in the future. You are damn right. I will. If I believe that what is being done is unacceptable, then I will express my view publicly, as I have done in the past.

**Mr Connolly:** What about the allocation of portfolios in the Liberal Party?

**MR KAINE:** We will worry about that when the time comes. I wanted to have my opinion on the record. In essence, I agree with Ms Szuty on this matter, but I did not feel that it was necessary to write a dissenting report. I have now put my view on the record without writing such a report.

**MS SZUTY (5.01):** As the chair of the Planning Committee has stated in this Assembly today, the divergence of views among committee members regarding this draft variation revolves around the question of what is in the public interest. For the benefit of Assembly members who are not members of the Planning, Development and Infrastructure Committee, I will address the points of my dissenting report briefly. The variation initially proposed that redevelopment in the form of a public car park, residential and commercial development occur on the site located at the corner of Tench, Giles and Jardine Streets, Kingston. In its majority report, as the chairman has said, the Planning Committee has also recommended that in addition to the abovementioned uses retail activity be able to occur on the site. I dissent from this part of the recommendation.

The site has an interesting history which has created difficulties from the planning perspective because of certain anomalies. The site was leased in 1979 by Grace Bros. It did not develop the site but instead allowed members of the public to park their vehicles there. The site is quite large and can accommodate 160 vehicles. Because of these longstanding arrangements, members of the public have become used to parking on the site and accessing the Kingston shops and other services and facilities in the area.

In May 1992 the leases of blocks 4 to 6 were offered for sale by auction. In order to ensure the continued availability of sufficient public car parking, the Department of the Environment, Land and Planning entered into negotiations with the vendor's agent. It was agreed that prospective bidders would be advised that in any redevelopment of the site a public car park of at least 70 spaces would be required in addition to any parking provision generated by the new development. As Mr Kaine has said, that was a fairly unilateral decision by the ACT Planning Authority at that time. The ramifications of that decision are borne out by the documentation of the draft variation released for public comment in August 1993, which states on page ii:

However, for the proposed development to proceed it will be necessary to vary the Territory Plan as it applies to the site in respect of building height, public car parking, plot ratio, site coverage, building setbacks and open space provision.

Twenty-five written responses were received as a result of the public consultation, and representations were made to the Planning, Development and Infrastructure Committee by a number of key individuals opposed to the draft variation. I have recently received a letter from Mr Stuart Saunders on behalf of the body corporate committee of the Kingston Tower in Jardine Street in Kingston. I believe that other members have also received a copy of this particular letter. It states:

We have not argued against some deviation from the guidelines in order to meet the reasonable goals of both Planning Authority and the developer of this site, in particular, the provision of public car parking spaces at the developer's expense, in addition to those required by the residential and commercial development (a requirement made known at the time of the auction). We have argued, however, that the development should be constrained within appropriate limits. We have suggested that the aims of the developer and the Authority could be met if:

the plot ratio is not allowed to exceed 1.2 as approved for the Somerset development opposite.

reasonable setback is provided on Giles and Tench Streets.

non-retail commercial development is not allowed to extend into Jardine Street north of Giles Street.

building height is limited to tree canopy level.

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The Body Corporate Committee has other objections to the proposed variation in relation to traffic, parking and streetscape. However, our overriding concern is that the people of Canberra can have little faith in any Territory Plan in the future if the present plan is varied to permit blatant overdevelopment of the Kingston site because of the pressure applied by a single developer.

I think that states the arguments quite succinctly. I come back to the question of what is in the public interest. Is the public interest best served by providing a minimum number of publicly available car parking spaces and at the same time significantly exceeding current planning guidelines in the existing provisions of the Territory Plan, or is the public interest best served by not proceeding with the proposed draft variation in its current form while seeking alternatives to resolve the shortage of publicly available car parking in the area, enabling development which does meet existing planning guidelines and the existing provisions of the Territory Plan? In my judgment, the public interest is best served by the second scenario, and I therefore did not support the decision of the majority of the members of the Planning Committee, who have recommended that the draft variation be approved by the Executive. Madam Speaker, before I conclude I would like to indicate to Assembly members that I will be proceeding with a motion of disallowance with regard to this draft variation, which no doubt will be addressed during these sittings of the Assembly.

**MR DE DOMENICO (5.06):** I support the draft variation, mainly because I was the one who in the committee moved for its endorsement. I was delighted to so move. As Ms Szuty said, it was a matter of opinion as to what committee members thought was more important - public interest or keeping - - -

**Mr Moore:** Planning.

**MR DE DOMENICO:** No. Mr Moore says "planning". Mr Moore was not a member of the committee. Had he been there he would have realised that the committee thought long and hard before it made its decision.

As Mr Lamont, Ms Szuty and Mr Kaine said, the major objections came from people living in Kingston Tower. Ms Szuty quoted their letter referring to "blatant overdevelopment". People living in Kingston Tower are saying, "We have a magnificent view from our tower; but Gary Willemsen or somebody else is not going to be able to build, because we do not like it". That boils down to the incredible NIMBY situation in the ACT at its best - "You cannot build a big tower; but you cannot build a small one either, because I who live in the big tower do not like it". Hopefully, this Assembly will not accept that sort of argument. Let us look further at the argument. The guidelines allow for a plot ratio of 0.8. These people say, "We will allow 1.2". After all, they are only guidelines, so why not stick to the 0.8 in their letter to us? No, they are quite prepared to accept 1.2. My answer to that is: Why not 1.1, 1.4, or 1.5 perhaps? Whom are we going to let make that decision? That is why the committee deliberated long and hard.

There are other things that I think need to be said. There was mention of some imposition on the developer, some forcing of the developer to build public car spaces. That is not so.

**Mr Moore:** He knew that when he bid.

**MR DE DOMENICO:** No, that is not so. Mr Moore might care to listen. Had Mr Willemsen decided not to build any public car spaces whatsoever, he could have gone ahead and built more residential units on that plot without needing a planning variation at all. He could have gone ahead and done whatever he liked. But Mr Willemsen - who, as people would know, is responsible for some of the more aesthetic developments in this town - said, "The best thing that I believe should go on that corner block is a mixture of retail, commercial and residential". I happened to agree with him, as did the majority of the committee.

There is no doubt that more work needs to be done at the Kingston shopping centre. We have a magnificent area of Canberra here that can be made even better if we sit down and make decisions based on facts, keeping in mind that planning guidelines are simply that - guidelines. Mr Willemsen has a 99-year lease on this plot of land. He could have stuck a big fence around it and done nothing with it, and we would have lost any facility whatsoever for public car spaces. It is all so wrong to assume that because people used to park their cars on that plot of land it was public land. It was not public land. There was a lease on that land that Mr Willemsen bought. He could have put a fence around the land and said, "You had 120 public car spaces. You have none now. I will hold onto the land for 99 years or wait until the economy improves and then put on it whatever I like, without seeking approval for a variation". To say that there was an imposition on the developer is not correct.

There is no doubt that we have to sort out once and for all the situation that two towers are good enough, but three are not. I think the National Capital Planning Authority have a lot to answer for in that regard. People also need to think about sticking to guidelines per se and to the letter of the law, which puts the maximum plot ratio at 0.8. As I say to the people who wrote that letter that Ms Szuty read from: Why is 0.8 not good? Why is 1.2 any better than 0.8? Why do we not look at 1.1 or 1.3?

The other argument is that the guidelines were not adhered to for the Somerset development over the road; that Somerset breaks the guidelines in three or four areas. Why did people not stand up and not give approval for Somerset? Nothing was said about Somerset when it went through this Assembly. Yet guidelines were broken there. But breaking guidelines is not the way in which we ought to be looking at this issue. My view is that the public interest is better served with a mixture of development, with public car spaces not only for the people who live in Kingston but also for the many other people who wish to shop in Kingston. I think the public interest is better served by allowing for a mixed development. Remember that the developer himself has been waiting a long time and could have done nothing with the land. There was no imposition on him whatsoever, but he is prepared to spend \$1.5m to provide public car spaces as part of what he knows - and he has been in this town for a long time, and his parents before him - will be an aesthetically attractive development in that magnificent area of Canberra called Kingston.

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Finally, Madam Speaker, the debate on this variation should show the community how the committee system of this Assembly works well, notwithstanding the fact that two members of the same political party disagreed on the final outcome. It shows how the committee system should work. It is testimony to the way that this Assembly is an improvement on the one before it, and hopefully it will continue to improve and mellow with age. Mr Wood, I notice you smiling. I am quite happy, as I said, to stick by the fact that I believe that this development needs, and I am sure will get, the support that it deserves.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.13): I want briefly to respond to Mr Kaine's remarks that there was pressure to provide car parking; that public car parking spaces were imposed on the developer. I understand - and I am seeking verification from the Planning Authority - that instructions to the auctioneers said that a certain number of public car parking spaces were to be provided. When the property was purchased it was purchased in the knowledge that there would be public car parking spaces. However, I am seeking details on that. If they are forthcoming, I will table them later on tonight when I table my responses.

Question resolved in the affirmative.

**Sitting suspended from 5.14 to 8.00 pm**

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Report on Draft Variation to the Territory Plan - Richardson**

**MR LAMONT** (8.01): I present report No. 19 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan, Richardson, section 450, block 1, Tuggeranong Homestead, together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Tuesday, 15 February 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

This report by the Planning, Development and Infrastructure Committee is unanimous. The area affected by the draft variation is the area that has generically been called Tuggeranong Homestead, that is, the area bounded by Ashley Drive and Johnson Drive in the suburb of Richardson, adjacent to Isabella Plains and Calwell. Mr Deputy Speaker, as you would recall, the question of what to do with this site in terms of its cultural and heritage significance had been previously dealt with by a committee of this Assembly chaired by Mr Moore, and a report had been tabled. That report was tabled prior to the involvement of the Planning, Development and Infrastructure Committee in the formal process for planning variations in the ACT.

The committee, in looking at how to deal with this variation, determined that in the first instance any public hearings should take place within the Tuggeranong Valley. It was with that in mind, in an attempt to further involve the Tuggeranong community in the consideration of this draft variation, that the

Planning, Development and Infrastructure Committee met at Lake Tuggeranong College and heard a range of community groups. We heard from Anderson Holdings, the current lessee of the site. We heard from an extremely articulate and forthright group of students called the Mini-Minders, who presented the committee with a range of views concerning the preservation of this site for the use of the people of Tuggeranong. They also commented upon the preservation of the built form on this site.

We also heard from a number of other groups, including the Minders of Tuggeranong Homestead. The MOTH group, as we have all come to know them, have been extremely vocal in putting to the community and to our committee their views as to what should happen with this site. Suffice it to say that in appearing before our committee, as they appeared before the previous committee of this Assembly that dealt with this matter, they sought to provide in-camera evidence, which was agreed to. Normally, that is quite unusual for a planning committee to agree to, but we believed that it was in the best interests of a full hearing on these matters that that request be acceded to. At our public hearings, representatives of MOTH appeared before us, both on the public record and in camera. In addition, we took submissions from a group called Permaculture ACT. An outline of their proposals for this site is included in the body of our report, as is a precis of all other submissions received by the committee, excluding that part of the MOTH submission which was in camera.

As I said in my introductory remarks, the recommendations by this committee are unanimous. I would like to read those into the public record to outline the basis for the thinking of the committee when making the recommendations. We recommend and endorse the draft variations subject to the following changes:

- (1) the permitted land use for that portion of the site not marked as 'residential' in the draft Variation be 'horticulture/animal husbandry/community use' with the land use immediately adjacent to the existing built form (and including that built form) to be 'community/cultural; and that the 'residential' land use be expanded to include 'residential/horticultural';

The reason why the committee was prepared to accept this view as an appropriate definition for the land use can be ascertained from our report where we deal with the issues that have been raised by Permaculture ACT. They outlined a series of possible land uses for this site. We were attracted to this type of development for several reasons. Firstly, it retains the concept of a working farm on a site that has been used in this manner since European settlement began. Secondly, it does not separate out the heritage features of the site and remove them from what is happening around them. The proposed development could be expected to harmonise with those heritage features. Thirdly, the development would contribute to the greening of the Tuggeranong Valley and facilitate preservation of the birdlife. Fourthly, the development would not be exclusive but would invite public interest in and access to the site. Fifthly, the development would enable plots of land to be farmed by groups of schoolchildren and, for example, Canberra Organic Growers. Sixthly, the proposal is innovative and exciting and would itself contribute to wider interest in the Tuggeranong Valley and to Canberra generally.

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What has been proposed in the body of the recommendations by the Planning, Development and Infrastructure Committee is that the area in the variation that was proposed for residential be allowed to be developed for that purpose but that one lease be granted for the entire 32 hectares; that there be an absolute requirement that the built form, that is, the heritage built form, on the site, in accordance with the heritage citation issued, should be maintained and enhanced to an appropriate level; and that the people who are involved in the maintenance, preservation and usage of that area be as inclusive as possible, including, amongst others, but not exclusively, organisations such as the Minders of Tuggeranong Homestead, the Australian War Memorial and the Conservation Council of the South-East Region and Canberra. We have attempted to identify that the community should be involved in an ongoing way not only in the preservation, promotion and utilisation of the built form on this site but also in ensuring public access to and participation in activities around those essential heritage characteristics identified in the heritage citation.

In relation to the built form, the residential area, we would expect that the horticultural nature of a development outlined in the Permaculture report would be the basis of the housing development in the area, and that all housing would be highly energy efficient and, to use an oft misused term, would be the greenest of green. It would provide for the principles and philosophy of permaculture, that is, the use of fruit-bearing trees instead of ornamental trees. It would provide separations between dwellings by, as an example, fruit-growing vines and other types of edible landscape - I think that was the term coined - which would provide a unique slant to this development. We believe that it is absolutely essential to do that for a number of reasons. Firstly, it is then appropriate to have that in context with the rest of the proposals for the site; and, secondly, it is consistent with the original theme of the site as a working farm.

I know that you have read in great detail, Mr Deputy Speaker, the Conservation, Heritage and Environment Committee's report. It is essential that the contribution to Australia of Charles Bean in writing the official war history of Australians in the First World War be recognised in a substantial way. We believe that, notwithstanding that Charles Bean himself removed a number of the original items of built form on this site, what does remain that was developed by Charles Bean and by successive users of the site should be retained and utilised by the community for the community.

The holistic approach we have taken to this development, I believe, is an appropriate way for us to deal with the issues raised by both the Minders of Tuggeranong Homestead and the other community groups and individuals who appeared before us. Suffice it to say that following the conclusion of the public hearings the committee had extensive deliberations as to how we should frame our report and our recommendations. As I have indicated, on page 22 of our report we outline those essential characteristics that I have already alluded to. We have also said that a number of other things should occur. We said:

... the committee reiterates its support for that aspect of the draft Variation which would require proponents interested in developing the site to demonstrate a commitment to adequately fund the conservation and maintenance works identified in the Citation of the

Heritage Unit for the site - this recognises the fact that the whole 31 hectares of the Tuggeranong Homestead site is classified by the National Trust of Australia and the whole 31 hectares is on the Register of the National Estate.

We went on:

... the Committee recommends that the Government impose a requirement that the final lessee specifically involve key stakeholders ...

We have attempted to be inclusive rather than exclusive in the names we have put down. We also recommended:

... that the conservation plan, the landscape master plan and the detailed subdivision plan take due account of the heritage features of the site and be brought back to the Standing Committee on Planning, Development and Infrastructure once finalised (it being noted that a complete tree survey should be undertaken before any development occurs and the survey's results be used in determining the layout of the site).

In addition, in recognition of the fact that in this isolated community just after the turn of the century social interaction occurred through sporting activities such as the playing of cricket, we have proposed that the final plan provide for a public park which would commemorate the playing of cricket, in recognition of the former cricket pitch established on the southern part of the Tuggeranong Homestead site by Charles Bean in the 1920s.

I believe that there has been significant consideration by the Planning Committee of the issues we have been required to deal with. The fact that, with all of the competing views of the Planning Committee, we have been able to arrive at a unanimous decision, I believe, indicates that we have given careful consideration to the issues and to the submissions made by groups such as the Minders of Tuggeranong Homestead, whom I applaud. I have much pleasure in presenting this report, and I seek this Assembly's endorsement of it.

**MR KAINE** (8.15): Earlier today some comments were made about the length of time I have served on the Planning Committee or in relation to planning, and it was acknowledged that that experience goes back to 1989. Mr Deputy Speaker, you know that my experience goes back way beyond that. In fact, in earlier manifestations of the Legislative Assembly I was involved in planning and have been for a long time. In all of that time, few issues have been brought to the Assembly that had the ramifications of this one. From my viewpoint, I believe that the controversial issues connected with this proposal that came to the Planning Committee have been dealt with as fully as it was possible for the Planning Committee to deal with them.

I am absolutely confident that, when this is all over, there will be some people who will be dissatisfied and unhappy with the results. I am sorry if that is the case, because the members of the committee spent a great deal of time examining the difficulties associated with this proposal and trying to reconcile the interests of all those different elements of the community involved. I would like to

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acknowledge the contribution made by the Minders of Tuggeranong Homestead, and Lyn Forceville in particular, who have a very personal and emotional interest in this project. I am sure that they will be some of the people who will be disappointed with the results; but I hope that they will accept the rationale that the committee used in arriving at its conclusions.

There are many competing interests in a proposal such as this. One of the major problems confronting the committee was that, although the Tuggeranong Homestead has long historical and heritage associations, there is not a great deal of it that remains. We are talking about 31 hectares of land. We are talking about buildings very few of which date back to the early days of this property. For example, there are shearing sheds that have historical connotations, but they do not go back to the early days of this property. In fact, in historical terms, they are relatively recent buildings. Nevertheless, we have attempted to retain them because, even if they do not represent the history of this property back to the 1800s, they do represent a particular stage in the evolution of rural life in this country 50, 60, 80 and 100 years ago.

We were not insensitive to the issues that this proposal presented. I believe that the members of the committee conscientiously and honestly addressed these issues and we have come up with what we believe to be a reasonable outcome - a proposal that will preserve this property for the community, that will allow the preservation of the historical and heritage aspects of the property, and that will allow sensitive development to go along with it. That sensitive development we saw as being a means of financing the preservation of those historical and heritage aspects of the property. We could see no way in which the community, the Government, could finance the maintenance of this property in its present state. The cost was more than the community could be expected to adopt, more than the Government could accommodate in any reasonable sense in any budget in the foreseeable future.

Under those circumstances, what does one do? I accept that some sensitive development down there is the solution to the problem; but the residential development we have proposed is residential development that will be compatible with the preservation of that site. This will be a new experiment - I think, an interesting and exciting experiment - in maintaining a community asset and allowing people to live in a living, breathing community farm. They will not be normal residential units. If our view is put into effect, they will not be residential houses that you would find in any other suburb in the ACT. They will be a new kind of residential unit that will blend in with the historical and heritage aspects of this property. The people who live there will move in knowing that this is a special property. They will have an unusual and different relationship to their environment from that of people moving into a normal suburb.

I hope that the Minders of Tuggeranong Homestead, and the junior minders, who made presentations to the committee, will understand and appreciate that we have not written off their views. We have taken them very seriously. We were concerned with ways of reconciling the various interests and yet maintaining this property. Assuming that the Government picks this up and implements it - I am sure that they will; I do not think the members of the Government are insensitive to these issues - we have the opportunity to engage in a unique experiment in suburban living. People will be able to look over their

back fences and see an operating farm that is representative of an era long gone, where the old buildings that have some historical significance have been restored and are being used for useful community purposes in today's world but represent the world that existed when those buildings were constructed. The people living there can be part of that.

At the same time, we have recommended that the responsibility for the management of the historical area and the public area, which is about two-thirds of the total property, be vested in an arrangement whereby people like the Minders of Tuggeranong Homestead and others who have a particular interest in this project can be involved in its day-to-day management. They can ensure that there is continued public access to this property. They can ensure that the historical and heritage buildings are properly preserved and maintained. They can ensure that, to the extent that this property has a potential for tourism, it can be exploited. They can ensure that the continuing interest of the community in this property can be provided for.

For those reasons, I support the general conclusions of the committee. Being a committed resident of Tuggeranong, I am looking forward to being able to go down to the Tuggeranong Homestead 10 years from now to see that site being properly used - - -

**Mr Lamont:** When you are the Deputy Chief Minister.

**MR KAINÉ:** Maybe even Chief Minister. I want to see that site being properly used, with the community actively involved and participating in its management, and being utilised to the fullest possible extent in the interests of the community. I believe that that is possible within the framework of what the committee has proposed.

To come back to where I began, I know that some people will be disappointed that residential accommodation is being provided on this block, but I see no other way in which the finance can be provided that will ensure the preservation of the historical and heritage aspects of the property. I support the recommendations. I ask the Government to ensure that they take these recommendations seriously and put them into practical effect. I believe that, in the longer term, that is in the best interests of the community and that this property can be preserved only by so doing. As almost my last act as a member of the Planning Committee, I commend these recommendations to the Assembly.

Government members: Oh!

**MR KAINÉ:** You can say all that good stuff again later, if you like, during the adjournment debate. It was fantastic. I commend this report to the Government. I think the community, on reviewing what the committee is recommending, should be well satisfied with the outcome.

**MS SZUTY (8.25):** In speaking to this report of the Planning Committee on the draft variation to the Territory Plan for what is known as the Tuggeranong Homestead site, I would like to remind members of my thoughts about the site as I articulated them in response to my colleague Mr Moore's Conservation, Heritage and Environment Committee report tabled in the Assembly at the end of 1992. When I commented on the report on 18 February 1993, just over 12 months ago, I said that I believed that there

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must be a more measured approach to those recommendations of the Conservation, Heritage and Environment Committee which would result in the carving up of the totality of the present site. Indeed, I asked the question: Is it sufficient just to preserve buildings without any relationship to the surrounding area? I spoke of the integrity of a historic site and expressed the view that the functions that are represented by the buildings are only part of the overall picture that heritage preservation seeks to convey.

In my judgment, the Planning Committee's report on the draft variation for the Tuggeranong Homestead site does take the whole of the site into consideration with regard to its future, and I can live with the result. Indeed, in February 1993 and again in August 1993 I reminded the Assembly of the groups which made representations to the Conservation, Heritage and Environment Committee and whose representatives wrote to the Chief Minister, Ms Follett, about the need to recognise the whole of the site as having significance. Those groups were the Minders of Tuggeranong Homestead, the Tuggeranong Community Council, the Tuggeranong Community Arts Association, the Conservation Council of the South-East Region and Canberra, the Heritage Council and the National Trust. I overlooked mentioning the National Trust's view with respect to the site during the debate in August 1993, and I received a letter from them some weeks later reminding me of their position. I apologise to the National Trust for not acknowledging their view with respect to the site on that occasion.

I would now like to address the detail of the committee's recommendations outlined in the report. I will not address all of them because I believe that both Mr Lamont and Mr Kaine have articulated the thrust of the recommendations in the Assembly very well. Before I do that, though, I would like to comment on the process of the Planning Committee's inquiry, which is outlined on page 5 of the committee's report. The Minister for the Environment, Land and Planning formally referred the draft variation to our committee on 19 October 1993. We met soon afterwards, on 22 October 1993, and decided to call for public comment by the placement of advertisements in the local press. The advertisements appeared in the *Canberra Times* on Saturday, 23 October, the *Chronicle* on Tuesday, 26 October, and the *Valley View* on Wednesday, 27 October. The committee also resolved to hold public hearings on the draft variation. We held two public hearings, the first on Friday, 26 November, and the second on Friday, 3 December 1993.

The first set of public hearings took place in the students common room of Lake Tuggeranong College and marks only the second time that a committee of the ACT Legislative Assembly has formally met outside the ACT Legislative Assembly building in Civic. I, along with other committee members, express my appreciation to the students and staff of the college for facilitating the hearings that day. At the public hearings in Tuggeranong, we took evidence from a representative of the current lessee of the Tuggeranong Homestead site and representatives of Permaculture ACT, the Minders of Tuggeranong Homestead, and the Conservation Council of the South-East Region and Canberra. We also heard from a member of the public and from officers from the Department of the Environment, Land and Planning.

In addition, as Mr Lamont has outlined, we met with eight schoolchildren from a Year 4-5 class at Theodore Primary School, known as the Mini-Minders. The children handed over a model of the homestead site they had made, together with numerous letters calling for the preservation of the site. At the second public hearing, we continued to hear representatives of MOTH, along with

a MOTH member appearing in an individual capacity. I would like to thank all the people who appeared before the committee at public hearings. We received 35 submissions in response to our call for public comment. In addition to those submissions, we had access to the 121 submissions made to the ACT Planning Authority in response to its call for public comment on the initial draft variation released on 17 July 1993. As Mr Lamont has pointed out, after the public hearings had concluded the committee spent some time in finalising the recommendations which accompany this report.

I believe that both Mr Lamont and Mr Kaine have outlined very well the nature of the development we recommend should occur on the Tuggeranong Homestead site, but I would like to address recommendation 3, which refers to the citation of the heritage unit for the site and recognises that the whole 31 hectares of the site is classified by the National Trust and is on the Register of the National Estate. The committee believes that it is essential that appropriate development occur on the residential component of the site to ensure the appropriate funding of the conservation and maintenance works identified in the citation of the heritage unit for the site, a copy of which is included at the end of the committee's report. There is no doubt, we believe, that restoration work needs to be begun on the homestead and that the restoration work is urgently needed, given the current state of the homestead and other buildings. This part of the recommendations also acknowledges the important fact that the whole 31 hectares of the Tuggeranong Homestead site is classified by the National Trust of Australia, and I reiterate that the whole 31 hectares is on the Register of the National Estate.

The fourth part of the recommendations involves a recommendation that the key stakeholders who have been involved in consideration of the future of the Tuggeranong Homestead site have an ongoing role. It was obvious to committee members during the course of our inquiry that a number of individuals and organisations were extremely dedicated and committed to the future well-being of the Tuggeranong Homestead and its environs. It seems to me fitting and appropriate that those key organisations and individuals who are members of them should have an ongoing role in the future of the site.

We have also recommended that detailed conservation plans, a landscape master plan and a detailed subdivision plan be returned to the committee for consideration. We have asked to see these to assure ourselves that the site will be developed as it is envisaged and in accordance with the heritage features of the site. Finally, with regard to the public park and the commemoration of cricket activities, we have recommended that the site make provision for that public park which will include the recognition of the playing of cricket on the site many years ago. There is little that remains of the original cricket pitch, and a fitting commemoration seems to be an appropriate means by which to recognise what occurred.

I have been especially impressed with the contribution to the site and to the Tuggeranong community by the Minders of Tuggeranong Homestead, most particularly, Mrs Lyn Forceville and her husband Gerry, Mrs Rebecca Lamb, Mr Ian French and Mr Norm Jensen, a former member of this Assembly. I believe that it is especially important that these people play a key role in overseeing the future of the site. There is no doubt that I am particularly pleased with the outcome of this inquiry by the Planning Committee, but I would like to think that my views, expressed over 12 months ago, with relation to the site encouraged my fellow members of the committee - - -

**Mr Lamont:** When you said no.

**MS SZUTY:** That is right; when I said no. I hope that that encouraged my fellow members of the committee to look beyond a conventional proposal for the residential development of the site. The feedback I have received from representatives of the Minders of Tuggeranong Homestead and the Conservation Council of the South East Region and Canberra has thus far not been encouraging. However, I sincerely trust that they will accept the recommendation of the committee that they be involved in the future development of the site for the benefit of the Tuggeranong community and for the benefit of the wider Canberra community. The recommendations of the Planning Committee with respect to this draft variation are innovative and will challenge a number of groups and individuals to achieve the ambience of the site envisaged by members of the committee. The recommendations will require commitment by many people to ensure their achievement. I commend the report to the Assembly.

**MS ELLIS (8.35):** I will not go over the report of the Planning, Development and Infrastructure Committee in relation to this variation because I think the three previous speakers have well and truly covered the specifics. However, there are some general comments that I think it is important to make, and I am very grateful to have the opportunity to do so. First of all, I think the level of consultation with the community on this variation that has been undertaken by all Assembly committees concerned has been exemplary. It is worthy of note and is a credit to everybody who participated in that consultation process. The work of community groups, particularly MOTH but also the Tuggeranong Community Council and the heritage people, as well as individuals, is to be commended. There was a variety of contributions, mainly by volunteers, from people showing a dedication to their cause. I think it is appropriate to put on the public record my personal view that that sort of community consultation and input is invaluable and is an integral part of the committee process in this place.

I believe that I am in a unique role, and I regard that as a privilege, in relation to Tuggeranong Homestead. First of all, I am a longstanding Tuggeranong community member. I have done a great deal of my professional work in that community, and I believe that I have an ever-growing knowledge of the community. Secondly, I am fortunate enough to be a member of the Michael Moore committee, as we refer to it - the Conservation, Heritage and Environment Committee of this place. Obviously, because of that membership, I participated in the first inquiry into this matter, which has been referred to by previous speakers. The work done by that committee, which preceded the Planning Committee inquiry into this variation, gave me an understanding and knowledge of this matter.

I have always had a belief in the need to preserve the buildings at Tuggeranong Homestead, and I have taken that stance publicly. I have always said that it is incumbent on the community, and when I say "the community" I mean all of us - the Tuggeranong community, the Canberra community at large, this place and its members, and all other people in the Canberra community who have an interest in this subject - to find a way of facilitating that preservation work.

The heavy role adopted by both committees I have been involved in, but particularly the PDI Committee, and the role adopted by the community in participating in that process was to find and help to facilitate that method. Even though we may have had differing ways of coming to a conclusion on the subject, the one thing that was unanimous was everybody's wish that we somehow find a way through the web of information and the web of emotion and get to a point where we had a means of facilitating that work. I am very pleased to have been part of this report because I believe that we have come up with a way of doing just that.

I agree with the points made by Mr Kaine and Ms Szuty, particularly in regard to tourism, but I see it as going a little further than that. I wish to be daring enough to say that, if the variation presented by the PDI Committee is picked up by Government, promoted and done properly, we will see an exciting tourism dot on the map in Tuggeranong. I do not think it is too far fetched to imagine that buses and tourists will actually go down there to see such an innovative and imaginative project in urban design. I am quite excited that we might have a tourism development on our hands. It is not so much that you will be able to buy craft work or a beer and a hamburger at a lunch spot, but that you will see a different, new, exciting and innovative approach to urban development. I think the challenge is now on the whole of the community to say, "Okay; how can we do this best, considering the recommendations in that report?". I do not think it was ever fair, correct or accurate to suggest at any time in this process that residential development on that block was a fait accompli. It would be cheating the system we have gone through to say that or to have suggested it at any time through the process.

I believe that every single member of the PDI Committee has carefully and properly examined all of the evidence before them. The committee has gone very carefully through all of that information and, I believe, has come up with a very workable solution. One comment I have made to some members of the community, and I will take the opportunity of saying it tonight, is that headlines give one story, the full information gives another. I urge all interested people not to read just recommendations or chapter headings in this report but to read the report in its entirety and to consider carefully all of the information put together by the members of the PDI Committee. If you do that, it will be very difficult to be disappointed; even though I understand that some may be, I think it would be difficult to take that position.

I very firmly believe that we have an exciting project in front of us. It has great potential, and I think it is a terrific challenge to the community as a whole to see what we can do with this and to what degree we can set up a modern, model urban development. I wish everybody involved in it all the very best, particularly the community groups, who now will have, in my view, a legitimate and proper role in an ongoing way in helping to create that environment and an involvement in it for the future. I have great pleasure in commending this variation to the Assembly.

**MR DE DOMENICO** (8.41): Madam Speaker, all the eloquence has been used by Mr Lamont, Ms Ellis, Ms Szuty and Mr Kaine. That leaves me only one small thing to say. Once again, it proves the wonderful way in which committees work in this place when we have five people of different political persuasions coming to a unanimous decision. Even Ms Szuty had the luxury of changing her mind. Fantastic!

I will try to be a little pragmatic. I have lived very close to the homestead for 12 years now. I remember a couple of my kids riding to school on the bike path near it and saying, "What is that old ramshackle place we ride past, Dad?". I said, "That is the Tuggeranong Homestead site". The bottom line is this: What is the use of having something so historic and so magnificent if no-one can appreciate it? Unless there is some sort of blended housing development, albeit very innovative, there is no way that any community would have found enough resources to maintain the historical precinct of this site, in any way, shape or form. That is the reality of the situation.

I think this committee has come to a decision that no-one can criticise. There is no way that a community organisation could have found enough money to maintain those historical buildings in the way that they should be maintained.

**Mr Lamont:** And the entire site.

**MR DE DOMENICO:** The entire site; Mr Lamont is right. Over 30 hectares has to be maintained in a condition that could be utilised and enjoyed, not just by the people who live next-door to it but by the whole community of the ACT, and even by people from interstate and perhaps overseas. Ms Ellis made the very telling point that there is potential here for the people of the ACT to show the rest of the country how sensitive, intelligent development can be done, at the same time preserving historical precincts and buildings. Let it also be said that there is no way that organisations such as the Australian War Memorial would have been willing to spend the money to maintain these buildings. It is not untrue to say that it would not have been a very high priority of the War Memorial to spend any money at all on this site. Anyone who says differently is not looking at reality.

In summary, Madam Speaker, the pragmatic reality is that in this report we have come up with a solution that means that the people of the ACT have the potential to enjoy a unique way of having sensitive development while maintaining historical and community use, which is most important of all, and having input into the way community facilities are used here in the ACT. Obviously, not everybody is going to be 100 per cent happy; nor should they be. If any group comes out of this sort of situation being 100 per cent happy, it means that this committee has not done its work properly. I think in this report we have come up with a solution that should please everybody who stands in that little circle where sensible people meet - something you are going to hear me say a lot from now on. That is what any committee of this Assembly ought to try to maintain, and I think we have done it very well. I congratulate the committee for its deliberations and invite everybody to endorse this report.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE**

**Report on Draft Variation to the Territory Plan - Watson**

**MR LAMONT** (8.45): I present report No. 20 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan, Watson, sections 61 to 64, 72, 74, 76, 79, 80 and 83, North Watson, together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 18 February 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

I have much pleasure again this evening in presenting to this Assembly a unanimous report on the variation known as the North Watson variation. Madam Speaker, it is appropriate at this stage that I outline some of the activities by the Planning, Development and Infrastructure Committee and place in context the basis upon which we have dealt with this variation.

The Minister referred the matter to us on 19 August 1993. The committee met on 20 August and decided to call for public comment by the placement of advertisements in the appropriate newspapers. That was done. The committee also resolved to hold public hearings on the draft variation. On Friday, 27 August 1993, the committee inspected the North Watson site and was briefed by the ACT Chief Planner and officers of the Department of the Environment, Land and Planning. A further inspection was carried out on 24 September 1993, this time at Majura Primary School. The committee is grateful, I might add, Madam Speaker, to the staff of Majura Primary School for facilitating this inspection at short notice. At its meeting on 24 September 1993 the committee resolved to seek public briefings on the North Canberra area strategy by officials of the Department of the Environment, Land and Planning, the ACT Housing Trust and the ACT Electricity and Water Authority. The committee expresses its appreciation to the relevant Ministers for facilitating the appearance of these officials.

Madam Speaker, the committee held four public hearings - on Friday, 15 October; Friday, 22 October; Friday, 12 November; and Wednesday, 1 December 1993. At its first hearing the committee examined the North Canberra area strategy and commenced hearing evidence from the Watson Community Association. The second hearing continued to take evidence from the Watson Community Association, and heard also from a member of the public and the Conservation Council of the South-East Region and Canberra. At the third public hearing the Watson Community Association responded to questions from the committee, and the ACT Chief Planner and officials of DELP responded to matters raised during the public hearings. Again, at the fourth public hearing, Madam Speaker, the planners responded to questions from members. Madam Speaker, I wish to place on public record my eternal gratefulness for the work which has been carried out by, again, community organisations such as the Watson Community Association, and in particular the North Watson Subcommittee of the Watson Community Association. At the end of the report, on pages 48 and 49, is a list of the people who appeared before us, and on pages 50, 51 and 52 is a list of the submissions which were received by the committee.

In dealing with this issue, Madam Speaker, the committee basically was required to understand or to come to grips with a number of key issues. Those key issues are outlined in chapter 4 of our report. I would like, in the time left available to me, to outline on the public record what those key issues were. Madam Speaker, the draft variation process itself became a key issue. The consultation process and its results became a key issue. The policy of urban infill became a key issue. The North Canberra area strategy quite clearly was an identifiable and demonstrable key issue. The financial viability of the draft variation became a key issue. The use of the defined land provisions was identified as a key issue. The impact of this development proposal on the ACT's tourism potential was identified as a key issue.

Madam Speaker, in the body of our report we have outlined in each of the chapters how we came to grips with those key issues. I will quickly take the Assembly through them. It was suggested that the variation process had not been followed or may not have been followed. In chapter 5, pages 14 to 16, we have outlined the technical requirements in the Land (Planning and Environment) Act and then, in step form, the actual processes as they applied to the North Watson variation. Madam Speaker, our conclusion is contained on page 16, and it is as follows:

The Committee concludes as a result of this assessment that the process outlined in the Land (Planning and Environment) Act 1991 was followed in handling the draft Variation for North Watson. However, the Committee notes community concern in connection with the process and this is taken up later in this report.

We have basically recommended, Madam Speaker, that where a community group or an individual remains dissatisfied with the process outlined in the Land (Planning and Environment) Act they should make a submission to the Planning, Development and Infrastructure Committee's inquiry into planning legislation, which we announced last year and in which we will be able to have a more active involvement now that we have finalised consideration of these draft variations. I would encourage individuals and community organisations, where they remain dissatisfied with the process outlined in the Act, to let us know, so that we can take that into account when bringing back recommendations to this Assembly.

In relation to the consultation process and its results, we have attempted in chapter 6 of the report to outline how the consultation process was effected as far as the North Watson variation was concerned. On pages 17, 18, 19, 20, 21, 22, 23 and 24 we have dealt with that particular issue. Madam Speaker, we were somewhat concerned that there appeared to be a wholesale rebuttal of the issues as they were dealt with by the Planning Authority. We record that the Watson Community Association said that the consultation process was "seriously flawed", and then made a number of other observations. Where we drew some distinction was that annexure D of the draft variation, of some 110 pages, outlined how the Planning Authority had dealt with the planning issues that they were apprised of during the public consultation process; and to summarily dismiss those, or to dismiss them out of hand as not being relevant or being loaded or flawed, in our view was not necessarily appropriate. You could not, out of hand, dismiss all of the issues contained in those 110 pages, as identified in annexure D of the draft variation.

We have also included a list and a series of plans which outline the changes that occurred as outlined in annexure D to this draft variation process from the time that the September 1992 proposals for the North Watson area were first made public. Our conclusion on that is contained at paragraph 6.7 on page 22, where we state:

The Committee considers that on any reasonable ground the changes made to the original proposal are significant and it is apparent that these changes were the result of progressive input through the community consultation process.

Madam Speaker, we then referred to the policy of urban infill. I might add that we have taken on board the concerns of the Watson Community Association, and a number of other individuals, and what we have said to the Planning Authority is outlined in our recommendation on page 24 at paragraph 6.16. It basically says that they should undertake a round of preconsultation to try to get some of these issues identified before they go into the formal variation process outlined under the Territory Plan. The committee understands and acknowledges that the Planning Authority is moving in this direction already, and we commend them for doing so.

Madam Speaker, turning now to the policy of urban renewal, on pages 25, 26 and 27 we have commented on the question of urban infill. Our recommendation is:

... the Committee recommends that the government require the ACT Planning Authority to specify the maximum number of residential dwellings to be permitted on each Block affected by the land use category 'entertainment, accommodation and leisure and residential'.

The reason for that is to ensure that there is an absolute ceiling of permanent residential, and by "permanent residential" we mean standard residential in the traditional sense but also serviced apartment-type development. What we are saying is that, where you have serviced apartment-type development, you end up generating a long-term community in that serviced apartment-style accommodation and that that should be taken into account in assessing the 1,300 ceiling that we believe is the maximum that should be allowed in this area.

Madam Speaker, the other matter that we dealt with was the question of the North Canberra area strategy, and we have outlined the analysis which we have undertaken as far as that is concerned. The financial viability of the draft variation was probably the matter that generated the most debate and consideration by members of the committee, and I believe that there has been a sensible approach taken, at the end of the day, to having this matter settled. I believe - I do not believe that I am exposing matters considered in the committee - that it would have been almost impossible to come to a unified decision about the questions that we raised because, quite frankly, people had adopted a particular view about methodology. What we have attempted to do is to provide the opportunity, as requested by the North Watson Subcommittee of the Watson Community Association, for an independent analysis - independent of the Department of the Environment, Land and Planning, independent of the Watson Community Association, and independent of the Planning Committee - on this particular question for this particular variation because we believed, as the last remaining issue, that it was essential that we try to get a unified position.

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I would suggest that our major recommendation in relation to this variation - notwithstanding the other land use issues and the issue of defined land that we have addressed in this report - is what we have said at page 40, paragraph 9.32. I quote:

Accordingly, the Committee recommends that the government commission an independent economic analysis of the North Watson proposal compared to a greenfields development, to be tabled in the Assembly within the disallowance period applying to the draft Variation.

The reason for that, Madam Speaker, is quite clear. That independent economic analysis, I understand from the Minister, is being undertaken by Access Economics. As outlined in our report, it will be tabled in the disallowance period for this variation. It means that if there is any contradiction, if there is any debate, the debate will be on the floor of the Assembly, under public scrutiny. The issues that are raised and identified by Access Economics will be able to be debated in a completely open forum. At the end of the day, that is probably the most appropriate way for the committee to resolve this impasse - to bring it to the floor of the Assembly within the disallowance period. If a member remains dissatisfied, on the basis of the financial analysis undertaken by Access Economics, it will be here on the floor of the Assembly that he or she can argue against Access Economics's outcomes, one way or the other, and then move that the variation not proceed.

I believe that this committee, again, has been able to come to grips with an extremely vexing issue as far as the community is concerned. As Mr De Domenico, Mr Kaine, Ms Szuty and Ms Ellis have pointed out already in relation to Tuggeranong Homestead, not everybody is going to be happy with what the outcome is on the site; but, in taking account of people like the Craft Council, this variation ensures that the Craft Council's home is preserved, maintained and protected. In relation to groups such as the Canberra Organic Growers Association who have access to unleased government land, their continued participation, in the long term, on that site, is assured. I believe that it is assured, Madam Speaker, because we have identified three sites within the North Watson area that cannot be used for the residential nature allowed in the additional areas of entertainment, leisure and recreation. Those three sites are currently non-leased government land or where leases are about to expire, so the Government will not be developing those sites until such time as the entertainment, leisure or recreation industries, the tourism industry in Canberra, develops itself to such a stage as to need to utilise that land. I believe that it would be appropriate for the existing land uses, such as that of the organic growers, to continue. Therefore their continued use of those sites is assured until that eventuality occurs. In relation to the other users of the site, we have been informed that, by and large, they are all happy with the proposals that either are being put in place or have been put in place for their relocation, and the program over which that relocation will occur.

Madam Speaker, I congratulate the members of the committee for having been able, in what could have been an extremely divisive inquiry, to come down with a unanimous report. It again shows that this committee acts as part of the planning process. It is not separate from it; it is part of the planning process.

Proponents of planning and developments in the ACT, government agencies and members of the community, at the end of the day, if they take a particular position and want to pursue it, will be held accountable and called upon to justify that position before our committee. That is something which I think enhances the planning process in the ACT. I have much pleasure in being able to commend this report to the Assembly.

**MR KAINE (9.00):** I think this inquiry by the Planning, Development and Infrastructure Committee will be seen in the future as a milestone in the development of planning in the Territory. The report and the evidence presented to the committee go way beyond the particular proposal that was submitted to us, which had to do with the development in North Watson. If you look at the index page of this report you will note that, of 12 chapters in this document, only five relate specifically to North Watson. One might well ask why that is the case. The reason is that the Watson Community Association, particularly through three people - David Evans, Julie Smith and Mark Dunstone - made significant submissions to this committee that went way beyond the specific proposal that was being considered and raised real questions about the processes and the way in which land development occurs in this Territory.

I refer again to the table of contents. Chapter 5 of this report talks about the draft variation process - not specifically relating to North Watson, but the draft variation process in all of its connotations. Chapter 6 talks about the consultation process. Chapter 7 talks about the policy of urban infill, of which North Watson is only one manifestation. Chapter 8 talks about the North Canberra area strategy, of which North Watson is only one element. Chapter 10 talks about the use of the defined land provisions in land development. Chapter 11 talks about the impact of this proposal on the ACT's tourist potential. These issues go way beyond North Watson as a specific development proposal. So I repeat that I believe that this investigation by the committee represents somewhat of a milestone in the Government's handling of development in the Territory. I think that the community at large owes a great debt of thanks to the three people that I mentioned for their persistence in raising issues that needed to be dealt with in an appropriate forum bearing on the question of land development in this Territory. I hope that the Government reads this report. I hope that they take very seriously the matters that the committee has reflected, raised by the community, in connection with all of these matters. If they do not, they are losing the opportunity of a learning process that has been presented to them. I think it is quite incredible that three people have made such an impact on this whole process.

At the end of the day the five members of the committee had to decide not just whether this development should go ahead, but also whether it was in the community interest that it go ahead in the form in which it was originally presented to the public for consideration. Mr Lamont has pointed out that the project, in its present form, is vastly different from that which was presented to the public in the original documents that went out for community consultation. The original proposal dealt with the possibility of 2,000 residential units up there, some of which would have been to the eastern side of Antill Street on the foothills of Mount Majura. The result, after a long period of negotiation and discussion and interchange between the community and the Government and the committee, is a proposal for only 1,300 units. Some people will say that there should not be 1,300 residential units on that site. I have to say that I do not know

what the right number is, and that is why this report says that there will be about 600 to 650 in one specific area, and on every other block in the total area the Government has to make some determination about how many permanent residential units there shall be on a block-by-block basis. We have also excluded three specific areas from residential development, on the basis that there remains a potential requirement for tourism related development in that area. If you put houses all over it, in the year 2020 or 2025 there will be no opportunity left for tourism related development there. It is a matter that the Government has to seriously consider.

There are major recommendations here. The committee has given this proposal very serious consideration, as it did with Tuggeranong Homestead, knowing all along that this was going to be a test case in some respects for the Duffy-Holder development that has been withdrawn by the Minister, sensibly. If he had not withdrawn the Duffy-Holder proposal because of Mount Stromlo, we would have had the same considerations to face in that area as we had to deal with in North Watson. So this was a test case and the committee had to take the matters very seriously and come up with some conclusions that could translate into other proposals in the future. I think that we have done that pretty well. I know, as in connection with Tuggeranong Homestead, that there will be some people who are disappointed with the outcome; but the committee and the Government cannot satisfy everybody. It has often been said that anybody who tries to satisfy everybody is reaching for the moon.

**Mr Connolly:** Is that what you say in the party room about Mrs Carnell?

**MR Kaine:** No; that is what I say about you, because you are the guy who appears on television several times a day telling us all the good stuff you are doing, and you cannot be everything to everybody, Mr Connolly. You cannot achieve the objectives - - -

**Mr Cornwell:** He says the same thing about all his portfolios, Mr Kaine.

**MR Kaine:** I know. I know that he is a nice guy, but he cannot satisfy everybody. This committee could not satisfy everybody and the Government cannot satisfy everybody. I think that we have come up with a proposal that ought to reconcile most of the interests up there.

There is a matter that is outstanding. It was put to us from the outset, through the medium of the North Watson strategy, the better cities program and all of these things, that developing North Watson was an economic thing to do. The North Watson group put a counterargument to that. They said that it is not an economic thing; that it is not economically beneficial for the community to go ahead with this project. They put some very substantial evidence to us. The committee was not in a position, in my opinion, to take the argument put forward by the Department of the Environment, Land and Planning on the one hand - that said that this was a good, economic, and financially viable thing to do - while, on the other hand, the community was saying that this is not the case. We had two comprehensive arguments put to us. I believed that the proper solution to that was to seek a totally independent analysis of that proposition, to see whether DELP's argument stood up or whether the community's argument stands up, and the Minister has agreed to undertake that independent analysis. I do not know what the outcome of that will be.

I understand that that analysis is being done by Access Economics - an organisation whose opinion ought to be acceptable. It is a reputable organisation. I do not think that anybody could say that they were in the pocket of the ACT Government and were likely to produce - - -

**Mr Connolly:** Certainly not the Labor Party's pocket.

**MR Kaine:** I am not sure about that, but I certainly would not accept any argument that they are likely to come down with a biased report. I am prepared to accept that whatever they come down with will be an independent assessment of the situation, and, of course, we have to wait to see what they say on this issue. Hopefully, that will resolve the question whether this is an economic and financially viable thing to do or whether it is not. I think there is a real lesson for government in this; namely, that the days are long gone when a government or a government instrumentality or a government agency can say, "We are going to do this because this is the best thing to do", and expect that there will be no counterargument. We have all been through the years of the National Capital Development Commission when they made all the decisions. They went out and snowed the community with their slick presentations, their nice drawings and photographs and aerial shots, and I have been the victim. I have been in the NCDC chambers and I have received the slickest snowing that I have ever seen in my life.

**Mr Cornwell:** And it was not even winter.

**MR Kaine:** No; it was midsummer, in fact. They got away with that in those days, but it is not the case any more. Government can expect to have its decisions challenged, and I think this is a clear demonstration that there are people in the community who are well qualified to challenge the Government.

**Mr Lamont:** And on the Planning Committee.

**MR Kaine:** We were well qualified to accept the argument that was put to us, which is why written into these recommendations is the requirement that this independent evaluation be done. At least we had the background and the ability to accept the argument that what the Government, through its agencies, was saying was not necessarily the definitive argument; that there was an alternative argument. We were not in a position to make a judgment as between the two - there are people better qualified than us to do that - and such a study is being done, and I believe that it is being done by an organisation that is competent to come down with an independent assessment of those things.

I do believe, as I have said before, that when you look at the range of material that the committee had to consider in this case, that went way beyond the arguments that could possibly be related solely to North Watson, it represents a new development in public involvement. There is a clear message here that community consultation had better mean what it says. The community is saying, "If you do not listen to what we have to say, we are going to convince you that you are wrong". A very small group of people out there spent an enormous amount of their time, their energy and their resources in mounting the counterargument to this proposition that was put to us. I think they have to be commended for that, and I think that that is an indication of the future. The Government cannot expect to have their decisions unchallenged and they are going to have to justify what they want to do. This is a classic case of that, and I await with great interest the outcome of the independent inquiry.

There will be some who will say that that is not necessarily the end of the argument. I have a great deal of sympathy with people in the community who have put arguments to us, but for my part I have to say that I can think of no further reason why the North Watson development should not go ahead. If the independent analysis indicates that it is an economically and financially feasible and viable thing to do, then there is no other argument because there was no argument advanced, essentially, that said that socially this was not something that should be done. It seemed to hinge on the economic and financial argument, and I would be prepared to accept the umpire's judgment on this - that is, I believe, Access Economics's judgment. I await with great interest that report being tabled, to see on which side they come down - either in support of the Government's position or in support of the community position. I think that the Standing Committee on Planning, Development and Infrastructure can look forward to more exercises like this one, because the community will be making sure that they do their job and do it properly.

**MS SZUTY (9.14):** Madam Speaker, of all the draft variations which the Planning Committee has considered over the last several months, the proposed draft variation for North Watson has given me most anxiety and consternation. This has been reflected in the committee's desire to take the unusual step of requesting an independent economic analysis to be tabled by the Minister for the Environment, Land and Planning, Mr Wood, originally scheduled for Thursday of this week but now I believe to be tabled on Tuesday of next week. My support for the proposed draft variation is predicated on the expectation that the independent economic analysis will conclude that it would be financially advantageous to the Government to develop North Watson as opposed to a similar sized greenfields development in Gungahlin.

I think it is important for me to outline my reasons for requesting that an independent economic analysis be undertaken. Firstly, there is no doubt that the Watson Community Association, and in particular Ms Julie Smith, have done an enormous amount of work in addressing the financial and economic issues pertaining to this draft variation. Indeed, Mr Kaine has spoken very eloquently in this Assembly today on that point, and he also mentioned the very substantial contributions made by David Evans, Mark Dunstone and Di Nash, who is in the gallery this evening. It could be said that the Department of the Environment, Land and Planning have largely responded to the financial issues initially raised by the Watson Community Association. It certainly took members of the Planning Committee an extraordinary length of time to receive information about the economic viability of the proposed development. I recall the time that the committee was considering the 1993-94 capital works program. We requested financial details of aspects of works planned for North Watson from the ACT Planning Authority's Urban Renewal Unit and were informed that detailed costings were not yet available.

The Planning Committee has requested an independent economic analysis to compare the costings and assumptions made about the proposed development by both the Department of the Environment, Land and Planning and the Watson Community Association. My decision regarding my support or otherwise for the development is dependent on the outcome of this analysis. Should the outcome be favourable, demonstrating considerable economic advantage to the Government in proceeding with this proposed development, I will support the draft variation.

Should the outcome be unfavourable, demonstrating considerable economic disadvantage to the Government, or should the outcome demonstrate only marginal advantage to the Government over proceeding with a similar greenfields development in Gungahlin, I will oppose the draft variation and move to disallow it.

I do not think I will comment extensively on the issues that the other speakers in this debate have raised. Mr Lamont set out very eloquently the issues which the Planning Committee has considered in its report. These comprise a very substantial component of the report. Mr Kaine this evening has addressed each of the recommendations and outlined the committee's views in regard to them. I will leave the remainder of my remarks until the independent economic analysis has been tabled by the Minister for the Environment, Land and Planning, and we all, as Assembly members, have had the opportunity to comment on it.

**MR DE DOMENICO (9.18):** Very briefly, Madam Speaker, Mr Kaine, I think, put it succinctly. The only outstanding issue as far as most members of the committee were concerned was whether we accept holus-bolus what was said by the Department of the Environment, Land and Planning or whether we accept holus-bolus the criticisms presented by the people from North Watson. It was very difficult not to be very sympathetic with the arguments put forward by the North Watson people, mainly because of the fact that here we have a small community organisation, not able to draw on the enormous resources of the Department of the Environment, Land and Planning, putting forward very plausible arguments.

As Mr Kaine and Mr Lamont said, I think this is the variation that makes this Assembly come of age, and perhaps our committee come of age. We did really have to think long and hard. Once again the only issue, as far as I am concerned, that remains to be resolved is whether there are economic advantages - I stress the words "economic advantages" - not considerable or less considerable or minute advantages as Ms Szuty wanted to say in her remarks. I understand that the analysis being done by Access Economics also is taking into account social costs. In any economic analysis you have to take social costs into account. When we talk about economic advantages to the Government, that is what we really mean. Are there any economic advantages to the community in the North Watson variation? I think all of us ought to be supporting anything that is of economic advantage to the community, because it also takes into account the social aspects. It was a very easy decision for the committee; all we need do is to make sure that the most important issue still outstanding is resolved.

I welcome the fact that all members of this Assembly tend to agree that Access Economics is an organisation which we can accept as impartial in terms of the professional work that they do, notwithstanding whether they costed Fightback or anything else. If nothing else, Access Economics and similar organisations do a professional job. I also applaud the Minister for taking on board the recommendations of the committee and commissioning an economic analysis. I look forward to what it has to say. Like Mr Kaine, Mr Lamont, and others on the committee, and members of this Assembly, I think that, should that report say that there are economic advantages to the ACT community, it behoves us all to support the variation.

Question resolved in the affirmative.

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**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE**

**Report on Draft Variation to the Territory Plan - Lyons**

**MR LAMONT** (9.21): Before I present report No. 21, this afternoon and tonight we have outlined the contributions of individuals and community organisations in making submissions, and indeed the contribution of particular members of the Planning, Development and Infrastructure Committee. May I say at the outset of the presentation of this last report for the evening that the unsung hero in this whole variation process is the secretary of the Planning, Development and Infrastructure Committee. Rod Power has undertaken a workload which I believe is second to none within my knowledge of work in this Assembly. It has been a herculean task to ensure that all of the reports are drafted and distributed. The interface with community groups and individuals has been exemplary, and Rod is one of nature's gentlemen. He is able, at the busiest of times, in an unflustered way, to provide information, support and assistance. If a standard is ever needed by which to judge the calibre of employees of the Assembly, then that standard should be the secretary of this committee.

Madam Speaker, I present report No. 21 of the Standing Committee on Planning, Development and Infrastructure on the draft variation to the Territory Plan, Lyons, section 41, part block 1, Lyons Primary School, together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 18 February 1994, pursuant to the resolution of appointment. I move:

That the report be noted.

This variation comes before this Assembly in a fairly unique way. It concerns a change to the land use for the unused portion of Lyons Primary School - that is, that portion of land which the school community and the community at large have identified as no longer being necessary for utilisation by the Lyons Primary School, and that medium density dwellings be constructed on the site. That was the genesis of this variation. The Department of the Environment, Land and Planning has picked that up and has gone through an extensive public consultation process, in particular a consultation process with the school community, the Department of Education, the Department of Urban Services, and the wider Lyons community. They have put forward to our committee a draft variation which we, I think by unanimous decision, are extremely pleased to be able to support.

We did make a number of changes to the original proposal. We have enlarged the area under variation in order to allow for the construction of a roundabout at the corner of Devonport and Launceston Streets. The construction of such a facility, similar to the one that will be constructed in Spofforth Street in Holt - this is for the Deputy Chief Minister's edification - as a result of the development at the Belconnen golf course, will allow for a number of things to occur.

First of all, it will allow for access to the development site. It will also provide for a traffic calming device to be constructed to slow down traffic on Launceston Street. The reason for that is that it is often used as a bit of a rat-race. I think most residents in Lyons have acknowledged that it is less than desirable to have the street used as a bit of a rat-race between Hindmarsh Drive and, I think, Melrose Drive. It is a short cut.

In discussions with my colleagues from the Department of Urban Services, including people in the Minister's office, it has been quite clearly indicated that there have been a considerable number of complaints about the way that this street is being utilised. There have also been a number of complaints received from people who live in the Weston area about the intersection when they come off Devonport Street and attempt to turn left or right into Launceston Street. I believe that the Planning Committee, in proposing as part of this variation that there be a requirement to build that roundabout, has provided a sensible solution about access to the site and a sensible solution to the traffic problems on that street.

Madam Speaker, I have much delight in recommending this variation. As I have indicated, it is a unanimous recommendation of the Planning Committee and one that I am sure will augur well for consideration of similar proposals from the community when community organisations or school organisations in the future indicate that there may be unused land or land which is no longer required for playing fields at a school.

**MS SZUTY (9.27):** I would like to comment on several issues arising from the draft variation regarding Lyons Primary School, although it should be noted and acknowledged that I, along with other members of the Planning Committee, support this variation. My first comment concerns the impetus for the draft variation in the first place. As Mr Lamont has said, the suggestion for the proposed development of this site originated from the Lyons Primary School community at the time of discussion and debate about school closures in 1990. The Lyons Primary School community recognised the sale of part of the schoolgrounds not required for school purposes for residential development as a means of reducing the site management costs of the school and possibly generating additional enrolments for the school in future years. It seems amazing to me, Madam Speaker, that it is only now, at the beginning of 1994, that we are seeing the finalisation of this draft variation.

The ACT Planning Authority was asked during the committee's consideration of the draft variation why this draft variation has taken so long to finalise, given that it had always had strong community support. The response given to committee members by the Planning Authority indicated that other matters had assumed a higher priority. I strongly suggest to the Minister for the Environment, Land and Planning, Mr Wood, that this is not good enough, given that proceeding with the draft variation was always going to save the Education Department, and thus the ACT Government, money. We are talking about four years. That is a long time for a fairly small draft variation.

I am sure that Mr Kaine, when he speaks to this draft variation, will refer to the Department of Education and Training's assessment of the needs of the school community for the schoolgrounds and also the extent to which the excess space could be devoted to residential development. We pursued this issue quite vigorously during the debate on the draft variation and fairly late in the day we

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received some advice from the Department of Education about the components of their assessment of the site as being suitable for residential development. The four criteria that they listed were the distance of the proposed redevelopment site from the school buildings, the topography and the use made by the school of the proposed redevelopment site, the number of children attending and projected to attend Lyons Primary School in relation to the availability and accessibility of suitable play space, and the opportunities afforded by the playing field on an adjacent site, and finally the costs associated with the maintenance of a relatively unused part of the schoolgrounds.

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 negative.

## **PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE**

### **Report on Draft Variation to the Territory Plan - Lyons**

Debate resumed.

**MS SZUTY:** There were a few matters concerning the recommendation that the Planning Committee has made that Mr Lamont did not touch on, but he did point out that the committee had come up with a number of conditions in addition to those required by the ACT Planning Authority for development of the site. One is that vehicular access to the site from Launceston Street should be denied except from a roundabout to be constructed at the Devonport Street and Launceston Street intersection, which he did talk about. This should be constructed prior to the construction of the residential development.

The maximum number of units will be increased from the original 20 to 22 and the site is to be provided with security lighting to the satisfaction of the ACT Planning Authority. We further recommend that the sale conditions for the site require that during construction the site shall be fenced to ensure that no access is possible to schoolchildren at any time, that all access shall be from Launceston Street only, that provision be made for parking of all construction and workers' vehicles on the site, that no trees be removed without the approval of the department and that trees to be retained be protected by physical barriers during construction. Finally, Madam Speaker, in endorsing the draft variation as amended, the committee noted the urgent need for the ACT Department of Urban Services and the Electoral Commission to negotiate a solution to bus parking problems in Launceston Street associated with the activities of the Electoral Commission. The committee believes that this needs to occur to resolve the parking difficulties which are currently creating a safety hazard on the site.

In conclusion, Madam Speaker, I have made my point about the length of time that this draft variation has taken to get to the committee. I would, however, like to pay tribute to the Lyons Primary School community and to the Lyons Community Association for their interest in pursuing this matter. My only regret is that it has taken such a long time to finalise their excellent proposals.

**MR KAINE (9.32):** The two earlier reports considered by the Assembly - that is, the report on the Tuggeranong Homestead and the report on North Watson - were notable because they raised very significant community issues. I said then that I believe that those issues will not soon go away. The variation before us now is a very small one relatively, but it raises some interesting questions in my mind. Those questions have to do with what the Territory Planning Authority sees its role to be. Despite the Government's urban infill program, their policy that says that 50 per cent of all residential units developed in the ACT over the next few years will be provided through urban infill, the Planning Authority never identified this piece of ground as one on which residential development could take place.

It has been said in the past that development in the Territory has been developer led; that the only developments that have taken place are those that have been proposed by developers; and that the Planning Authority has accommodated the developers in achieving whatever objectives they have set. This one clearly is not a developer led proposal. This is one that has come from the community itself. So I come back to the question: What does the Territory Planning Authority see its role to be? If it is not to initiate development proposals such as this but only to respond to proposals that come from somewhere else, then how can it hope to achieve the Government's objectives of urban infill? There are not going to be enough proposals of this kind to generate 50 per cent of all residential unit requirements over the next 10 years. The total number annually has been assessed at something of the order of 2,500 units, so that means that over 1,200 a year have to be generated by urban infill. They are not going to happen if the Planning Authority does nothing but sit back and wait for people to come forward and put proposals to them. This is a typical example. If the community itself had not seen the benefits and the advantages of this proposal, it would never have been put and this would not have been before us.

We have the Territory Plan; we have design and siting regulations; we have guidance of all kinds provided to the planners. The original proposal that was put to us in respect of design and siting, even if only in approximate terms, was not what appears at the back of this report. The significant thing is that the access to this new development was not where it is shown now to be, with a roundabout at the end of Devonport Street and access into Launceston Street through a roundabout. In fact, the access to this project was some 100 metres north, where there was recognised to be a parking problem because of buses and there was recognised to be a traffic problem because of the density of traffic up and down Launceston Street. It was the committee that said, "Why do you not put a roundabout in there and make access easy, get the access well removed from that area where the buses are causing a parking problem and minimise the traffic problem?".

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Where are the planners and where are the traffic experts that this Government employs? The proposal put forward was merely going to exacerbate the traffic and parking problems that already existed there. How is it that we members of the committee, who are not expert in planning and who are not expert in traffic management, had to put forward a proposal - - -

**Mr Wood:** That is your opinion. You are pretty good. That is why we all wanted you on the committee.

**Mr Connolly:** Do not sell yourself short.

**MR KAINE:** Mr Connolly and Mr Wood are reacting as though I were criticising them. I am not criticising them. I am asking: Where is the expertise that is supposed to exist in the Planning Authority and the traffic management organisation of the ACT Government? Why did they not see the problem and come up with their proposal to fix it? It seems to me to be a bit late to put a proposal such as this to the Planning Committee, seeking its endorsement. It has been through all the processes of the Planning Authority; it has been through the Minister; and it lands on the Planning Committee's desk with this major flaw in it. What is wrong with the process that this can occur? Perhaps the Minister would like to respond to this. The original proposal would have simply caused traffic congestion and traffic problems on Launceston Street beyond what exists there already.

**Mr Wood:** No, there is no more traffic.

**MR KAINE:** There will be more traffic, Minister, because there are going to be 22 units there. People are going to try to get out of their driveways onto Launceston Street. Do not tell me that there is going to be no more traffic. There is going to be more traffic. If you suggest a new housing development somewhere, the first thing the Planning Authority will do, ostensibly, is an assessment to determine what additional traffic will be generated and what the consequences will be for all the surrounding streets within two or three kilometres. In this case they did not do it.

I wonder sometimes how these things slip through the net and why these people whose job it is to plan this place could come forward with a proposal that is immediately changed the minute a committee member says, "But hang on a bit. Is it not more logical to do this?". The next minute they come back with a beautiful new drawing and say, "Yes, there it is, just what you suggested". But that is not what they put to us in the first place. When we started to question the rationale for the number of residential units proposed in the variation for this site, they went away and they had another look, and they said, "Yes, we can actually increase the number of units on this site and we can change the boundaries slightly and make it a better development". Why put a half-baked proposal to the Planning Committee in the first place? I am merely asking: Where is the expertise that the Planning Authority is supposed to possess? Where is the expertise that the traffic management organisation of the ACT Government is alleged to possess? Why is it not being focused on these problems? That raises big questions in my mind.

I am sure that the Minister and some members of the committee will be delighted that I am no longer going to be a member of this committee, but I - - -

**Mr Berry:** We want Trevor.

**MR KAINÉ:** I very much appreciated what you all said earlier. I am sorry that I could not get you all to vote for me.

**Mr Wood:** You only had to give the nod.

**Mr Connolly:** Why didn't you call?

**Mr Berry:** All you had to say was, "I will vote with you lot".

**Ms Ellis:** All you had to do was call.

**Mr Wood:** Yes, the offer was there, mate.

**MR KAINÉ:** You all know about party room solidarity. To summarise, Madam Speaker, I believe that this is a worthwhile proposal. But if this is a good proposition for Lyons Primary School, given the number of students that remain and all the criteria that the Education Department determined as being valid in relation to this site, why are the same criteria not applied as a matter of policy to other school sites? Why do criteria such as proximity to the school buildings, the student population, the use to which the land is being put by the students, and all those other criteria that the Education Department determined, not apply elsewhere as they did in this case?

If urban infill and using up available land that is not needed for other purposes is Government policy, I am quite sure that there would be other school sites - I will be told that I am slashing and burning, I know - - -

**Mr Berry:** Not any more. The slash and burn has gone out of you.

**MR KAINÉ:** Do those words sound familiar? There would be other school sites where the same logic as was applied here could be applied. There could be further urban infill to satisfy the Minister's objective. It would be agreeable to the community, particularly the school community, and would be economically beneficial to the whole community. I simply ask the Minister to take the criteria that have been determined as being applicable in this case, adopt them as a policy and apply them in a policy sense rather than in an ad hoc sense, as has been the case here.

**MS ELLIS (9.41):** I found some of the comments made about the direction from which this variation came quite interesting, particularly given that it is often said that governments should welcome input from the community. Here we have a community making a very good input, but all of a sudden we are questioned as to why it should be needed. Credit should be given to the Lyons community for coming up with this idea. I am very pleased to be part of this variation decision.

I take this opportunity, as a member of the committee, to place on the public record my thanks to the secretary of the committee, Rod Power. Members of this committee, I believe, are continually oversupplied with paperwork, and if it were not for the ability of Mr Power to give us that paperwork in some order I am sure that we would drown in it. I appreciate very much his professional approach to his job, and his terrific sense of humour, which helps us get through an incredibly heavy workload.

Question resolved in the affirmative.

## **LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE TERRITORY PLAN**

### **Papers 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, I present approval of variation No. 6 to the Territory Plan for Kingston, section 25, blocks 4, 5 and 6, pursuant to section 29 of the Land (Planning and Environment) Act 1991 - in accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required; approval of variation No. 4 to the Territory Plan for Richardson, section 450, block 1, Tuggeranong Homestead, pursuant to section 29 of the Land (Planning and Environment) Act 1991 - in accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required; and approval of variation No. 5 to the Territory Plan for North Watson, sections 61 to 64, 72, 73, 74, 76, 79, 80 and 83, and approval of variation No. 12 to the Territory Plan for Lyons, section 41, block 1, part, and section 55, block 6, part, both pursuant to section 29 of the Land (Planning and Environment) Act 1991. For both of those variations, in accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I ask for leave to make a brief statement.

Leave granted.

**MR WOOD:** Madam Speaker, my colleague Mr Lamont, chairman of the Planning, Development and Infrastructure Committee, has tabled his committee's reports on several significant variations to the Territory Plan. Pursuant to the planning Act, I now table variations 4, 5, 6 and 12 to the Territory Plan. For the last three hours or thereabouts, members have spoken at length about those variations. Mr Kaine made some remarks. You cannot win with Mr Kaine. On the last one he said, "Why did the community have to initiate it? Why is the Planning Authority not initiating it?". Strangely, he did not say that about the three previous variations, which had been initiated by the Planning Authority.

There are times when we get caned because it is claimed that we are reactive and not proactive in the Planning Authority. The Planning Authority has set down a very good structure to examine these issues. That comment is relevant also to the guidelines. Mr Kaine earlier today commented on the guidelines that had been prepared. The fact is that they were being prepared at the end stage of the Territory Plan; and not too far ahead of that, because one could not be sure how that Territory Plan was going to finish. It could not have been done at quite the same time. Mr Kaine wanted to know why it is happening now and has taken so long.

**Mr Kaine:** I did nothing of the kind. I simply suggested that they should be adopted as part of the Territory Plan.

**MR WOOD:** We put them out for comment and, because there was one issue in particular that raised some interest in the community, the resolution was that the PDI Committee would take them on board, and that has further prolonged the situation. I have no trouble with that; I think it is a good process. But I do not think it is fair to hold the Planning Authority responsible for the time that has taken.

**Mr Kaine:** You are misquoting me, Bill. I did not say that.

**MR WOOD:** I am desperately sorry. I would not want to misquote you, Mr Kaine, but that was my memory.

These four variations, tabled today but released via the Speaker over the last week, have all been approved by the Executive and are now tabled for the consideration of this Assembly. Before commenting on the committee's specific recommendations, I would like to take the opportunity on behalf of the Government to acknowledge the work of all members of the committee in dealing with these important proposals. I am sure that they have been very much part of your lives now for many months.

As mentioned by Mr Lamont, the committee held numerous public hearings and provided many opportunities for all interested parties to have their say. I believe, as members of the committee themselves have stated often, that in dealing with these variations the committee has again demonstrated its value and the benefits which flow to the community as a whole. I think the planning process is a particularly good one to incorporate into the committee structure. There has been lots of praise today for members of the committee and, quite rightly, for the secretary of the committee and for community groups. I am sure that you will all join with me in praising the Planning Authority and the other officers of the Department of the Environment, Land and Planning, who have worked extraordinarily hard to complete this process. All those officers are proud citizens of Canberra and they are proud professionals as well. They share with everyone here and in the community a pride in the bush capital and they feel privileged to work in a position where they can constructively add to the beauty of our city.

I turn to the individual variations, beginning with the Richardson site. The committee's report on this variation has endorsed a proposal for 250 dwellings, as well as making provision for the restoration and future maintenance of the Tuggeranong Homestead. I believe that the committee has considered all aspects put before it by the community groups and government agencies. The recommendations go a long way toward providing a solution that meets the community's concerns over the heritage issues but also assists the Government to implement its urban renewal policy.

The second variation concerns North Watson. This variation has been the subject of an extensive consultation process, both before and after the preliminary environmental assessment and the formal release of the draft variation. Indeed, Mr Kaine and I and Mr Moore were at a meeting arranged by the Planning Authority during that preconsultation process. There has been some comment about preconsultation, but that is exactly what happened. There was preconsultation, and we are developing that further, as you know.

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Numerous public meetings, as well as meetings with individuals and groups, were held over a long period by both the ACT Planning Authority and the committee. As a result of that extensive public consultation process, significant amendments have been made to the original proposal, which I believe now has general - I think overwhelming - community support. You have only to look at the report of the committee to see how the Planning Authority and subsequently the committee have responded to the approaches that have been made. It is quite clear that we attend most carefully to the input from the community. The diagrams in that report are illustrative of that fact.

The committee has recommended approval of this variation, subject to the three unleased areas being retained for future tourist-related uses, a maximum of 1,300 dwellings being erected in the area, and an independent economic analysis being undertaken. That economic analysis is to be tabled in this Assembly during the disallowance period. I went out of my way to indicate to the PDI Committee, although I did not have to, that that analysis was being undertaken by Access Economics. I wanted the most reputable firm possible to do it, and I was pleased to give prior notice to the committee of that. It will be tabled in the Assembly on Thursday of this week or a little later. I also indicate that there is no particular instruction to Access Economics. We can give them no instruction other than the timetable in that process.

Let me turn to further specific recommendations of the committee. Firstly, one of the major issues considered by the committee in relation to the North Watson variation was the questioning of the financial benefit. We have followed that up with the further process that I have indicated. Secondly, the Government supports in principle the committee's recommendation on block numbers. The Department of the Environment, Land and Planning will reflect the committee's recommendation on unit numbers by specifying the maximum number of residential dwellings to be permitted in the entertainment, accommodation and leisure and residential areas when applications to change existing leases are received and when new releases are issued. The process for allocation of unit numbers has not been finalised because it needs to invite consultations with the lessees. But it will ensure, firstly, that the residential development in the southern part of the area proceeds; and, secondly, that residential units are not concentrated on just a few entertainment, accommodation and leisure sites in the first instance, unless all lessees agree. Thirdly, the final landscaping, supervision and stormwater plans will be provided to the committee when available. Finally, the variation has been amended to preclude residential use on a number of unleased blocks, to increase the potential for future tourist development.

The third variation relates to the site at the corner of Tench, Giles and Jardine Streets in Kingston. Redevelopment of this vacant site has been proposed for some time. An earlier proposal for a residential tower block was refused last year, and the current proposal involves a four-storey residential development, with some non-retail commercial development on the ground floor, fronting Giles Street. Madam Speaker, I would like to table a letter from the then Secretary to the Department of the Environment, Land and Planning to the auctioneer when that site was auctioned. It details the conditions that were spelt out to the bidders on that day. I table this in response to comments made earlier today in the Assembly.

The Planning, Development and Infrastructure Committee supported the variation but recommended that the non-retail commercial use be broadened to permit retail use. The committee also recommended that the ACT Planning Authority carry out a study of the Kingston shopping centre to determine its longer-term needs. The ACT Planning Authority has suggested, and the Government supports the view - I ask committee members to consider this; I have raised it with them - that retail use not be permitted in the new development at this stage, for two reasons. First, there has been no public discussion on that proposal; and, secondly, it would pre-empt the review to be undertaken by the Planning Authority. I suggest that we do that review first, and then that might be the appropriate time to consider retail use.

The final variation concerns Lyons Primary School. This variation was suggested by the Lyons Primary School Board and originally provided for 22 houses on that part of the schoolgrounds not required by the school. I am not sure that every media outlet got that quite right. The committee has now recommended that the site be slightly increased in size to accommodate 24 dwellings and that a roundabout be incorporated into the access arrangements. Both the school board and the Planning Authority support the committee's recommendations. I cannot quite make out Mr Kaine's views on this. It seemed to me when he was raising this issue that he was asking: Why do we bring these variations forward when it is for the committee to have the expertise to change it, and where is the expertise in the Planning Authority? Mr Kaine seemed to be saying, "What is the purpose of the committee?".

**Mr Kaine:** No; I asked: What is the purpose of the Planning Authority? You have got it dead wrong.

**MR WOOD:** We rely on the committee. I am happy to incorporate your knowledge into the process; we do want that process. Mr Kaine, I think, was wondering what was the point of it all.

Madam Speaker, all these variations have been in preparation for a very long time. Two in particular, the Tuggeranong Homestead and North Watson variations, have been the subject of much community discussion. All these variations form part of the Government's urban renewal program, which is a dynamic program, as evidenced by the Government's decision last week to defer the variation for North Duffy-Holder. What we see here tonight is that the process that has been established is working, and working well. If it continues to be refined, that is a good thing. In all these circumstances, the process has delivered the appropriate result, the best result for Canberra. I commend the process - I am not saying that it is absolutely perfect - and I commend those who have been involved. In the case of North Duffy-Holder, all the studies confirmed, certainly at the Planning Authority stage of discussion, that the site was a prime urban renewal site; but the Government considered that the important research at Mount Stromlo should be completed before any such development occurred. Thus, we have deferred that for 10 years. It is a matter for another parliament, another government, and certainly another Minister to pick up.

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## **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Canadian Cyclist**

**MR STEVENSON** (9.58): Madam Speaker, I had the opportunity during the dinner break to meet a remarkable visitor to Canberra. Mr Conrad Dube is from Canada. When he was two years old he suffered from polio and, some time after that, his doctor advised him that if he did not keep exercising he would have even worse problems. From an early age, and he would be in his forties by now, he has been cycling around the world. He has been around eight times and has put in about 408,000 kilometres. He had a run-in with a couple of bears in Alaska, but he has never been attacked. He has a little pushbike, and he seemed to have his worldly belongings on it. There is a little can on the front into which people drop money. This would seem to be what he does.

He has a speech affliction and it is very hard to understand him. I asked him where he was going from here. He had a map of Australia and he pointed towards Victoria from here, along the coast, across to South Australia, over to Western Australia, and right up around Australia and back down, on this pushbike. Apparently there will be a short story in the *Canberra Times* about him tomorrow, which will be most interesting to read. He met John Kennedy three days before he was assassinated. He was riding along, and Kennedy had heard the story - - -

**MADAM SPEAKER:** Mr Stevenson, I am very sorry to do this, but it is 10 o'clock. If the adjournment debate begins before 10 o'clock, I have to terminate it at that time. Perhaps we could have the sequel tomorrow.

**MR STEVENSON:** That is fine. I think this is an example of what someone can do when they set their mind to it.

**Assembly adjourned at 10.00 pm**

**ANSWERS TO QUESTIONS**

**MINISTER FOR SPORT**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 898**

**Swimming Pool Charges**

Mr Cornwell - asked the Minister for Sport -.

(1) Have the proposed 1 July increases to charge swimming clubs for use of all lanes taken effect and if not, why not.

(2) Is consideration being given to reviewing these charges and if so, when might this review be completed.

Mr Berry - the answers to the Member's questions are as follows:

(1) No, the proposed fees were not put into effect because of concerns on access and equity between clubs and the differing facilities available at Government controlled pools. The issue of charges for lane hire was extensively examined in consultation with swimming groups. I have submitted a proposal to the Treasurer and the outcome is expected to be announced and implemented shortly.

(2) See reply to previous question.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1067**

**Child Abuse**

MR CORNWELL: Asked the Minister for Housing and Community Services

- (1) Of the 425 substantiated cases of child abuse in 1992-93 (Annual Report, 1992-93, page 74) how many lead to (a) court action and (b) conviction
- (2) Of the 547 unsubstantiated cases of child abuse in the 1992-93 Annual Report, how many led to official apologies being provided by the Department to those alleged to have been the offenders; if no apologies were provided, why not.
- (3) How many unsubstantiated cases in (2) were found to be made maliciously or vexatiously by (a) ex-spouses or separated spouses and (b) neighbours.
- (4) What action was taken against such offenders
- (5) Of the 547 unsubstantiated cases of child abuse, was counselling or any other assistance offered or provided to those alleged to have been the offenders to assist them following the investigative process to which they had been subjected.

MR CONNOLLY: The answer to Mr Cornwell's questions are as follows -

- (1) In 1992-93 one hundred and eleven (111) Children in Need of Care applications were made to the Children's Court. The remaining cases warranted intervention in the form of voluntary agreements with parents for the placement of children out of home or supervision in the home with family support and child care services.

The information on how many perpetrators were charged with criminal offences is not readily available and would require a manual file search. I am not prepared to divert valuable child protection resources to this purpose.

(2) and (5)

All notifications of suspected child abuse must be investigated to ensure that children are safe. Of the five hundred and forty seven (547) cases where abuse was not substantiated, risk factors still existed in one hundred and nine (109) cases, and investigation was not possible in forty two (42) cases (for

instance, where children had moved interstate and the address was unknown). Where abuse was unsubstantiated and there were no apparent risk factors, staff apologised for any unnecessary intrusion. Even in these circumstances parents often need and welcome support and assistance in caring for their children and they are assisted with referral to appropriate services, e.g. day care.

(3) and (4)

It is difficult to determine the intent of the informant, and hence establish a malicious or vexatious intent. Ex-spouses, separated spouses and neighbours can have genuine concerns about the well-being of a child.

If abuse is not substantiated and there are subsequent notifications, these are closely assessed to judge if there is any substance to the notification or indeed new circumstances which give rise to real concern for the safety of the child.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION ISO 1092**

**Environment Protection Service**

**Mr Westende** - asked the Minister for the Environment, Land and Planning In relation to the Environment Protection Service (EPS)

(1) What is the 1993-4 budget allocation for the EPS and what is the breakdown of that budget.

What is the current staffing.

(3) What level is each staff member.

(4) How many staff members are on-call.

(5) What are the powers of an EPS officer when investigating a complaint.

(6) How much of the EPS budget is allocated to overtime payments. .

(7) How many complaints were received in-(a) 1992 and (b) 1993.

(8) What is the breakdown by major geographical areas of Canberra Lee. Belconnen, Woden) of (a) complaints in (i) 1992 and (ii) 1993 and (b) complainants. in (i) 1992 and (f i) 1993 .

(9) What was the expenditure involved in investigating or settling these complaints in (a) 1992 and (b) 1993.

(10) What is the procedure for taking noise readings after a complaint is lodged.

(11) Is the person/company on whom/which the complaint has been made, involved and aware of the results of the readings; if not, why not.

**Mr. Wood** - the answer to the Member's question is as follows:

1. The 1993/94 budget allocation for the EPS is \$ 335,520. This figure comprises: salaries \$ 281,090, other expenditure \$54,430.
2. The EPS is staffed by five inspectors and a manager.
3. The five inspectors are Technical Officers Grade 4 and the manager is a Senior Officer (Technical) Grade C.
4. One inspector performs the on-call duty at any one time for a seven day period. This duty is allocated by a rotating roster system.
5. When investigating a complaint, EPS officers have certain powers of entry and search. These powers are described in detail in the pollution control legislation *which is* enforced by the- EPS (the Water Pollution Act 1984, Air Pollution. Act 1984, Noise Control Act 1988, Pesticides Act 1989, Ozone Protection Act 1991 and a section of the Motor Traffic Act 1936 dealing with motor vehicle emissions).
6. There is no separate allocation for overtime as it is included in the figure for salaries. For 1992-93 approximately \$11,800 was spent on,,overtime. .
7. All EPS statistics are recorded and summarised on a financial year basis rather than by calendar year. In the period 1991/92 there were 508 complaints and in 1992/93 there were a total of 321 complaints.
8. While the address of each complainant and the source of the activity giving rise to the complaint is manually recorded it would require considerable resources to attempt to sort-this *information* into major geographical areas for complaints and complainants: It will be possible to assemble this information once the current transfer of manual-records to a computerised system is completed.
9. Expenditure on complaint resolution is not separately identified.in the EPS budget: In view of the integrated nature of the various functions performed by-the EPS (which includes ongoing *monitoring* of compliance with pollution control legislation and the provision of information and advice on environment protection matters in addition to complaint resolution), it would be difficult to identify specific expenditure on complaint resolution:
10. Noise measurement procedures followed by EPS inspectors are fully detailed in section 5 of the Noise Control Manual,which is made under the Nose Control Act 1988. -

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11. Where excessive noise is being emitted from premises the occupier of those premises is, in the first instance, verbally advised of the measured noise level and of the fact that it is excessive. The occupier is then requested to reduce the noise level. Should the excessive noise continue, and a Noise Direction Notice be served under Section 12 of the Noise Control Act 1988, noise levels are stated in the notice.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No: 1093  
New Enterprise Incentive Scheme Grant**

MR MOORE asked the Chief Minister upon notice on 24 November 1993:

Did a resident of 5 Kissane Crescent, Evatt, receive a grant to set up his backyard business under the New Enterprise Incentive Scheme: if so,

- (a) how much did he receive, assuming the business was approved to operate on a fulltime basis or a half time basis;
- (b) were the new products or services to be provided in a new or novel manner;
- (c) does the business comply with all Commonwealth and ACT regulations, particularly environmental; and
- (d) did the resident receive any special consideration for additional training courses at taxpayers' expense?

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

NEIS is a joint Commonwealth-ACT Government program run in every State and Territory which is designed to assist unemployed people establish small-scale self-employment ventures. Under the scheme, unemployed people wishing to create work for themselves complete a five week training course in small business and, at the completion of the program, may apply for a start-up grant of \$4,000 from the ACT Government and twelve months income support from the Commonwealth Government.

In response to the specific questions, I can advise that:

- (a) Yes, the resident referred to did receive a grant from the ACT Government under the New Enterprise Incentive Scheme (NEIS). The grant was for \$4,000.
- (b) It was the view of the NEIS Advisory Committee, which includes representatives of both the ACT and Commonwealth Governments and the private sector, that the business would be able to satisfy a niche in the market place.
- (c) all businesses, including those in receipt of NEIS grants, must comply with all Commonwealth and ACT laws and regulations pertaining to business operation, including environmental regulations. All NEIS participants are advised of their responsibility to comply with all relevant regulations.

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(d) the person referred to received no special consideration. He participated in the five week NEIS training program described above. The costs of the training program and income support for participants are met by the Commonwealth Government through the Department of Employment, Education and Training (DEET).

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NUMBER 1094

Residential Land Development

Mrs Carnell - asked the Minister for the Environment, Land and Planning -

In relation to land sold by the Government for housing development in the past two years:-

- (1) In each development, (a) how many dwellings were proposed, (b) how many were approved and (c) how many were not approved.
- (2) What was the average return to the Government on each of the blocks of land sold during this period in each of these developments.
- (3) What was the average number of dwellings approved per hectare during this period in each of these developments.
- (4) What number of blocks and what area in hectares were released in each development.

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

Land is sold by the Government for housing development in the form of broadacre estates to be developed by the private sector, joint venture estates jointly developed by the Government and the private sector, multi-unit sites, or single residential sites. The following answer to this question refers to broadacre, joint venture and multi-unit developments. In addition to these sites, a number of single residential blocks have been sold at auction or over the counter in the past two years.

- (1) In the sale conditions for each development, it is usual to indicate at the time of sale a minimum number of dwelling units. In some circumstances, for example on a site with particular planning constraints, a maximum number of dwellings is also specified. After sale, developers are required to prepare implementation plans which indicate the proposed number of dwelling units in each development. These plans are considered against the relevant elements of the Territory Plan and design and siting provisions.

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Subsequent applications by builders, again subject to relevant planning and design and siting criteria, can vary the number of dwellings shown in the implementation plans. Builders may submit a number of proposals for a single site and it is impractical to provide the numbers of dwellings which were not approved.

The actual number of dwellings realised in each development is monitored over time by a quarterly suburb by suburb house count. It should be noted that the final numbers of dwellings approved in each development is subject to change over time through applications for dual occupancy and unit variations applications, and the eventual development of residential land reserved for later development. It is therefore not practical to give a final number of approved dwellings for each development.

The minimum number and proposed numbers of dwellings as included in the implementation plans for land released in the last two years is shown in the attached table.

(2) The sale price achieved for each parcel of land sold for development is included in the attached table. It should be noted that the sale price reflects a number of factors, including the extent of works required to be undertaken by the developer, the location of the land, prevailing market conditions, and development conditions for the particular parcel of land.

The return to the Government from joint venture estates will not be known until the estates are fully developed.

(3) The average number of dwellings per hectare is shown in the attached table.

(4) Answered above and in the table.

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LAND DEVELOPMENT DEC 91-93

15-A r-92	10/117 CHARNWOOD	0.33	1 0	\$261 ,000	12	37	Multi-Unit Develo ment
	13/96 GIRALANG	0.78	10	\$445,000	10	13	Mulfl-Unit
Development	4/54 HOLT	1.50	28	\$1,710,000	59	39	Multi-Unit Development
	16/548 ISAACS	0.28	6	\$375,000	6	21	Multi-UnIt Development
I	6-May-92	BONYTHONEAST4	9	220	\$650,000	274	30 Broaclacre
Development	NGUNNAWAL1	24	260	\$3,100,000	365	15	IBroadacre Development
	NICHOLLS 1	56	540	\$10,800,000	546	1 0	Broadacre Development
	NICHOLLS 2	7	110	\$950,000	110	15	~Broadacre Development
	16-Se -92	2/31 GREENWAY	0.14	2	\$255,000	5	36 Multi-Unit
Development	8/31 GREENWAY	0.49 9	\$540,000	12	24	Multi-Unlt Development	
	55/49 HOLT	2.05 40	\$1,745,000	57 28			Multi-Unit Development
I	30/11 PAGE	0.80 15	\$940,000	23 29			IMultl-Unlt Development
i	I I_						
	27-Oct-92	GUNGAHUNGOLFCOURSEESTATE	82 !	840	\$10,630,000	1300 j	16
t	Broadacre Development- Sold						
!	by Tender.						
—	I	I					
I	I						
	12-Nov-92	37/55 BELCONNEN	1.91 I	100	\$3,626,000		IMultl-Unlt/No Units Plan
et.							
i	18/32 O'MALLEY	2.99	30	\$1,580,000	35 !	12	IMultl-Unit/Unlt Plan unregistered

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MINISTER FOR EDUCATION AND TRAINING  
LEGISLATIVE OF ASSEMBLY QUESTION  
QUESTION ON NOTICE NO 1099

**Government Schools - Sport and Physical Education**

MR CORNWELL - asked the Minister for Education and Training on notice on 8 December 1993:

In relation to the review of physical education and sport in ACT Government schools identified in your reply to question on notice No. 933: "I anticipate this review **will** be completed and its decision announced well before the end of the 1993 school year to enable all necessary planning and preparations to be made for 1994." -

- (1) Is the review completed and if so, can a copy be provided to interested parties including myself.
- (2) If the review is not completed, why not and what will be the effect of the delay upon the 1994 school year.

MR WOOD- the answer to Mr Cornwell's question is:

- (1) Yes, the review has been completed and a copy has been provided to Mr Cornwell. Other interested persons should contact Mr Chris Hamilton, Physical Education and Sport Curriculum Officer, Department of Education and Training for a copy to be forwarded to them.
- (2) Not Applicable

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**MINISTER FOR EDUCATION AND TRAINING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1103**

**Government Schools and Colleges - Teacher Statistics**

**MR CORNWELL** - asked the Minister for Education and Training on notice on 8 December 1993:

In relation to teachers in the Government education system -

(1) How many teachers resigned or retired from (a) primary schools, (b) high schools and (c) colleges in (i) 1990-91, (ii) 1991-92 and (iii) 1992-93.

(2) How many teachers were appointed to replace resigned or retired teachers in (a) primary schools, (b) high schools and (c) colleges in (i) 1990-91, (ii) 1991-92 and (iii) 1992-93.

**MR WOOD** - the answer to Mr Cornwell's question is:.

(1)	1990-91	1991-92	1992-93
Primary schools	41	33	40
High schools	56	46	32
Colleges	70	40	26
Total	167	119	98

(2) Teachers were appointed to replace resigned or retired teachers in (1) above generally on a one to one basis.

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**ATTORNEY-GENERAL  
LEGISLATIVE ASSEMBLY QUESTION  
NUMBER 1104  
Legislative Assembly Sitting - Legal Advisers**

MR CORNWELL: Asked the Attorney General -

(1) What was the full cost incurred by the government for having all of our legal advisers including the Parliamentary Draftsmen present in the Assembly on Thursday, 25 November 1993.

(2) What were their names and what companies or Departments do these legal advisers represent.

(3) For what hours were these advisers present in the Assembly building on that day.

**Mr CONNOLLY:** I assume Mr Cornwell refers to the legal advisers present during the debate on the amendments to the Appropriation Bill 1993-94. The answer to the member's question is as follows:

When the Opposition moves amendments to a budget Bill with no notice to the Government, it is clearly necessary for the Government to have its senior advisers present. The role of officials is to advise the Government. It is not possible to break down the cost to government for bureaucratic advisers for any particular period.

**MINISTER FOR EDUCATION AND TRAINING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1105**

**Government Schools and Colleges - Staff Statistics**

**MR CORNWELL - asked** the Minister for Education and Training on notice on 8 December 1993:

In relation to staffing levels in the Government education system

(1). How many administrative/support positions were there in (a) 1990/91; (b) 1991/92; and (c) 1992/93 at (i) primary; (ii) high school; and (iii) college level.

(2) How many teaching positions were there in (a) 1990/91; (b) 1991/92; and (c) 1992/93 at (i) primary; (ii) high school; and (iii) college level.

(3) How many non-teaching positions occupied by qualified teachers (eg principals, deputy principals) were there in (a) 1990/91; (b) 1991/92; and (c) 1992/93 at (i) primary; (ii) high school; and (iii) college level.

**MR WOOD - the** answer to Mr Cornwell's question is:

(1)[A]	1990/91	1991/92	1992/93
Primary schools	248	251	252
High schools	166	168	160
Colleges	101	108	106
(2)	1990/91	1991/92	1992/93
Primary schools	981	987	997
High schools	744	724	707
Colleges	556	576	572

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(3)[B]	1990/91	1991/92	1992/93
Primary schools		59	60[C] 61[D]
High schools	15	14[E]	14
Colleges	9	9	

Notes:

[A] APB positions

[B] Deputy principals in both primary and secondary schools have a designated teaching load. No principal has a designated teaching load. However principals in schools with an enrolment of less than 276 students, particularly in those schools with a level 2 principal, normally undertake some teaching duties.

[C] Plus Bonython

[D] Plus Gordon

[E] Less Holder

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1108**

**High Schools -  
Year 10 Certificates**

**MR CORNWELL - asked** the Minister for Education and Training on notice on 8 December 1993:

- (1) What is the final date for entering ACT high schools' year 10 assessment details into the Department of Education's central computer system.
- (2) What is the date set down by the Department for issuing 1993 year 10 graduation certificates.

**MR WOOD - the** answer to Mr Cornwell's question is:

- (1) The high school database closed for entry of assessment details on Friday 3 December 1993.
- (2) The scheduled date for issue of year 10 certificates to all schools was set at Wednesday 8 December 1993.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1110**

**Roads - Construction and Maintenance Expenditure**

Mr Cornwell - asked the Minister for Urban Services:

- (1) In (a) 1990-91, (b) 1991-92 and (c) 1992-93 how much did the Government spend on (i) building and (ii) maintaining roads in the ACT.
- (2) How much is proposed to, be spent on (i) and (ii) in 1993-94.

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

- (1) The maintenance and construction costs for roads over the past three financial years are as follows:

	Maintenance	Construction
1990-91	\$16.7 million	\$29.3 million
1991-92	\$11.1 million	\$32.5 million
1992-93	\$9.1 million	\$25.5 million

- (2) In 1993-94 it is expected that the following amounts will be spent on maintenance and construction of roads:

Maintenance : \$12.5 million Construction: \$13.2 million  
C.

**MINISTER FOR EDUCATION AND TRAINING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1114**

**Government Schools and Colleges -  
New South Wales Students**

**MR CORNWELL** - asked the Minister for Education and Training on notice on 8 December 1993:

- (1) How many students resident in NSW attend ACT Government (a) primary schools; (b) high schools and (c) colleges.
- (2) What is the total cost of educating these students and does NSW recompense the ACT Government in full for this cost.
- (3) If NSW does not recompense in full, why not and how much does it recompense.

**MR WOOD** - the answer to Mr Cornwell's question is:

- (1) The number of NSW students attending ACT Government schools at 30 July-1993 was:
  - (a) primary schools: 332
  - (b) high schools: 354
  - (c) colleges: 314
- (2) Based on the 1991/92 average student costs, the  
& approximate cost of any group of 1,000 students falling
- (3) in the school sectors as above is \$5.2m. In the case of NSW students, the Commonwealth provides funding for them on the same basis as other students because the Commonwealth Grants Commission includes them in the ACT student population.

For this reason NSW does not pay the ACT for these students. In the event that there was direct payment from NSW, such payment would be taken into account by the Commission and could result in a corresponding reduction in general revenue payments from the Commonwealth.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO. 1120  
Australian Capital Auctioneers - Disposals Contract**

Mr De Domenico - asked the Minister for Urban Services in relation to vehicle and other disposals by ACT Government agencies and the selection of Australian Capital Auctioneers (ACA) as the official Government auctioneer

- (1) When did this occur.
- (2) Was this selection subject to tendering; (a) was this the highest bid received, if not (b) why was the highest bid not accepted
- (3) Did any tenderer offer to pay any monies at that time or at the end of the period of the contract or at any other time; if so (a) which tenderer-, (b) what were the details of this offer; (c) was it taken into account when deciding the successful tenderer and (d) was this money ever received; if so, when.
- (g.) Who decided and who approved the decision to award these contracts to ACA and if this decision was made by a committee (a) who were the members of this committee and (b) are-these people still employed by the awarding agency; if so, in what capacity.
- (5) Did ACA operate for any period without a signed contract with the Government; if so, (a) for what length of time, (b) was this based on legal advice; (c) was the contract subsequently signed; if so, for what period.
- (6) What amounts of money are not accounted for auctions conducted by ACA for (a) motor vehicles and (b) miscellaneous auctions.
- (7) Is the Minister aware whether the internal fraud control unit of the Commonwealth Department of Administrative Services ADDRESS, or any other Federal or ACT agency were informed about any possible misappropriations; if so (a) when, how and by whom and (b) what action was taken.
- (8) Is the Minister able to advise whether an officer of the DAS internal fraud control unit was asked to attend a Government auction in order to observe irregular practices; if so (a) when and by whom and (b) did the officer attend.
- (9) Is the Minister aware of whether the DAS Government auction supervisor was ever interviewed about these issues; if so, (a) when, by whom and what questions were asked; (b) were these questions and the officer's answers noted by a witness; if so (c) is there a record of this interview; if not, why not; (d) what were the questions and answers; and (e) did the officer ever write adverse reports on the conduct of these auctions, or how cases of missing monies were handled; if so (f) when were the reports written; (g) what were the recommendations in the reports; (h) what action was taken on these reports and (j) do these reports still exist and are they available.

- (10) Were any other persons invited to offer information about irregularities in the operation of the Government auctions; if so, (a) who and (b) what resulted from the provision of information.
- (11) Is the Minister aware of whether DAS or the ACT Government or any of its agencies conducted any investigation into these irregularities; if so, what were their results.
- (12) Is the Minister aware of whether DAS or ACT Government personnel have been told not to answer questions about allegations of fraud from people outside DAS or the ACT Government, if so, when and by whom.
- (13) Was it subsequently decided that a company titled "Clark Beaumont" or "Pickles" would run Government auctions for the ACT; if so (a) how and when was it decided, and for what period were they to conduct auctions; (b) on what terms did they do so and (c) who took these decisions to give the operation of auctions to "Clark Beaumont" or "Pickles".
- (14) Did "Clark Beaumont" or "Pickles" operate for any period without a signed contract with the Government; if so, (a) for what length of time; (b) was this decision based on legal advice; (c) was the contract subsequently signed; if so, for what period.
- (15) Is the Minister aware of whether DAS or the ACT Government decided to review lists of auctioneers for a replacement auctioneer, if so, why was a tender process not preferred.
- (16) Were tenders called for a replacement auctioneer, if so, (a) when were tenders called; (b) what process was followed; (c) were NSW firms approached; if so (d) when, how many and how were they approached; (e) were any ACT firms approached; if so (f) when, how many were approached and how were they approached; (g) were any firms shortlisted; if so (h) how many; (j) which firms; (k) what were the names of these firms; (l) who were the principals of these firms; (m) were any of the principals or staff of these firms involved in the operation of Australian Capital Auctioneers; (n) on what basis were these firms shortlisted; (o) is there any policy on whether Government auctions should be conducted locally or interstate; if so, what is the policy and (p) who was on the selection panel to select the replacement auctioneer.
- (17) Is the Minister aware of any auctioneers attending meetings at DAS Fyshwick Depot; if so, (a) when was the meeting and which auctioneers were present and (b) what was discussed at the meeting and what was decided.
- (18) Is the Minister aware of whether DAS is considering invitations by "Pickles" or "Clark Beaumont" to move car auctions to Sydney; if so, have any commitment or decisions been made to use either firm; if so, what are they.
- (19) Has any auctioneer been awarded an interim contract by the Government; if so, (a) who, why and on what terms; (b) who recommended this and on what basis did they determine that an interim contract was appropriate.
- (20) Can the Minister provide a complete breakdown of the \$36,373 allegedly lost by ACT agencies as a result of the liquidation of ACA.
- (21) Is the Government aware of claims of bribes paid to induce the awarding of a contract, and of allegations of payments to officials of the Transport Workers Union in relation to these auctions and disposals of vehicles and other items; if so (a) what action has been taken and (b) what action will the Government take in relation to these allegations.

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

The questions raised by Mr De Domenico primarily relate to a contract awarded to Australian Capital Auctioneers by the then Commonwealth Department of Administrative Services (DAS).

As the matters are still under investigation by the Australian Federal Police and relate to the internal working procedures of the Commonwealth Department of Administrative Services (DAS), I am only able to provide responses to the following questions.

(1) Australian Capital Auctioneers were not appointed the official ACT Government auctioneers. The company contracted to the then Commonwealth Department Of Administrative Services (Assuales) undertook the auction of surplus vehicles, goods and equipment. Some ACT Government agencies also utilised the contract to dispose of their surplus and obsolete assets.

(2) The tendering process was conducted by the then Commonwealth, Department of Administrative Services.

(6) I previously advised that the amount of money owing to the Territory resulting from the liquidation of ACA was \$36,373. Further investigation has revealed that the amount owing is \$45,373. This additional amount resulted from the loss of proceeds of the sale of an ACT Health vehicle in January 1991.

a) \$9,000 b) \$45,373

(7) Whilst I cannot comment on the advice given to DAS or other Federal agencies, I am not aware of any information regarding the misappropriations being given to ACT agencies.

(11) The collapse of ACA and the loss of monies is currently being investigated by the Australian Federal Police and DAS. The ACT Government Solicitor and DUS are monitoring the developments of these investigations on behalf of the Territory.

(16) I am advised that the Commonwealth publicly invited organisations to register for pre-qualification as auctioneer for vehicles in the ACT. The registration closed on 9 September 1993. The organisations were short listed and a Request for Tender was subsequently issued to those organisations with the necessary experience, financial resources and facilities. The Commonwealth, Department of Arts and Administrative Services is currently evaluating the tenders received. A similar process will be undertaken for provision of auctioneer services for general items.

(20)ACT Government exposure amounts to \$45,373 as a result of the voluntary liquidation of Australian Capital Auctioneers (Sale-O Pty Ltd). This is spread over a number of Agencies.

**Agency Value**

Education and Training	15,238
Australian Federal Police	10,236
Urban Services	5,447
ACTEW	2,606
Canberra Institute of Technology	1,041
ACT Housing Trust	909
Chief Minister's Department	536
ACT Treasury	336
ACT Health	9024
Total	45,373

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**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1123  
Taxes and Charges Changes : ACTION Subsidy**

**MR MOORE** - Asked the Treasurer upon notice on 9 December 1993:

- (1) What increases and decreases in each of the taxes and charges levied by the Government and its controlled business and other entities have occurred since the second Follett Government took office.
- (2) What is the average weekly cost of losses sustained by ACTION in each of the last three financial years, together with the estimated weekly losses in the current financial year expressed in terms of the average individual ratepayer.
- (3) Will the Government, in the interests of open government and fiscal discipline, establish and periodically update (e.g. quarterly) an index of taxes and charges imposed by it and its controlled business and other entities; if not, why not.

**TREASURER** - The answer to the Member's question is as follows:

- (1) A list of all taxes is set out in Attachment A. Any changes in tax rates which have occurred have been individually highlighted. With respect to other charges, I do not propose to list them individually as there are over 300 fees/charges spread across all Government programs and statutory/trading authorities. Such information is available in budget papers and annual reports of relevant agencies.
- (2) The extent of ACTION's 'losses' over the last three years is set out in Attachment B. The identified 'losses' referred to in the Member's question have been defined as the actual recurrent subsidy paid to the ACT Transport Trust Account from the Consolidated Fund in each of the financial years, as well as the estimated subsidy for 1993-94. These amounts have been sourced from the relevant budget papers.

The number of ratepayers identified in the Attachment is based on the number of assessment notices for rateable properties sent to ratepayers in each year, including Housing Trust properties.

It should be noted however, that such an analysis would be more appropriate on a per capita basis, as by definition ACTION's operations are a territorial function and not normally equated directly to ratepayers. A revised analysis, based on per capita costings, is provided at Attachment C.

(3) As part of the annual budgetary cycle, the Government undertakes a review of all taxes, fees and charges (other than statutory/trading authorities) in accordance with its policies. Annual adjustments to the level of charges and taxes are publicly available and outlined in budget papers, annual reports and other public brochures on an agency program basis. A composite index is not generated as it would be costly and of little benefit.

Comparative information on a state by state basis is readily available in Grants Commission reports. The ACT also contributes to a NSW Treasury index of taxes which is available to the public.

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**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question no. 1125  
Payroll Tax**

**MRS CARNELL** -Asked the Treasurer upon notice on 9 December 1993:

- (1) What is the total number of firms that pay payroll tax in the ACT.
- (2) What is the number of firms in the following payroll tax brackets and the total liability for the firms in that bracket (a)\$400,000 to \$500,000; (b)\$500,000 to \$600,000; (c)\$600,000 to \$700,000; (d)\$700,000 to \$800,000; (e)\$800,000 to \$900,000; (f)\$900,000 to \$1,000,000; (g)\$1,000,000 to \$1,100,000; (h)\$1,100,000 to \$1,200,000; (i)\$1,200,000 to \$1,300,000; (j)\$1,300,000 to \$1,400,000; (k)\$1,400,000 to \$1,500,000; (l)\$1,500,000 to \$2,000,000; (m)\$2,000,000 to \$2,500,000; (n)\$2,500,000 to \$3,000,000; (o)\$3,000,000 to \$3,500,000; (p)\$3,500,000 to \$4,000,000; (q)\$4,000,000 to \$5,000,000; (r)\$5,000,000 to \$10,000,000; (x)\$10,000,000 to \$15,000,000; (t)\$15,000,000 to \$20,000,000 and (u)\$20,000,000 and over.

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

- (1) As at 30 June 1993 the number of businesses paying payroll tax in the ACT was 1551.
- (2) The taxation computer system does not currently have the facility to provide information on the payroll tax paid by businesses in the **various payroll** brackets outlined in the question. It would be necessary to prepare a special computer program before this information would be available. However, information is available on the number of businesses in the various tax brackets as outlined below:

**PAYROLL \$'000 NUMBER**

(a)	400 - 500	96
(b)	500 - 600	82
(c)	600 - 700	78

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1126**

**Building Regulation Fees**

Mrs Carnell asked the Minister for Urban Services (question redirected to the Minister for the Environment, Land and Planning as ACT Building Control became a part of the Department of the Environment, Land and Planning on 1 January 1994) - In relation to building fees -

- (1) What formula are building fees based upon; are they designed to achieve cost recovery?
- (2) What was the cost of operation of Building Control in 1992-93, and what was the value of fees collected in 1992-93?
- (3) What is the expected cost of operation of Building Control in 1993-94, and what is the expected value of fees to be collected in 1993-94?

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

(1) The formula is a "sliding scale" based upon the cost of building work. Current fee scales are designed to fully recover the direct operating costs of ACT Building Control and to give partial recovery of indirect costs. No building regulation administration has yet implemented full cost recovery of building regulation services.

(2) The cost of operating Building Control in 1992-93, including an oncost of 80%, was \$5,523,000. (Direct salaries and operating costs were \$3,263,000); Fees collected were \$5,529,000.

(3) The expected cost of operation in 1993-94, including oncost, is \$5,843,000. (Direct salaries and operating costs are estimated to be \$3,565,000);  
- the increase in expenditure over 1992-93 a reflection of:

- twenty seven (27) salary payments to be made in 1993-94 as compared to twenty six (26) in 1992-93;

- costs included directly in Building Control budget which previously were accounted for in a central pool. Fees collected are estimated to be \$4,700,000. This is a reflection of the expected downturn in the building industry in 1993-94.

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**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question no. 1128  
Financial Institutions Duty**

MRS CARNELL - Asked the Treasurer upon notice on 14 December 1993:

Has the Government considered varying the rate of FID; if so

- (a) to what rate; and
- (b) what is the expected revenue yield if the rate of FID were to be reduced to 0.06%.

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

It is presumed that the Member's question has been asked in the context of the preparation of the current budget. On this presumption the answer to the question is no.

- (a) Not applicable;
- (b) \$14.22 million.

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**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1130**

**Bank Accounts Debit Tax**

MRS CARNELL - Asked the Treasurer upon notice on 14 December 1993:

In relation to Bank Accounts Debit (BAD) Tax - Has the Government considered the introduction of a BAD Tax; if so in relation to the ACT what is the estimated revenue yield if BAD Tax were to be imposed (a) at the scale applied in New South Wales and South Australia; and (b) at the scale applied in Victoria, Queensland, Western Australia, Tasmania and the Northern Territory.

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

When the Commonwealth transferred BAD tax to the States and Territories, the Kaine Government chose instead to increase the rate of Financial Institutions Duty (FID) broadly in line with estimated BAD revenue.

A working party of Commonwealth, State and Territory officials is examining ways of simplifying the system of financial transaction taxes currently imposed throughout Australia. Its report may result in significant changes to the financial transaction tax system.

It would be pre-emptive of the Government to consider introducing a BAD Tax prior to release of the working party report.

If a BAD Tax was introduced in the ACT at the scale applied in (a), which includes Victoria, estimated revenue for 1993-94 would have been in the order of \$10.8m.

If a BAD Tax was introduced in the ACT at the scale applied in (b), estimated revenue for 1993-94 would have been in the order of \$5.4m.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1131  
Emergency Rescue Services - Lyneham  
Motor Vehicle Accident**

Mr Humphries - asked the Minister for Urban Services

- (1) Did police, fire and ambulance officers attend a motor vehicle accident in Wattle Street, Lyneham in the early hours of 20 November 1993..
- (2) If so, what were the circumstances of the accident and the response by those officers who attended.
- (3) Was a man removed from a car at the scene of the accident by officers of the Fire Brigade prior to the arrival of ambulance officers.
- (4) If so, (a) were appropriate procedures to this situation complied with in respect of the removal of that man; (b) what injuries were sustained by the man in the accident and (c) were those injuries exacerbated by his removal from the motor vehicle by officers of the Fire Brigade.
- (5) Has the Government received any complaints or other expressions of concern, relating to the conduct of officers at this accident.

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

- (1) Yes
- (2) The Fire Brigade attended a single vehicle accident where a vehicle had rolled onto its side and the two occupants were trapped with one person experiencing breathing difficulties. The Fire Brigade officer made a decision to remove one of the occupants based on the situation that existed at the time and in the interest of both occupants.
- (3) Yes
- (4) (a) The Fire Officers complied with the appropriate removal procedures.
- (b) An assessment was made of the persons injuries and in the opinion of the Fire Brigade officer and based on the situation at that time it was considered that the most appropriate action was to remove the person.
- (c) The removal was carried out with due care and accomplished without exacerbating the persons injuries.
- (5) No

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1132  
Emergency Rescue Services - Brindabella Ranges Motor Vehicle Accident**

Mr Humphries - asked the Minister for Urban Services:

- (1) Was there a single vehicle accident in the Brindabella Ranges on 20 November 1993 in which a car rolled off a road.
- (2) If so, (a) what were the circumstances of this accident and (b) what services attended the accident.
- (3) Has the Minister obtained a report of this accident, examining in whole or in part the co-operation of emergency services at the scene of the accident.
- (4) Is the Minister satisfied that correct procedures were followed in all respects in relation to this accident.

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

- (1) Yes.
- (2)(a) At 5.54 pm on 22 November 1993 a call was received by Fire Brigade Communications Centre to a four wheel drive vehicle involved in a single vehicle accident on Balls Head Road approximately 1.8 kilometres from Piccadilly Circus.
- (b) The Australian Federal Police were contacted and informed that the Fire Brigade *would* attend if required.
- (3) Yes.
- (4) There appears to have been a misunderstanding and misinterpretation of the *instructions in* relation to the attendance of the ACT Fire Brigade Rescue from Kambah Fire Station. The four wheel drive vehicle located at Kambah Fire Station is available for remote area rescue at all times and in the above situation it should have been dispatched in the first instance.

The operating procedures in relation to remote area rescue and the crewing arrangements have been reaffirmed and the Communications staff as well as all operational members reminded of the operational requirements.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1133  
Farm Vehicles : Primary Producers Markets**

Mr Moore - asked the Minister for Urban Services:

- (1) Can the Minister explain why the ACT registration charges for farm vehicles are so different from NSW.
- (2) Will the Minister maintain this discrepancy under a National Registration Scheme.
- (3) Is the Minister aware that there are no primary producers' markets in the ACT; if so, is the Government intending to subsidise ACT producers so that they can compete on a level playing field with their NSW counterparts.

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

- (1) NSW allows a wide range of concessions for farm use vehicles which form part of the "primary producer" category in NSW. Concessions for registration charges for farm use vehicles are not available in the ACT.
- (2) Under a National Registration Scheme, the provision of concessions will be at the discretion of State and Territory governments. The Government has no intention of reintroducing concessions for farm use vehicles at this time.
- (3) In May 1993, a pre-feasibility study was undertaken by the Chief Minister's Department into the establishment of a wholesale regional producers' market. The study indicated that:

in its present form there would be little support from major potential purchasers for a producers' market as producers may be unable to maintain a consistent supply of a wide range of produce;

purchasers would incur additional costs by buying at a local producers' market and these are unlikely to be offset by less expensive goods; and

information from the Australian Bureau of Statistics indicates that for six selected fruit and vegetable items, the average price in Canberra is already six cents per kilogram lower than in Sydney.

Given all of these factors, the study found it to be unlikely that a regional producers' market would be commercially viable. The Government has no plans to subsidise the development of such a market.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1137  
Emergency Rescue Services -.Communications Equipment**

Mr Humphries - asked the Minister for Urban Services

- (1) Were difficulties experienced with communications between units of the ACT Fire Brigade and its control headquarters at-Curtin on the weekend of 11-12 December 1993.
- (2) If so, did these communications difficulties result in at least one fire brigade unit being out of contact with its control headquarters while fighting a grassfire in Belconnen on Saturday, 11 December 1993.
- (3) Was a handheld portable radio. used by the controlling officer to make contact with the brigade unit. ,
- (4) Has any assessment been made of the effectiveness of communications equipment at the new Curtin headquarters of ACT Emergency Management; if so, what are the results of this assessment. Are any communication problems being resolved; if so, how and when.

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

- (1) Units using one of the recently installed radio channels experienced problems in transmission volume and quality which was rectified by having the- unit change to an alternative channel.
- (2) There are no reports of units being out of contact during the grass fire on 11 December 1993.
- (3) Yes. A handheld portable radio is used extensively by Officers to maintain' radio contact whilst away from their vehicles.
- (4) The installation of the radio network is continuing and on completion an  
- assessment of the whole network will be conducted as part of the handover and formal acceptance process.
- (5) Any communication problems will be resolved and rectified prior to acceptance.

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**ATTORNEY GENERAL**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1139**  
**Burmah Oil Company - Kingston Service Station**

Mrs Carnell - asked the Attorney General - In relation to Burmah Oil -

- 1.) Has there been compliance with environmental requirements by both Burmah Oil and the Government in the establishment of the Kingston site: if not, (a) why not; and (b) were any special concessions made that other operators would have to comply with at other sites?
- 2.) Has there been compliance with planning requirements by both Burmah Oil and the Government in the establishment of the Kingston site; if not, (a) why not; and (b) were any special concessions made that other operators would have to comply with at other sites?
- 3.) Were tenders called for the awarding of the licence to operate the Kingston site; if not, (a) why not; if so, (b) who tendered and (c) what was the basis of selection?
- 4.) Is the Government aware of the ultimate ownership of the company?
- 5.) Who are the major shareholders of the United Kingdom based parent company that owns Burmah Castrol?
- 6.) (a) Who conducted an examination of the bona fides of the company: (b) what were their recommendations and (c) were concerns expressed about the lack of independence from existing major operators?
- 7.) What is the estimated value of the subsidy provided to Burmah based on the failure of the Government to realise the full value of the site?
- 8.) Was a study conducted into the expected impact on existing genuinely independent retailers: (a) if not, why not; and (b) if so, what was the expected impact on employment and the continued viability of those operators?

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

1.) I am advised that there has been compliance with environmental requirements by both Burmah Fuels Australia Limited and the Government in the granting of the site licensed to Burmah Fuels.

2.) I am advised that there has been compliance with planning requirements by both Burmah Fuels and the Government in the granting of the site licensed to Burmah Fuels.

3.) The licence was granted under section 217 of the *Land (Planning and Environment) Act 1991*. There is no requirement for the Government to conduct a tender in such circumstances. Burmah Fuels made a proposal to the Government and the licence was granted in accordance with normal commercial practice.

4.) As part of the normal process of entering into a commercial arrangement with an incorporated entity, a search was conducted of the ownership of Burmah Fuels Australia Limited, Burmah Oil Australia Limited and Burmah Oil Investments (Australia) Pty Ltd.

5.) I am advised that Burmah Castrol plc is a United Kingdom based company which is the ultimate holding company of Burmah Fuels Australia Limited. I am not aware of any Australian based company by the name of Burmah Castrol. Further, I am advised that, according to the latest available Annual Report of Burmah Castrol plc, there are three groups that hold substantial interests in the ordinary share capital in that company; they are: B.A.T. Industries plc, Morgan Grenfell Group plc and Railway Pension Funds.

6.)(a) I do not understand what you mean by "bona fides" of the company. However, I was advised by the Chair of the ACT Government Working Group on Petrol Prices that Burmah Fuels' Australian operations had been examined and that Burmah Fuels had a demonstrated record of discounting in the Sydney and Melbourne markets.

(b) It was recommended to me that Burmah Fuels was suitable for entry into the ACT market as regards its Kingston site proposal.

(c) No concerns were expressed about the lack of independence from existing major operators but I was advised that Burmah Fuels has a contract with Shell Australia for the supply of petrol.

7.) The Kingston site was not sold but rented to Burmah Fuels as a going concern on a tenancy basis. I am advised that the minimum rental for the site was determined by the Australian Valuation Office. The valuation took into consideration the size and location of the site, the restricted nature of the licence agreement, the limited potential for sale of ancillary products and related to an estimated sales volume. In the event that the sales volume exceeds expectations, the Government will share in such an increase by way of increased rental. I am further advised that, in accordance with the advice from the Australian Valuation Office, an allowance was made in the rental valuation for improvements to the site made by Burmah Fuels which were the responsibility of the ACT Government as landlord.

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8.) No specific study was made into the impact on existing independent retailers but I am advised that there are only a very small number of independents operating in the ACT, totalling, as at November 1992, the date of the Report of the ACT Government Working Group on Petrol Prices, 7% of the market as compared to the Australian average which ranges between 50% and 60% . Overall, I believe that Burmah Fuels' presence in the market will have a positive effect on employment as the reduction in the price of petrol (already occurring) will significantly reduce costs to business, especially small business.

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**ATTORNEY GENERAL**

**LEGISLATIVE ASSEMBLY QUESTION**

Mr Connolly: I wish to provide the following further information in relation to my response to Mrs Carnell concerning this question and in particular my answer to parts 4 and 5 of her question.

I have been advised by officers of my Department that the company Burmah Oil Australia Limited recently changed its name to Burmah Castrol Australia Limited. Officers did not become aware of the name change until after I had responded to your question.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1140  
Youth Affairs Unit**

MRS CARNELL - Asked the Chief Minister upon notice on 16 December 1993:

- (1) Has there been a downgrading of the ACT Youth Affairs Unit; or have staff been informed of proposed funding reductions.
- (2) What are the current staffing levels.
- (3) Are cross section positions being developed or proposed; if so, what are they.
- (4) What were the staffing levels for (a) 1991; (b) 1992 and (c) 1993.
- (5) What if any, structural staffing changes have taken place over the past year.
- (6) What was the 'client' usage for the years (a) 1991; (b) 1992 and (c) 1993.
- (7) What performance indicators are used.
- (8) Have performance indicators been met.
- (9) Will funding for existing youth services be maintained and will they be administered through the Youth Affairs Unit; if not, which section/department will have that duty.

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

- (1) No, there has been no downgrading of the ACT Youth Affairs Unit, nor have staff been informed of any proposed funding reductions.
- (2) The current staffing levels are:
  - 1 Senior Officer Grade B
  - 2 Senior Officers Grade C
  - 2 Administrative Service Officers Grade 6
  - 1 temporary Administrative Service Officer Grade 6
  - 1 Administrative Service Officer Grade 5
  - 1 Administrative Service Officer Grade 3
  - 2 Administrative Service Officers Grade 5 - Streetlink
  - 6 Administrative Service Officers Grade 4 - Streetlink

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- (3) It is not envisaged that any officers of the Social Policy Branch will be placed in more than one section of the Branch at any given time.
- (4) The staffing level of the Youth Affairs Unit as at 1 July 1991 was 13 officers; as at 1 July 1992 16 officers; and as at 1 July 1993 17 officers.
- (5) Minimal structural staffing changes, in the sense of substantive changes to the staffing profile of the Unit, took place in early February 1994. In particular:
- an ASO 6 position was transferred from the Unit with the transfer of youth related labour market programs to the Economic Development Division;
  - to reflect further possible developments with the administration of youth programs, an ASO 6 position has not been substantively filled. A temporary position at that level has, however, been created.
- (6) Clients of the Youth Affairs Unit include myself, as Chief Minister; the Government; ACT government agencies; the community through the Chief Minister's Youth Advisory Council; agencies representing young people in the ACT and other States and Territories; and the Commonwealth in relation to the coordination of jointly funded services to young people. It is also the case that **the Youth** Affairs Unit currently manages the Streetlink program and three programs through which the Government provides funding to the youth sector.

I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer the Member's question in relation to usage by the full range of clients outlined above for the years 1991, 1992 and 1993.

- (7) Performance indicators for the Youth Affairs Unit are as for all areas of the Social Policy Branch of my Department. The effectiveness of performance and achievements as measured by:
- the extent to which advice to the Chief Minister on social issues contributes to the development of the Government's social policies, in particular towards the removal of barriers and discriminatory practices;
  - the extent to which the Sub-Program meets the needs of target groups and takes comprehensive and effective steps to identify gaps, or areas of duplication, in relevant service areas;
  - the extent to which social indicators are developed and used;

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- the extent to which services are accessible and equitable; and
- the extent to which government decisions and policy making processes take account of the outcome of consultation with the community.

(8) Yes, pages 60 to 63 of my Department's Annual Report provide an assessment of the extent to which the Youth Affairs Unit has met these performance indicators.

(9) My Government is committed to funding the community sector to ensure that an appropriate and comprehensive range of youth services is available to young people in the ACT, particularly young people facing disadvantage.

Under recently announced arrangements the management of grants programs with an employment focus in the youth area are now undertaken in the Business Support and Employment Branch of the Economic Development Division of my Department. This transfer consolidates the Government's labour market programs for young people where the greatest area of expertise exists and will enable the Social Policy Branch to focus its energies in the youth area, as in other areas, on developing a high level policy perspective and working with government agencies and the community sector to address gaps and emerging needs in service provision. Current levels of funding to the youth sector and the provision of services to young people are not affected by this transfer of management responsibility.

As a matter of course the appropriate location of grants programs is kept under review. Should any further changes occur this would be the subject of advice to grants recipients.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1141  
International Year of the Family**

MRS CARNELL - Asked the Chief Minister upon notice on 16 December 1993:

- (1) Will the ACT be participating in the Year of the Family projects/activities; if so, what will those projects/activities be.
- (2) Will funding be required to service these projects/activities.
- (3) Has a budget for the year been identified; if so, how much.
- (4) Have activities in other areas been reduced or usual funding allocations transferred to service Year of the Family projects/activities.
- (5) Is the ACT to receive Federal funding for these projects/activities; if so, what amount.
- (6) Will there be any provision for continuing funding to carry on any worthwhile projects; if so (a) what projects/activities and at what cost and (b) will these projects/activities be in conjunction with any other community organisation.

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

- (1) The Government has already undertaken considerable work in preparation for the International Year of the Family in 1994. Work is in progress on a series of initiatives which focus on key issues for families in the ACT. The Government is also participating with the Commonwealth in the development of an Australian *Agenda for Families*.

The Government has also undertaken a facilitation and coordination role in relation to the International Year of the Family in the ACT. It is facilitating the production of an ACT calendar for the Year and coordinating the activities of government agencies to highlight the Year. The Government has also been liaising with the community and seeking sponsorship for proposed community activities.

The Government gave careful consideration to the International Year of the Family in the context of the 1993-94 Budget and announced a number of initiatives designed to provide support for families. These included, among others

- the Concessions Reforms which deliver benefits to 19,000 Canberra households;
- the Child at Risk Unit;
- the campaign to address violence against women; and

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- new home loan programs such as *Home Entry*, *Home Access* and *Home Buyer*, aimed at increasing the home ownership opportunities of existing public tenants, low income and first home buyers.

(2) and (3) Funding for specific International Year of the Family activities will be derived either from existing resources already devoted to activities and services that benefit families or through sponsorship.

(4) Activities in other areas have not been reduced and usual funding allocations have not been transferred to service International Year of the Family projects and activities.

(5) Federal funding has not been provided to State and Territory Governments by the Commonwealth Government for International Year of the Family projects and activities.

(6) The Government will consider the continued funding of projects and activities which support the aims of the International Year of the Family as it has done in the 1993-94 Budget.

For example, an additional \$79,000 was allocated in the 1993-94 Budget to the Child at Risk Unit and \$140,000 in subsequent years. Funding was also provided for additional child protection workers.

Funding will be provided for a four stage community awareness campaign to be conducted over three years to minimise violence against women in the ACT.

Funding was provided in the 1993-94 Budget for a range of- new home loan programs which will assist families.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 1142  
Streetlink**

MRS CARNELL - Asked the Chief Minister upon notice on 16 December 1993:

In relation to Streetlink

1. What is the current staffing level and what was the staff level for (a) 1991; (b) 1992; (c) 1993.
- What qualifications are required for staff working within Streetlink.
- What training courses have been undertaken by Streetlink employees in the years (a) 1991; (b) 1992; (c) 1993.
4. What are the client statistics for the years (a) 1991; (b) 1992; (c) 1993.
5. What performance indicators are in use. \_
6. Have the performance indicators been met.
7. What is three year plan for Streetlink.
8. Has the Government considered any proposals to change the current Streetlink program; if so, what are those changes..
9. Has the Government considered a proposal to transfer the Streetlink operation to a community based organisation.

MS FOLLETT - The answer to the member's question is as follows:

1. The staffing level for Streetlink in 1991. was six officers, four at the AS04 level and two at the AS05 level. In March 1992, the staffing level increased to eight officers, six at the AS04 level and two at the AS05 level. This level of staffing remained in 1993.
2. Streetlink workers are required to demonstrate experience in working directly with young people to achieve outcomes in both government and community settings; working effectively within a team structure; and effective communication skills. Team leaders are also required to demonstrate experience, in supervision of staff and program management. Relevant tertiary qualifications are an advantage.

3. In 1991-92 Streetlink employees undertook training courses in management skills; sex education and sexual health; report writing; assertion training; youth suicide prevention; and male sexual abuse. In 1992-93 Streetlink employees undertook training courses in empowerment skills; team building and management; ACT youth services; young men's issues; raising self-esteem; addictive behaviours; advanced communication skills; report writing; and sexuality and health. Additionally, Streetlink employees received Studybank assistance for tertiary studies in social work; legal studies; administration; sociology; and `Aboriginal studies.. In 1993-94 Streetlink employees undertook training courses in computer skills; youth work and the law; and domestic violence. Additionally, Streetlink employees received Studybank assistance for tertiary studies in Aboriginal studies. All employees participate in regular inhouse training on current and emerging issues of policy and procedure.

4. In the April 1991-June 1992 period, the first fifteen months of Streetlink's operation, the program made just over 3,900 contacts with young people, representing approximately 325 contacts per month. Approximately 66% of contacts were "repeat contacts", representing young people who had made contact with a Streetlink worker at least once before, and approximately 39% of contacts were with young women. In 1992-93, the program made just over 6,000 contacts with young people, representing approximately 500 contacts per month and an increase of approximately 54% in average monthly contacts from the April 1991 - June 1992 period. Approximately, 79% of contacts were "repeat contacts", and approximately 47% of contacts were young women. Client statistics for 1993-94 will be available in late July 1994.

5. Performance indicators for Streetlink are as for all areas of the Social Policy Branch of my Department. These are: .

the extent to which advice to the Chief Minister on social issues contributes to the development of the Government's social policies, in particular towards the removal of barriers and discriminatory practices;

the extent to which the Sub-Program meets the needs of target groups and takes comprehensive and effective steps to identify gaps, or areas of duplication, in relevant service areas;

the extent to which social indicators are developed and used; the extent to which services are accessible and equitable; and,

the extent to which government decisions and policy making take account of the outcome of consultation with the community.

6. Yes, page 62 of my Department's Annual Report provides an assessment of the extent to which Streetlink has met these performance indicators. Additionally, I refer the Member to my response to Question Number 4 on client statistics. '

7. There is no formal three year plan for Streetlink.

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8. The government has not considered any proposals to change the current Streetlink program.
9. A full external evaluation of Streetlink was completed in March 1993. The evaluation assessed Streetlink as accomplishing program aims and objectives, with outstanding achievements in the area of client outcomes, and stated that in view of the success of Streetlink little purpose would be served by altering the placement of the program from government to the community.. Accordingly, in August 1993 I approved the retention of Streetlink as a government program. .

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

Question No. 1144  
Open Space Watering Systems

.MR CORNWELL: To ask the Minister for the Environment, Land and Planning -In relation to water usage. in the ACT:

- (1) Will the findings' of the joint committee of the University of Canberra and ACTEW "that significant water savings on campus have been identified", in particular by monitoring the sprinkler systems on ovals and linking them to computerised systems (see *Monitor. Vol. 3 No. 18*) be applied elsewhere in the ACT? -
- (2) Are all of the ACT's open space watering systems (including those on school grounds, community ovals streetscapes, etc.) linked to a computerised system? If not, which are not?
- (3.) Are the ACT's watering systems linked to rain sensors to ensure they do not operate during periods of rain: if not, why not?
- (4) What is the cost per annum of maintenance of the ACT's open space watering system?.

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

. (1) Dr Brian Button from the University of Canberra, (as part of the Joint Committee's investigations), sought advice and comments from the ACT Parks and Conservation's Technical Services Unit, on water requirements for turfgrass in the ACT and whether the University was watering efficiently.

The Technical Services Unit have co-developed one of the world's most sophisticated urban computer controlled irrigation systems. They were able to point out ways in which very significant water savings could be achieved by linking into the City Parks computer system which is already controlling a large amount of the city's irrigated open space.

Those responsible for developing this system have received national recognition and have been awarded ACT Government Achievement Awards for this technology.

The findings of the joint committee in relation to water savings have been applied to the ACT open space watering systems for at least the past five years.

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(2) The following table shows all irrigated community facilities indicating those which are controlled by the Computerised Irrigation Management System (CIMS).

Direct link to CIMS	Not on CIMS	Indirect link to CIMS (ha)	CIMS (ha)
Sportsgrounds	277	40	45
Schools (3 schools)		4	172
Parks	30	37	
National Areas (includes Commonwealth Park and Anzac Parade)			100
Road Medians and Verges	4	3	
Other areas (includes shops, flats, Govt buildings etc)		45	

NOTE: NCPA is considering installing CIMS on a large proportion of the 100 hectares of National Areas.

Due to the high cost of installing CIMS, many other irrigated areas were not linked to the system, as the gains would have been minimal. However, some of these facilities use manual systems which are programmed using the information supplied by the CIMS system, and therefore some water savings are achieved..

(3) All the CIMS sites have rain sensors These are programmed to cease watering after 1mm of rain has fallen, arid watering is delayed to prevent watering in the rain.

Most other sites do not have rain sensors installed as yet, however, recent improvements in rain sensor technology are currently being evaluated. Previously available units have proven to be unreliable, vandal prone, and expensive to maintain.

It should be pointed out that watering by these systems during rain would only represent less than 0.5% of. water usage.

(4) The cost of maintaining the ACT's open space watering system (which has an asset value in excess of \$40 million) is \$2,100,000 per annum. This figure covers all **irrigated urban** open space, as well as all of City Parks clients including the Federal Government. The cost of purchasing water is not included.