



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

4 May 1995

Thursday, 4 May 1995

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MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and read the prayer.

PETITION

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

By **Mr Humphries**, from 4,904 residents, requesting that the Assembly legislate to ensure that penalties reflect the violence of the crimes.

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

Sentencing of Violent Criminals

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 the sentencing of violent criminals. The sentences handed down to these criminals should reflect the serious nature of their crimes. Soft sentencing by judges should end so that there is fairness to the victims as well as the accused.

Your petitioners therefore request the Assembly to: legislate to ensure that penalties reflect the violence of the crimes.

Petition received.

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MAGISTRATES COURT (CIVIL JURISDICTION) (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General) (10.32): Mr Speaker, I present the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1995.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This is a short Bill whose primary object is to correct a minor flaw that has been discovered in the new enforcement scheme for the Magistrates Court under the amendments of the Magistrates Court (Civil Jurisdiction) Act 1982 that were effected by the Magistrates Court (Enforcement of Judgments) Act 1994, which the Assembly dealt with in the latter part of last year.

Subsection 303(2) of the Magistrates Court (Civil Jurisdiction) Act 1982 does not give a bailiff power to enter and search premises for the purpose of apprehending a person and bringing him or her before the Registrar of the Magistrates Court where he or she has failed to appear for an oral examination as to his or her financial affairs. Whilst a warrant is issued by the registrar, this is done only on the authorisation of a magistrate. Where a magistrate authorises the issue of a warrant, the registrar is required to inform the person of this and the warrant cannot be issued for a period of 14 days. This scheme gives a person who has failed to appear an opportunity to appear before the registrar to be examined as to his or her financial position. Unless there is scope for a bailiff to be authorised to use reasonable force to enter premises to apprehend a person who has failed to appear to be examined, it would be possible for a person to frustrate the enforcement processes of the court by refusing a bailiff permission to enter premises. Members will appreciate that it is in the community's interests that a person against whom an examination summons has been issued must comply with that summons. This Bill remedies the lacuna. Members will note that a bailiff will be able to use only such force as is necessary and reasonable and that a similar power is given in relation to the seizure of goods for sale under a writ of execution.

A secondary purpose of the Bill is to amend section 28 of the civil jurisdiction Act. This section requires a party to proceedings to have an address for the service of documents within the "City Area". The City Area Leases Act 1936, under which the boundaries of the city area were determined, was repealed by the Land (Planning and Environment) (Consequential Provisions) Act 1991. The proposed amendment will require parties to have an address for service within the Territory. Mr Speaker, I present the explanatory memorandum for the Bill.

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

TRADE MEASUREMENT (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (10.35):
Mr Speaker, I present the Trade Measurement (Amendment) Bill 1995.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

In 1991 the Trade Measurement Act was enacted. The Trade Measurement Act is a uniform legislation exercise which has also been adopted in New South Wales, the Northern Territory, South Australia and Queensland. The aim of the uniform trade measurement legislation is to standardise laws relating to weights, measures and packaging across State and Territory borders. Reform of trade measurement regulation is an important micro-economic reform.

At the time of the implementation of the uniform scheme the States and Territories were unable to agree conclusively on the application of the legislation to bread. As a consequence, bread was specifically exempted from the uniform trade measurement Acts. The Weights and Measures Act 1929 was amended to retain controls only on bread sales and was renamed the Weights and Measures (Sale of Bread) Act 1929. Similar measures were adopted in other jurisdictions to provide some interim regulation of bread sales. The situation of the Trade Measurement Act 1991 applying to everything but bread has existed in the Territory since 1991.

In 1994 Consumer Affairs Ministers across Australia agreed to implement uniform trade measurement legislation with respect to bread. New South Wales has already amended the equivalent legislation in that State to bring about the deregulation of bread sales. On 1 July 1994 the Trade Measurement (Amendment) Act 1994 of New South Wales commenced operation. The purpose of this Act was to omit Part V of the Bread Act 1969 of New South Wales and to bring the sale of bread under the Act. Part V of the New South Wales Act made it mandatory to sell bread in standard sized loaves, in a similar manner to our Weights and Measures (Sale of Bread) Act. The present Bill will remove this inconsistency.

The Bill provides for the repeal of the Weights and Measures (Sale of Bread) Act 1929. Essentially, this Act provides for the sale of bread only in standard sized loaves, with some limited corresponding powers to facilitate compliance. The repeal of the Weights and Measures (Sale of Bread) Act 1929 and the corresponding amendment of the Trade Measurement Act will have the following consequences: There will no longer be a requirement that bread be sold in prescribed loaf sizes; the remaining weights and measures regulations made under the Weights and Measures (Sale of Bread) Act will be repealed; the Trade Measurement Act and consequently the Trade Measurement (Pre-packed Articles) Regulations will apply to the sale of bread; packaged bread will be required to be marked with its net weight rather than its nominal weight, whatever that was. Net weight represents the actual weight of the bread.

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Mr Speaker, this is a Bill the Government is implementing to assist business and consumers alike and is proof again that this Government is going to be involving itself in bread-and-butter issues from the outset. I commend the Bill to the Assembly. I also present the explanatory memorandum to the Bill.

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

BUILDING (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.39): Mr Speaker, I present the Building (Amendment) Bill 1995.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill proposes to update the residential insurance and builders licensing provisions of the Building Act 1972 and make minor changes to the Act. It is compulsory for residential building work to be covered by insurance that protects owners if the builder dies, disappears or becomes insolvent. The maximum cover was set in 1988 and does not reflect the current cost of housing. The maximum cover for completed housing would be increased from \$50,000 to \$200,000. This is the amount recommended by the Trade Practices Commission.

Residential builders usually receive deposits of 5 per cent on more expensive houses. The proposal would therefore increase the maximum cover for deposits from \$5,000 to \$10,000, which covers a 5 per cent deposit on \$200,000. The largest premium is now \$295 and the change should cause only a small increase. Changes would also be made in other details of the insurance scheme. Insurance would be extended to garages that form part of the structure of the living areas of a house and might affect the stability of a house.

The figures that define cover under the insurance scheme may be affected by economic conditions, moves to national uniformity or conditions in the insurance industry. To facilitate changes, it is proposed that the figures be transferred from the Act to the Regulations. There have been some complaints about the insurers' handling of claims and reporting requirements would therefore be introduced. Insurance is not required if houses are built by owner-builders and it is equitable to maintain this exemption. However, it is proposed that builders of houses built by owner-builders should be alerted by annotation on building records that are checked during conveyancing.

Another group of proposals would update builders licensing. Present legislation assumes that a licensed builder manages all aspects of a building project, including subcontracting. It is, in fact, common practice for developers to use a licensed builder as supervisor but for the developer to have made agreements with subcontractors. This practice is called project management and it is proposed to make legal provision for it.

Present legislation restricts class B builders licence holders to straightforward three-storey buildings and class C licence holders to straightforward single-storey buildings. These limits do not correspond to any clear-cut transition in technical knowledge and unnecessarily restrict many experienced builders. For example, a house with a garage under it is considered a two-storey building. These limits are no longer satisfactory, and it is proposed to allow class B licence holders to construct any three-storey building and class C licence holders to construct straightforward two-storey buildings.

The basic qualification for class B builders licences set out in present legislation was awarded for a course that is no longer provided, and it is proposed to replace it with an equivalent current qualification. The basic qualifications for class C builders licences set out in present legislation are trade certificates. Under a changing organisation of training, essential technical and business training has now provided a more advanced course and it is proposed to update the qualification accordingly. This change would not prevent holders of trade certificates from gaining licences as builders. The Act already allows them to obtain a licence if they have the skills required, and they can demonstrate this by undertaking a screening test conducted by the Canberra Institute of Technology. It is possible to gain formal qualifications without any experience in building; so, as part of the change in builders licensing, a requirement for practical knowledge would be introduced where the qualifications are lower than a degree or diploma. The details of acceptable qualifications will now be set out in subordinate legislation.

In addition to these changes, the Act would be updated in minor ways. In 1991, the Government freed a range of minor building works from building controls. Exemption will now be extended to further works, provided they are carried out by qualified persons. Until 1988, there was a means of review of building fees for those who felt that they were overcharged. This topic was then overlooked during a general change in the review of decisions under the Building Act, and it is now proposed to restore the right of review by the Administrative Appeals Tribunal. Finally, the Act uses out-of-date names of organisations, and it is proposed that they be updated.

Mr Speaker, the proposals adapt the legislation to the present needs of the community and the building industry, and I commend it to the house. I also present the explanatory memorandum to the Bill.

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

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SURVEYORS (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.45): Mr Speaker, I present the Surveyors (Amendment) Bill 1995.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The Surveyors Act 1967 provides for the registration of land surveyors, as well as establishing a Surveyors Board to regulate the practice of land survey in the ACT. Concern has been expressed that there is no representation of the broader community on the Surveyors Board. The Act currently requires all members of the board to be registered surveyors. The proposed amendment provides for an extra member to be appointed by the Surveyors Board, increasing the membership of the board from four to five members, with the ACT Chief Surveyor as the chairperson.

The requirement that members of the board be registered surveyors has been removed. The amendment will enhance community involvement in the regulation of survey practice in the ACT. It is the policy of the Government to involve community members - non-professional members - in boards of this kind wherever that is appropriate. The Bill also takes the opportunity to remove gender specific language from the Act. I present the explanatory memorandum for the Bill.

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

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.46): Mr Speaker, I present the Land (Planning and Environment) (Amendment) Bill 1995.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The Land Act - that is, the Land (Planning and Environment) Act - does not presently allow for the subleasing of vacant land unless it is associated with a building, or part of a building, that is already constructed on the land. This prevents owners of mobile home parks from offering longer-term subleases over plots of land for people wishing to erect relocatable homes, otherwise known as mobile homes. It is considered that mobile homes will be more accessible to the public if subleases over parcels of land can be offered to prospective mobile home owners, because financial institutions are more likely to offer

loans at competitive interest rates for the purchase of mobile homes when security such as a sublease can be offered. This Bill amends the Land Act so that areas of land in mobile home parks can be subleased for up to 20 years to individuals for the erection of mobile homes. Members may recall some discussion about this on the radio only this morning, and I am glad that our Government is able to respond so quickly to concerns raised by the community. I present the explanatory memorandum for this Bill.

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

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Report on Standing Orders and Citizen's Right of Reply

Debate resumed from 2 May 1995, on motion by **Mr Moore**:

That the report be noted.

MR HIRD (10.48): Mr Speaker, I would like to draw to members' attention the activities in the house last Tuesday, when the house rose for a three-hour break, resumed at 8 o'clock and went for another hour and a quarter. Under standing orders, all members are aware that there is the opportunity for the house to extend its sitting hours should there be a requirement to do so. Members will recall that last evening the Minister, Mr Humphries, extended the sitting time, which proves the argument that the citizens of the ACT should have access to their parliament. We on this side of the house totally agree with that; it is part of our philosophy for open government.

I noticed that on Tuesday night Mr Whitecross, when he finished his inaugural speech, left the chamber. I think that was a discourtesy to other members, but Mr Whitecross can make his own arrangements in that respect. I will table shortly a paper on the costs incurred and the savings that will be made if this part of the committee's report is accepted. The paper I wish to table indicates that the committee's proposal will save in this year alone around \$20,000 in direct costs to this chamber. I am unable to ascertain the indirect costs, but they would be considerable.

It is clear to me that, if a matter is of importance to the citizens of the Territory, they will find the time to attend. Mr Speaker, you will recall that in the early 1980s there was a debate in the former house at 2 o'clock in the morning, and the place was packed. I have noted in the last few sitting days that question time is well attended.

Mr Connolly: They are all the bureaucrats looking after the Ministry.

MR HIRD: On Tuesday night I noticed - and it was commendable - that the Young Labor Party of Belconnen were well represented. I commend them for coming out on a wet night.

Ms McRae: And they often do.

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MR HIRD: I commend them for that. I would not say that there was any attempt to fill the gallery. While I do not say that the Labor Party are against this part of the report, the former Speaker would have at her fingertips first-hand knowledge of the patronage of the visitors gallery by the citizens of the Territory and would be well aware that it is not well supported. I understand that on only two occasions was the gallery full. One occasion was the debate on abortion, in which I think our colleague Mr Berry was involved, and the other was when Mr Berry stood down as Minister.

I believe that this is a sensible approach. I point out that it is only for a trial period, at which time this chamber can make up its mind. I commend the report and look forward to the support of all members of this place for the savings that will flow from this proposal when it is implemented. I seek leave to table that document on costings.

Leave granted.

Ms McRae: On a point of order: Are not the proposed new standing orders and the citizen's right of reply integrated? Can this not be a cognate debate? Is there any reason why these three matters are separate?

MR SPEAKER: It is a report that incorporates both standing orders and citizen's right of reply.

Ms McRae: Then why are they listed separately? I do not understand the notice paper.

Mr Moore: Because I moved a motion.

MR SPEAKER: Please stand when you address the Chair.

MR BERRY (10.55): Mr Speaker, this debate has been around for some time in so far as the Tuesday night sittings are concerned. The adoption of the standing orders, including what were temporary standing orders in the past, is an arrangement that we have decided to pursue in committee because those temporary standing orders are standing orders we have become familiar with and have found to work fairly well. For the last two terms of this Assembly we have been operating under a set of temporary standing orders; they have worked satisfactorily and it has been decided that they should be included.

There are a couple of matters in which I am particularly interested. One is the procedure whereby members extend their speaking time to deal with a particular matter. When they have run out of time, the process has been that we have had to secure a motion of the Assembly in order that members can have an extension of their time. That seemed to me to be somewhat cumbersome. It was discussed in the Administration and Procedure Committee, and there was broad agreement that we should go to a procedure whereby leave can be granted for members to have the time of their speech extended by half the time prescribed within the standing orders. In due course, I will move an amendment that accommodates those changes, which I think will be non-controversial. I will be moving another amendment in relation to the Tuesday night sittings. I will not anticipate debate because that debate will occur in due course.

One other matter in the report of the committee relates to the way we handle the prayer. I saw some reports in the *Canberra Times* this morning suggesting that the Christian prayer might be under some threat. It is not. The procedure that is suggested in the committee's report is one whereby members stand in silence and pray or reflect in the way they wish. It is certainly not a threat to Christianity or any other religion and was never intended to be. My position is that we ought to be inclusive in our multicultural society. It is a society where some people may even be insulted by the Christian prayer, and I think we have to be a little more flexible in these matters. While I do not usually use the *Canberra Times* as my prime research document because of some questions about accuracy, I will use these figures - - -

Mr Moore: Because they suit you.

MR BERRY: Because they are the only figures I have at hand. I think there was some comment that about 70 per cent of the community say that they are Christians, about 30 per cent say that they are not, and about 30 per cent say that they are of Roman Catholic origin. That clearly indicates that there is room for change and that we ought to accommodate those changes and be inclusive and flexible. I think we can be, and I think each of us can reflect in our own way or pray in our own way as a result of these procedural changes that have been recommended.

I note also that it is proposed that this matter should stay on the table for some time before motions are moved in respect of it, and I think that is an appropriate course. For some, this course would be seen to be a break with a tradition that goes back to the United Kingdom, where there is a state religion. It seems to me that things have changed a bit, and it is appropriate that there is debate about this issue. I would not seek to impose my views in any way in the spiritual sense. It is not my right to do that; spiritual matters are matters of privacy to some people. I think it is important that we include a method whereby people can pray or reflect in their own way. So, the Government will be supporting this report and, as I mentioned, I will be moving a couple of amendments.

Mr Moore: Did you say that the Government will be supporting the report?

MR BERRY: I am sorry. I withdraw that. That was seriously misleading, because I know that they will not. I would not want to be seen to be misleading the Assembly, because there are some serious consequences that could flow. One has to be careful about these things; I might also draw that to the Government's attention. The Opposition will be supporting the recommendations in this report, and there will be more detailed debate on the issues when amendments are put forward later on.

MS TUCKER (11.02): The Greens are happy to recommend that this report be accepted. We were also interested in the discussion on the sitting hours on Tuesdays and listened to all the points of view. We came up with a compromise solution that we thought would probably cater for both concerns - the question of access out of business hours and cost saving. Our proposal was that the Assembly should sit between 11.30 am and 1.00 pm, so that people could come from outside in their

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lunch hour, and from 3.30 pm to 7.00 pm, instead of going so late. This would have reduced the administrative costs and the stress on members, staff and the bureaucracy, while still ensuring access. Unfortunately, no-one supports that; so we will not have the numbers. We will vote later according to the principle of access.

On the question of the prayer, the Greens are also concerned that we are inclusive of individuals' personal spirituality; so we think it is reasonable to make it a personal decision, whether it is called prayer or reflection, and that it be done in silence.

MR WHITECROSS (11.04): Mr Speaker, I rise briefly to support the comments made by my colleague Mr Berry and to respond to some comments made by Mr Hird. Mr Hird suggested that my absence from the chamber on Tuesday evening for a period was a discourtesy to some of the new members.

Mr Berry: Who said that?

MR WHITECROSS: Mr Hird did. Given Mr Hird's comments, I want to put on record that I did approach each of the members whose inaugural speeches I missed prior to leaving the chamber and advised them that I could not be here. So I did extend that courtesy to them. I should also note that I had originally understood that the inaugural speeches would be given during the afternoon and the draft agenda I was given showed ministerial statements occurring after the inaugural speeches, not before, as happened in practice. I would encourage Mr Hird in future, if he is going to reflect on my courtesy, to pay me the courtesy of checking his facts with me beforehand.

MR HUMPHRIES (Attorney-General) (11.05): Mr Speaker, as I understand the situation, we will not be debating an amendment to deal with the prayer today. It will come up at a later stage.

Mr Moore: That is correct. We might speak on it.

MR HUMPHRIES: Indeed, and that is why I want to speak on it briefly at the moment. I must say that I regret the move recommended by the standing committee to deal with the prayer in this way. It is not a question of imposing any form of state religion on members of the Assembly.

Mr Berry: Who said that it was?

MR HUMPHRIES: You made reference, Mr Berry, to state religion.

Mr Berry: Do not twist it, Gary. You are the greatest twister of all time.

MR HUMPHRIES: That is what I heard you say. The reference to a state religion implied, I think, that there is some kind of imposition on members of the Assembly who might not be Christians or believe in God. I think that is a fairly narrow view of what the prayer is all about.

Mr Berry: Yes, you would.

MR HUMPHRIES: I am sorry that you are so upset about this, Mr Berry; but I am expressing my point of view, as I am entitled to.

Mr Berry: No, I am not upset about it. I am upset about the way you approach it.

MR SPEAKER: Mr Berry, just a moment. You were heard in comparative silence. I ask that the same courtesy be extended to Mr Humphries.

MR HUMPHRIES: I say that I regret this move because I think members who oppose the retention of the prayer misunderstand the way in which the prayer operates. There is certainly nothing at the present time that prevents a member, such as Mr Berry or Mr Moore, who does not wish to partake in the prayer from reflecting on other things during that period. We all acquire the capacity in this place to think of other things while someone else is talking. That is a very important skill you have to acquire.

MR SPEAKER: It certainly is not difficult, Mr Humphries.

MR HUMPHRIES: No. What does the prayer represent? It is certainly a matter of some considerable traditional value. As I understand it, to remove the prayer would make us the first parliament in Australia to do that and perhaps one of the first in the Westminster tradition to do so. There are many features of parliamentary practice that are purely traditional and that have, arguably, no organisational or functional value but are part of the way in which parliaments of this kind have operated for many centuries. I think it is unfortunate that we should be removing that provision from the arrangements.

I also think we need to beware of the argument that imposing a Christian prayer somehow intimidates or discriminates against others in the community who are not Christians or do not believe in God. This debate has come forward fairly frequently in the United States. Members might be aware that in that place there has been a frequent debate about the placement of what they call creches - manger scenes - in public buildings at Christmas time. Argument has been made that to place a Christian symbol in a public building is somehow an infringement of that nation's constitutional guarantee of separation of church and state. That is true, and the debate has been resolved in various ways over the years.

It would be a most unfortunate position for us to reach in this place that any expression of a Christian value or tradition was in some way an imposition on other members of the community. I think the spirit of multiculturalism in this country is about accepting and encouraging a diversity of such expressions, rather than uniformly levelling them all so that there is no expression at all that might be considered to be of one side or another. If there happened to be members of other faiths in this chamber, it may be appropriate at some point for us to consider incorporating expressions of those faiths into some aspect of parliamentary proceedings, and that is also fine.

I do not know for a fact, but I think most members of this chamber happen to subscribe to a Christian faith of one kind or another, and I would hope that they would not find the prayer obnoxious in those circumstances. If, one day, the majority of members of this chamber belong to a different faith, then it might be appropriate to consider some other expression of that; but to remove it altogether is most unfortunate. I would have greater

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respect for the position taken by people such as Mr Berry and Mr Moore if at the end of the day they were prepared to go the whole hog and deal with matters such as, for example, Christmas.

Mr Berry: On a point of order, Mr Speaker: I suspect that Mr Humphries is wasting a bit of energy. He will have the chance to do this in about June.

MR SPEAKER: I do not know that that is a point of order. The motion is: That the report be noted. You canvassed the question of the prayer, Mr Berry, and I think Mr Humphries has every right to put forward his point of view on the same subject. There is no point of order.

MR HUMPHRIES: Yes, indeed, Mr Speaker. Obviously, this is a matter that will come up for debate later on. I want to put my view at this stage and hope that it will be one we will reflect on in the period between now and when we come to debate this matter more fully in June.

MR SPEAKER: Reflection is part of the proposed amendments, Mr Humphries.

MR HUMPHRIES: If members object to Christian symbolism in our procedures, I have to ask what they do with the many other Christian symbols that pervade elements of our daily lives.

Mr Moore: Yes, like the cross in the hospice?

MR HUMPHRIES: Like crosses in the hospice, the fact that we take holidays at Christmas and Easter - Christian festivals - - -

Mr Moore: No, they are just pagan parties; they are no problem.

MR HUMPHRIES: Mr Moore might partake of pagan rituals at the time; but for most people they are an opportunity to reflect, at least in passing, in a very token way perhaps, on the Christian underpinnings of both of those festivals. I, for one, think you simply cannot eradicate those traditions except over a very long period, if you wish to do so at all. It is pure tokenism to say that we will abolish the prayer in the Assembly but we will still take holidays at Christmas and Easter. That is simply tokenism on the part of those people who espouse that point of view. I regret this move. I hope that the members of the Assembly realise that it is, in a way, a fairly provocative one and that they will reconsider between now and when we come to debate this.

MR MOORE (11.12), in reply: As I suggested there would be in my introduction to this matter, there are two major controversial issues: The issue of whether we should sit on Tuesday evenings and the issue of the prayer. Listening to the arguments on the Tuesday evening sittings, I do not think a significant argument has been put forward yet. However, it may well be that, when the motions that have been foreshadowed are moved and people have yet another opportunity, we may hear a rational argument. I see Ms McRae nodding her head, just busting to put that argument.

On the matter of eradicating the prayer, Mr Speaker, I heard a great deal of argument about the notion of eradicating a tradition. If the recommendation had been about eradicating the prayer, there may have been some logic behind those arguments; but that was never the case. That is not what was recommended by the Standing Committee on Administration and Procedure and that is not what is in the report. In fact, the appropriate standing order will still be set so that the daily program still has the word "Prayer" at the very beginning, just as when we look at our daily program now it has the word "Prayer". The very first word on the daily program is "Prayer". The very first word on the daily program will remain "Prayer"; but it will also take into account some tolerance and recognise that other people have a different view, because it will say "Prayer or reflection" and will allow people to pray or reflect in their own way. It is about tolerance, Mr Speaker.

Mr Humphries, in particular, talked about the eradication of a tradition. I saw reported in the *Canberra Times* this morning the tradition of saying the litany for the British Parliament at Westminster in St Stephen's Church, next to the parliament, where the Clerk would begin to say the litany and the members would give the response. If we really wanted to get the tradition going, we would follow that. I do not know that the Clerk would be very happy about running through a litany; nor, I imagine, would most members be happy to go with that particular tradition. I may have misjudged the Clerk, of course; he may well be very happy to do that.

Mr Osborne: I will do it.

MR MOORE: Mr Osborne offers to take over and do it on his behalf anyway, so we certainly could have a litany here. For those of us who remember, I can picture Mr Humphries repeating his "Pray for us, pray for us, pray for us", but not concentrating. He has indicated that it is quite okay for people to have their minds elsewhere when they are praying. We must wonder what Mr Humphries's mind does during prayer.

Mr Humphries: You will never know, Michael.

MR MOORE: Quite right, we will never know; but no doubt somebody, somewhere, does know what is going on in Mr Humphries's mind, even if he does not.

Mr Humphries: God does.

MR MOORE: The interjection is "God does". I could not think who it was.

One other point that illustrates the weakness of Mr Humphries's argument is his notion that we take a holiday at Christmas and at Easter. When I made a note, I wrote Christmas as "X-m-a-s"; and perhaps that also reflects my difference of opinion. Mr Humphries, that is exactly how the tradition developed. Christmas and Easter were both pagan festivals that became part of the general tradition of Christianity, developed as part of a Christian festival, and appropriately so, and Christians celebrate that time. But those of us who are not Christian, and I put myself in that category, have lots of reason to celebrate at that time, the same as we celebrate Easter. Some of us are even quite happy to celebrate the birth of somebody we see as a particularly significant philosopher, namely, Christ; but that does not mean that I wish to force that view on you.

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There is a major difference between the tolerance that has been shown in this Assembly by members who do not share your view of the prayer and those who have continued to follow what you call “this tradition”.

Mr Speaker, I think a very sensible suggestion has been made by the Standing Committee on Administration and Procedure, a suggestion that recognises the range of spirituality. I must compliment Ms Tucker, who basically put this concept whereby we could easily recognise the range of spirituality within our community. With that recognition of the range of spirituality that we have in our community, the Assembly could provide a lead in terms of tolerance and understanding. If the message we put out is that we want our society to be more tolerant, then it is a message that I think is well worth putting out.

On the other matters concerning the new standing orders, let me say that they are very sensible. They have been well tried, and the sooner we have them as part of our standing orders the better.

Question resolved in the affirmative.

STANDING ORDERS - AMENDMENTS

MR MOORE (11.18): I seek leave to move a motion regarding the adoption of new standing orders.

Leave granted.

MR MOORE: I move:

- (1) Standing order 16 relating to the Standing Committee on Administration and Procedure be amended by:
 - (a) adding the words “Assembly Business” to the end of subparagraph (1)(c); and
 - (b) omitting paragraph (5).
- (2) Standing order 27 be omitted and the following standing order substituted:

“Days and hour of meeting

Days and hour of meeting

27. Unless otherwise ordered, the Assembly shall meet for the despatch of business on each Tuesday, Wednesday and Thursday at 10.30 am.”.

- (3) Standing order 34 be omitted and the following standing order substituted:

“Adjournment and next meeting

34. At 5 pm on each sitting day, the Speaker shall propose the question - That the Assembly do now adjourn - which question shall be open to debate. No amendment may be moved to this question.

Provided that:

- (a) if a vote is in progress at the time for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced;
- (b) if, on the question - That the Assembly do now adjourn - being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question;
- (c) a motion for the adjournment of the Assembly may be moved by a Minister at an earlier hour;
- (d) any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting; and
- (e) if the question - That the Assembly do now adjourn - is negatived, the Assembly shall resume the proceedings at the point at which they had been interrupted.

Provided further that, if at 5.30 pm on each sitting day, the question before the Assembly is - That the Assembly do now adjourn - the Speaker shall interrupt the debate, at which time:

Minister may extend debate:

- (f) a Minister may require that the debate be extended until 5.40 pm to enable the Ministers to speak in reply to matters raised in the preceding adjournment debate; at 5.40 pm or upon the earlier cessation of the debate, the Speaker shall forthwith adjourn the Assembly until the time of its next meeting; or
- (g) if no action is taken by a Minister under paragraph (f), the Speaker shall forthwith adjourn the Assembly until the time of its next meeting.”.

- (4) Standing order 69(b) be omitted and the following standing order substituted:

“(b) Motion for adjournment of the Assembly to terminate sitting

Whole debate.....no more than 30 minutes

Each Member.....5 minutes”.

- (5) Standing order 74 be omitted and the following standing order substituted:

“74. The Assembly shall proceed each day with its ordinary business in the following routine:

Prayer

Presentation of petitions

Notices and orders of the day

Questions without notice

Presentation of papers

Ministerial statements, by leave

Matter of public importance

Notices and orders of the day

Provided that at 2.30 pm on each day the Speaker shall interrupt the business before the Assembly in order that questions without notice shall be called on; and

(a) if a vote is in progress at the time fixed for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced; and

(b) the Speaker shall fix the time for the resumption of the debate on any business under discussion and not disposed of at the time of interruption.”.

- (6) Standing order 77 be omitted and the following standing order substituted:

“Executive and private Members’ business - precedence of

77. Executive business shall, on each day of sitting, have precedence of all private Members’ and Assembly business, except that:

- (a) On sitting Wednesdays private Members' business shall have precedence of Executive business until two hours after the time fixed for the meeting of the Assembly;
- (b) On sitting Thursdays, Assembly business shall have precedence of Executive business in the ordinary routine of business for 45 minutes from the conclusion of consideration of any Executive notices of intention to present bills;

Provided further that:

- (c) if a vote is in progress at the time precedence expires, that vote or any vote consequent upon that vote shall be completed and the result announced;
- (d) at any time during the consideration of Assembly business any Member may move that Executive business be called on and such motion shall be put forthwith without amendment or debate;
- (e) at the time precedence to Assembly business expires any Member may move that the time allotted to Assembly business be extended by 30 minutes and such motion shall be put forthwith without amendment or debate; and
- (f) the Speaker shall fix the next sitting Wednesday for the resumption of the debate on any business under discussion and not disposed of at the expiration of the time allotted to private Members' business and the next sitting Thursday for the resumption of the debate on any business under discussion and not disposed of at the expiration of the time allotted to Assembly business or at the time Assembly business is interrupted.

For the purpose of this standing order and standing order 16, Assembly business is:

- (g) any notice of a motion or order of the day relating to the establishment or membership of a committee or the referral of a matter to a committee;
- (h) any order of the day for the consideration of a motion moved upon the presentation of a committee discussion paper, committee report or the Government response to a committee report; and

- (j) any notice of motion to amend, disallow, disapprove or declare void and of no effect any instrument made under any Act of the Assembly which provides for the instrument to be subject to amendment, disallowance or disapproval of the Assembly or subject to a resolution of the Assembly declaring the instrument to be amended or void and of no effect or any other order of the day to consider such a motion.”.
- (7) Standing order 78 be omitted and the following standing order substituted:

“Order of Executive business

78. Subject to standing order 77, the Manager of Government Business may arrange the order of Executive business notices and orders of the day on the *Notice Paper*.”.

- (8) Standing order 79 (Matter of public importance) be amended by omitting “4 hours” and substituting “2 hours”.
- (9) The following new standing order be adopted:

“Petitions which do not conform with the Standing Orders

83A. Petitions which do not conform with the standing orders may be lodged with the Clerk and may be presented by a Minister in accordance with standing order 74. The Minister may indicate the subject matter of the paper and the number of signatories. If, in the opinion of the Speaker, the subject matter is not within the ministerial responsibility of the Territory or is critical of a character or conduct of a person, contains unbecoming expressions, is not respectful, decorous or temperate in its language or offends any standing order other than those relating to petitions, the paper shall be returned to the Member who lodged it.”.

- (10) The following new standing order be adopted:

“Request for explanation concerning unanswered question

118A. If a Minister does not answer a question on notice (including a question taken on notice during questions without notice) asked by a Member, within 30 days of the asking of that question, and does not, within that period, provide to the Member who asked the question an explanation satisfactory to that Member of why an answer has not yet been provided, then:

- (a) at the conclusion of questions without notice on any day after that period, that Member may ask the relevant Minister for such an explanation; and
 - (b) the Member may, at the conclusion of the explanation, move without notice “That the Assembly takes note of the explanation”; or
 - (c) in the event that the Minister does not provide an explanation, the Member may, without notice, move a motion with regard to the Minister’s failure to provide either an answer or an explanation.”.
- (11) Standing order 168(c) be amended by adding at the end “and any associated explanatory memorandum”.
- (12) Standing order 242 be amended by adding the following paragraph:
- “(e) any evidence taken or documents received ‘in camera’ or on a confidential basis by a committee which will remain strictly confidential unless its publication is authorised by a resolution of the committee or the Assembly.”.
- (13) The following new standing orders be adopted:

“Statement

246A. If a committee resolves that a statement should be made to the Assembly concerning an inquiry under the committee’s consideration or a matter within the committee’s terms of reference, the Presiding Member shall prepare for the committee’s consideration a statement in the terms of the committee’s resolution. Standing orders 248, 249 and 250 apply to the consideration of a statement as if any reference to ‘draft report’ was a reference to ‘draft statement’. The committee may resolve to dispense with the consideration of the statement under standing orders 248, 249 and 250.

The Presiding Member shall make the statement to the Assembly.

Discussion paper

246B. If a committee resolves to present a discussion paper to the Assembly on an issue under inquiry by the committee it shall be the duty of the Presiding Member to prepare a draft of the discussion paper. Standing orders 248, 249 and 250 apply to the consideration of a draft discussion paper as if any reference to 'draft report' was a reference to 'draft discussion paper'.

Every discussion paper will be signed by the Presiding Member and presented to the Assembly by the Presiding Member. Standing order 254(a) and 254(d) apply to the presentation of a discussion paper as if any reference to 'report' was a reference to 'discussion paper'."

Essentially, these standing orders put in place the recommendations contained in the report of the Standing Committee on Administration and Procedure on standing orders and citizen's right of reply, which the Assembly has just debated. Mr Speaker, since I have already spoken to the issue and I know that Ms McRae is waiting to give her pennyworth - it may be a lot more than that; it may be a pound's worth or even more - I will be happy to listen to the debate.

MS McRAE (11.19): Indeed, I was waiting, Mr Moore, and I have even had it typed up. Firstly, I would like to refute some of the arguments that have been put thus far, and then I want to actually present the case for the significance and importance of Tuesday night sittings. People may well laugh. They may have heard my private utterances in the past when I was groaning about Tuesday nights, because they are indeed a trial. But then we are not necessarily paid to enjoy ourselves in this place. There are some duties that I think are important, and I want to present those cases.

I will just have a bit of a go first at the four arguments that have been offered thus far - Mr Moore's suggestion that the sitting times in 1989 began at 2.30 pm; the argument about low attendance; the argument about the cost of the sittings; and then the notion that perhaps the house could sit for a bit longer and therefore allow more of the pleasure of our company to be given to the general public. I will take that one first because, clearly, it is a nonsense. If there is a major debate on, members of the general public are not going to know that we are going to finish at 4.30 or 5.30 pm and they cannot possibly run around making arrangements on an ad hoc basis. You must have a clear and set time so that you can say, "This is the time when we want you here".

The argument that we started off at 2.30 pm in 1989 and we changed, and so we can change again, carries no substance. We should change only if we are absolutely convinced that we are doing so for the right reasons. My remarks today are addressed to you, Mr Osborne, Ms Tucker and Ms Horodny - and also to the rest of the house - because I hope that in my arguments I can help you to reconsider your position, or to consider it if you have not made up your mind. Mr Moore, you may also like to reconsider your position.

Mr Moore: I raise a point of order, Mr Speaker. I believe that comment should be directed through the Chair rather than to individuals, although I am happy with the spirit of what Ms McRae is saying.

MS McRAE: I would very much like to include the Speaker in my comments, and I hope to change his mind most of all. I will look the other way, Mr Moore.

The argument that hardly anyone ever attended has to be taken very seriously, because our perceptions seem to differ very markedly. Who will ever forget the large crowds that booked in to hear the termination of pregnancy debate? Who will forget the high level of interest in the Animal Welfare Bill and the debate on the new adoption Bills? They were all in the old building and were deliberately put on at night so that people could come and see us in action. In this building, similarly, we saw many a representation, both outside and inside, on a Tuesday night with the high level of interest in the abortion Bill. I remember members going out and talking to people who were outside and inviting them to come in. That was a very significant issue which was shared with the general public.

From my point of view - and certainly I had the best view of who came into and went out of the chamber on a Tuesday night - I made some assessment of that interest. Many people came just for a short while. I know, because I would nod at them. Many of them were people whom I had met at various community meetings and invited in to see the Assembly at work. Often, they would only call in to say hello, and go. Sometimes they would come into my office first, and I would tell them what was going on; then they would drop by. Very rarely would people sit there for three hours. I accept that that is not the intent of a Tuesday night sitting.

Over the three years I had guide groups come through and I had scout groups come through. My local scout group now, as part of their badge attainment, attend the Assembly. They have built that in. Of course, Tuesday nights suit that activity extremely well. Scout groups cannot take flextime and come during the day. As well, it was a very important event for the children who were to partake in the Youth Parliament. They were invited to come in and see us at work so that, as a prelude to their activity in the Youth Parliament, they had a clear and easy time to come in, see the Assembly at work and get an idea of what was to come. Again, they did not sit there for three hours, as we all had to - lucky things! - but they did come, and it is of extreme importance.

The argument about the cost has to be very carefully evaluated. Even the numbers we were given today pertain only to Tuesday night. They do not include the cost of the sessional attendants who would be employed on a Tuesday morning. We are not looking at the full analysis of the cost. The cost matter is not one that can be taken lightly. We cannot say, "It is going to cost extra money. Get rid of it". We have to evaluate the other arguments first. Most of all, we have to be sure that we are clear on the numbers we are arguing about. If we do not sit on Tuesday night, we will sit on Tuesday morning. So, what is the differential cost?

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Let me give you some ideas as to why I think, in this Assembly in particular, Tuesday nights are so important. This is a new Assembly. Let me remind you with great passion on my part, because it makes a big difference to my life and would have made a huge difference in the last three years, that this is the first Assembly where we have no-one who is trying to discredit our work; no-one who does not want to be here. We are all here because we passionately believe that this Assembly is important for the people of the ACT. We are not sitting here trying to abolish it, and it makes a huge difference to the way that we work. It is the first Assembly where we can say with pride, "Come and look at these 17 people. These are genuine representatives of the people of the ACT, and they really care".

To close off Tuesday nights now is far too premature. We have new people, new ideas, new enthusiasms to display. To follow Mr Moore's suggestion to have a trial and shut down now is the wrong way round. Why do we not do it the other way? Let me make a proposal, and I will go on with this in detail a bit later. Let me come back to one very essential point about this building which again I hold with great passion, and did, on your behalf. This building was specifically designed, in consultation with every member of the Assembly, to be open and welcoming. There is good reason why we members sit on the ground level. We are in a direct line with the people. That is why this building was designed this way. It was specifically and very carefully designed, in consultation with all 16 of you - there was one person I did not spend too much time talking to about it because all he wanted to do was shut the doors - to be welcoming, to be open and to say every time a member of the public walks in, "You are welcome here. This is your building".

From long experience of speaking to groups, I know that people do want to come and they are interested in our work. But, as you all know, you visit a community group, they make an arrangement that at their next month's meeting they will talk about coming to visit the Assembly, something happens, and for one reason or another their Tuesday night excursion has to be postponed. If we cut out Tuesday night sittings, a whole lot of groups that I know, that I have met in the past and that have said, "Yes, we will come one night. That is a good idea, Roberta", no longer have that option. They cannot flex off in the middle of the day just to come and watch the Assembly at work, for heaven's sake. They build it in as a social activity - and they enjoy it, what is more. I believe that every person in this chamber now does want the people to come in and does want people to hear what they do and say; but we all know that people will not come of their own accord. We need a new approach. If we are not proud of ourselves, if we do not promote ourselves, if we do not actively invite people in to see us, to see our facilities and to share our hospitality, then we will not change community perception. I know that we are planning to broadcast proceedings, but that cannot replace the quality of friendship that we can offer by inviting people into our place.

This is what I would like to do. This is a suggestion that will turn around the other way Michael's idea of putting a hold on things for three months. To deal with this proposal, I think that we should strengthen the role of our Speaker. As Speaker, I saw that it was my responsibility, as your representative, to promote the workings of the Assembly and to invite people in. I believe that you have given the Speaker that responsibility.

The resources given to his office now are quite substantial and are an indication of the will of this Assembly. I believe that we can, fairly and with great respect, ask our Speaker to undertake the responsibility of inviting groups in to see us on a Tuesday night. I think we should strengthen his position by asking that he take out advertisements of our sitting times and place an invitation with those advertisements. The *Canberra Times* has never, in the goodness of its heart, published our sitting times. People find out in the Wednesday press - the day after - that Tuesday night has happened. "Tuesday night was very quiet", says the *Canberra Times*. Of course it was very quiet. They never published on Monday, "Tuesday night is going to be on; please come and see us". So, forget the goodness of heart of the *Canberra Times*. I think we should ask the Speaker to put an ad in the paper and invite people in. We should pay to do that.

Then what I propose is that we do not abandon Tuesday nights and that, prior to the next three sittings - this is the reverse of what Mr Moore has suggested - in June, August and September, the Speaker go out of his way to ensure that groups know that they are welcome and that he place the advertisement with the invitation. We can take that as our three-month trial. As well, every member in this Assembly would assist. We all have friends. We all have contacts.

The next part of my proposal is that the Government go out of its way to ensure that debates of importance are placed on the notice paper for Tuesday night. We discuss enormously important things - things that have great significance for the lives of the people of Canberra. It is not difficult for us, as a collective - either as the Government or as the Assembly - to direct which part of that debate will be put on on a Tuesday night. So, collectively, we organise our activities in a way that says, "We care about the people of Canberra whom we represent, and we want to share our work with them". It is simply not good enough to say that they can come and see us during working hours. It is just an excuse to hide our endeavour. It flies in the face of the spirit of this Assembly, the building and the clear will of all its members. I think that by accepting my proposed trial we can make a difference to community attitudes and our standing in the community.

MR HUMPHRIES (Attorney-General) (11.30): Mr Speaker, I admire the passion that Ms McRae put into that speech; but I must say that I do not find it very convincing, nonetheless. There are a few myths of the Labor Party's own making which I think they have been able to raise in this debate, and I would like to address those. I am interested in this concept of trialling a different arrangement, having some kind of different method of encouraging people to come into this place. I think that that is an idea that Ms McRae might find very worth while; but I have to ask why she did not trial that arrangement while she was Speaker for three years in this place.

Ms Follett: Because we still had Tuesday nights, for one thing.

MR HUMPHRIES: Ms Follett interjects, "We still had Tuesday nights"; but what Ms McRae was talking about was beyond Tuesday night. She was talking about active advertising of the Tuesday nights through the *Canberra Times*. That would have been a wonderful idea, and she had the opportunity. She was spending something in the order of - - -

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Mr Berry: You churlish person! It was never under threat then.

MR HUMPHRIES: Mr Speaker, I heard Ms McRae in almost silence.

MR SPEAKER: Order! Ms McRae was heard in silence. I suggest that members extend the same courtesy to Mr Humphries.

Mr Wood: This is nonsense.

MR SPEAKER: If you want to get up and make a contribution, Mr Wood, I suggest that you do it in a formal fashion.

Mr Wood: I will make a contribution on this tactic of the Liberals. That is what I will make a contribution about.

MR SPEAKER: Order!

Mr Kaine: On a point of order, Mr Speaker: I heard you remind a member of the Opposition earlier that, if they wanted to address the Speaker, they should do so on their feet. You might remind the member now that that is the requirement of the standing orders.

MR SPEAKER: Yes. Nothing has changed since the last Assembly.

Mr Wood: A lot has changed since the last Assembly.

MR SPEAKER: I suggest that, if you wish to make a comment, you stand, Mr Wood. Nothing has changed in that respect since the last Assembly.

MR HUMPHRIES: Mr Speaker, I think that we have to ask why what Ms McRae has proposed was not done before. If she felt that bringing people into this place was so important, and given that we were spending tens of thousands of dollars a year on running those Tuesday night sittings, why were we not spending the money at that stage to advertise the fact that these things were going on? We have trialled - to use that expression - the Tuesday night sittings for six years. Some of us have sat through two whole Assemblies with that arrangement. The overpowering impression that I had privately from people during that time - with the exception of Ms Follett, who has always supported this concept - was that Tuesday night sittings have been a waste of time.

There have been isolated debates which have had quite large attendances by members of the public. The abortion debate particularly springs to mind. But let me point out that the abortion debate has come up on a number of occasions, and I can recall that in the latter half of last year we had a large attendance by members of the pro-life community in this place on the Tuesday night when we were discussing Mr Berry's abortion Bill.

Mr Berry: And the others.

MR HUMPHRIES: And others as well, yes. There was a very large attendance on that evening. A few weeks later, there was a move, on the Wednesday morning sitting, to bring that Bill forward for debate. Mr Berry, I am sure, well recalls that particular debate.

MR SPEAKER: Order! It being 11.34 am, Mr Humphries, the time for precedence of Assembly business has expired.

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

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

MR HUMPHRIES: I thank Mr Berry. Mr Speaker, on that Wednesday morning, the same number of people appeared in the gallery. The same people, who were keen to hear that debate resolved, came to the Assembly on a Wednesday morning. I would suggest, with respect, that it had nothing to do with the Tuesday night sitting. That was an issue that members of the community wanted to know about, and they turned up to hear it. But it has to be said that those sorts of occasions - Tuesday nights with large attendances - were very rare. They were extremely rare. The number of times when members have come into this place on a Tuesday night, after a three-hour adjournment for dinner, have looked across at the gallery and have seen nobody there other than government officials and a few personal staff members greatly outweighs the number of nights when people were actually present in the gallery. Ms McRae might recall a few occasions when people that she knew passed through the place to have a look. That is fine. I am sure that those sorts of people did indeed turn up. I certainly tried to encourage people to come to those sittings. But, for the most part, it did not excite that interest. Mr Speaker, in the Federal Parliament at times other than question time it is hard to find occasions when the galleries are full.

Ms McRae: Because the constituents all live elsewhere.

MR HUMPHRIES: It may be the case that there is a difference in the constituency base. It may be the fact that the same phenomenon occurs everywhere, that - regrettably, perhaps - ordinary people generally find proceedings in parliament fairly boring. On occasions, I do not blame them for that, to be quite frank. They can be very boring.

Mr Kaine: Did you see the bored looks on the rent-a-crowd on Tuesday night?

MR HUMPHRIES: Indeed. Mr Speaker, I have to say that I do not think it is particularly convincing to say that, if we can drum up people for Tuesday night, as we did on Tuesday night of this week, by Mr Berry's own admission, that somehow proves that Tuesday nights are a great success.

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Mr Berry: What admission?

MR HUMPHRIES: I understood that Mr Berry was asking a number of people - friends of his and people he knew - to come in for the Tuesday night sitting this week. I recall seeing some of Mr Berry's staff, his wife and other people in the gallery. I assume that he had asked other people that he knew to come into the gallery. That is fine. I can also drum up 50 people, I can assure you, if I have a special reason for having them in the gallery. I have enough friends to do that. But doing so does not prove that we have support from the general public of this community to have Tuesday night sittings. It does not follow.

Another furphy or myth put about by the Labor Party is that somehow not having Tuesday night sittings is inconsistent with council-style government. I must say that I have never heard a more silly argument in my entire life. The idea of council-style government, Mr Speaker, is not about letting more people watch the decision-makers make the decisions; it is about letting the decision-makers share their decision-making power with the people of the community. That is what council-style government, in my view, is all about - letting people actually participate in those decisions through genuine processes to allow them to take part in them.

Ms Follett: Including letting them see what you do.

MR HUMPHRIES: Letting the public see what the powerful people are doing, Ms Follett, is not my concept of open government. I have a much broader view about open government than that. It is a view that actually involves people in that decision-making process. It is a system of checks and balances which gives people the power to actually take part in those decisions. That is what we should be all about with council-style government.

Mr Speaker, I support the motion that Mr Moore has moved. I think that it is important. I realise that it is unfortunate that there are some new members of this place who have not seen or experienced what Tuesday night sittings have been like. I can only offer them the assurance that those of us who have been around in this place for some time - even members opposite in their private moments - would certainly acknowledge that Tuesday night sittings have not been a great success. If we want to continue to spend \$20,000 a year - \$60,000 or so over the life of an Assembly - on providing that kind of token access, access which only a small handful of people take advantage of, then I think we have a very skewed view of what our priorities should be in this place. There are many more important things we could be spending that money on. I would suggest that we should be exploring what alternative uses that money might be put to. That is, of course, your job, Mr Speaker, in the first instance. I commend this motion because I think it acknowledges what has been an unsuccessful experiment and should be dealt with appropriately.

MR BERRY (11.39): I seek leave to move together the amendments which have been circulated in my name.

Leave granted.

MR BERRY: I move:

(1) Omit paragraph (2), substitute the following paragraph:

“(2) Standing order 27 be omitted and the following standing order substituted:

‘Days and hour of meeting

Days and hour of meeting

27. Unless otherwise ordered, the Assembly shall meet for the despatch of business on each Tuesday at 2.30 pm and on each Wednesday and Thursday at 10.30 am.’”.

(2) Omit paragraph (3), substitute the following paragraph:

“(3) standing order 34 be omitted and the following standing order substituted:

‘Adjournment and next meeting

34. At 9.30 pm on each Tuesday and at 5 pm on each other sitting day, the Speaker shall propose the question - That the Assembly do now adjourn - which question shall be open to debate. No amendment may be moved to this question.

Provided that:

- (a) if a vote is in progress at the time for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced;
- (b) if, on the question - That the Assembly do now adjourn - being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question;

- (c) a motion for the adjournment of the Assembly may be moved by a Minister at an earlier hour;
- (d) any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting; and
- (e) if the question - That the Assembly do now adjourn - is negatived, the Assembly shall resume the proceedings at the point at which they had been interrupted.

Provided further that, if at 10 pm on each Tuesday, or at 5.30 pm on each other sitting day, the question before the Assembly is - That the Assembly do now adjourn - the Speaker shall interrupt the debate, at which time:

Minister may extend debate:

- (f) a Minister may require that the debate be extended until 10.10 pm or 5.40 pm, as appropriate, to enable the Ministers to speak in reply to matters raised in the preceding adjournment debate; at 10.10 pm or 5.40 pm, as appropriate, or upon the earlier cessation of the debate, the Speaker shall forthwith adjourn the Assembly until the time of its next meeting; or
- (g) if no action is taken by a Minister under paragraph (f), the Speaker shall forthwith adjourn the Assembly until the time of its next meeting.'.”.

(3) After paragraph (4) insert the following new paragraph:

- “(4A) Standing order 69 be amended by adding ‘and any Member may be granted leave by the Assembly to conclude their speech within a period of time which is no greater than half the original period allotted or for the period specified in the request for leave.’.”.

(4) Omit paragraph (5), substitute the following paragraph:

“(5) Standing order 74 be amended by adding the following words:

‘Provided that at 2.30 pm on each Wednesday and Thursday the Speaker shall interrupt the business before the Assembly in order that questions without notice shall be called on; and

- (a) if a vote is in progress at the time fixed for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced; and
- (b) the Speaker shall fix the time for the resumption of the debate on any business under discussion and not disposed of at the time of interruption:

Provided further that on each Wednesday and Thursday, Presentation of papers; Ministerial statements, by leave; and Matters of public importance follow Questions without notice in the ordinary routine of business.’”.

(5) Omit paragraph (6), substitute the following paragraph:

“(6) Standing order 77 be omitted and the following standing order substituted:

‘Executive and private Members’ business - precedence of

77. Executive business shall, on each day of sitting, have precedence of all private Members’ business, except that:

- (a) On sitting Wednesdays private Members’ business shall have precedence of Executive business until two hours after the time fixed for the meeting of the Assembly;
- (b) On sitting Thursdays, Assembly business shall have precedence of Executive business in the ordinary routine of business for 45 minutes from the conclusion of consideration of any Executive notices of intention to present bills;

Provided further that:

- (c) if a vote is in progress at the time precedence expires, that vote or any vote consequent upon that vote shall be completed and the result announced;
- (d) at any time during the consideration of Assembly business any Member may move that Executive business be called on and such motion shall be put forthwith without amendment or debate;
- (e) at the time precedence to Assembly business expires any Member may move that the time allotted to Assembly business be extended by 30 minutes and such motion shall be put forthwith without amendment or debate; and
- (f) the Speaker shall fix the next sitting Wednesday for the resumption of the debate on any business under discussion and not disposed of at the expiration of the time allotted to private Members' business and the next sitting Thursday for the resumption of the debate on any business under discussion and not disposed of at the expiration of the time allotted to Assembly business or at the time Assembly business is interrupted.

For the purpose of this standing order and standing order 16, Assembly business is:

- (g) any notice of a motion or order of the day relating to the establishment or membership of a committee or the referral of a matter to a committee;
- (h) any order of the day for the consideration of a motion moved upon the presentation of a committee report or the Government response to a committee report; and

- (j) any notice of motion to amend, disallow, disapprove or declare void and of no effect any instrument made under any Act of the Assembly which provides for the instrument to be subject to amendment, disallowance or disapproval of the Assembly or subject to a resolution of the Assembly declaring the instrument to be amended or void and of no effect or any other order of the day to consider such a motion.'.”.

One amendment deals with the Tuesday night sittings, and there is a range of things that are needed to accommodate that. The third amendment relates to the standing order which provides leave for members to conclude their speeches. I will deal with that first. I have mentioned this in earlier debates. It merely provides for the Assembly to grant leave for members of the Assembly to conclude a speech within a period of time which is no greater than half the original period allotted or in the period specified in the request for leave. I mention that one just to draw attention to it. That has broad agreement. I do not think it is controversial.

The other amendments relate to the Tuesday night sittings, and I will come to that now. The first thing we are going to talk about is Mr Humphries. He always reduces his speeches to a little personal shot. First of all, he has a personal shot at the Deputy Speaker, Ms McRae, alleging, in the form of words he used, that she had done nothing while she was the Speaker. I can remember the dozens upon dozens of youngsters and other groups who were in this Assembly on Tuesday evenings at her invitation.

Mr Humphries: She did not advertise it, I said.

MR BERRY: It was also mentioned - and you refuse to accept that it was mentioned - that the scout groups have it as part of their curriculum these days to attend a number of the sittings. So, do not deny that. Do not allege that Ms McRae has done nothing, Mr Humphries, when she has. Why not take the personalities out of it? You also mentioned, Mr Humphries, the Labor Party members who may have been in the chamber last Tuesday evening. There are about 1,000 members of the Labor Party in the ACT, and they come here from time to time. In the pouring rain, they came here on Tuesday evening. I suspect that, if it had not been pouring rain, there would have been a lot more people here as well. You also could not help mentioning my wife. It always has to go to the personal issues, has it not? You could not help yourself. You just cannot help it, you spiteful person. So, I just direct notice to that personal vitriol that we always hear from Mr Humphries.

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In relation to this chamber, if we used Mr Humphries's logic and the Liberal Party's logic we would close it down; we would close it down right now. Have a look. All I can see in here is staff and a member of the journalists profession. So, if we used the logic that has been put forward by the Liberals and Mr Moore, we would close the place immediately; there is no interest in it, so why should we have it? That might suit the Liberals' agenda, because Mr Humphries believes, as he said, that there is no need, in his view of council-style government, for the people to see their politicians working.

Mr Connolly: We could put a suppression order on the place.

MR BERRY: That is right. Use the Liberal approach. We will put a suppression order on the place. This is absolutely outrageous. The argument bears no logic. It just does not have any logic at all. I know that there are a few members of the Liberal Party who do not want to come here on Tuesday night. None of us really want to be here on Tuesday night. Some of us might be able to do other things. But there is nothing more important to do than to come here on Tuesday night when there is a sitting, and there is nothing more important to do than to give complete access to this place, as has been pointed out by my colleague Ms McRae, at all times possible and at times which are convenient to the community. She rightly drew attention to the fact that people are not going to take flextime to come here during the day. Indeed, we know that about half of the labour force in the ACT is from the private sector. They do not get flextime, and they would not get flextime to pop into the Assembly in any event. So, what we end up with is some outrageous suggestions by the Liberals that people would be able to pop in here during the day or take a bit of flextime. That has been suggested in the past.

By some twisted analysis of the costing of this place, it was also put that it costs an enormous amount of money - \$15,000. It costs \$6m a year to run this place. What is \$15,000 to provide access to the community when you spend \$6m to run the place? Let us not forget that there has not been proper discounting to take account of the cost of running a Tuesday morning sitting. That accounting has not been done. So, it is fallacious to put that point of view. In any event, we keep coming back to this promise by the Liberals: "We promise open, accountable, council-style government". You are not delivering it. You are doing exactly the reverse. Take the Brisbane City Council. It meets at night-time. List the councils that do not meet at night-time. We have had open, consultative, council-style government here for six years, and there have been thousands of people who have come through this place to see the place at work. Ms McRae mentioned that we had one person here who would have moved to close the place down; but, dare I say it, there were many who came to see him work, too. So, we had that accessibility. It is something that is valued by the community, and it is something that ought to be retained.

This is an issue that goes to a very clear election promise. Mr Humphries has made it clear that he does not believe that council-style government means letting the voters look at their politicians work. He does not believe that it includes letting the people watch us work. I do, and most of the community out there believe that they ought to have access to the place, too. This is the parliament of the ACT, and people demand access to see the place work. They do not want to see it closed down. That is what these moves by the Liberals are about.

Mrs Carnell has just come into the place. That goes to show how much interest she has in council-style government. She has just swanned into the place. I do not mind if Gary Humphries has a go at me, and I do not mind if Mrs Carnell has a go at me; but, if they have a go at my family, I get a bit dirty. Mr Speaker, Mrs Carnell has wandered in. I think that demonstrates the interest that she has in this issue. She promised the community council-style government. She even wrote to the Opposition saying that she was going to support Tuesday night sittings. She wrote to us and said that she would support them. Do not deny that. Then, of course, the boys changed her mind, because they want to go home at night. They do not want to stay for these late night sittings.

Mrs Carnell: That is - - -

MR BERRY: You did write and say that you supported it, and then you changed your mind.

Mrs Carnell: When?

MR BERRY: It was on 13 April, if my memory serves me correctly; but I will get you a copy of the letter. Then maybe you can apologise for misleading people too. We were written to and told that there was support from the Government. "I will support that order of sitting", she said in her letter. She said, "I will support that sitting pattern".

Mrs Carnell: The sitting pattern.

MR BERRY: She supported the sitting pattern, which included Tuesday nights.

Mrs Carnell: That is a bit of a longbow.

MR BERRY: You have been caught out again, Mrs Carnell. You have misled the community in your promise on council-style government. What you are saying, of course, is that you are now no longer committed to it. Everybody knows that you were not committed to all of your election promises. They were more about image than about substance. This is just another one of them, for which you are being exposed. There was a very clear promise to the community that we were going to have council-style government. There is not a community member out there who thinks that council-style government is a style of government without night sittings. There are no people out there who would want to see this element of access to this community taken away. To use that stupid argument that it costs too much just shows the lengths to which the Liberals will go to dump it.

MR SPEAKER: Order! The member's time has expired.

MS TUCKER (11.49): I have already outlined our alternative proposals to both of the suggestions, so I will not repeat them. Roberta McRae was talking about encouraging the community to come into this place, and it just seemed to be responded to with the argument: Why did you not do it? I think it is a very interesting proposal and I would like to see everybody in this place consider it. I think that inviting people here at night just to watch has been seen as something different from participation; but I think what needs to be understood is that coming here at all is a step for some people.

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As I know from when I first came here, and from the people whom we have invited here since we have been members, people have been nervous about coming. When they have arrived they have been interested to find that we are all human beings and that they can meet Mr Berry or Mr Humphries. It is breaking down barriers. Encouraging the community to come here is actually a first step to empowering them to be more participative in the processes. I think that is a very important point that people need to consider. So, once again, I ask people here to consider our proposal, which is that we still allow access by the community after working hours, for the reasons that I have just outlined.

MR HUMPHRIES (Attorney-General) (11.51): Under standing order 47, Mr Speaker, might I make just a couple of brief comments?

MR SPEAKER: Yes.

Mr Berry: Not if - - -

MR SPEAKER: Under standing order 47.

MR HUMPHRIES: If Mr Berry cares to read his standing orders, he will probably work it out. Mr Speaker, in his remarks, Mr Berry made reference to my comments about his wife being in the gallery and said that this was “having a go at my family”. I would strongly suggest that that is a rather intemperate reflection. The fact that I refer to Mr Berry's wife being in the gallery is in no way having a go at him or her. It is simply a reflection on the fact that she was not there by accident; she was there because Mr Berry, presumably, had asked her to be there. Secondly, Mr Berry said that I had attacked Ms McRae for not having done anything about bringing people to the house for Tuesday night sittings.

Mr Berry: Mr Speaker, on a point of order: Standing order 47 clearly excludes debatable matter. It says “and no debatable matter may be brought forward nor may any debate arise upon such explanation”.

MR SPEAKER: It says “nor may any debate arise upon such explanation”.

Mr Berry: It says “and no debatable matter may be brought forward”. The debate has happened in relation to those matters.

MR SPEAKER: I think Mr Humphries is making an explanation.

Mr Berry: He had the opportunity. He has had his debate.

MR SPEAKER: He has not had an opportunity.

Mr Berry: I apologise. He has introduced it into the debate, Mr Speaker, and it has been responded to.

MR SPEAKER: I have been listening to him carefully. Mr Humphries is making a response to an allegation made by you after Mr Humphries had made a contribution to the debate. He is explaining a situation where he believes that he may have been not so much misquoted as misunderstood. That is what Mr Humphries is doing. I cannot uphold the point of order on that basis.

Mr Berry: He was not misunderstood.

MR SPEAKER: Mr Humphries, please be aware of the restrictions of standing order 47.

MR HUMPHRIES: Indeed, Mr Speaker, and I expressly used this standing order because that is exactly what it is for - to comment on something that has been misunderstood. The other thing that Mr Berry misunderstood about my remarks was my reference to Ms McRae's efforts to bring people to the house. I did not say that Ms McRae had not tried to bring people to the house; what I did criticise was her failure to advertise in the newspaper - the idea that she suggested in the course of - - -

Mr Berry: There you go. Mr Speaker, that is debate.

MR HUMPHRIES: If Mr Berry prefers, I will make my statement under standing order 46, Mr Speaker.

Mr Berry: I insist on the point of order. Mr Humphries is a great one at attempting to interrupt debate under standing order 47. If he were fair dinkum about his concern about being misquoted or misunderstood, he would do it after the debate has concluded. What he is attempting to do is to steer the debate with a misuse of this particular standing order.

MR HUMPHRIES: Mr Speaker, I am happy to use standing order 46 or 47.

Mr Berry: Why do you not do it after the debate is concluded?

MR HUMPHRIES: Because it is traditional to do it when the person has made the misrepresentation, not - - -

Mr Berry: For you, it is.

MR HUMPHRIES: I do not know what Mr Berry has been eating today, but he is certainly in a very funny mood, Mr Speaker.

Mr Berry: No, he is not. He is not in a funny mood. He is in a serious mood.

MR HUMPHRIES: I am only wishing to use the standing orders to correct a misapprehension about what I said in the course of the debate.

MR SPEAKER: As I understand it, you are making an explanation as to where you have been misunderstood.

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MR HUMPHRIES: Thank you, Mr Speaker. I did not suggest that Ms McRae had not tried to bring people to the house; I said that she had not tried to advertise in the *Canberra Times*, as she is now suggesting.

MR OSBORNE (11.55): I have had a long discussion with Mr Berry about this and I have also had a long discussion with Mr Hird. Initially, I felt that perhaps I should give it a lot more thought. I have heard the word "family" mentioned a couple of times here today. For the last 10 years, my wife and family have come second. I promised before I was elected that that would never happen again and that my wife and my children would come first. I have a three-year-old and a 10-month-old at home, and my wife is pregnant. Although I have not seen a Tuesday night sitting, apart from the other night, I have seen my home on a Tuesday night - and it is a madhouse. I am reminded of the promise I made to my wife that I would put her first. Any opportunity that I have to get home a lot earlier I will support. I said to Mr Berry that I would listen to the debate and then make up my mind. I will be supporting Mr Moore's motion.

MS FOLLETT (Leader of the Opposition) (11.56): Mr Speaker, I have been listening with great interest to this debate, and I must say that I have found the arguments put forward by Ms McRae, the previous Speaker, extremely persuasive. However, there is one particular issue that I want to mention, and that is the use by Mr Humphries of Mr Berry's family in the course of debate. The clear intention by Mr Humphries - and it was a poisonous intention - was to imply that the attendance of Mrs Berry at the Assembly was in some way of lesser value than the attendance of another member of the public. That was the poisonous intent, and it was accurately inferred on this side of the house. That is why I believe that, as a general rule, members should refrain from any mention of other members' families and staff, particularly by name. It is an unparliamentary practice, and I expect better, particularly from the current Attorney-General. It is most unparliamentary. It was said with poisonous intent, and that was how it was interpreted, accurately.

I want also to comment generally on the debate, Mr Speaker. In my view, this Assembly does have a duty and an obligation to open up its proceedings to the people that we serve. It is quite clear that that means giving those people an opportunity to be present in the Assembly when laws which will affect them are being passed. That is a fundamental part of participatory democracy. To deny them any opportunity to participate in that way, I think, is a very grave reflection on this whole Assembly. It is the case, Mr Speaker, that members of the public have attended this Assembly in large numbers. I would ask you to compare the numbers of the public who have been present at the Tuesday evening sittings with the numbers who have been present at any other sittings during the day. There is no doubt whatsoever in my mind - and I have been in this parliament for six years - that there have been greater numbers at the Tuesday evening sittings than at any other time.

Mr Speaker, I am aware that many of the debates that have been of particular interest to the public have been specifically scheduled so that they could be present. By doing away with that time at which it is easier for most members of the public to attend, I can conclude only that it is this Government's intention to hide from the public, in just the same way as it put off any sitting of this Assembly for week after week after week. In just the same way as the Government has sought to limit the number of sitting days of this Assembly, so it is seeking to limit the hours at which the public may

attend this Assembly. Mr Speaker, I find that an extremely retrograde step for the people of the Territory, who, as we all know only too well, are still coming to grips with the whole notion of self-government and of the presence of this parliament in their midst. I find Ms McRae's comment that this is the first Assembly in which all 17 members are committed to the good governance of the Territory very significant. This is the first Assembly where we have not had a bunch of hypocrites and frauds pretending that they were against self-government or were here to abolish self-government. This is the first time. This is our first real opportunity to present ourselves as a parliament of 17, all committed to the same objective, and to invite the community to form a partnership with us in the good governance of the Territory.

I would ask members to consider very carefully the step which they are contemplating here and to consider that we are now offered a new opportunity for this Assembly to present itself in a better light to the people of the Territory - to our electors. We have done a great deal in the past, and I am aware that the former Speaker was extremely active, in getting groups to attend the Assembly. I myself have had people attending on Tuesday nights - groups of people and people individually. Mr Speaker, if we are to forgo that opportunity for the community to take this kind of interest in our style of participatory democracy, then we are, I think, taking a backward step and a step which will not be easy to recover from at a later time. I think it is a nonsense to pretend that we can somehow get people into the Assembly on an ad hoc basis whenever we feel like sitting later. I put it to you that on this Government's record it will not be too often that we will be sitting later. It will not be too often that we will be sitting at all.

So, Mr Speaker, I do think members need to consider this issue very carefully. I think Mr Moore is completely wrong. I know that he dislikes Tuesday night sittings. I know that Mr Moore at times disliked question time as well because he had another engagement at that time. Nevertheless, that is not an excuse for the whole Assembly to alter its pattern. I think we do have the opportunity now of involving our community in a way that has not been as possible in the past, and I urge members not to overlook that opportunity.

MRS CARNELL (Chief Minister) (12.02): Mr Speaker, I find this debate a bit concerning because again this week the proposal from the Opposition is a no-change situation. It seems that the Opposition is unwilling to look at any change in this Assembly that may produce a more efficient running of this place or of the Territory as a whole. The approach we have taken, and the approach that Mr Moore has taken here, is to look at what has happened over the last six years. Over the last six years what has happened is that very few people have turned up on Tuesday nights. He has looked at that, as we have, and at how much it actually costs us to continue those Tuesday night sittings. We have looked at the sorts of things that I am sure all of us would be doing if we were not at Tuesday night sittings. For most of us that means being either in our offices or out at community functions. To assume for a moment that the only job we do as an Assembly is here in this place, I think, is a very narrow view of our jobs, and I suspect, if that is the case, that some people are highly overpaid.

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Mr Berry: Who does that?

MRS CARNELL: I assume, nobody, Mr Berry, which means that if we are not here we are doing other things on behalf of the community.

MR SPEAKER: Order! Pursuant to temporary order 77, the extended time allotted for Assembly business has expired.

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

That so much of the standing and temporary orders be suspended as would prevent consideration of this motion continuing beyond the time allotted to Assembly business and taking precedence of Executive business for the remainder of this sitting.

MRS CARNELL: The approach that has been taken, on this side anyway, with Mr Moore has been just a straight commonsense approach: How much does it cost? Are we actually getting value for the taxpayer's dollar - not our dollar, but the taxpayer's dollar? The answer has been that what we should be doing is not sitting on Tuesday nights but being out in the community. That is from our side. That is our view on this. We will get better value for the taxpayer's dollar by not sitting on Tuesday night, or at least seeing whether that works over a period of a few months. I think that is a very commonsense approach; it is a pragmatic approach; and, fascinatingly, that is what city council-style government is about. It is not about sitting at night. If it were about sitting at night, we would sit only at night, and we would probably all do it for nothing, because we would not be paid or we would be part time.

The approach of city council-style government, as we see it, is to be less adversarial and more commonsense in our approach, which is exactly what we are attempting to do here, and actually look at ways in which we might improve how we run this place. This may or may not work. We have tried the other approach for six years. I see no problem. I see it as being a very positive step to try a different approach for the next few months. If it does not work, we will swap back. Maybe the answer is that we should sit every night. Maybe that is the best approach. We do not believe so. We believe that the cost to the community compared to the value that the community puts on late night sittings is simply too much for the benefit that we are seeing. So, that is the approach. It is as simple as that. It is a commonsense approach. It also says that we are willing to look at new and different approaches to the way we run the Assembly, with a view to getting a better outcome for the people of Canberra. All this week, all we have heard from the Opposition is, "No change. We will not change anything. We cannot change anything". We have to change things to work better. The fact is that, when we are not here, we are working. We assume that you are, too.

MR BERRY (12.06): Mr Speaker, earlier in the debate I promised that I would provide a letter, which I mentioned. I would like to live up to that promise, unlike the Liberals who promise council-style government and are not delivering it - - -

MR SPEAKER: Order!

MR BERRY: I seek leave to table a letter of 13 April 1995 which, in its last sentence, says:

In this context, I attach for your information a copy of the sitting pattern which I will seek to have formally adopted by the Legislative Assembly on its recall.

This is a letter to the Leader of the Opposition. It was signed by Mrs Carnell. The sitting pattern included - you guessed it - Tuesdays from 8.00 pm to 9.30 pm.

Ms Follett: What a fraud!

MR BERRY: What a fraud! Another promise broken!

Leave granted.

Mr Humphries: I take a point of order, Mr Speaker. Apart from the fact that, despite a stony stare when I interjected on Ms Follett, she and Mr Berry interjected continuously during Mrs Carnell's speech, Mr Berry just made reference to Mrs Carnell as a fraud. I think that kind of language is not acceptable, and I ask that he withdraw.

MR SPEAKER: I would ask you to withdraw.

Mr Berry: I will withdraw any reference to fraudulent behaviour.

Ms Follett: I do, too.

MR SPEAKER: Thank you.

MR MOORE (12.08): Mr Speaker, I would like to address some of the arguments put forward. I must say that Ms McRae was very persuasive in her suggestions for how to improve the relationship between the Assembly and the general public. I think that the idea she put forward ought not to be considered lightly. I would strongly urge you to consider the new approach she suggested that you, as Speaker, might take. Ms McRae applied her suggestions specifically to Tuesday night. I do not see any need to restrict it. I think that basically the suggestions she made are suggestions that we should all take notice of whenever the Assembly is sitting. I think that they need to be taken particularly seriously. Those sentiments were echoed by Ms Tucker.

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It seems to me, Mr Speaker, that passing the motion that I have moved - that instead of a Tuesday night sitting we have a Tuesday morning sitting - would allow you the opportunity to extend an invitation, not just to the general public, but particularly to schools, and to have students from our schools who are studying government or studying the Assembly to be in here and join us at a range of different times. They already visit the Assembly on Wednesdays and Thursdays. I think that that would give them yet another option, because often classes are timetabled in such a way that visits do not fit easily into a Wednesday or Thursday. So, that is a further option. I think we can actually take those suggestions and use them, even if this motion does go through and it is not exactly as Ms McRae would have seen it.

I would also like to comment on the constant debate we have on city council-style government. Realistically, the whole notion of city council-style government was part of an election gimmick. Let us leave it where it belongs, because we can all have different perceptions of what is meant by city council-style government. They were some catchy words used during the election campaign, and they were probably quite effective. Now let us get on with the business of making sure that some of the things that were attached to that idea can be delivered, that we can be as open as possible and that we can ensure that the issues are debated, and move on.

There is one final little matter that I would like to comment on. In her speech Ms Follett pointed out that I had some difficulty with question time. I love question time. I look forward to question time. I think question time is a fantastic time. In the six years that I have been sitting in the Assembly I recall missing one question time, perhaps two; but, by and large, I have been here for question times.

Mr Berry has moved a series of five amendments. I would ask you, under standing order 133, to divide those and to take amendment 3 separately. I think that amendment 3 is a very sensible amendment.

MR SPEAKER: Would you so move, Mr Moore.

MR MOORE: I move:

That amendment 3 be put separately from amendments 1, 2, 4 and 5.

I think that will allow us to deal with the two issues separately. Amendments 1, 2, 4 and 5 deal with the issue that has been debated most vehemently today - Tuesday night sittings. Amendment 3 deals with what I believe to be a very sensible suggestion which will allow the business of the Assembly to operate much more easily. Where somebody wishes to extend a speech, we do not have to put it to a motion; but somebody can say, "I seek leave to extend my speech", and, provided that nobody disagrees, the business of the house can move on more quickly. So, with those few words, Mr Speaker, I believe that we should proceed.

Question resolved in the affirmative.

Question put:

That amendments 1, 2, 4 and 5 (**Mr Berry's**) be agreed to.

The Assembly voted -

AYES, 7

NOES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

Mr Humphries: Mr Speaker, I advise that there is a pairing arrangement between Mr De Domenico and Mr Wood.

MR SPEAKER: The question now is: That amendment 3 be agreed to.

Amendment agreed to.

Motion, as amended, agreed to.

CITIZEN'S RIGHT OF REPLY

MR MOORE (12.18): Mr Speaker, I seek leave to move together motions regarding citizen's right of reply and freedom of speech.

Leave granted.

MR MOORE: I move:

Protection of persons and corporations referred to in the Legislative Assembly

- (1) Where a person or corporation who has been referred to by name, or in such a way as to be readily identified in the Assembly, makes a submission in writing to the Speaker:
 - (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation,

trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and

- (b) requesting that the person or corporation be able to incorporate an appropriate response in the parliamentary record,

if the Speaker is satisfied:

- (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Committee on Administration and Procedure; and
- (d) that it is practicable for the Standing Committee on Administration and Procedure to consider the submission under this resolution,

the Speaker shall refer the submission to that Committee.

- (2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported in the Assembly.
- (3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person or corporation who made the submission and any Member who referred in the Assembly to that person or corporation.
- (4) In considering a submission under this resolution, the Committee shall meet in private session.
- (5) The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Assembly.
- (6) In considering a submission under this resolution and reporting to the Assembly the Committee shall not consider or judge the truth of any statements made in the Assembly or of the submission.

- (7) In its report to the Assembly on a submission under this resolution, the Committee may make either of the following recommendations:
- (a) that no further action be taken by the Assembly or by the Committee in relation to the submission; or
 - (b) that a response by the person or corporation who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Assembly or incorporated in *Hansard*,
- and shall not make any other recommendations.
- (8) A document presented to the Assembly under paragraph (5) or (7):
- (a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person or corporation.
- (9) A corporation making a submission under this resolution is required to make it under their common seal.
- (10) This resolution have effect from the commencement of the Third Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly.

Exercise of Freedom of Speech

- (1) That the Assembly considers that, in speaking in the Assembly or in a committee, Members should take the following matters into account:
 - (a) the need to exercise their valuable right of freedom of speech in a responsible manner;
 - (b) the damage that may be done by allegations made in the Legislative Assembly to those who are the subject of such allegations and to the standing of the Legislative Assembly;
 - (c) the limited opportunities for persons other than members of the Legislative Assembly to respond to allegations made in the Legislative Assembly;
 - (d) the need for Members, while fearlessly performing their duties, to have regard to the rights of others; and
 - (e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.
- (2) That the Speaker, whenever the Speaker considers that it is desirable to do so, may draw the attention of the Legislative Assembly to the spirit and the letter of this resolution.
- (3) That this resolution have effect from the commencement of the Third Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly.

Essentially, these motions establish a procedure for a citizen's right of reply and the exercise of freedom of speech, which were recommendations of the Standing Committee on Administration and Procedure in its report on standing orders and citizen's right of reply, which the Assembly debated this morning. Mr Speaker, this continues the process we put in place following the report of the Standing Committee on Administration and Procedures in the last Assembly, and provides, as the motions indicate, for the protection of persons and corporations referred to in the Legislative Assembly and an exercise of freedom of speech. I think it deals very adequately with the problem that began in the First Assembly, as I recall, and was finally resolved in the Second Assembly. The issue is fairly straightforward. The system has been in place, and I think it ought to continue.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 8 of 1994

MS FOLLETT (Leader of the Opposition) (12.19): I present Report No. 1 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 8, 1994 - Financial Audits with Years Ending to 30 June 1994". I move:

That the report be noted.

Audit Report No. 8 was presented to the previous Assembly on 1 December last year. This Assembly, on 9 March of this year, authorised the Public Accounts Committee to consider and make use of the records and evidence of the previous PAC. The audit report covers the Auditor-General's examination of the financial arrangements of all ACT government agencies for the year 1993-94 and should be a valuable resource document for the Assembly estimates and budget review committees. However, these end of financial year reports by the Auditor have been of somewhat limited value to the estimates and budget review committees because they are presented to the Assembly well after these committees have met and done their work. The committee has requested that the Auditor-General seek to provide these annual agency audits by early October, to enable the report to be used directly as a resource document by the budget review committees. The audit raised a number of significant issues, and the committee has recommended that the Government respond to the Assembly on these.

MR KAINE (12.21): I just want to comment on one aspect of the Auditor-General's report to which this committee report refers. Members will note that we have asked the Government to comment on the significant matters referred to at paragraph 3.2 of our report, which happen to be the significant issues noted by the Auditor-General. One of those matters is the Auditor-General's report and comment upon net capital losses on investments during 1993-94 of over \$10m. If you say it quickly, it does not sound like very much; but I would ask the Government to treat that matter as a serious one and to report back and explain why it was that in one year we had a net capital loss on our investments of over \$10m. It may well be that there are normal and rational reasons for that; but it is not a loss that I recall our investment portfolio suffering in any previous year and it is a very significant amount. So, I will be looking forward with interest to the Government's, or perhaps the Treasury's, explanation of how they incurred a \$10m capital loss on their investments.

MRS CARNELL (Chief Minister and Treasurer) (12.22): Mr Speaker, I undertake to ensure that every member of the Assembly gets a written report on that issue as a matter of urgency.

Question resolved in the affirmative.

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PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 7 of 1994

MS FOLLETT (Leader of the Opposition) (12.23): I present Report No. 2 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 7, 1994 - Various Agencies - Overseas Travel Executives and Others, and Implementation of Major IT Projects". I move:

That the report be noted.

This audit report was presented to the previous Assembly on 21 September 1994. The report encompasses two audits, the principal one being an audit of overseas travel by senior members of the ACT public sector, including members of the Assembly. Its purpose was to assess whether internal controls are adequate. The audit found many errors in calculation of allowances, arising mainly from the complexity of the guidelines and calculations necessary rather than intentional misuse of seniority or authority. I think it is worth mentioning, Mr Speaker, that no errors were found in allowances for members of the Assembly. The audit recommended a review and simplification of the relevant regulations, guidelines for travel by the judiciary and non-government holders of public office, a determination for travelling allowances for members of the Assembly, the appropriate acquittal of travelling allowances and a review by Treasury of procedures for the control of receipt of moneys. The committee supports the audit recommendations.

The audit noted the loss or theft of an amount of some \$1,070 involved in the acquittal of a travelling allowance, which was investigated by the Treasury and by the Fraud Prevention Unit but, regrettably, inconclusively. The committee discussed the matter with the Treasury. We noted that it has taken action to improve the arrangements for acquittal of allowances and has made certain recommendations. The committee also focused upon frequent flyer points and has made a recommendation in relation to this matter.

Question resolved in the affirmative.

PUBLIC ACCOUNTS- STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1994

MS FOLLETT (Leader of the Opposition) (12.25): Mr Speaker, I present Report No. 3 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 6, 1994 - Various Agencies - Inter-Agency Charging, Management of Private Trust Funds". I move:

That the report be noted.

Mr Speaker, this report was presented to the previous Assembly on 25 August 1994. As with the committee's report No. 2, this report covers two audits - interagency charging and the management of private trust funds. Interagency charging was introduced with the aim of determining the cost of all services provided between ACT Government Service agencies and to attribute those costs to relevant programs in order to maximise resources,

enhance cost consciousness, reduce unnecessary demand and overuse, and have agencies become more client focused. The audit revealed inadequate understanding and financial controls and, in essence, recommended management accounting and financial reporting arrangements. The need for appropriate financial training for ACT Government Service officers was also noted.

With regard to the management of private trust moneys, the audit recommended a review of the Audit Act to ensure fully effective procedures and controls as well as proper oversight of trust funds by senior officers and training. The committee supports the audit recommendations and specifically requests the Government to have safeguards put in place to ensure that there is adequate central government control of agencies when guidelines for dealing with trust fund moneys are developed.

Question resolved in the affirmative.

Sitting suspended from 12.27 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Acton Peninsula

MS FOLLETT: Mr Speaker, my question is to the Chief Minister. Mrs Carnell, will you give a categorical answer on whether the child-care centre, the student accommodation and the non-government organisation accommodation will be forced to relocate from Acton Peninsula? When will this occur? What assistance will the Government provide to those organisations? What will be the cost of that assistance?

MRS CARNELL: As I think I have answered on more than one occasion already, our position on the child-care centre is that it should stay on Acton Peninsula for as long as is humanly possible. We believe that a child-care facility will have a long-term benefit to Acton Peninsula as the Gallery of Aboriginal Australia and the Institute of Aboriginal and Torres Strait Islander Studies Centre are built and come into play. We will be putting pressure on the Commonwealth, as we have already, to keep the child-care facility there, we hope, in the longer term. In the medium term, we believe, the child-care centre will stay. We obviously will need to continue negotiations with the Commonwealth on this. If they want it moved at some stage in the future we are going to have to relocate those children to another facility. It is as simple as that. Yes, there is an undertaking for the child-care centre to stay open in the medium term. Discussions with the Commonwealth will continue on how long they want the child-care centre to stay.

There is already a commitment for the hospice to stay for the term of its lease, and for the cottage beside the hospice to stay for the term of the lease. Sylvia Curley House will be demolished in line with discussions that are happening at the moment, as I said yesterday, between the Commonwealth and the ACT at departmental level. At this stage we have no timeframe in place. We do know that in the next financial year the only facilities that the Commonwealth is planning to build on Acton are the Gallery of Aboriginal Australia and the Aboriginal and Torres Strait Islander Studies Centre. At this stage we do not believe that they will want all the land immediately, but those discussions are under way.

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As I said yesterday, and I am just hoping that I cover all the parts of this question, the government-funded entities on Acton that are renting premises there or are occupying premises there will be helped to relocate. We will undertake, as I said yesterday, to ensure that those organisations are put at no disadvantage as a result of the Government's decision to give the Acton Peninsula land to the Commonwealth in return for the very large and very exciting site on the Kingston foreshore.

Mr Berry: What about the non-government ones?

MRS CARNELL: The government-funded entities.

MS FOLLETT: I have a supplementary question, Mr Speaker. I specifically asked Mrs Carnell about the non-government organisations located on Acton, which she has not yet addressed. I am sure that she wishes to do so. I would also ask about the child-care centre. Mrs Carnell has said that there is a possibility of relocation to another facility. Will that facility be, like the Acton facility, a government-owned and community-operated facility?

MRS CARNELL: At this stage what I am doing is guaranteeing to the parents of the children who are using that facility that they will have child care of the same quality in a position that is accessible and available to them. I am sure, as a parent who has used child care, that the issue for them is price, accessibility and quality, and I guarantee those three things.

Drug Usage

MR HIRD: I direct a question to the Chief Minister in her capacity as Minister for Health and Community Care. What response has the Minister given to the recent invitation from the Mayor of Goulburn to attend a public meeting to discuss drug usage by young people?

MRS CARNELL: Councillor Margaret O'Neill, the Mayor of Goulburn, invited me to attend a public meeting to discuss the growing use of drugs by young people in Goulburn. I note from the weekend papers that there may be some of that purer form of heroin in Goulburn causing similar problems there to those it has caused in the ACT. Unfortunately, I am unable to attend this meeting at short notice, but I have asked a senior officer from the Department of Health and Community Care to attend on my behalf.

I believe that our key message to young people and to the community in general is, "Do not use illicit drugs, do not use tobacco, and use alcohol responsibly". However, when a few people, despite these messages, choose to use heroin, we also must be successful at getting out a message that says, "Make sure that you take care when using this drug, and call an ambulance when overdoses occur". We really have a problem at the moment in that, sometimes, when young people have been dabbling in areas like heroin and one of their mates has a problem, because it is illegal, they are not calling the ambulance. We must get out the message: When there is a problem, call an ambulance.

It simply does not mean that they are going to be calling the police. The ambulance officers have been very busy and I understand, thank goodness, that there have been no more recent deaths in Canberra. I have advised Councillor O'Neill that informing people what to do in the case of overdose remains a key strategy in dealing with the purer form of heroin in our community.

I would also hasten to add that this message is targeted at those people who, despite all the education and sanctions surrounding drug use, still choose to use illicit drugs. Our primary message remains, "Do not use them; they are not good for you"; but we must understand harm minimisation. I have also advised Councillor O'Neill that, while we share her concern at the illicit use of drugs by younger people, we also recognise that the major drugs of concern in our community remain alcohol and tobacco. They are the ones that are causing the major problems in our community.

I understand that the New South Wales Department of Health and local community leaders in Goulburn are developing a plan to address identified drug issues - something that we would be pleased to be part of. I am also pleased that the ACT Government can participate in a public meeting in Goulburn to address this drug issue. I must admit that I am looking forward to the ACT being more involved in the region in these sorts of areas. We must not assume for a moment that the borders of the ACT either stop or start for these sorts of drug problems. I am hoping that the ACT, through a proposal to set up a cross-border committee looking at areas of health and community care, can become much more involved in the region in these sorts of really important areas.

May I also say, at this stage, that I will be taking any questions that would be addressed to Tony De Domenico, the Deputy Chief Minister.

Acton-Kingston Land Swap

MS McRAE: My question is to the Chief Minister. Chief Minister, even if you had to make the decision on the Acton land swap in a hurry, why was nobody, particularly the non-government group, consulted or spoken to? Does no bureaucrat or member of staff even know the names and telephone numbers of the organisations and who they are? Why did not anyone even have the courtesy to contact them?

MRS CARNELL: Thank you for that question. I do take that criticism very seriously. One of the great problems, as I said yesterday and the day before, and the day before that, for that matter, was the need to make a decision very quickly. I would like to have had the time to contact all of the groups individually; but I think, as the previous Government knows, every single one of those groups knew very well that they were on a short-term lease. Most of them did not have a lease in place at all and were on only a month-to-month tenancy because they had been told, as we have heard already, that the previous Government was planning other things for the site. In fact, we heard yesterday that the previous Government was planning 550 residential units and 20,000 - - -

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Mr Berry: No; we heard that from you.

Ms Follett: You said that.

MRS CARNELL: That was in your letter, Ms Follett. In fact, if Ms Follett would like me to table her letter again - - -

Mr Berry: Yes.

MRS CARNELL: Okay. I seek leave to table the information which shows that Ms Follett - - -

MR SPEAKER: I am informed by the Clerk that you do not need leave.

MRS CARNELL: Okay. That shows that Ms Follett was planning 550 residential units and 20,000 - - -

Mr Hird: How many?

MRS CARNELL: She was planning 550 residential units and 20,000 square metres of commercial space on Acton Peninsula.

Mr Berry: Would you table the lease for the hospice too?

MRS CARNELL: I am very happy to. Everybody on Acton knew, because of this sort of carry-on from the previous Government, that they were on short-term tenancies. They were there for only a short period, on month-to-month tenancies, in almost all circumstances. That was not a big surprise to any of them. Certainly, some of them are concerned, as I understand totally, about getting other accommodation. Sometimes that is very difficult in Canberra, and we will be doing everything we can to ensure that they do get good accommodation. We are hoping for better accommodation.

We are looking at proposals, as again I have said, to co-locate a number of these community groups so that they can jointly use facilities; adopting an approach something like Sports House, which has been very successful. If we can achieve an outcome of this sort, whether it be in the short or medium term, those organisations will be substantially better placed. As we know, a lot of these small organisations - quite a number of the ones on Acton are in this bracket - have problems with things like faxes, photocopiers, receptionists and so on because they are so little. If we can come up with a proposal and a model that allows them to jointly use these sorts of facilities, I believe that everybody will be better off, including the clients of these services. As many of them said, the fifth floor on Acton Peninsula, although it has a great view, is not all that accessible to the clients of many of these organisations. I am hoping for a substantially better outcome for those organisations, and I believe that we will get that.

MS McRAE: I have a supplementary question, Mr Speaker. Chief Minister, as a consequence of that breakdown in communication, could you let the Assembly know whether your policy on community information sharing has changed? Could you let us have a copy of that policy if that is indeed the case?

MRS CARNELL: Thank you very much. No, it has not changed. I am sure that you would be aware that all of the organisations on Acton have been approached and have been spoken to, at departmental level and, in many cases, from my office directly. What we have is a situation where all of those groups, as I have already said, were well aware that they were on a short-term lease.

Mr Berry: They were not.

MRS CARNELL: If they were not aware, Mr Berry, why did they not have leases at all?

Mr Berry: Where is the lease for the child-care centre? Will you table that?

MRS CARNELL: Why did they not have leases at all? A number of services, such as the renal dialysis unit, were operating out of Acton Peninsula. We all know - well, I assume that you know, but maybe you do not know - that there is a proposal already for the renal dialysis unit to be located in the Moore Street health building after that site has been refurbished. As we know, a number of the other groups are there on a temporary basis. What this gives us an opportunity to do, something that you do not seem to want to do, is look for better outcomes for the future; look at better approaches, not the fifth floor of an ageing building. They could not spend any money doing up their building because they simply did not have leases, which did not make any of them very happy. This way we can come up with a solution that is better for the people they service. That will be the approach of this Government - looking for ways to improve something, not just wanting it to stay exactly the same; not just wanting a situation where any decision that is just a little bit hard will not be made, as we saw over the last four years.

Mr Berry: Will you table the lease for the child-care centre?

MR SPEAKER: Order, Mr Berry! You will have a chance to ask a question in due course.

Acton Peninsula

MS HORODNY: Mr Speaker, I address my question without notice to the Chief Minister. Will the Chief Minister make a commitment to this Assembly that no further negotiations with the Commonwealth on this issue will take place, nor demolition of existing buildings such as Sylvia Curley House, which you have just mentioned in response to Ms Follett's question, before the Planning and Environment Committee, on which I sit, brings down its report?

MRS CARNELL: I can guarantee that no demolition will take place, because I have already given you the undertaking that no contracts to enter into demolition will take place. It is on the basis that we are not going to demolish without contracts. I think I have already answered that question. I think it is absolutely essential that we continue negotiations with the Commonwealth to sort out the actual extent of the agreement that has already been entered into. Something that has to be understood here is that there is an agreement in place - not a pretend agreement, but a real one. Letters have been exchanged. They constitute a legally binding agreement. From here, what is essential, I would have assumed, is for this Assembly and for the committee to get the details of that proposal spelt out now.

Acton Peninsula

MR CONNOLLY: I welcome Mr Moore to half of question time. My question is to the Chief Minister. Have you, Chief Minister, met with any representatives of the Southside Community Service, the Acton Peninsula child-care group or any of the other resident groups on Acton Peninsula? If you have not, who has? If you have, when did you meet with them?

MRS CARNELL: I have spoken to the Southside Community Service on a number of occasions on the phone. I offered, as did others, to attend some of the parent meetings. I think two parent meetings have occurred. In both circumstances my department was told that they did not want anybody from the Government or the department there. We obviously did not go. We do not go to meetings that we are not invited to. I have written to all of the parents who have approached me from the child-care group, and, of course, the parent groups that have not approached us as well. Certainly, we have been in touch with all of those groups. All of the people who have written have had very quick responses. The people who have not written have got in writing from the department exactly what is happening. We need everybody to be aware of the situation. In fact, just yesterday I spoke to the chairman of the board of the Southside Community Service. They said that they were very confident and very comfortable about the situation as it stands now.

Respite Care

MS TUCKER: My question without notice is to the Chief Minister as Minister for Health and Community Care. The integration of elderly people and people with disabilities into the community means that there are at present a large number of unpaid carers in our community taking responsibility for people with high support needs and yet not able to access respite carers. For example, Fabric and Respite Care are both unwilling to advertise their services as they already have long waiting lists to deal with. This is causing them considerable distress as they have to make very difficult decisions about whom to assist. Fabric, which provides family-based respite care for youth with disabilities, reported that they have over 80 families waiting for their services. Does the Minister have a strategy for dealing with this unacceptable situation?

MRS CARNELL: You are absolutely right in everything you have said in that question. One of the things that have been of real concern to many of us here in the Assembly and to the Social Policy Committee when we looked at this issue, amongst other issues, with regard to accommodation for the ageing last year is that respite care has become less and less available since self-government. In fact, in areas such as IDS - people with intellectual disabilities and physical disabilities - not that long ago parents could look at respite of one week in four. My understanding now is that it is one week in eight. That is an extremely difficult position, particularly to some of the ageing parents of not so young people with disabilities. We are looking, in many cases, at parents who are over 70 and who are looking after people in their late twenties and thirties. They are not children any more. That is a tragic situation for somebody who, potentially, is not all that well.

The benefit to the community of carers keeping their loved ones in their own home is huge, not just in financial terms - but we should not overlook that - but also in social terms. Respite care is one of our primary concerns and it will be one of the things we will be addressing as a matter of urgency. The Dell report is something that I am sure this Assembly will look at. I hope that the Social Policy Committee looks at it as well. This is probably not the proper forum to suggest that. I think the Dell report makes some very important comments and recommendations in this area and I believe, as the follow through from that, that we should be looking at ways to address the problem.

In the ACT at the moment we have a number of approaches to respite care. There is, obviously, the facility-based respite care. There is in-home respite care as well and a community access style. One of the things that we need to look at more is the in-home style, where a helper can come in and look after a patient or a person in the home for either a day or a couple of days, so that we do not have to move that person with a disability into a centre. That can often be a very good way around some of the problems. I understand that Fabric provide that sort of service, and it is a service that I would like to see expanded.

There is the Finness Crescent centre. That is a six-bed facility for young adults with a disability who are still living at home. That is one of the facilities, as I said before, that have ended up with less access over the years. I think it is now about one week in eight, which I do not think is quite enough. There is Birralee at Belconnen, which is a centre that has capacity, I think, for 10 children up to the age of 16 years. I think at the moment there are about four families on the waiting list for that facility. Waiting lists for respite care are deceptive because regularly what happens is that there is no waiting list but the periods between access become longer and longer. I think we should not be lulled into any false sense of security by waiting lists not seeming all that long. It is an issue that we are going to have to address in this Assembly. It is an issue that we, as a government, are going to have to address as a matter of urgency. We have, Australia-wide, closed a number of residential facilities. At the moment John Knight is in the process of closing. A lot of those people are going to community-based houses. It means that, regularly, there will be more need for respite as we have an ageing community and fewer institutional facilities for people to live in, which I think, by the way, is a good idea, but we have to have that backup.

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MS TUCKER: I have a supplementary question, Mr Speaker. I note that Roberta McRae has a question on notice about whether the Dell report that you referred to is out. I do not know what the timeframe is for that. If it is not looked at by the Assembly before the budget, is the Government committed to raising the level of funding for respite care as recommended in the Dell report? That is a lot less than has been recommended by other community organisations such as ACTCOSS.

MR SPEAKER: Ms McRae, does that cut across your question on notice?

Ms McRae: No.

MRS CARNELL: The Dell report was a long time coming. I believe that it should have been released to this Assembly while we were still sitting last year. Unfortunately, the Government felt unable to release it until December, after the last Assembly had risen. Since then a number of things have been done to start implementing the Dell report, and we will continue with that.

I cannot give you categorical figures on how much money will go to respite care at this stage. Obviously, that is part of budget deliberations. At this stage the final figures for a September budget have not been brought down. The reason we set up the new Department of Health and Community Care was so that we would be able to produce some continuity of care, and also start looking holistically at a patient and where we can both save money and improve care. I believe that by providing adequate backup for carers we will save money in our health system and our backup services generally in the community. By bringing the department together as we did, I believe that we have a much better capacity to look at what things like patients requiring care in the home cost us as a community.

Acton Peninsula

MR WHITECROSS: Mr Speaker, my question without notice is to the Chief Minister. Mrs Carnell, I refer to the proposal to demolish buildings on Acton Peninsula. Which buildings is it proposed be demolished, which agencies will be responsible for the management of the demolition, and what form of consultation do you propose with continuing occupants of Acton Peninsula, such as the hospice and the child-care centre?

MRS CARNELL: I have answered that quite a few times, but that is all right. I have already given an undertaking to this Assembly that we will not enter into contracts or start demolishing any building on Acton Peninsula until the committee reports. What department or whatever will be responsible for it? Obviously, we will be contracting out the demolition of those sites to, heaven help us, the private sector. That is something that I know the other side of the house is not terribly pleased about. We will not be letting any of those contracts until the Assembly committee has reported.

Those contracts will be open to anyone to see. Whom we give those contracts to will be on the public record. It simply is not an issue. Which buildings will be retained? We have stated, categorically, that the buildings that we have an undertaking from the Commonwealth to retain until the end of their leases are the hospice, the cottage beside the hospice, and, of course, the child-care centre, in the medium term and, we hope, in the longer term, as I have stated many times, and I will say it again.

MR SPEAKER: Do you have a supplementary question, Mr Whitecross?

MR WHITECROSS: My question was about what buildings are being proposed for demolition, not when the contracts will be - - -

Mr Humphries: She just told you the answer to that, too.

MR WHITECROSS: No, she did not. I also asked what form of consultation with continuing occupants you propose, and you did not answer that either. The Chief Minister commented in answer to my question yesterday that buildings adjacent to other buildings are demolished all the time. Will the Chief Minister investigate what examples exist where buildings have been demolished adjacent to a hospice or a child-care centre, and report back to the Assembly with this information?

MRS CARNELL: This is really grabbing at straws - consultation with the groups that are still on Acton in buildings that are proposed to be demolished. We will get it straight again. It is proposed that all of the buildings on Acton be demolished, except the hospice, the cottage and, in the medium term, the child-care facility. That is very clear. We are having negotiations or discussions with all of the community associations, such as Home Help, Red Cross, Technical Aid for the Disabled - the list goes on - on their relocation to new sites and help for them in the areas on which they feel they need help.

The Commonwealth is not saying that by next week they will require a clean site. The basis of the negotiations that are going on at the moment is the setting of an achievable timeframe for when these sorts of demolitions and relocations will happen. We will ensure that that timeframe is appropriate and that it gives the organisations that are there at the moment adequate time to relocate. I certainly hope that the Federal Government will be interested in coming forward with funding for the Gallery of Aboriginal Australia, as they promised. My understanding is that the only two buildings that are planned to be built in the next financial year are the Gallery of Aboriginal Australia and the Aboriginal and Torres Strait Islander Studies Centre. That is the only land that is required in the short term. The demolition will happen in a structured manner, in a safe manner, with occupational health and safety standards adhered to in a sensible, planned manner over a period. That plan will be open for everybody to see. We will make sure that those organisations are properly relocated well before buildings start being demolished. It is only sensible, and it is a commonsense, rational approach.

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Acton Peninsula

MR WOOD: I am assuming that we are getting only one question each, as has been the practice for years; so I would ask my question - - -

MR SPEAKER: Mr Wood, you can assume nothing, my friend.

Ms Follett: Not even the standing orders?

MR SPEAKER: If you read the standing orders you will understand what I am referring to. Please continue, Mr Wood.

MR WOOD: At this stage I direct to the Chief Minister a question about the Acton Peninsula. Did you consult, Chief Minister, with the Minister for Industrial Relations about the continuing employment conditions of ACT Government Service staff at the child-care centre on Acton? Will you guarantee that no-one will lose employment as a consequence of the changes to the use of Acton Peninsula? Will you meet with the relevant unions to assure them that you will protect their rights, or instruct Mr De Domenico to do so?

MRS CARNELL: I am very pleased to take this question. The whole basis of the decision to swap Acton and the Kingston foreshore was to produce some jobs in this city. This is what it is all about. This is about two new, very important buildings on Acton Peninsula. That means substantial work in the construction industry - an industry that is in the doldrums at the moment, as we all know. I understand that building approval statistics released today show a decline of 20.6 per cent, from \$47.1m in February 1995 to \$37.4m in March. That is the problem that we have in this city. For the first time for a long time we have an opportunity to get the construction industry - one of the major employers in this town - up and running. We have two new guaranteed buildings. We also have a site that is bigger, as I have said before, than Circular Quay and Darling Harbour put together and that will be subject, I hope, and I believe, to one of the more unique developments that we are going to see, not just in the ACT but in Australia, in the foreseeable future. We actually have new jobs. How wonderful! I can guarantee that as a result of this swap there will be new jobs in the ACT economy. Yes, we will have discussions with the unions involved. Of course we will.

Aircraft Noise

MR MOORE: Mr Speaker, my question is for Mr De Domenico, but I understand that the Chief Minister will take it, which suits me very well. I want to give the background to the question, which is about aircraft noise.

MR SPEAKER: Perhaps you should ask it, Mr Moore, and then we will find out.

MR MOORE: It begins with a quote from a letter that the Chief Minister, who was then the Leader of the Opposition, signed on 16 February 1995. With reference to aircraft noise, she said this:

... if the Canberra Liberals obtain Government ... we will ensure that these negotiations are continued as fast as possible, which will help alleviate the noise problem. The answer to your second question is that we would not continue with any further developments if the FAC's consultation process recommended against them.

Could the Minister inform the Assembly what action has been taken by either her or Mr De Domenico to ensure as fast as possible that outgoing flights taken by commercial, air force and private aircraft are compelled to reach the required height before making turns towards Adelaide and Melbourne, thus reducing noise pollution for residents in North Canberra?

MRS CARNELL: I will take that question on notice. I can say that it is something that we are committed to. We understand that the problem is not all that difficult to overcome if the right flight paths are struck. We understand that from all sorts of appropriate experts in this area. Yes, it is something that can be overcome. It is wonderful to have problems that do seem to have a proper solution. I will get Mr De Domenico to report back to the Assembly, and hopefully to you, before the Assembly sits again, as to where he is up to on this issue.

Bus Fares from Bruce Stadium

MR BERRY: My question is to the Chief Minister. I understand that she has a letter of complaint along these lines. Can the Minister confirm that loyal Canberrans attending the Canberra Raiders v. Brisbane Broncos match last Friday and who wished to return to the Belconnen interchange from Bruce Stadium on bus 989 were charged \$3, or \$1.50 at the concession price? How does the Minister justify a price increase of 50 per cent on the \$2 and \$1 charges for taking patrons to the game? It is a bit hard once you are there to refuse to pay the increase. That is an increase of 50 per cent in two hours. Is that 50 per cent increase in two hours a sign of a Liberal government?

MR SPEAKER: Now, now; just the question, not the rhetoric.

MR BERRY: That is part of the question, and a very serious part of the question. Is that a sign of what we are in for? I would like to get a response.

MRS CARNELL: On the basis that I did not catch that bus that night, I will take that question on notice.

MR BERRY: As a supplementary to that, if I may - - -

Mr Humphries: That is not a supplementary question. That is a second question.

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MR SPEAKER: You may wish to add something for the Chief Minister to take on notice.

MR BERRY: Was the price increase applied to all buses leaving the Bruce Stadium, or was this just a case of discriminating against Bill Stefaniak's and my constituents in Belconnen and Gungahlin?

MR SPEAKER: Chief Minister, add that matter to what you have taken on notice.

MRS CARNELL: Thank you.

Group Apprenticeship Scheme

MR HIRD: I address my question to the Minister for Education and Training.

Mr Wood: I raise a point of order. This Assembly is run on conventions as well as on standing orders and rules, and the convention in this Assembly has been that members get but one question on any day. I have not, in all my six years, known any deviation from that. I would ask members - - -

MR SPEAKER: Order! This is a point of order, Mr Wood. I would refer you to standing order 113A.

Ms McRae: He knows the standing order.

MR SPEAKER: I am in the chair now, Ms McRae. Let me quote standing order 113A. It says:

Questions without notice shall not be concluded until non-Executive Members rising have asked at least one question.

I repeat - at least one question. I have been happy to follow the convention that you refer to, and I shall continue to do so. I will ensure equal participation between and across parties. However, the length of question time, notwithstanding standing order 113A, is dependent upon the Chief Minister. Having exhausted the opportunities for each member of the back bench or non-executive members to ask at least one question, if the Chief Minister wishes to rise and ask for further questions to be placed on the notice paper, that is what will occur.

MR HIRD: Thank you, Mr Speaker. Before I was rudely interrupted, I was addressing a question to the Minister for Education and Training. Can you, Minister, inform the parliament of the result of the Australian Federal Police investigation into allegations of misappropriation in the Australian Capital Territory Master Builders Association's group apprenticeship scheme?

MR STEFANIAK: I thank Mr Hird for the question. Yes, I can. I am pleased to say that the Australian Federal Police have investigated the allegations of misuse of ACT and Commonwealth Government funds by the Master Builders Association (ACT) group apprenticeship scheme and they have determined, after their due investigation, that there has been no abuse of funds and no criminality. The AFP report supports the findings of the Australian National Training Authority, which also investigated the matter and cleared the scheme of any impropriety.

Mr Speaker, group training schemes such as this provide a valuable and flexible training environment in which apprentices can gain a wide range of experience relevant to their trade. They are an example of a strong industry commitment to training, which the ACT Government fully supports. It is a matter of concern to this Government that the employment of apprentices under the scheme was put at risk by these baseless allegations, and this has caused unnecessary hardship to these young people. The ACT branch of the Master Builders Association is rightly demanding an apology in Federal Parliament for these unfounded allegations, which were raised in Federal Parliament by Mr Peter Duncan, MP, the Parliamentary Secretary to the Attorney-General.

Acton-Kingston Land Swap

MR WOOD: Mr Speaker, I direct a question to the Chief Minister, again concerning the Acton-Kingston land swap. Prior to her announcement on that deal, as she says, what advice was she given about the cost of clearing the Kingston site - not the decontamination but the clearing - and what advice was she given about the cost of restoring the Kingston powerhouse to an appropriate use?

MRS CARNELL: It is hard to believe that people on that side of the house can continue to ask the same question over and over again. The Kingston powerhouse - -

Mr Moore: I raise a point of order. If the Chief Minister is correct in saying that, Mr Speaker, and had she answered the question fully, she could rely on standing order 117(h) not to have to take the question.

MR SPEAKER: If that was correct, I would agree with you, Mr Moore. For my own part, I would have to ask the Chief Minister to rely on that standing order. I am bemused, to say the least, with the apparent repetition of the questions, but I am not sure. I will have to leave it to the Chief Minister to take the point herself. The Chair cannot recognise this, even if we questioned the Acton Peninsula issue brick by brick.

Mr Wood: To discuss that point of order, Mr Speaker: I can emphatically state that that question has not been asked. The Kingston powerhouse, for example, has not been mentioned in all this debate.

MR SPEAKER: I am happy to take your word on that, Mr Wood.

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MRS CARNELL: As I have said before, the clean-up and clearance of Kingston and the amount that it is going to cost will depend totally on the specific use that the site is put to. When we have in place an approved plan, that will be subject to community consultation and a local, national and international design, and when we have decided what we as a community want to do with the site, we can then determine what it is going to cost to clear and clean up. Until you know what you are going to use the site for, you simply cannot know.

I turn now to the restoration of the powerhouse. As we know, the powerhouse is a very important part of Canberra's history. I am absolutely amazed that the Labor Party would query the cost of restoring it, allowing the people of Canberra access to what is part of our heritage, and using it for whatever is decided. We in the Liberal Party have spoken of things like regional art galleries, artists in residence, cultural purposes, and so on. From our perspective, the cost of restoring it so that it can be used by the people has to be worth every cent of it. Right now, as you would know, people cannot access that building at all. They cannot even walk inside it.

What it costs to restore will depend on what we use it for. If we restore it and just have it as a museum so that people can walk through and see what a powerhouse used to look like, although a lot of the bits have been pulled out, it will cost lots less than if we use it as a gallery, or if we use it for arts or for artists in residence, or if we use it for one of the other purposes that similar old powerhouses have been used for around Australia. There is absolutely no way of putting a price on restoring something if you do not know what you are going to use it for.

Mr Wood: I had a figure, as Minister, at one stage.

MRS CARNELL: What were you going to use it for, Mr Wood? Were you going to use it as a commercial building, like a high-rise development, or possibly for residential purposes? As part of the international, national and local planning competition, we will be after innovative, exciting, possibly visionary approaches to what we could use that site for. Once we know what we are going to use it for we can determine what it will cost to restore it. Interestingly, as part of a joint venture, that cost will not be borne solely by the ACT Government.

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

PERSONAL EXPLANATION

MS FOLLETT (Leader of the Opposition): Mr Speaker, I ask for leave to make a statement under standing order 46.

MR SPEAKER: Is leave granted?

MS FOLLETT: No; it is up to you, Mr Speaker.

MR SPEAKER: Proceed.

MS FOLLETT: Mr Speaker, Mrs Carnell, on several occasions now, has accused me of having planned to sell Acton Peninsula for high-rise development.

Mrs Carnell: You must have. You said that it was worth \$45m.

MR SPEAKER: Order!

MS FOLLETT: Mr Speaker, I want to make it absolutely clear that my Government had no such intention, and to perpetuate this untruth reflects very poorly indeed on Mrs Carnell. Mr Speaker, Mrs Carnell has tabled two documents, one of which was my letter to the Prime Minister of June 1992, and I would like to read in part from that. I said in that letter:

The ACT Government also believes that the opportunity should remain for the provision on the Peninsula of public health facilities including a hospice, rehabilitation and aged care services, a relocated Queen Elizabeth II Hospital for Mothers and Babies and nursing home facilities.

This vision does not, however, preclude any future negotiations that the Commonwealth may wish to initiate with the ACT Government to have a site reserved on the south eastern end of the Peninsula for a landmark building of National Capital significance.

Mr Speaker, Mrs Carnell is deliberately misconstruing that position.

She has also tabled the valuation which was done on Acton Peninsula at the time. The valuation, as you will see, puts a very high dollar value on that site for the highest commercial use. I have never used that dollar value; but, unlike Mrs Carnell, I have never assumed either that the Acton site had no dollar value. I have always believed it to be one of the most important and valuable assets of this Territory. I would in no way condone Mrs Carnell's having traded that away, in my opinion, in a very poor deal indeed. As we heard yesterday, it is her intention also to hand over Kingston to the developers in her version of a joint venture. It is quite untrue to perpetuate the myth that Mrs Carnell has been putting about, Mr Speaker. I would like to table a letter which I have had from the Australian Institute of Aboriginal and Torres Strait Islander Studies. The letter was written to me. It says, amongst other things, that they are writing to thank me for the role which I have played in helping AIATSIS to find a new home. They are delighted with the Acton Peninsula proposal and so on. I would like to table that letter as well.

Leave granted.

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ACTON PENINSULA AND KINGSTON FORESHORE DEVELOPMENT PLANS

MR BERRY (3.17): I seek leave to move a motion that has been circulated in my name.

Leave granted.

MR BERRY: I move:

That no negotiations occur, including those with the Commonwealth, no agreements or contracts be signed, no tenders be let, and no further taxpayers' money be spent on Acton Peninsula or Kingston Foreshore development plans before the Planning and Environment Committee hands down its report.

Mr Speaker, a large number of questions have been asked about the land swap which was arranged by the Liberals shortly after coming to government, but the principal point that I want to raise is that this Government has said that it has a strong commitment to open and consultative government. It has also said, and I quote Mrs Carnell from *Hansard* of 2 May 1995:

There is no way that this Government is going to ride roughshod over the top of a committee hearing that is under way.

It is very clear from the answers today that Mrs Carnell intends to proceed with negotiations with the Commonwealth, notwithstanding the hearings and examination of this issue which are being undertaken by the committee which has been put in place by this Assembly. If Mrs Carnell thinks that on the one hand she can say, "I will continue with those negotiations", and then try to rationalise that with the statement that she is not going to ride roughshod over the top of a committee hearing that is under way, I think it will be a long time before she is able to prove that to anybody. The facts of the matter are that there is a committee process under way. There are negotiations which Mrs Carnell and the Government intend should proceed to finality, notwithstanding that members of this committee are putting their time and effort into a committee process which aims to come up with a recommendation for this Assembly.

That is grossly unfair. In fact, I think it lacks honesty. I do not think the promise of open and consultative government will stand up to any sort of scrutiny when those sorts of statements are being made. You cannot say one thing on the one hand, say another on the other hand and pretend that they are the same. They are not. Given the examination of this issue that the committee on which I sit has undertaken, I am absolutely certain that those negotiations would impinge upon areas about which that committee would be concerned. I think it is quite improper for the Government to proceed down that path without the benefit of a committee report to this Assembly. After all, it is the majority of this Assembly that put in place that committee process. People have committed themselves to serve on it, and they expect to be respected by this Assembly as a whole. That feature of this motion is a very important one.

The motion also says that no agreements or contracts should be signed, no tenders should be let and no further taxpayers' money should be spent on Acton Peninsula or Kingston foreshore development plans. Mrs Carnell has said that nothing will be demolished until the committee hands down its report, but a lot can be demolished behind the scenes.

Mr Humphries: Like what?

MR BERRY: A lot can be demolished behind the scenes, as Mr Humphries would bear witness to. We all remember how Mr Humphries operated in the health sphere.

Ms Follett: Remember the Royal Canberra Hospital?

Mr Humphries: You closed it, by the way, not me.

MR BERRY: I hear Mr Humphries interjecting. While he is interjecting, I might as well give him a little serve. Mr Humphries, of course, has no love for the buildings on the Acton Peninsula site. In fact, he was the one who worked to close down the hospital on that site. He was the one who made the decision and went on with it. And guess who was on the Health Board at the time helping him? Mrs Carnell, his appointee. Both of them have no love for the buildings on that site or for that site in particular. They do not recognise the cultural significance of that site, and they have blundered on in their efforts to demolish all of those buildings without the benefit of the elected representatives' input into the process in this place. Mrs Carnell has admitted day after day here, in her own words, that she has not consulted. It has not been to Cabinet.

Mrs Carnell: It has.

MR BERRY: Then table the Cabinet decision.

Mrs Carnell: You know better than that.

MR BERRY: You can just table it. Why did you not announce the Cabinet decision? That is something that is quite frequently done. You did not do so because there was no Cabinet decision. Consulting with your Ministers after the event is not a Cabinet process.

Mr Connolly: "Is that all right with you, Gary?"

MR BERRY: "Do you want to keep your ministry, son? Is this all right with you?". This is a process where proper consultation has not occurred. This motion also seeks to make clear to the Government that there is a statement from this Assembly that it wants the matter properly examined by elected members in order that there can be a full report which has been developed out in the open, and which is placed on the table out in the open, about these two very important sites. When you have a look at the Government's actions in relation to this matter, you see that the Government has been secretive.

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It has been pushed by the Federal Government. Mrs Carnell has folded under pressure, has accepted deadlines put to her by the Commonwealth and has admitted, in effect, that the special financial support provided by the Commonwealth to the ACT was provided against the background of the demolition of the buildings on the Acton site and the absence of plans in relation to Kingston.

The community would be very uneasy about the arrangements which have been undertaken in relation to these two important sites. I accept Mrs Carnell's view that they are important sites. I do not accept her view - - -

Mrs Carnell: So, why did you do nothing?

MR BERRY: Mrs Carnell interjects, "Why did you do nothing?". If you had been listening just a moment ago, you would have heard Ms Follett indicate to you what our intentions were. Our very clear intentions were that there were to be health facilities on that site. You may say that providing a hospice for the people of the ACT on that site amounted to doing nothing. I know that you have always been antagonistic to the hospice and it has always been your intention to get rid of it. The fact of the matter is that we did something. We reused the building there. We recycled a perfectly good building. We made an environmentally sound decision to put in facilities which would provide services to the people of the ACT, and we would have continued with that process. We also put on that site the child-care centre.

Mr Humphries: It was already there.

MR BERRY: You had better check your history. No services were being provided, Mr Humphries; they are now. Those are the facts. A child-care centre is not there unless it is providing the services. It began providing services under Labor. Get used to it.

Mr Humphries: Under us as well.

MR BERRY: That was before you closed the hospital, Mr Humphries. The facts of this matter would disturb the community. They deserve to have their recently elected representatives, who have committed themselves to the committee process, closely examine this matter out in the open and ensure that there is nothing to be disturbed about. Right now I am sure that they would be disturbed about a lot - I would be - given the sorts of things that have occurred behind the scenes. We have been trying to get some information about consultation which has occurred in relation to this matter. The quality of the advice we have been given is poor; it is dreadful. It is now very clear that there has been no consultation. Mrs Carnell, in her claims that there has been consultation, relies on her version of history that everybody down there knew that they were going to be there for only a little while. As far as Labor was concerned, the hospice thought they were going to be there for a long time. The child-care centre thought they were going to be there for a long time. I do not think any of the community groups thought they were going to be abandoned either, Mr Speaker.

The consultation process, which has been abandoned, needs to be secured. We need to make sure that there is consultation not only with the minority government opposite but also with other elected members on the issues which concern them about their continuing operation on that site. Those community organisations deserve the courtesy of proper consultation. I can tell you, Mr Speaker, that in my involvement in the Planning and Environment Committee I will work very hard to ensure that they get it. I do not think there is any member serving on that committee who would block proper consultation occurring with those groups.

Because of the situation that the child-care centre finds itself in, it is very clear now that there are a great many people who are unnerved by this Government's attitude. There are workers down there who are deeply concerned about their future. I heard Mrs Carnell promise, "They will be okay. Do not worry. It will be all right". Mrs Carnell made promises before the election too, and they are starting to evaporate with the winds of time. They are disappearing from the scene. It seems that the Liberals have a different view of consultation from that of everybody else in the world. There has been very poor consultation on this issue. In fact, I think the only consultation that Mrs Carnell had was with officials of the Department of the Prime Minister and Cabinet as they wrestled her down and said, "If you do not take this, you are not getting the \$15m". And Mrs Carnell said, "I give up. How am I going to explain this? I will have to go out and tell the people of the ACT that I have a good deal". Then it appears that she rang Mr Humphries up and said, "We have a good deal, Gary. Do you want to keep your Ministership? We have a good deal. Yes, yes!". That was the publicity that followed.

I think it was an outrageous turn of events which led to this Kingston-Acton Peninsula land swap. At the end of the day the community has to be satisfied that everything is okay on this issue. They have to be satisfied that there has been proper consultation. They expect it, given the promises of the major political parties and some of the others in relation to consultation. I know that our colleagues here in the Assembly who have committed themselves to consultation mean it. It appears that the Liberals do not. Ensuring that the Planning and Environment Committee considers this matter in full would result in a lot of satisfaction out there in the community.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.30): Mr Speaker, I must say that the Luddites opposite really have excelled themselves with this motion. These people - who ought to have heard the very distinct verdict of the community only a few weeks ago about their tenure of office, their lack of decision-making, their inability to face Canberra's needs with a vision of something better - have failed to heed that message and are now saying, "We do not care that we have lost the election. We want everything to remain the same. Nothing changes. Put up the barricades. Seal up the gates. Nothing will change in this Territory. You have a vision for this, but we are going to put the kybosh on it. You will not have your redevelopment of the Kingston foreshore. You will not have your extra jobs.

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You will not have your Gallery of Aboriginal Australia". Those sorts of things, Mr Speaker, are an insult to the intelligence of this electorate, an electorate which voted decisively just a few short weeks ago to say to the former Government, "You have failed. Get out of office. We want in there someone who is going to make some change and make some difference". This is what the former Government has failed to understand, and they are now trying to impose again on this Territory.

Mr Speaker, this motion says, in effect, "We do not trust you. We do not want anything to do with this process. Put it on hold. We want to drag our feet and make sure that this Government is not successful in getting this project under way". Let me say at the outset that the Chief Minister has freely conceded that there will be a need to have further discussions with members of this Assembly - indeed, in particular, to talk about the implications of the report of the Planning and Environment Committee - before any decisions can be made about how the agreement between the Commonwealth and the Territory is to be implemented. In a sense, there are two parts of this motion. There is the part that deals with the letting of tenders and the signing of contracts, on which the Chief Minister has given undertakings, and there is the part dealing with negotiations and the spending of taxpayers' money as part, presumably, of those negotiations about which I think that there should be a very different view by the Assembly.

I deal, first of all, with the second matter. Mr Speaker, as the Chief Minister has indicated, the Commonwealth made it very clear that the ACT would have to agree to the terms of this arrangement or expect not to receive additional funds from the Commonwealth as part of the round of the COAG and Premiers Conference negotiations last month. That was made crystal clear. Members might care to dispute whether the Commonwealth behaves in that fashion. Members on the cross benches might not be aware, not having been involved in those sorts of negotiations; but I can assure you that when the Commonwealth wants to play hardball it plays hardball. When the Commonwealth wants to exercise its power over the ACT, knowing that it has the capacity to make or unmake decisions at the ACT level by force of its paramount legislative authority in this area, it will make those decisions. The Commonwealth said to the ACT, "You take this offer or you get nothing".

Ms Follett: We got \$30m last year and kept the land.

MR HUMPHRIES: That \$30m was in a very different environment, Ms Follett. That decision was taken in a very different environment.

Ms Follett: I played hardball too.

MR HUMPHRIES: You were not there. States this time round did not get increases in funding. The ACT and the Northern Territory were the only two jurisdictions that did get special allocations of this kind. The ACT was lucky to get that money. The circumstances of that deal were not particularly favourable to the ACT, but we have accepted it and are getting on with making the most of that opportunity.

The Opposition has no concept of what opportunities are created by that particular proposition. Over the last three days, they have asked us continuously questions such as, "What does this arrangement mean for the ACT? What will get demolished, and when? Who will be responsible for that decision? Where will the people on the site be moving to? When will this occur?". They have asked us about all those sorts of decisions. We cannot answer those questions unless we proceed to conduct the negotiations to which this motion refers. We cannot answer those questions unless we settle those arrangements with the Commonwealth pursuant to that contract. It would be foolish in the extreme to stop the process of discussion and negotiation with the Commonwealth merely because of the fact that an Assembly committee is in the process of reviewing that particular contract. We have entered into that contract and we are bound to the consequences of that contract.

Mr Speaker, to say that no further taxpayers' money should be spent is an extremely vague expression. Is obtaining advice on what the position is spending taxpayers' money? Of course it is. This is the same as a motion we had yesterday in this place. It is an extremely vague motion that could well cause the Government to be facing a censure motion in this place because we have not understood exactly what it is they are getting at with the motion. That no further taxpayers' money be spent is a very broad blanket indeed.

The other part of the motion - and I will read the rest of the motion - refers to tenders being let and contracts being signed. Mr Speaker, it is important that we be aware that the Chief Minister has given an undertaking about those matters in question time today and before today. There will not be any tenders let, there will be no buildings demolished, and nothing further will be signed with the Commonwealth until such time as the Planning and Environment Committee has reported to the Assembly.

Mr Berry: Then you should not be worried about the motion.

MR HUMPHRIES: Mr Berry says, "You should not be worried about the motion". The problem with the motion is that it is saying to the Government, "We have heard your undertaking to this Assembly, Chief Minister, and we think that you are a liar. We do not trust you to honour your undertaking and therefore we are going to impose a restriction on you through the Assembly, to ensure that you cannot break your promise, as is obviously your present intention". That, I think, Mr Speaker, is a very serious thing indeed to do.

The Chief Minister has given her word to this Assembly. If members opposite are not prepared to accept that word, to trust that word, then they should cite an example of where an Assembly undertaking has been given previously by the Chief Minister and not honoured. If they cannot, it is incumbent on them to accept that this Assembly and any government have to operate on the basis of those sorts of undertakings being honoured from time to time. If Mrs Carnell breaches the undertaking, fine; in future let members of this place impose conditions on her through the Assembly so that she will have to comply with those arrangements because she cannot be trusted. But, until we reach the position

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where that is the case, I think it is grossly unfair. On the one hand it is stupid to be conducting no further discussions with the Commonwealth based on an agreement we have signed and entered into. On the other hand it is insulting to the Government to expect that we should be willing to lie to the Assembly, which is what this motion implies.

Mr Speaker, I heard Ms Follett's standing order 46 explanation about urban development and about housing on Acton Peninsula. I say again that I believe that she is misrepresenting to the people of the ACT what her Government's intentions were. I read again the words that appear in the letter dated 11 June 1992. That letter is principally about the possibility of urban village development on Acton Peninsula. The first things that are mentioned in the letter are not the relocated QE2 home, are not the hospice, are not the rehabilitation and aged care services, some of which, by the way, never happened - - -

Mr Berry: The hospice did.

MR HUMPHRIES: "Some of which", I said. Apart from the fact that those things come later in the letter, the thrust of the letter is about getting the Federal Government to allow the ACT to start building housing on that site. It states:

It is the ACT Government's belief that the Peninsula area presents an unparalleled opportunity in the long term for the development of an urban village, based on a mix of medium and high density housing with ancillary commercial and tourist facilities.

So, there was not to be just housing but presumably shops or boutiques on the site - - -

Ms Follett: Galleries.

MR HUMPHRIES: Galleries, maybe a hotel - who knows? The letter goes on to state:

The urban village concept would have as a principal objective the retention of significant areas of the Peninsula for recreational use by the people of Canberra.

It is true that the former Chief Minister mentions QE2, the hospice, the rehabilitation and aged care services, and recreational areas; but it is also painfully clear that she intended that there should be medium- to high-density dwellings on that peninsula. That, Mr Speaker, is the basis of the former Chief Minister's claim that this site is worth \$45m. She well knows that it would not be worth anything of that kind to the ACT, or to anyone else for that matter, if it were not for the fact that medium-density or high-density housing was to go on that site. I quote her comments to the *Canberra Times* on 19 October 1994:

We certainly will be pursuing it, a land swap with the Commonwealth ... They won't get the site for nothing.

She said in February last year that the Acton site had been valued at \$45m. That was a valuation based on medium-density to high-density housing.

Ms Follett: No.

MR HUMPHRIES: Yes, it was. The site is not worth that much without housing on it. You know that, Ms Follett; everybody knows that. The site as a recreational area or as the home for a hospice or the home for rehabilitation and aged care services is not worth \$45m. In fact, I doubt that you could sell the hospice to anybody. It does not have any economic value. A child-care centre might have some economic value, but probably not. The Greens have talked about putting economic values on things. What was the economic value of that site? It certainly has enormous value to the community of the ACT in other respects. It has enormous symbolic value, and it has enormous value as a site for a cultural or national institution; but the \$45m that Ms Follett has attached to that site is a value that comes from housing. To suggest that you really were not intending housing and that that is an exaggeration, with great respect, is a complete distortion of the truth. Mr Speaker, the fact of the matter is that this Government intends to work towards an arrangement whereby we will ensure that the best use of that land is made with appropriate national institutions and that high-density housing does not go ahead on that site.

Let me list a few of the things that have been said by the Opposition. Mr Berry keeps saying that the community would be very uneasy about this proposal. He told us this morning that the community would be upset to a man and woman about the closure of Tuesday night sittings. I really wonder where Mr Berry gets his wonderful source of knowledge about what this community wants and thinks. If he does know so much about the community, I wonder whether he was able to predict the Government's defeat at the election on 18 February, because that was certainly what the community wanted at the time as well. We should beware of snake oil salesmen coming in here and saying, "Yes, the community wants this; the community wants that. I know". I think that what the community wants is a sensible, rational decision that will generate the things that the community wants. It wants two things from this arrangement. It wants a beginning to the National Museum of Australia and it wants jobs. That is what the Acton-Kingston arrangement is all about. It is about creating opportunities and creating jobs. The suggestion that surreptitious demolition is going to occur, as if the Cabinet is going to put on overalls and get out there with flashlights in the middle of night and knock down the Royal Canberra Hospital, with great respect, is nonsense.

Let me conclude by making something very clear, Mr Speaker. If the ACT Legislative Assembly wishes to prevent the ACT Government from carrying through the agreement it has entered into with the Commonwealth, it most certainly can do that. The Government is responsible, first and foremost, to the people of the ACT, and it is responsible to the people of the ACT through the ACT Legislative Assembly. If the Assembly says to this Government, "You will discontinue the arrangement to proceed to swap that land; you will not demolish the Royal Canberra Hospital; you will not accept land from the Commonwealth at Kingston", then that is what this Government will do.

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The ACT Assembly has the power to tell the Government to do that and the Government will listen, but I say to you that that is throwing the proper work of government to deal with the ACT's present economic position out the window. It is an abrogation not only of our responsibilities but of yours as well. That is a stupid thing to consider; and I believe, Mr Speaker, that the Opposition should think twice before supporting this motion.

As I indicated, it is insulting to the members of this Government to imply that we are prepared, in effect, to lie to the Assembly. It is unnecessary, in that we should be continuing to discuss with the Commonwealth the implications of the deal, which I say again the Commonwealth to a large extent imposed on the ACT. It is stupid. It is bad management for us to have no further discussions with them about those matters. The Chief Minister has made it clear that we will have to come back to the Assembly and discuss further with members of the Assembly, particularly members of the Planning and Environment Committee, the implications of those negotiations, in particular before any contracts are let, for example, for demolition on the site. But not to do those things in the meantime and not to have those discussions with the Commonwealth, which necessarily would entail spending taxpayers' money, is simply stupid. I would hope that some people in this place would have more sense than to support a stupid naysaying motion like this one.

MRS CARNELL (Chief Minister) (3.46): Mr Humphries has gone over quite a number of the issues that we need to talk about; but, first and foremost, I think that the issue that we are facing here is that we have had a government in the ACT for the last three years that has done nothing about the future of the Acton Peninsula or the Kingston foreshore, a government that has not done one thing to unlock the future of both sites that are so essential to the future of this city. What we have done is make a decision along the lines of negotiations and consultations that have happened at length with the people of Canberra.

The NCPA have had many competitions. I think they are called charrettes. They have had full-day community consultation programs. They have done an enormous amount of work to assess what the people of Canberra want for the Acton Peninsula. What came out of that large amount of community consultation was that the people of Canberra wanted for the Acton Peninsula something of national significance, something that everyone in Canberra could use. What they did not want was residential developments or 20,000 square metres of commercial space. When making this decision we took into account what had already happened - that is, substantial community consultation which said that they wanted something of national significance.

What the Commonwealth was offering of national significance was the Gallery of Aboriginal Australia and the Aboriginal and Torres Strait Islander Studies Centre. We believe that that is a first step to the Australian National Museum. As I have said before, we will be pushing for the whole museum to go on the Acton Peninsula. We do not believe that it is as good a site as Yarramundi; but, if this is what the Commonwealth is doing, then we will get behind their decision to put the Gallery of Aboriginal Australia there and push for the rest at a later date.

Up to date there has been an exchange of letters between the Commonwealth and the ACT Government. It is legally binding. We have an agreement in place. What is happening at the moment, for the benefit of the Greens and the Independents - I do not think the Labor Party are even slightly interested - is that negotiations are under way to spell out the extent of the arrangement, that is, to - - -

Mr Connolly: Can we see this exchange of letters that is legally binding?

MRS CARNELL: I see absolutely no reason why exchanges of - - -

Mr Connolly: This is the first we have heard of it.

MRS CARNELL: I have said it actually four times, I think, in the last few days. What we are talking about is now sorting out the extent of the deal that has already been done, the exchange of letters that has already happened. That means sorting out timeframes for when demolition may occur, when the Commonwealth actually needs access and to what sites they need access. They still have not spelt out definitely where they want to put the Gallery of Aboriginal Australia. There has been some indication of where that might be, but up to date we have not seen a definite plan of where that may be. Of course, there is the issue of the Aboriginal Cultural Centre, the one that is funded out of the casino premium, that we want to convince the Commonwealth to put in the same part of the world on Acton Peninsula and that our Aboriginal communities in the ACT are very keen to see happen.

So, as part of these agreements and negotiations that are going on at the moment, we are spelling out the basis of this deal - how it fills up, how it fills out, what the timeframes are, the extent of the land that we are actually talking about on Kingston, what will happen with things like the Australian Government Printer, what timeframes the Commonwealth will need before they may or may not relocate off that site, and similar issues along those lines. That is the sensible and rational approach. All of those things need to be in place before any contract or tender would or could be let for the demolition of anything on Acton Peninsula. There are certainly no indications at this stage that we are in the business of demolishing anything on Kingston until, of course, the competition is over and we know what we are going to use the site for.

So, what we are doing is spelling out the extent of the deal. Those negotiations must continue. In fact, from the committee's perspective, I would assume that the committee would want to know what the extent of the actual arrangements between the Commonwealth and the ACT so that they could make rational decisions as well. I have no problems with the second part of the motion, because I have already committed the Government to not entering into any arrangements, contracts or tenders for demolition on Acton Peninsula.

I think the issue of no further taxpayers' money being spent on Acton or Kingston is a very dangerous thing to put in this motion, because I believe that money would have to be spent on the actual assessment of both sites, particularly the Kingston site, from our perspective. That is an assessment that I understand I have been asked by some members of this house to do with regard to what the level of contamination may be. In other words, site assessment generally would need to happen.

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Also, there may be some costs associated with the actual negotiations. I do not think it would be in the interests of the committee, or for that matter this Assembly, to suggest that no taxpayers' money at all should be spent. It is interesting to note, though, that it actually costs the ACT Government very close to \$1m a year right now to maintain Acton Peninsula in its current form. That is after we get rent and whatever. So, in net terms it is costing the ACT Government \$1m a year to keep slightly decaying buildings that are not being used for anything. It is already costing us money. I have absolutely no problems with the middle part of the motion. As for the beginning bit and the end bit, I think there are quite significant concerns from the perspective of the committee that is looking at this whole area and from the Assembly's perspective as well.

The Labor Party's approach to this is simply to stop it. That has been their approach all week. We have seen that they do not want any changes to betterment, to leases, to Acton, to Kingston - to anything. They do not want to do anything. Their whole approach for the last three years has been to do absolutely nothing. The fact is that we have made a decision. We are going ahead, doing things to increase employment, to get business back on track in the ACT, to get our economy moving again. That is what this is all about. But we want to get it right too, and we are very happy for the Assembly committee to look at it, with the right information. If we allow negotiations to continue but we stop any contracts from being signed, and we allow public money to be spent on site assessment and other issues associated with working up the final proposal, then I have absolutely no problems at all with the motion, because those commitments have already been given.

MR CONNOLLY (3.54): I am rising in this debate really to ask Mrs Carnell to table this exchange of letters that constitutes a binding legal agreement. This is the first we have heard of a binding legal agreement. I would ask her to do it without having to so move. On Tuesday, as I see from *Hansard*, Mrs Carnell was asked very specifically, "Is there a written agreement?". She said, "There is an agreement", but she did not refer to a written agreement. She later referred to "this agreement". She was asked, "Where?". I must say that I read this as, "Where is the agreement?". She said, "On Acton Peninsula" in relation to the question of where. She was then asked very specifically by Mr Berry, "Where is the piece of paper?", and she waffled on, as she is wont to; but at no stage in answering the very specific question asked of her, the interjections or the follow-up question, "Where is the piece of paper; where is the agreement; what is the agreement?" had we heard of an exchange of letters that is legally binding.

I think this is a very significant little piece of information that has been dropped incidentally in relation to this debate. So, I would ask Mrs Carnell to immediately table this exchange of letters that is legally binding, so that members can have a look at it. I give notice that if she fails to do so I will seek to move under the appropriate standing order to require that it be tabled, but I give her the opportunity to table it first.

In doing so she might also explain why, when she was asked very specifically about a written agreement on Tuesday, in one of the very first questions asked, and when she was asked in a very specific interjection by Mr Berry, seeking to be helpful, as always, in his interjections, “Where is the piece of paper?” there was no reference at all by her to this exchange of letters that we now learn is legally binding.

MR SPEAKER: Mr Connolly, if it was an interjection, the Chief Minister was not required to respond.

MR CONNOLLY: Yes, but she did. She rose to the bait with the piece of waffle. She did not produce this “legally binding” exchange of letters.

Mr Berry: Will you now?

Mrs Carnell: I am not speaking. I have already spoken.

MR CONNOLLY: Did you indicate during my remarks that you would do that?

Mrs Carnell: I have spoken.

MR CONNOLLY: I could seek to suspend standing orders to move a motion to require that it be tabled. A simple “I will table it” would suffice.

MR SPEAKER: If the Chief Minister wishes to respond, she can seek leave to do so. Do you seek leave to respond?

MRS CARNELL (Chief Minister): Yes, I am very happy to seek leave.

Leave granted.

MRS CARNELL: I am extremely happy to make the letters available to the committee involved. I do not have them with me, so I cannot do so immediately. Funny about that. I do not have them with me, but I am extremely happy to make the letters available to the chair of the committee that is looking at this issue.

Mr Berry: Will you table them?

MRS CARNELL: I do not have them with me. I am happy to make them available to the committee.

Mr Connolly: There are a whole lot of people there who can go up and get them and you can table them in five minutes.

MRS CARNELL: I am very happy to make them available to the committee chair.

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MS FOLLETT (Leader of the Opposition) (3.57): Mr Speaker, I have circulated two amendments to Mr Berry's motion and I would ask, first of all, whether I could have leave to move those amendments together.

Leave granted.

MS FOLLETT: I move:

Omit the word "occur" and substitute the words "be finalised".

Insert the word "further" between "no" and "negotiations".

The effect of the amendments that I have moved would be to alter Mr Berry's motion so that it reads in the first line "That no further negotiations be finalised" rather than "That no negotiations occur". This might be a compromise position that perhaps many people will be happier with, although I accept probably not the Government.

There are a number of matters that ought to be addressed in relation to the deal that Mrs Carnell has done on Acton Peninsula. The first of those is the view that Mr Humphries has now put forward - very revealingly, in my view - that this was not a particularly advantageous deal to the Territory. He has accused the Commonwealth of playing hardball, and indeed I would agree with that. I must say that I am somewhat disappointed in my Federal colleagues that they have sought to take advantage of a very new Chief Minister and do this kind of a deal, which in my opinion, as I have said many times, is not to the Territory's advantage. It seems to me that Mrs Carnell was stood over and that it was made very clear to her, as she admits herself in her statement yesterday on the Premiers Conference, that the provision of special revenue assistance to the Territory was conditional upon her doing the deal on Acton. Although I had asked Mrs Carnell a question precisely along those lines in question time yesterday, to which she did not reply, her later statement in the house revealed that to be the case.

Mr Speaker, there are two problems with that. The first is that in every year since self-government the Territory has received special revenue assistance without conditions. Both Mr Kaine and I, as Chief Minister and Treasurer, were successful in achieving special revenue assistance, and this Territory has every right to expect special revenue assistance for the remaining two years, I think it is, of our transitional period. So, it is a very significant matter that the Commonwealth on this occasion, and this occasion only, has sought to impose very onerous and quite unacceptable conditions on the Chief Minister seeking what, in my view, it was her right to seek.

Mr Speaker, the fact of the matter is that last year the Territory received \$30m in special revenue assistance without any conditions. This year, if you look at the forward estimates, you will see that we had anticipated getting \$20m in special revenue assistance. I repeat that it is my view that Mrs Carnell had every right to seek and to secure that \$20m without conditions. I do not condone what has happened here, but I certainly agree with Mr Humphries that the deal was not advantageous to the Territory; that the Commonwealth did play hardball. I think it is only to be regretted that Mrs Carnell did not play hardball right back to them and say to them, "There is no deadline on this. Go away".

Mr Humphries: Tell the Commonwealth to go away! That makes a lot of sense.

MS FOLLETT: Exactly, Mr Humphries. Sometimes you are in a position of strength, even with the Commonwealth. When you own the land that they have said they want, it puts you in a negotiating position of strength. Let me explain it to you. In order to counter Mrs Carnell's position of strength, the Commonwealth sought to impose a deadline which did not exist. It is the oldest negotiating trick in the book. They really should have been told by Mrs Carnell, "If you look at the forward estimates published by our Labor predecessors, you will see that there is \$20m in the forward estimates expected in special revenue funding".

Mr Speaker, I believe that Mrs Carnell needed to point that out to the Commonwealth in no uncertain terms and that there were no strings attached to previous special revenue assistance measures from the Commonwealth. She should have also said to the Commonwealth that it was outrageous to expect this kind of a deal to be done with no consultation whatsoever, with no forewarning to the many groups who are already occupying Acton Peninsula, with no satisfactory arrangement for the child-care centre. That child-care centre is groundbreaking in itself because of its government-provided child care for the children of Government Service officers. I think that sort of initiative deserves to be protected. At least the arrangement deserves to be thoroughly examined before you give away the land.

Mr Humphries: We are not giving away the land.

MS FOLLETT: You did give away the land. You have told me that it has no dollar value. Mr Speaker, I think it is very much to be regretted that Mrs Carnell was forced into this move by the Commonwealth. As I say, I am disappointed in my Federal colleagues over this matter. I also think it is very much to be regretted that, having already lost Acton Peninsula, we are also as a Territory about to lose the Kingston foreshore, for Mrs Carnell made it very clear yesterday that it was her intention, as a part of some "joint venture" arrangement, virtually to hand over the Kingston site to the developers, although she did concede in answer to a question from, I think, Ms Tucker that it would be the Territory that had to clear up the site before it was handed over. As far as the ACT goes, we have all the tasks and all the expense but none of the advantages and none of the control either - all because, I believe, the Commonwealth, through a force majeure tactic which they should have been told to go away and sit on, have succeeded in doing a deal which is not to the advantage of this Territory.

I believe that the Assembly has every right to scrutinise this matter as thoroughly as we are capable of doing. I am very pleased indeed that that scrutiny is occurring through the Assembly's committee processes. I have listened very carefully to all of Mrs Carnell's attempted answers on this matter over the past couple of days, and I have no confidence whatsoever that the Assembly will be properly informed on the further development of these negotiations. We have had no substantive answers on any matter in two days of questioning. When I asked for a categorical answer, I did not get one. When I asked

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about the non-government organisations, they were not even addressed, although Mrs Carnell had three occasions on which to do that. I regret to say that I believe that Mr Berry's motion is very necessary, but I commend my amendments to the Assembly as a bit of a compromise position which may make for an easier passage of the motion.

MR MOORE (4.05): Mr Speaker, there is no doubt in my mind that the motion was prepared and put up in good faith. The amendments have been prepared as compromises and also in good faith. When I originally saw this motion - and Mr Osborne tells me that the same applies to him - it was prior to question time, before the Chief Minister had responded to a series of questions and in fact given a series of undertakings. Following discussions between Mr Osborne and me over the last few minutes, along with a range of other members, we believe that Mrs Carnell has actually given the undertakings that are called for in what would turn out to be the final motion and that they are in place. Mr Speaker, from my dealings with Mrs Carnell since she became Chief Minister and for that matter in the three years prior to that, I have no reason to believe that she will not stick to her undertakings. Therefore, I am prepared to accept her undertakings rather than try to tie the matter down with this motion.

Mr Berry, before putting this motion, spoke to me and I said, "Yes, I think the motion is quite a good idea", although I have always had problems with the first line of it and I circulated an amendment. I can understand why the motion was put up. Having spoken again with Mrs Carnell, I believe that what you are trying to achieve by the motion has already been achieved and it is unnecessary for the motion to go ahead. It is a matter I still intend to pursue as chair of the committee. Mr Osborne and I have agreed that we will not support the motion.

MRS CARNELL (Chief Minister) (4.07): In speaking to the amendments, may I state again to this Assembly - I do not think I have to now for the Independents and the Greens - that we will not go ahead with any contract, with any agreement, with any tender to progress the levelling of any buildings or the demolition of any buildings on Acton Peninsula, before the committee reports and before this Assembly knows exactly what happens. Even if the committee has reported, we will make sure that this Assembly knows everything that happens with regard to the competition and with regard to any of the future of Acton or, for that matter, Kingston.

This is an incredibly important issue for this whole Assembly. It is something I have spoken about before as being very exciting. I am interested in a couple of statements from the previous Chief Minister, Ms Follett. On 19 October 1994 she said:

We certainly will be pursuing it, a land swap with the Commonwealth ...

She went on to talk about that. She then said that the future of the old Canberra hospital buildings "remains to be seen". She conceded that they could be demolished.

Mr Humphries: But that was a Labor demolition. That is all right.

MRS CARNELL: It is a different sort of demolition, yes. I was not quoting those remarks to make any point but that this issue has been on the agenda of this Assembly for a very long time and has been in front of whichever government has been in power for a very long time. The previous Chief Minister was looking at a land swap. She was looking at demolition of the buildings on Acton Peninsula. She certainly was looking at a few things that we were not looking at, such as residential and commercial space. It does show that this is an issue that has been around for a long time.

This is an issue that must be handled by this Assembly as a whole as we progress to getting it right. As I have said, we will not enter into any contracts or anything else until the Assembly committee has reported and until this whole Assembly is aware of what we are doing. It does not look like we are ever going to get support from the Opposition on anything with regard to this site, but certainly everybody else will be very well informed and, hopefully, on board.

MR CONNOLLY (4.10): Mr Speaker, I will not re-enter the controversy; but when I referred Mrs Carnell to a question in which she was asked repeatedly for written agreements that she failed to produce, although she now says that there is a legally binding exchange of letters, I referred to a question asked on Tuesday. In fact, the question was asked on Wednesday, so I apologise to the extent that I got that wrong.

Question put:

That the amendments (**Ms Follett's**) be agreed to.

The Assembly voted -

AYES, 7

NOES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

MS HORODNY (4.14): I move:

After the words "money be spent" insert the words "other than assessment of environmental costs and factors including contamination".

The reason for this amendment is that the motion moved by Mr Berry does not include provision for money to be spent on site assessment and factors including contamination, so I would like to add those words.

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MR BERRY (4.15): The amendment proposed by Ms Horodny makes sense, but it does not make a lot of sense if the motion is not passed. I think a few points have been missed here. A lot of promises have been jettisoned in this very short period of the Liberal Government. I think it is very important that that issue is emphasised and that members of this Assembly pay regard to those ditched promises and the need to make decisions in this Assembly.

Mr Humphries: I take a point of order, Mr Speaker. I think that Mr Berry is entitled to speak to the amendment moved by Ms Horodny but not again to the motion.

MR BERRY: It is part of the motion.

MR SPEAKER: It is not yet part of the motion. The Assembly is discussing Ms Horodny's amendment. It has not yet become part of the motion, unless you have indicated that it is.

MR BERRY: In due course it will be, if it passes.

MR SPEAKER: If it is passed.

Mr Humphries: Discuss the amendment, not the motion.

MR SPEAKER: We are discussing Ms Horodny's amendment. I must uphold Mr Humphries's point of order.

MR BERRY: Speaking to the point of order, this is an outrage from Mr Humphries; but we can expect it from him. This is the man who said, when he first went into opposition, "I can now be honest; I am in opposition". He obviously has returned to his old stage.

The issue is this issue of negotiations, and whether or not negotiations will come to conclusions with the Commonwealth. We know that there are officers meeting with Commonwealth officers. It is very important that we ensure that that process does not proceed to finality until the Planning and Environment Committee meets. Mr Moore says that he is confident that Mrs Carnell will stick to her word. I have not really heard her give her word, clearly, on many things here today. He might have had the benefit of something behind the scenes, but I - - -

Mr Kaine: I raise a point of order, Mr Speaker. Are we debating Ms Horodny's amendment?

MR SPEAKER: We are indeed.

Mr Kaine: I am not certain of the relevance of what Mr Berry is saying at the moment to that amendment.

MR SPEAKER: I do uphold the point of order and I make the point - - -

MR BERRY: You surprise me.

MR SPEAKER: I will ignore that.

MR BERRY: Why?

MR SPEAKER: I make the point, however, Mr Berry, that, a bit like Zion, "Glorious things of thee are spoken". I am sure that you are quite capable of bringing what you wish to say within the context of Ms Horodny's motion.

MR BERRY: Indeed I do.

MR SPEAKER: Please bring them within that motion, and I am sure that we will all be very happy.

MR BERRY: Let me connect them. Ms Horodny's amendment makes no sense without the motion being passed, and there is opposition to the motion. Therefore, that opposition needs to be put away as well. Having made that connection, Mr Speaker, I have heard Mr Moore say that he will not be supporting this motion. He ought to reconsider his position because the Liberals opposite do not have a good record of sticking to their promises. What happened to the full and open consultation that was going to occur on this matter? Mrs Carnell bleats now that she will provide that consultation and make sure that everybody is aware. We would not have been in this bind if it had happened beforehand. That is the real problem.

I do not believe, and neither do my Labor colleagues, that Mrs Carnell can be relied upon to stick to her word. You see, we have heard it before. In relation to the motion that has been put before this chamber, it sends a very clear message that this chamber has a point of view about what ought to happen in relation to those two sites. It is not what the Liberals and Mr Moore or the Liberals and Mr Osborne have agreed to between themselves. It is a statement from this Assembly that is a very clear one. It would include those words which have been put forward by Ms Horodny because they make it very clear that there can be work done in relation to those environmental factors.

I say, again, that it is important for people to consider those issues. Do they want this Assembly to make a clear statement about these issues, given that there has been a lot of debate about it, and to make sure that the Government has very clear riding instructions and there can be no question about those riding instructions; or do they want a position where just a few of them have sat down and between themselves reached an agreement which may or may not stick? There has been, if you like, a contract with the community by the Liberals on the issue of consultation that has been breached. That clearly has been breached.

Mr Hird: That is only your interpretation.

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MR BERRY: Mrs Carnell has admitted, I think - if I can work my way through the words - that there has been no consultation. She relies on some mischievous interpretation of a letter that was sent by Ms Follett about the proposed uses of the peninsula as some form of consultation process which would remind all of the people who might be affected by changes on the Acton site that something was going to happen. What was it that was going to happen down there? I tell you that the only thing they had in front of them was a commitment from the Labor Party to develop health facilities on that site.

Mr Humphries: And housing.

MR BERRY: Mr Humphries, the formerly honest member of the Opposition - - -

Mr Humphries: Oh, come on!

MR BERRY: He said it, Mr Speaker. It is in the *Hansard*. He said, in *Hansard*, "I can be honest now I am in opposition".

Mr Humphries: I take a point of order, Mr Speaker. Mr Berry knows that that is not parliamentary, and he should withdraw.

MR BERRY: I am just quoting *Hansard*.

MR SPEAKER: I uphold your point of order. The inference was - - -

Ms Follett: He said it.

MR BERRY: He said it; it is in *Hansard*, sir.

MR SPEAKER: The inference was that Mr Humphries is no longer honest, and I ask that it be withdrawn.

MR BERRY: No, no. Mr Speaker, I said, "The formerly honest member of the Opposition", and I say to you that he said, "I can be honest now I am in opposition".

MR SPEAKER: Yes. The inference is that he is no longer honest.

MR BERRY: I withdraw the inference, but the facts are pretty clear.

MR SPEAKER: Thank you. You have withdrawn. Please continue with your comments.

MR BERRY: Mr Speaker, the Liberals have a different view from the Labor Party of what the peninsula is. I recall that the consideration of development of that area included West Basin, right around to the boatshed, which included the peninsula. Mrs Carnell made it clear - well, she said it yesterday and I suppose that it is still the same today - that the peninsula that she has in her sights does not include West Basin.

It is mischievous to try to distort the position that was put forward by the Labor Party. It is mischievous to say that consultation has occurred because the Labor Party has said that there will be health facilities there. It is mischievous to say that the community knew that something was going to happen and that that should complete a package of consultation. It is nonsense. How do you make any sense out of that? You just cannot. There is no explanation that would bring you to the conclusion that consultation has occurred. There is certainly no indication that this mob will keep their promises either.

I recall that Mr Moore said during the election campaign that he voted with the Labor Party 60 per cent of the time and with the Liberals 40 per cent of the time; but it seems that 40 per cent of the time includes every time they get themselves in a hole. The Liberals would be very happy about that because, by the look of it, they are going to get in a hole a lot more times, and they will be looking for Michael Moore to save them. That is a shame.

This motion is about a very clear statement from elected members of this Assembly. It is about a very clear statement that hands over the consideration of this issue to the Planning and Environment Committee, which Mr Moore chairs, and a process which Mr Moore claims he is very committed to. That is a process where the committees in this Assembly proceed unfettered. It is now very clear that there is some sort of arrangement between Mr Moore and the Liberals which might lead to a result of some sort about which the rest of us are unclear.

Mr Osborne: Do I have an arrangement too?

MR BERRY: We all had an arrangement a little while ago.

Mr Moore: Arrangements are bad only when they go against you.

MR BERRY: Arrangements are bad only when they are abandoned without notice. The Labor Party sticks to the point of view that there ought to be a motion that is very clear. If you look at all of the answers from the Liberals, and Mrs Carnell in particular, in relation to this whole deal, you could not say that there is any clarity about their position. About the only thing you could say is that it is very unclear and hazy. From our point of view, this is the chance for members to make a clear statement - four lines; a short paragraph - which binds the Government. The Government does not want to be bound, and their record has shown that they do not feel bound by anything. They would be bound by a motion of this Assembly. Now, it seems, they are going to get the chance to skip again.

MR MOORE (4.26): Mr Speaker, it is very interesting how Mr Berry always likes to talk about behind the scenes arrangements and such things. I actually spend much more of my time discussing with Mr Berry what should go on than I do with most other members. I said to Mr Berry that I would support a form of words similar to the one that he eventually came up with prior to question time. It did not include the first line. That was part of the negotiations. Since that time, there has been, in this house, a series of commitments made by the Chief Minister.

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Mr Berry: With no clarity.

MR MOORE: Mr Berry says, "With no clarity". He says that they have no clarity at all and that we could clarify them and put them in here. I do not agree with him. Circumstances have changed, because the Chief Minister has made a series of commitments. They are there; they are in *Hansard*. It is not necessary for this motion to proceed, and that is really the starting point. I must say that I have to be careful.

MR SPEAKER: We are dealing with Ms Horodny's amendment now.

MR MOORE: I was just going to point out to you, Mr Speaker, that I need to take care to make sure that I continue speaking. The environmental costs and factors including contamination have been referred to. No doubt arrangements have been made, and behind the scenes negotiations have taken place, to ensure that the correct wording appears in the amendment. In fact, I was part of the behind the scenes arrangement here. I suggested to Ms Tucker and Ms Horodny that help from the Clerk is a perfectly normal process in the drafting of such a motion. Perhaps I was part of the behind the scenes arrangements as far as preparing this amendment goes as well. It all depends on how you see these things - what is done behind the scenes, how you negotiate with people and all these things. It is all a perfectly normal process, Mr Speaker.

Mr Berry's going on in this way makes one cast one's mind back to the notion of casting the first stone. Therefore, Mr Speaker, let me say that, although I see the sense in what is in here - - -

Mr Osborne: We are going to get him back.

MR MOORE: I think it is unnecessary; I think it is redundant.

Mr Whitecross: You are winning him back, Paul.

Mr Osborne: He is wavering; fish on a Friday.

MR MOORE: Mr Osborne is worried that he is losing me right now. No; we are close to each other. You will have noticed, Mr Speaker, that each of us takes his turn as players in question time. We thought that such an arrangement was fair enough. We had it nicely arranged. We try to achieve our goals. With those words, Mr Speaker, I will sit down. I indicate that I will vote against this amendment.

MR HUMPHRIES (Attorney-General) (4.29): I would like to say, Mr Speaker, in speaking to Ms Horodny's amendment this afternoon, that I actually have great admiration - - -

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

In doing so, I point out that standing order 34, adopted this morning, is not operational until the temporary order agreed to by the Assembly on Tuesday ceases to operate.

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

Question resolved in the negative.

ACTON PENINSULA AND KINGSTON FORESHORE DEVELOPMENT PLANS

Debate resumed.

MR HUMPHRIES: Mr Speaker, I must say that, after today's debate, I admire Mr Berry. Mr Berry has come into this place and has not skipped a beat. He has a view of the world which has not changed one iota.

Ms Follett: I raise a point of order, Mr Speaker. You have required other speakers to remain relevant. I think that you should require the same thing of your own team.

MR HUMPHRIES: Mr Speaker, if I can address that point of order: I am praising Mr Berry. I am not criticising him; I am praising him.

Mr Berry: Mr Speaker, I can do without it. I will be right without it; thank you very much.

MR SPEAKER: I seem to remember that in *Julius Caesar* someone did the same. Please proceed, Mr Humphries.

Mr Berry: I do not think that this motion concerns praise of me.

MR HUMPHRIES: I will bury him later; I will praise him, for the moment. The ALP suffered a very significant election defeat.

Ms Follett: Mr Speaker, I raise a point of order. The matter before us is Ms Horodny's amendment. Mr Speaker, correct me if I am wrong, but you continually called Mr Berry to order because of relevance. I think that you should do the same with Mr Humphries.

MR SPEAKER: I called on him to address Ms Horodny's amendment; that is true. I would invite Mr Humphries to do the same.

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MR HUMPHRIES: Speaking to Ms Horodny's motion: It is interesting that, after a fairly serious defeat last February at the hands of the electorate, Mr Berry has come back into this place and maintains the very firm view about the Liberal Party that we are still the servants of Satan; we still move around in little pools of slime.

Ms Follett: Mr Speaker, I rise on a point of order. The point of order is that Mr Humphries continues to defy your ruling that he remain relevant to Ms Horodny's amendment. You insisted that other speakers remain relevant to the amendment. I ask that you insist that Mr Humphries also remain relevant.

Mr Moore: On that point of order, Mr Speaker: I think that, in responding to Ms Horodny's amendment, it is appropriate that the Minister respond to some of the issues that Mr Berry raised. Let us not forget that he was the one that was saying that Mr Humphries can be honest now and quoting, quite correctly, about Mr Humphries being honest now that he is in government and not in opposition.

Mr Berry: No; dishonest. He was honest when he was in opposition.

Mr Moore: I understand what you mean. I think that it is reasonable that Mr Humphries have at least the same latitude to be able to explore this issue as Mr Berry had.

MR SPEAKER: I would ask all members to be aware that we are discussing Ms Horodny's amendment. There is some leeway in terms of the debate; but, as I have pointed out to other members earlier, they must basically stay with the amendment itself. They must not canvass earlier parts of this debate or, for that matter, other aspects of matters before or not before the Assembly. I invite all members to take note of what I have said. Mr Humphries, please proceed.

MR HUMPHRIES: Thank you, Mr Speaker. It appears that members opposite are not interested in the praise that I want to heap on Mr Berry; so, I shall never do so again. I will desist from that course of action.

The logic of those opposite is that Mrs Carnell promised consultation; she did not consult before this decision was taken; therefore, she cannot be trusted on the undertaking that she has given to the Assembly. That is logical, but one of the premises is false. Mrs Carnell never said that there would be consultation on every single action taken by the Government. It is clearly impossible to consult on everything. I remind the Assembly that Ms Follett described her Government as a consultative government; but it did not consult the community about a great many things - VITAB, for example. There are plenty of examples where, unfortunately, by force of circumstance, those things cannot occur. It is quite one thing to say that the consultation did not occur before this action had to be taken. I would suggest that Ms Follett has been out of government for too long already, because she forgets what the Commonwealth can be like.

Ms Follett: Mr Speaker, I rise on a point of order. I do not wish you to be embarrassed by the continual defiance by Mr Humphries of your ruling on relevance. Would you like me to move that he be given leave to speak more broadly?

MR SPEAKER: No. Ms Horodny's amendment is adding other factors to Mr Berry's motion. I do not see that there is anything wrong with Mr Humphries addressing the fact - - -

Ms Follett: VITAB?

MR SPEAKER: Just a moment. If we are going to be that strict in interpretation, some people in this room are never going to say a word. I do stress that this is an addition to Mr Berry's motion. Mr Berry has spoken about the fact that the Chief Minister cannot be trusted in matters relating to what is in his motion. One assumes that he would feel the same way about the additional words that Ms Horodny has mentioned. Presumably, he assumes that the Chief Minister cannot be trusted even on environmental factors or contamination matters. I think that that was what Mr Humphries was addressing in a broad sense in addressing Ms Horodny's amendment. I suggest that we get on with business. I would remind members of standing order 202A. Please proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, I do not wish to take any more time. Clearly, our position is genuine. Mr Berry did not address Ms Horodny's amendment once during his remarks. Obviously, he thinks that I should. However, I put that to one side. The fact of the matter is that we are facing a decision as to whether we are prepared to allow undertakings given in this house to count for anything. I think that, until such time as members of this place who are in the ministry can demonstrate that they cannot be trusted on those undertakings, we should assume that they can.

Mr Berry: We have not been given any undertaking.

MR HUMPHRIES: We have, today.

MS HORODNY: Mr Speaker - - -

MR SPEAKER: Do you wish to seek leave to speak again to your amendment?

MS HORODNY: Yes.

Leave granted.

MS HORODNY: Clearly, I did not address my amendment as comprehensively as I should have. I am very pleased to hear Mrs Carnell's commitment that no tenders will be let, that no buildings will be demolished and that no contracts will be signed. The further point that I was making in relation to Mr Berry's motion was that we have not had an undertaking from Mrs Carnell that commitments with the Commonwealth will not be finalised before the committee hands down its report. I would like that to be clarified.

The amendment seeks to put in place the fact that money should be spent on assessing the site. The motion did not allow for taxpayers' money to be spent on assessing the site. That was the point that I was trying to make. Assessing the site is obviously a very important point. It is something that we want to make very clear, because we do not believe, despite what Mrs Carnell says, that it is adequate to set in place an international

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competition to design a development for the site without knowing, in the first instance, what is on that site and how much it will cost to decontaminate it. Therefore, it is inappropriate to be setting in place parameters for a competition without addressing that issue in the first place. I hope that that clarifies the point.

Question put:

That the amendment (**Ms Horodny's**) be agreed to.

The Assembly voted -

AYES, 7

NOES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross

Mrs Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

Question so resolved in the negative.

Original question resolved in the negative.

LEAVE OF ABSENCE TO MEMBER

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

That leave of absence be given to Mr De Domenico for today, 4 May 1995.

TEMPORARY DEPUTY SPEAKERS

MR SPEAKER: I wish to inform the Assembly that, pursuant to standing order 8, I have nominated Mr Kaine and Mr Wood as Temporary Deputy Speakers. They will take the chair when requested by either me or the Deputy Speaker. I present my warrant nominating Mr Kaine and Mr Wood.

HOUSING

Ministerial Statement

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services): I ask for leave of the Assembly to make a ministerial statement on housing in the ACT.

Leave granted.

MR STEFANIAK: I recently attended the Ministerial Council on Housing, and I believe that it is appropriate that I report to the Assembly on that meeting and the directions in which Commonwealth and State relations are proceeding in the area of housing. I am also taking the opportunity of placing before the Assembly some of our Government's objectives in relation to housing in the ACT.

Firstly, turning to the ministerial meeting: The major discussion item was progress on the development of the new Commonwealth-State Housing Agreement and the reform of housing assistance arrangements in that context. The Commonwealth-State Housing Agreement is the agreement under which the Commonwealth contributes to the provision of public housing assistance within the States and Territories. In general, the funds provided by the Commonwealth to the States pursuant to the agreement are isolated and used for the provision of housing assistance within each State and Territory. The role of providing that assistance is undertaken by the State and Territory housing authorities.

This year is the fiftieth year of the agreement, it having commenced in 1945. The current agreement will expire in June 1996, and work is being undertaken by Commonwealth and State Ministers to renegotiate the agreement. This renegotiation is occurring in the context of fundamental changes to housing assistance which have been agreed to by Housing Ministers in line with key recommendations of the Industry Commission report on public housing. These reforms, which are also part of the Council of Australian Governments agenda, will fundamentally change the roles and the responsibilities of the Commonwealth and the States and Territories in the provision of housing services. The new agreement is designed to focus on people achieving better housing outcomes. As part of achieving these outcomes, the agreement will give greater flexibility to States and Territories to establish their own priorities and to manage and deliver services at the State and Territory level within agreed State, Territory and Commonwealth policy outcomes. The directions of these changes have been approved by the Council of Australian Governments. Housing Ministers at their recent meeting agreed on a timetable for the development of the new agreement. It is proposed that the new agreement will be for a six-year period and will be supported by reciprocal legislation in both the Commonwealth and the Territory. The Commonwealth legislation is seen as an enabling Act rather than proscriptive as in the past.

The responsibilities of the Commonwealth and those of the Territory will be defined in housing plans which will be agreed between the Commonwealth and the Territory. The Territory will be required to report annually against nominated performance criteria established in the legislation and in the plans. The Ministers have endorsed the proposal that the agreement be outcome based, with the Territory having much greater flexibility about how we will meet those outcomes than has been the position in the past.

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I believe that this approach is much more in line with the proper roles and responsibilities of the two jurisdictions and will give the ACT a clear opportunity to determine the way in which it will best meet the needs that arise within this Territory rather than be tied to some general prescriptive actions that do not produce the best outcome for the ACT.

The Housing Ministers have agreed that work should be undertaken to determine a uniform methodology for assessing housing need and to develop a funding model which provides flexibility for the States and Territories to deliver their housing services. The Ministers further agreed that all governments should have a role in determining national strategies for housing assistance arrangements and the overall level of resourcing; in each State or Territory the Commonwealth and State or Territory would reach a bilateral agreement on the application of the national strategies, including target outcomes to be achieved within that State or Territory; thirdly, the Commonwealth is to bear the responsibility for income support and housing affordability; fourthly, within the bilateral agreements States and Territories would be responsible for planning, managing and delivering housing services; and, finally, each State or Territory would be responsible for developing a three-year plan for housing assistance with a streamlined reporting.

One of the important issues yet to be resolved between the Commonwealth, States and Territories is the funding arrangements associated with the new agreement. Currently the ACT receives some \$22m from the Commonwealth. This is based on per capita funding with a minimum amount payable. Some of the proposals for assessing need and allocating funds under consideration in the context of the new agreement, if accepted, could see a substantial reduction in the funds paid to the ACT. Both the Chief Minister, in the context of the Council of Australian Governments, and I, in the Housing Ministers conference meetings, have indicated that we do not regard a move from the per capita funding arrangements as acceptable. Some of the other States support the ACT in this approach, and I will continue to work to ensure that the ACT is not disadvantaged in the new agreement.

The work in which I have been involved in the Housing Ministers meetings has been directed to the Commonwealth-State Housing Agreement, which is public housing; but my responsibilities as Minister for Housing in the ACT embrace all housing issues as they affect residents of the Territory. The housing industry is a major contributor to the health of the ACT economy, and it is important that our Government provide to the industry a clear statement of its objectives and establish a path for the future.

I believe that it is important for the ACT economy to maintain a stable housing industry based on private enterprise, to balance the provision of new housing areas, improvements to existing homes and the redevelopment or upgrading of existing housing areas. Our Government therefore believes that the development and adoption of a clear strategy for housing in the ACT is a priority in order that industry will be able to understand the opportunities that exist both now and in the future. It is important that the housing industry is able to build on the sound base which our Government will provide through proper economic management of the Territory.

The housing strategy will set out the strategic objectives for future years and outline clearly how our Government will assist the private sector in the effective provision of housing within the ACT. The strategy will be developed through consultation mechanisms that allow all those interested in strategic outcomes for housing provision and housing assistance to have their say. In view of the importance I place on this work, I have asked that work on the development of the strategy be progressed as a priority issue, with a view to seeing it being completed early in 1996. The housing strategy will also review the role that community and public housing can play in the provision of a range of housing services to meet the identified needs of ACT residents.

In the area of public housing, our Government believes that there are a number of initiatives that should be pursued in order to ensure that the funds expended on public housing achieve the best possible outcomes. I have therefore directed my department to undertake a number of reviews and to report to me on options for resolving some of the major issues which this Government believes require attention. In the first instance, I have asked ACT Housing to undertake a review of the waiting list for public housing. It is important that this waiting list contain people who are genuinely in need of housing and not those who have sought to be put on the list on the basis that they may need some other form of assistance or might be looking towards assistance in the future.

I have also directed that the Government's policy of allowing tenants to purchase their properties after occupying the property for a period of five years be introduced as soon as possible. Our Government believes that people should be supported in their efforts to achieve home ownership. A reduction in the period of occupation before tenants have the right to purchase will give a large number of tenants the opportunity to become home owners. I have also asked that consideration be given to ways in which tenants might be encouraged to take up home ownership and to ensure that the home lending policies of ACT Housing will support tenants purchasing their own home.

I have been concerned with the amount of money that is outstanding to the Government from its tenants, either through rent arrears or through damage or unpaid tenant maintenance. I have also directed ACT Housing that all new tenants with bank accounts which accommodate direct debit should use this method of payment. This will help ACT Housing to reduce the potential for rent arrears. This arrangement does not involve the tenant in any cost and provides to the tenant a convenient method for regular repayment. I have also directed that ACT Housing should put further effort into the collection of outstanding accounts, and I will shortly be making a further statement on specific measures that have been introduced to this end.

ACT Housing has undergone a major review over the recent year, and one of the major outcomes is a review of the current stock of public housing within the ACT. My Government believes that there is an opportunity to redevelop a significant portion of the existing housing stock to provide additional, more appropriate accommodation for

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present and future tenants. Much of our stock is old and does not meet the needs of our clients. A stock management plan is being developed, and it is my expectation that this plan will identify for the Government opportunities for redevelopment, both by way of single residential units and also for larger combined areas, such as the housing stock along Northbourne Avenue. This will provide opportunities for joint private and public sector ventures. If redevelopment occurs, tenants will have the advantage of better quality accommodation.

These initiatives are being undertaken on the basis that this Government, unlike the previous Government, regards the housing stock as an asset of the Territory as a whole, and that those members of the community who occupy public housing have a responsibility to the community and to the Government to meet their commitments arising from the occupation of that property. All too often tenants have regarded their occupation of public housing as a right without any responsibilities being attached. Tenants may well have come to that conclusion, having regard to the attitude taken by a series of Labor governments in their administration of the ACT. I can assure you that that is not the approach of this Government. Our attitude is to be fair and firm with our tenants.

The Government willingly accepts that it must meet its obligations as landlord; but it also expects tenants to be responsible for meeting all their obligations under the tenancy agreement. It is not acceptable for tenants to continue to occupy public housing and refuse or neglect to pay their rent. It is also unacceptable for tenants to damage public housing or to act in a way that causes a nuisance to their neighbours. I expect that the relationship between government and its public tenants is that of a partnership and that, by clearly delineating the rights and responsibilities of both parties, tenants will develop a pride in their properties, to the overall benefit of tenants and the community as a whole.

In my role as Minister I am committed to seeing the negotiation of a new Commonwealth-State Housing Agreement for the benefit of the ACT; a strong housing industry in the ACT that can plan and progress, based on a clear strategic view of the Government; a new relationship between the Government and its public tenants which supports opportunities for home ownership; and a commitment by both the Government, as landlord, and the tenant to the continued maintenance of the public housing asset in the ACT, an asset that is worth some \$1.4 billion. I table a copy of this statement, and I move:

That the Assembly takes note of the paper.

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

GOVERNMENT'S PRIORITIES AND AUTUMN LEGISLATION PROGRAM
Ministerial Statement and Papers

Debate resumed from 2 May 1995, on motion by **Mrs Carnell**:

That the Assembly takes note of the papers.

MS FOLLETT (Leader of the Opposition) (4.54): Mr Speaker, if imitation is the sincerest form of flattery, then after listening to the Chief Minister's speech on Tuesday I should be feeling very flattered. "We will bring down not a 12-month, but a three-year budget strategy", Mrs Carnell stated, as if this were some profound innovation. Let me quote from another speech: "This strategy provides a sound financial framework for this Government's policy agenda over the next three years. The budget strategy is designed to enable the Government to implement its agenda". That extract was not from Mrs Carnell; it was part of my statement to this Assembly nearly three years ago, in 1992, when I introduced the Labor Government's three-year budget strategy.

But there is one vital difference. When I introduced the Labor Government's three-year budget strategy it was in June, after a February election. On this occasion, of course, we have been told that we will have to wait until September for the Liberal Party's budget. That is a disgraceful and completely unnecessary decision. It is a decision that will leave business, community organisations and government agencies up in the air, with no ability to plan or to budget. It is a decision that will cost the Territory dearly in terms of business confidence and lost opportunities.

The community knows only that Mrs Carnell and her Government are hell-bent on reducing every decision to a dollar value. "There will be no new money for anything unless I can be shown that there will be a dividend", Mrs Carnell has promised. What a grim philosophy! What a negative, Dickensian world Mrs Carnell promises to the people of this Territory who have such pride and reassurance in the services and resources that have been available to them! Mandatory reporting of child abuse, the care of the ageing and the care of the intellectually disabled are all reduced to a dollar value. Only yesterday we heard Mr Stefaniak, the Minister for Children's and Youth Services - and I would say that that is a misnomer - saying that because this Government refuses to provide sufficient money the Child Protection Unit will prioritise the cases that it handles and postpone the others. What a travesty of the meaning of community service! Heaven help those children in the ACT whose abuse will cost too much money to investigate.

Many of the positive proposals outlined in Mrs Carnell's speech are simply the completion of decisions already made by the Labor Government, and no-one should be surprised by this. They were good decisions - good for business, good for the social welfare of the Territory and good for government. I would like to remind the Assembly that the economy was managed so prudently by the previous Labor Government that it achieved the highest AAA credit rating from Standard and Poor's. Even Mrs Carnell, to my knowledge, has not so far attempted to suggest that Standard and Poor's was tricked into giving the ACT Government a rating higher than it deserved, although I would not put it past her at some point.

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Among these Labor initiatives, which the Carnell Government now claims as its own, are the new adolescent ward and cardio-thoracic unit at Woden Valley Hospital; the draft 10-year tourism strategy; the staging of the 1997 Masters Games; the policy of precinct management; CIT courses for contemporary music and arts and craft industries; regional cultural planning; and the development of cultural precincts. The commitment to halve the amount of waste going to landfill by the year 2000, which the Chief Minister describes as “the national agreement”, as though she had achieved this, was in fact an ACT Labor election promise in 1992, which we were successful in having adopted nationally.

Other so-called new proposals are in reality only the further development of good Labor Government initiatives. Among these are the development of Canberra's sport and the related sports industries to take advantage of the 2000 Sydney Olympics; the introduction of accrual accounting; the expansion of the library service to provide a full range of community information services; the adoption of a whole-of-government approach to waste management; and the implementation of the findings of the Lansdown review. These are all important issues, and I emphasise that, without exception, they were all initiatives of the previous Labor Government. None of them required any delay in the budget. But I am not flattered by Mrs Carnell's speech. Like all right thinking and caring people, I am appalled by the picture that Mrs Carnell paints for the future of Canberra, because it is a picture dominated by the grey, soulless philosophies of those other icons so revered by the Liberals - Ronald Reagan, Jim Bolger and Margaret Thatcher.

Let us look first at the internal contradictions in the Chief Minister's speech. “If we are to get on top of health costs in the ACT”, Mrs Carnell said, “we will have to make some tough decisions”. What was her very first tough health decision? It was a memorable one. She caved in to the doctors - those grasping predators of the health profession who grumble that it is unfair to expect them to live on \$143 an hour - and guaranteed that they would remain the highest paid doctors in any health system in Australia. If that is Mrs Carnell's idea of a tough decision, I shudder to think what the cost to the Territory is going to be when she sets about implementing all the other decisions that she is threatening to impose on the ACT. The exceptions, of course, are the poor, the intellectually disabled, the abused and the carers. With no bargaining power, they will be a pushover for a Chief Minister who has already, through her inept handling of the Acton Peninsula fiasco, given a new meaning to the word “pushover”.

Another quotation that I believe will come back to haunt Mrs Carnell was, “Corporatisation will not be the first step towards privatisation”. We have heard those words many times before from other socially conscious, caring conservative leaders - Reagan, Bolger, Thatcher and Kennett amongst them. They are harbingers of social disruption and misery - every one of them. They privatised community assets and services at great cost to those communities and accompanied by great pain and inconvenience to those least able to afford the invariable increases in costs that accompanied the privatisation. I will return to the privatisation debate in a moment. But let nobody be deluded; corporatisation in Mrs Carnell's and the Liberals' philosophy is the inevitable precursor to privatisation.

There was a rather skilful backflip in Tuesday's speech which was executed by Mrs Carnell with all the skill of a graduate of the Flying Fruit Fly Circus. We now discover, to our surprise, that the Liberal Party supports a fast train to Sydney. This is the same fast train which was so ridiculed by this Government when it was in opposition, when they were strident in their criticism of our decision to contribute to the feasibility studies on both the Tilt-train and Speedrail.

Mrs Carnell: We always supported it; you know that.

MS FOLLETT: Interjections to the contrary are blatant untruths, Mr Speaker.

Mr Humphries: I raise a point of order. Mr Speaker, to say on the floor of the Assembly that someone is telling an untruth is out of order. If Ms Follett does not know that by now, she never will.

MR SPEAKER: Ms Follett, I would ask you to withdraw the "blatant untruths" comment.

MS FOLLETT: Mr Speaker, my comment was "interjections". I did not attribute it to any member.

Mr Humphries: It was in response to an interjection from Mrs Carnell. It was clearly directed at Mrs Carnell's comments, Mr Speaker.

MR SPEAKER: In the interests of getting on with this, could you withdraw - - -

MS FOLLETT: Mr Speaker, in the interests of my getting on with my speech, I would ask you to stop those opposite baying like a pack of hounds.

MR SPEAKER: I most certainly will.

MS FOLLETT: I could not tell who was interjecting. That was why I made a general comment. The light rail proposal, which was so skilfully and responsibly handled by the previous Urban Services Minister, David Lamont, to the chagrin of the Liberals who again mocked it continuously, suddenly has their support now. But, then, transport is not the greatest strength of this Government, epitomised as it is by Mr Humphries's obsession with getting his helicopter at any cost. If he wins that one in Cabinet, Mrs Carnell's budget will look even sicker than it is going to now.

To return to the issue of privatisation, or corporatisation as the Liberals euphemistically prefer to call it: Let there be no mistake, corporatisation to this Liberal Government is their pseudonym for creeping privatisation. It is the same, failed conservative agenda that has been tried and found to be cruelly wanting in other States and other countries during the 1980s and the early years of this decade. The Chief Minister talks of ACTEW and ACTION being "competitive with similar entities in other States". What a brilliant philosophy! How is the Sydney Water Board to provide Canberra with its water; or the Brisbane City Council, our bus service? What a lot of nonsense! But, then, commonsense has never been a prerequisite for a seat on the front bench of this Government. Whatever the jargon, no matter whether the words are "contracting out",

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“contestability in the marketplace” - what a beauty! - “corporatisation”, or any other smart and confusing words, what we are talking about is blatant privatisation, that traditional plank of the Liberal agenda. Privatisation is the inevitable result, because the Liberals never have supported, do not support and until hell freezes over never will support, the public sector. We heard Mr Humphries on Tuesday, on the first working day of this Assembly, refer to good workers and bad workers. The good workers wear the stethoscopes; the bad workers are the public servants, in Mr Humphries’s view.

The Government may, at least for the time being, retain ACTION as a public body; but what has been declared already is that individual bus routes and, inevitably, the jobs that go with them will be provided by the private, not the public, sector. Try telling the bus driver or the mechanic, who used to be an ACTION employee and who is now forced to work for, say, Greyhound-Pioneer or Murrays - assuming that they are able to get a job at all - that privatisation has not happened. Lost conditions of service, probably lost access to the public service superannuation schemes and, most importantly, lost access to public service jobs in the Territory are not remote possibilities but highly likely probabilities; and the ultimate loser always is the entire community. Those who need public transport - the young, the elderly, people with disabilities, the disadvantaged - will no longer be able to participate fully in our community. There will be many losers, and they will certainly include the residents of the outer suburbs of Canberra, whether in Gungahlin or Tuggeranong, who will probably be left with no service at all. Even if the service does survive, it will inevitably be extremely expensive.

The current Deputy Chief Minister said last night, about bus fares, that on certain routes they may go up; and it is not hard to identify the areas. He also said, “We may even see mini-buses and more taxis driving around town”. He at least recognises the effect of the creeping privatisation proposed by this Government. “Do not worry about having a bus service”, Mr De Domenico says, “we will lay on more taxis”. Who cares that the cost of taxis will ensure that they are not even an option for many people? Certainly not this Government. Similar processes will take place in many other areas of community service provided by the Government - services which are provided by government because it is rightly the responsibility of government, in a caring, civilised society, to provide them. You need only to cast your minds back to 1990, and remember Mr Humphries's plan to close over 20 schools, to see the divisions that can be created in our community by conservative governments.

I have to turn now to the most depressing part of the Chief Minister's speech, because even more disturbing than what she included in her speech is what her speech does not include. What it does not include is any comfort whatsoever for those who deliver and those who need the myriad community services that are the hallmark of a humane, civilised community. Budget management should be a tool that assists government to deliver essential community services. It is a means to an end. When I delivered my Government's budget in 1992, I said of our strategy:

The Government does not see the annual Territory budget as an end in itself. The budget is a tool for the implementation of the Government's policies and programs. Our budgets will serve the interests of the community, not the reverse.

I would like to repeat that last sentence for Mrs Carnell's benefit:

Our budgets will serve the interests of the community, not the reverse.

It is quintessential to the Labor Party that budget management is a tool which commits the orderly and humane delivery of services to the community and, above all, to those members of the community who most need public services. No matter whether they are young or old, poor or sick, homeless or dispossessed, there are, and sadly there always will be, those who depend on government services to sustain a quality of life that many of us take for granted. The fact that we live in a city which provides us with a standard of living that is unsurpassed by almost any other city in the world serves only to heighten the need of those who, often through no fault of their own, are not able to share in those advantages.

One of the most visible and telling differences between the policies and philosophies of the Labor Party and those of the Liberals and other conservatives is on this commitment to social justice, this imperative to meet the needs of the disadvantaged in our community. (*Extension of time granted*) Those people do not want contestability in the marketplace or any other dry, ideological jargon. What they need is a level of community service that meets their needs; and I cannot believe that there are any fair-minded Canberrans, and Canberrans are fair minded, who would disagree.

Unfortunately, under this Liberal Government many needy, troubled people in our community will now be denied the community services which they need and which they know would have been provided under a Labor government. There will be no aged advisory council, nor the provision of an ethnic aged liaison officer. Senior citizens organisations will not be provided with capital assistance to enable them to expand their facilities. The ACT Council of Social Service has been threatened with defunding because the Chief Minister has a longstanding and personal dislike of its chief executive. Women will get no additional assistance in returning to the work force, and the facilities for our young disabled will scarcely be improved.

I serve notice to this Assembly and to the people of Canberra that, even from opposition, the Labor Party will seek to implement those vital key policies; and we will do so because we will not sit idly by while this Government sets about destroying the very fabric of life for so many of our citizens. When we finally see the Government's three-year budget strategy and its budget, we will examine it in fine detail. We will seek to protect the services to this community. We will seek to protect the assets of this community from the excesses of the Liberals. We will seek to prevent the implementation of those Liberal policies which clearly do not have the support of this community or of the ordinary working people of Canberra, and we will protect the jobs of Canberra's public servants. In short, Mr Speaker, we will represent the interests of those whom we were elected to represent and, indeed, the whole Canberra community.

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

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ACTON-KINGSTON LAND SWAP

MRS CARNELL (Chief Minister): Mr Speaker, I want to correct a statement that I made earlier today.

MR SPEAKER: Certainly. Proceed.

MRS CARNELL: Earlier today I said that I would be able to give to the committee the exchange of letters with the Commonwealth. What I will be able to give to the committee is the letter from us to the Commonwealth and the press release that the Commonwealth issued after the agreement was reached. Unfortunately, it appears that the Prime Minister is notoriously slow at clearing letters out of his office. I am assured that the letter is in transit. As soon as I knew, I wanted to bring it to the attention of the Assembly that the press release has been issued by the Commonwealth laying out the basis of the agreement; our letter has gone; we have reached an agreement; and the letter from the Commonwealth is in transit. As soon as it arrives, I will make sure that the committee gets it.

ADJOURNMENT

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

That the Assembly do now adjourn.

Acton-Kingston Land Swap

MR BERRY (5.13): I am flabbergasted. I want to say something in relation to the matter. One has to take a little while to get one's lungs full of oxygen after such a flabbergasting announcement.

MR SPEAKER: I am surprised that you could hear it, with the noise that was going on.

MR BERRY: "It will be all right. We will hand over the letters. It will be fine; no worries. This is legally binding. We are bound by it; we cannot get out of it". It will be the first contract I have ever seen committed to by press release. What a joke! How on earth could you possibly argue - on the basis of a press release, for heaven's sake - the case that you did in relation to the motion that was moved earlier? You could send a message to our colleagues in the Assembly about the weight of any of the commitments that are given by Mrs Carnell and the Liberals; but this is absolutely flabbergasting and disgusting. You have tricked the community out there. You have got them beaten down. The motion did not pass; so, you are happy. No wonder, with that sort of background!

Government's Legislative Program : Night Sittings

MR HUMPHRIES (Attorney-General) (5.15), in reply: Mr Speaker, to close the - - -

MR SPEAKER: You will be closing the debate.

MR HUMPHRIES: Yes, I am aware of that. I will close the debate if no-one else wishes to speak. There are just two matters. One is that it has been drawn to my attention that in the Government's legislative program, under the heading "Environment, Land and Planning", first priority legislation, the details appear to explain an amendment to the Ozone Protection Act 1991. Much as I would like to create a growth industry for the ACT in collecting certain things that everyone else is getting rid of, I have to say that when the description says that the Government will be phasing in chlorofluorocarbons and bromofluorocarbons in accordance with the Australian and New Zealand Environment and Conservation Council Revised Strategy for Ozone Protection in Australia, it really meant, of course, that it will be phasing them out.

Mr Berry: I started to write a press release about it yesterday. But I thought that nobody would believe this; so what was the point?

MR HUMPHRIES: I am sorry, Mr Speaker, but I do not believe that Mr Berry would pass up an opportunity to have a go at us. I do not believe a word of that.

I also took the liberty of addressing this question of what city councils do by way of sitting on in the evenings. I checked it out. I checked with the Brisbane City Council. I thought that it was a likely model for the ACT, given its size. The Brisbane City Council apparently does have provisions for Tuesday night sittings. However, it appears that it has been a very long time since it actually sat on a Tuesday night. Apparently, there was a lack of interest on the part of the Brisbane City Council in doing that. They sit at 2.00 pm on Tuesdays and finish between 5 and 6 o'clock in the afternoon. For the whole of this year, for example, no sittings have gone beyond 5 or 6 o'clock in the afternoon. It appears that not everybody is as enlightened as the Opposition here about how valuable it is to sit on Tuesday evenings, particularly as far as city councils are concerned!

Question resolved in the affirmative.

Assembly adjourned at 5.17 pm until Tuesday, 9 May 1995, at 10.30 am