



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

31 May 1995

Wednesday, 31 May 1995

Discrimination (Amendment) Bill 1995	597
Tobacco consumption	598
ACTION - corporatisation	611
Questions without notice:	
Health services - job losses	625
Planning and land management	628
Government Service - office accommodation at Gungahlin	630
ACTEW - corporatisation	631
Health services - consultancy	633
ACTEW - corporatisation	634
Government Service - office accommodation at Gungahlin	635
Taxes on building materials	638
Police chaplain	640
Gungahlin Town Centre	641
Aboriginal and Torres Strait Islander Consultative Council	643
Ministerial conduct	644
National Road Trauma Advisory Council	644
Papers	645
Rehabilitation services - review (Ministerial statement)	646
Questions without notice: Health services - consultancy	648
Namadgi National Park (Matter of public importance)	648
Namadgi National Park - management arrangements	665
Personal explanation	668
Assembly business - precedence	668
Workers Compensation Provisions - select committee	669
Personal explanations	673
Administration and Procedure - standing committee	676
Private members business - precedence	677
ACTION - corporatisation	677
Adjournment	681

Wednesday, 31 May 1995

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

DISCRIMINATION (AMENDMENT) BILL 1995

MS FOLLETT (Leader of the Opposition) (10.30): Mr Speaker, I present the Discrimination (Amendment) Bill 1995.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill addresses the problem that was identified yesterday by the Chief Minister in her answer to a question from my colleague Mr Connolly. The Human Rights Office, it appears, is unclear whether the employer, for the purposes of discrimination under the ACT Discrimination Act, is the Territory or an individual member of the Legislative Assembly. As was identified in the unfair dismissal case that was brought against a member of this Assembly, at times the employer, for the purposes of the legislation, is the Territory, not the individual MLA. In that case, in my view, it was appropriate that the Territory should be the respondent, given that an individual employee should not be disadvantaged if an MLA refused, for instance, to pay any benefits to which the employee was entitled. However, where discrimination is alleged, it is most appropriate that the person actually accused of discriminating against an employee or potential employee is held responsible for that conduct. The Discrimination Act provides for procedures such as conciliation and compulsory conferences between the parties. Such procedures simply do not make sense if the Territory is deemed to be the employer, rather than an MLA.

Mr Speaker, this amendment will clarify the legislation so that it is abundantly clear that individual MLAs are responsible for their actions in relation to persons employed, or seeking to be employed, as members of their staff. And this is as it should be. MLAs, by standing for, and being elected to, this Assembly, accept a role of leadership in our community. That role demands that they observe standards that are higher than those expected of ordinary citizens. This amendment to the Act will establish that the standards of behaviour required of citizens of the ACT by law passed by this Assembly are also required of MLAs personally, and not the Territory as employer. I accept that it is unclear whether this requirement already exists. Some lawyers would argue that it does, in fact. But the obligation on this Assembly is to clarify the law when any doubt exists, and that is what I am proposing to do.

Mr Speaker, there are two points that must also be made clear in the debate on this proposal. Firstly, it will in no way inhibit members of the Assembly from choosing their personal staff on the basis of political conviction. Clearly, such a proposition would be quite unworkable when it came to members appointing personal staff under the LA(MS) Act. But section 45 of the Discrimination Act already provides an exception on the grounds of political conviction for members of this Assembly, political parties and similar employment. Secondly, Mr Speaker, the Bill which I am introducing is not retrospective. It will apply only after the legislation is passed and brought into force in the normal way. It does not, and will not, apply to any current case under the Discrimination Act. However, I believe that it is necessary to pass this legislation to ensure that the law is clear; to ensure that MLAs are responsible for their actions in relation to their staff or potential staff in exactly the same way as this Assembly has required of the electorate at large; to ensure that the members who make up this Assembly impose on themselves the same standards as they require of the community that they govern; and, finally, to ensure that our community understands that we will accept a high standard of behaviour as elected representatives. Mr Speaker, I commend the Bill to the Assembly.

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

TOBACCO CONSUMPTION

MR BERRY (10.36): Mr Speaker, I move:

That this Assembly:

- (1) notes the pain and suffering caused by tobacco consumption in the community;
- (2) notes the billions of dollars it costs Australia annually;
- (3) applauds the efforts of governments and activists throughout Australia towards the reduction of tobacco consumption;
- (4) notes the continued efforts of tobacco companies to recruit new consumers - particularly amongst the young;
- (5) condemns the Rothmans Corporation for its efforts to maintain and increase tobacco consumption; and
- (6) believes that Health Care Card holders should be given relief for the purchase of nicotine patches under the Pharmaceutical Benefits Scheme.

World No Tobacco Day is something that I have been able to celebrate since first coming to this Assembly. One of the most important features of that celebration has been that each year there have been some gains in the fight against the effects on the community of tobacco consumption. I have particularly enjoyed the proactive role that has been taken by this Assembly. In 1989, Labor set up the first Health Promotion Fund in the ACT. One of its roles was to buy out tobacco sponsorship. Members will note in the motion that I have circulated here today that I seek to condemn the Rothmans Corporation for its efforts to maintain and increase tobacco consumption. It is somewhat ironical that the first tobacco sponsorship that was bought out by the Health Promotion Fund was the Rothmans Cup, in 1989.

Since then, there has been a reduction in, and a considerable effect on, the promotion of tobacco with sport here in the ACT. In 1990, we had new tobacco legislation ready. Subsequently, that was taken up by the Liberal Health Minister, Mr Humphries. But, instead of regulating smoking in restaurants in those days, the softer option was taken, as one would expect from the Liberals. But still the battle went on. In 1991, the Health Promotion Fund process had matured, and we saw new initiatives, new types of promotions and new campaigns.

In 1992, during the election campaign, Labor promised clean air legislation. When that was first mooted, there was a lot of effort put into whipping up a campaign against it out there in the community. The tobacco lobbyists lined up. I still recall some representatives from, I think, the Philip Morris company, who came to me and said that they were sponsoring some sort of an art show at the National Gallery and that, if I kept this up, they would take away their pieces of art. I just said to them, "Would you like me to drive the truck?". They then dropped off that issue. I am not sure whether or not the art promotion went ahead, but I do remember that very first approach by the lobbyists. That was just one small part of the campaign. Members will recall the battle that went on at the ministerial advisory council to get the strongest possible messages on cigarette packets. Those efforts finally paid off, and a move to water down those health warnings was defeated.

The Smoke-free Areas Bill was introduced in 1993. That was landmark legislation for Australia. Whilst the Liberals, then in opposition, suggested that they were the supporters of strong legislation, they did everything they possibly could to undermine the credibility of the legislation. Eventually, that landmark legislation went through this chamber, with some amendments which have, I think, proved troublesome for some sectors of the community. Those amendments were questioned. Nevertheless, the legislation itself was landmark legislation - basically good legislation - and it will lead to better things out there in the community. I think it has received, in principle at least, the support of the community. Of course, the usual lobbyists approached the Government, with seemingly endless amounts of money, raising those usual concerns; but the community was there in support, and that Bill was passed. I think it is something that the Assembly can be proud of.

31 May 1995

Of course, with every action there is always a reaction. We have seen that with the Rothmans campaign which has featured on television in recent times. They are mounting a campaign which is aimed, basically, at recruiting more smokers and retaining the ones they have. I am a little disappointed that a prominent Canberran is associated with that campaign. You really have to question the morals of peddling this stuff. We come to tolerate tobacco companies doing it because we know why they are doing it, but you would have to wonder why anybody would want to be associated with it.

Mr Humphries: Name him.

Mr Osborne: Get into him.

Mr De Domenico: Why not have a go at him? Tear him apart. Name him.

Mr Hird: Mention his name.

MR BERRY: No. I leave that to you lot. The Rothmans campaign certainly deserves condemnation. I have to say that, in being associated with that campaign, you associate yourself with the pain and suffering which is tolerated by the community - less so these days. I should also add that the costs of addiction are borne by us in many ways. I heard it said this morning that \$9 billion is spent every year on health care and sick leave. That takes into account all of those issues where smoking impacts. It affects not just the smokers but also those who, say, suffer from passive smoking - less so in the ACT these days.

That campaign by Rothmans and their agents has to be opposed. We have to strenuously resist that sort of thing. It is immoral that they have so much money to spend, which is earned by making people sick and getting people hooked. To turn back the clock and expand smoking in this community is a step we cannot afford to take. This Assembly, as a place which has led the way in tobacco law reform, is the ideal place to lead the fight against this new Rothmans campaign. We have shown, as a group, that we have been collectively prepared to work to help people get over their addiction. The general principles of the Health Promotion Fund, which was set up by Labor, have received the support of this Assembly from day one and they continue to have the support of all members of this Assembly. The help that it has offered in the past, I think, has been well appreciated.

With this in mind, I think we are also obliged to look out for the people who may be most affected by the recent increases in the price of tobacco. There has been a general level of support in this place for increasing the tobacco taxes; but, at the same time, that impacts on addicted lower income earners. I think there is a genuine need to do something about the reduction in purchasing power, which can affect the lowest income earners in the community. That is why part of my motion goes to the issue of health care card holders being given relief under the pharmaceutical benefits scheme for the purchase of nicotine patches. Too often, health care card holders suffer from poor health. Tobacco smoking should not add to that situation.

I have to add at this point that I am not leaping on the bandwagon with Ciba-Geigy, who market these patches. Obviously, they have an interest in marketing them. It is not always in the interest of the community; there is a profit motive as well. Anybody who leapt in to support their campaign without first questioning it very closely would be very brave. I can see why Carmen Lawrence, the Federal Health Minister, has not immediately agreed to what has been proposed by them. In any event, I support the provision, under the pharmaceutical benefits scheme, of nicotine alternatives, particularly for low income earners. I think that is an appropriate course for the Federal Government to take and it is something that we should be supporting in this place.

I would like to go back to the tobacco companies. Their cause will be a relentless one. They will keep it up. While ever others join with them, we have an obligation to point out to the community that what they are promoting is an early death, early pain and extremely high cost to the community. While ever it is considered to be honourable to be associated with those sorts of campaigns, they will continue to go on. So, it is important that this Assembly expresses a view about it; otherwise, the honourable promotion of tobacco will be allowed to continue, and it will make an impression on the community.

The tobacco companies' argument for trying to recruit more people on the issue of tobacco has been under the guise of ensuring personal freedoms. From my point of view, there are a lot more people out there concerned about clear air than concerned about what have been described by tobacco companies as personal freedoms. I think that, these days, most, if not all, smokers would rather not smoke. But it is not as easy as that. The addiction was peddled for years as if it were a trendy thing to do. Most of the reason why young people take it up today is peer group pressure, demonstrating to the youngsters that it is a reasonable thing to do and that it is fashionable. For some of us, the memory of our own teenage years is starting to dim - - -

Mr Osborne: Speak for yourself, Wayne.

MR BERRY: For some of us. At the same time, we have to acknowledge that peer group pressure amongst teenagers is a matter of considerable concern and it is something that is easily manipulated by people as powerful as those major multinational companies. Mr Speaker, I think it is important that this motion be supported. We have to recognise that the effort has to be a continuing one in order to deal with the pain and suffering in the community caused by tobacco consumption. This Assembly itself will be voting on appropriation Bills, the funds from which will be going to the treatment of illnesses caused by tobacco consumption. We have to applaud the efforts of those activists and other governments throughout Australia, as well as our own government here in the Territory, towards the reduction of tobacco consumption.

There are a lot of people, such as members of Canberra ASH, who work very hard on this issue and who will continue to work very hard. They know that, while they have won a few battles, the war still goes on. We also have to continue to recognise the efforts of tobacco companies to recruit new consumers. But, mostly, we have to condemn people like the Rothmans Corporation and their agents for their efforts to maintain and increase tobacco consumption. That is the real enemy. While ever we sit idly by and allow those campaigns to continue, we will have to live with the knowledge that those campaigns are

31 May 1995

aimed at increasing pain and suffering in the community, whichever way you describe it. They will say that it is just a matter of giving people choice; but it is really about hooking people on a habit which increases pain and suffering and which is of significant cost to the community. They deserve to be condemned.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.51): This would have to be one of the very few issues on which Mr Berry and I see eye to eye. Indeed, except for some elements of the passage of the smoke-free areas legislation last year, there has not been one single occasion, that I can recall anyway, on which I have disagreed with the actions that the previous Government took in the area of cutting the problems associated with smoking in our community. However, while we congratulate ourselves as an Assembly today on having introduced a number of "firsts" around Australia in the area of tobacco control, there is certainly no room for complacency. Young people can still far too easily get tobacco from retailers around Canberra. In fact, only one retailer has been prosecuted under the Tobacco Act, last year. This year, we believe, the police will conduct a number of further surveillance exercises in the area of tobacco sales. While young people can simply walk into retail outlets around Australia, have access to tobacco vending machines and so on, we will lose the battle of trying to stop particularly very young children from starting to smoke.

The Government is also examining the report of a committee - comprising tobacco retailer, youth, health, consumer affairs and education representatives - which reviewed the Tobacco Act. Later this year we will certainly be considering improving the law and its enforcement, particularly with regard to inspection, monitoring and tightening up some of the advertising loopholes that exist in our current legislation. We certainly hope that Monday's announcement to increase the tobacco excise will be a strong disincentive to people to take up smoking - again, particularly to young people. I certainly hope that it will encourage a number of people to quit.

The Government, through its ongoing grants to the ACT Cancer Society, which runs the Quit program, has provided support for people to stop smoking. I congratulate the previous Government for doing that. That will certainly be continued. The Government has also made a commitment to channel 5 per cent of the tobacco excise into health promotion activities. That is something that the previous Government always refused to do; but it is something that this Assembly has supported, certainly at committee level. So, we are really hoping that the increased level of government tax on tobacco products will mean that substantially more money will be able to be channelled into the area of stopping people from smoking.

Mr Berry: Is that 5 per cent of the increase or 5 per cent of the lot?

MRS CARNELL: Five per cent of the total, Mr Berry. We believe that that really will reduce that very strong demand for tobacco products amongst the very young children. I refer to children under the age of 15. We know that, at this stage, the problem is particularly with young girls. Young women are taking up smoking at a faster rate than ever before, and we, in our community, must take head-on the challenge of stopping that happening. The only way we can do that is with good health education and health promotion campaigns, and certainly by substantially increasing the funding to the Health Promotion Fund. We believe that that is a step in the right direction.

I certainly understand Mr Berry's comments about nicotine patches. They have been shown to be a reasonably effective method of stopping people from smoking; but I understand that, right at this moment, the efficacy of nicotine patches is under review. They have been on the market, on prescription, for quite a few years now, and it is certainly time to have a look and see just how well they have worked. I believe that they should be covered under the pharmaceutical benefits scheme. They are very expensive as a one-up cost to people who are on lower incomes. It is something that the Commonwealth really must look at. It is something that is supported by the AMA. It is supported by various other health organisations. I certainly hope that the Commonwealth Government will continue to look at both the efficacy of nicotine patches and also just how often they do help people to give up smoking. They do not work on their own. People also have to have access to adequate counselling and adequate information about just what smoking does to them. So, nicotine patches on their own are certainly a help, but they are not the answer.

Quitting successfully is particularly important when you realise just how much smoking is costing people. The cost of smoking, which is the theme of this World No Tobacco Day, is around \$2,000 per year after tax. If somebody is on a pension of about \$6,000 a year and \$2,000 is taken out, that is an enormous amount of money. For anybody, it is a large amount of money. So, it would certainly be a major windfall for anybody on a low income if they could give up smoking. We have to make available, again to people on lower incomes, as well as to the rest of the community, the avenues for giving up smoking. Some very salutary statistics were presented in research published last year by Peto et al. They said:

... based on global figures, among 1,000 young Australians who smoke today, fewer than one would be murdered, nine would die in car accidents, but around 250 will die before the age of 69 from smoking related diseases. A further 250 will die prematurely after the age of 69 from smoking related causes.

That really puts in a nutshell just how dangerous this product is. Mr Speaker, I think it is very appropriate that Mr Berry brought forward this motion today, on World No Tobacco Day. It is an issue that affects all of us. It is an issue that affects our health budget and our community generally.

It is good to see how community attitudes have changed over the last few years. Once upon a time, Rothmans would not have had to conduct the sort of campaign that they seem to be conducting at the moment to try to convince people that it is all right to smoke. The facts of the matter are that the community generally does not believe that it is all right for people to smoke, particularly in the areas that affect their clean air space. I will finish up with another statistic. If things continue the way they are now, smoking will kill more people in the next 80 years than were killed in all the wars in this century combined. One effect of this epidemic will be, by sheer weight of numbers, the obliteration of all the gains we have made in the area of cancer treatment and prevention.

31 May 1995

MR CONNOLLY (10.59): Mr Speaker, it is very appropriate on World No Tobacco Day that Mr Berry can move a very strongly worded motion and can achieve strong support from Mrs Carnell and, I hope, all other members of this Assembly. This is an issue where not only has strong leadership been shown by this Assembly and by previous governments over the years but we hope that we have had general bipartisan support for those strong measures that have been taken. Mr Berry was perhaps too modest to mention in his remarks that, despite the well-known differences that both Mr Berry and I have had with the AMA over the years, about 18 months ago Mr Berry was named by the AMA as a hero for a day, in relation to the original announcement of the ACT's anti-smoking legislation. Indeed, last year, after that legislation was successfully carried through - I had the stewardship of carrying it through - the AMA awarded the ACT Minister an achievement award for getting that legislation through. I actually saw a photograph of that particular award in the AMA journal. I never actually got to see the award. Departmental officers take note. It may be sitting on somebody's desk or it may be able to be retrieved, but there was a photograph of it in the AMA journal.

Mrs Carnell mentioned the issue of prosecutions and the difficulties with prosecutions that have confronted the ACT over the years. Certainly, last year, we established a task force between police and Health to try to get successful prosecutions. One of the great difficulties, of course, is that police should not, and will not, entrap storekeepers. It would be quite inappropriate for police to grab a 16-year-old and say, "Would you go in and buy the cigarettes?". That would be entrapment. But police are working with health officials to improve surveillance there. While it is true that there has been only one prosecution, there have been a great number of occasions when police or health officials have given warnings to shopkeepers and it appears that there has been a tightening up of processes afterwards.

A suggestion for Mrs Carnell to take up, which I floated last year, is an amendment of the franchising fee legislation to provide that, if a tobacco retailer is convicted of an offence of selling to people under age, their franchise may be in jeopardy. At the moment, you face a fine for selling cigarettes under age; but, if you could actually lose your licence to sell tobacco products if you were detected selling under age, that would be a massive disincentive. It is significant that some of the larger chains in Canberra operate under a single tobacco licence. So, that would mean that one breach, or perhaps two breaches, could put in jeopardy a multimillion dollar turnover, and that would be a very significant deterrent. So, that is something that I hope the Government will take up in a bipartisan spirit. I offer that as a way of toughening the existing sanctions provisions, and I hope that Mrs Carnell will look at moving that through in the months to come.

In referring to some of the achievements that have been notched up already in the ACT, I think that particular mention should be made of the Trades and Labour Council's campaign of blue-collar anti-smoking programs. Much of the work that had been done around Australia had focused on anti-smoking programs for white-collar workers - office workers - and the TLC was leading the way in Australia in programs specifically targeting blue-collar workers. I think the building trades group, in particular, had developed that

very innovative program. Congratulations should be offered there, as it should to some other State governments that have tried to pick up the lead established by the ACT in the enclosed public places legislation. I know that Peter Foss, the Liberal Health Minister in Western Australia, produced regulations which would have, in effect, picked up the ACT's legislation. I note, sadly, that Peter Foss was reshuffled shortly after that. I am not sure whether Premier Court is a smoker and I am not sure whether Peter Foss's replacement as Health Minister has carried on with quite the same vigour that Peter Foss showed in really picking up and trying to implement in Western Australia the ACT model, but I hope that they will.

The reference in Mr Berry's motion to condemnation of Rothmans for picking up their campaign in the other direction is very well placed. We are confronted with a very powerful and insidious enemy when dealing with tobacco companies that have billions of dollars at stake and that will really stop at nothing to promote their product. While enormous gains have been made in the battle for advertising in Australia and also in other parts of the world, there has recently been some quite disturbing evidence emerging in the United States in some congressional hearings about the backhanded way that tobacco corporations are getting around some of those advertising bans. It is an enormous achievement that you no longer see tobacco advertised on television. You have not seen it here for many years and you have not seen it for quite some time in other parts of the world. You do not see print advertisements now. While you do see them still in some parts of North America, there is a movement to get rid of print advertisements.

What you do see, insidiously, in top-rating programs such as *Melrose Place* - it is one of the highest rating programs for the teen market - is that the stars, who are role models for so many teenagers, are frequently smoking. We got rid of tobacco advertisements, which had a maximum exposure of perhaps five minutes in the hour; but for 55 minutes in the hour, in peak television, video or cinema viewing, we are seeing role models smoking. There is evidence emerging in the United States congressional committees that there is some money being channelled from tobacco companies and there is significant pressure from tobacco companies for the scripts to feature cigarette smoking, particularly in desirable or exciting circumstances or circumstances of glamour. That is a very insidious form of advertising, which is reaching every Australian teenager every time they watch film, television or video. It would be very hard for the ACT Government - indeed, it would be very hard for any Australian government - to toughen up on that, because we are really dealing with imported product. It would be hard to excise the tobacco image from those products; but it is a way in which the tobacco giants are trying to get around advertising bans, and it is something that does need to be looked at.

It is very pleasing that Mr Berry's strong motion has achieved support from the Government. I hope that Independent members also will support it, so that on World No Tobacco Day this Assembly can unanimously pass a strong resolution which carries forward the very significant leadership on tobacco issues that this Assembly has shown over successive Ministers and successive governments.

31 May 1995

MR OSBORNE (11.06): Mr Speaker, I would just like to add a little bit to this debate. On Monday, I had the great pleasure of launching Quit Week at the Turner Primary School, and I was given the great opportunity to go up in a hot-air balloon for the first time - a most frightening experience, I must add. Also, this morning, I launched World No Tobacco Day, once again up in that hot-air balloon. I would just like to join Mr Berry in condemning the Rothmans Corporation, and especially their agent, for their recent campaign. I was appalled at Mr Farmer's involvement in the launching of the new brand of cigarettes. Bearing in mind my well-publicised association with Mr Farmer, I was most displeased that he chose to take on that role.

I would also like to agree with Mr Connolly's statement on role models. I think it is very important that, in this smoking issue, we target the children. I do not think anyone would disagree that the majority of people start smoking in their early to middle teens and that it is looked upon as a trendy issue. What the anti-smoking lobby should be doing is giving alternative role models. I hope that that works out. I would just like to add that this is one issue on which I will be supporting Mr Berry 100 per cent. I applaud him for his work over the last couple of years in trying to outlaw this insidious drug.

MS TUCKER (11.07): The Greens support this motion of Mr Berry's, given the social, environmental and economic costs of tobacco production and consumption. It is becoming widely recognised that tobacco consumption has enormous costs to our society and, as a society, we are responding with financial disincentives and education campaigns. The campaigns run by tobacco companies are very powerful indeed, particularly in attracting young people to smoke. It is appropriate that this Assembly continues to take a firm stand on issues regarding tobacco. There are many other examples of individual lifestyle choices which have extreme ramifications for the whole community. Obvious examples are alcohol and other drug abuse, dietary and recreational choices. It is important that in this debate we consider the causes and consequences of these choices.

There is clear evidence that there are links between a person's social and economic circumstances and their lifestyle choices. Once again, it often comes down to questions of alienation and lack of support for people in the community. As well as imposing punitive measures on the consumption of substances that society deems to have negative social costs, we must tackle these questions. In schools, for example, social relationships and the nature of peer group pressure require a great deal of attention. It does not matter how many graphic films of people dying from cancer are shown; what basically matters to young people is that they feel that they belong to a group and that they feel safe - not what ill health might happen to them in the future.

We have to look at health promotion in a much broader sense. The question of self-esteem is fundamental to a young person's ability to choose to resist peer pressure and develop high self-esteem. While, perhaps, mainly a result of the home environment, self-esteem can also be assisted in the school environment if it allows students to develop their potential in an atmosphere which is supportive and compassionate and which gives greater focus to issues of personal development. Unfortunately, this comes down, once again, to a question of resourcing and financial decisions, if a greater focus is to be placed on issues such as personal development, self-esteem and conflict resolution.

Mr Speaker, the Greens are pleased to support this motion. We hope that the underlying and challenging causes of addiction and drug use in our society will receive the attention of all members of this Assembly over the next three years.

MR HUMPHRIES (Attorney-General) (11.10): Mr Speaker, I join with other members, and particularly former and present Health Ministers, to support the motion which is before us today. We have to acknowledge, as Mr Berry said, that for every action there is a reaction, and that applies to the gains made in recent years. I noticed in the *Sydney Morning Herald* of 14 February this year a forceful article by its columnist Padraic McGinness. Under the heading, "A hotbed of intolerance", he had this to say:

There is not much hope for the people of Canberra. Dominated as that town, or rather conglomeration of suburbs without a city, is by the interfering classes who rely for their living on maladministration of the Australian nation, it is inevitable that its tiny comic opera parliament when it is re-elected next Saturday will continue to reflect the silly notions which already are rife.

He went on to talk in detail about the Smoke-free Areas (Enclosed Public Places) Act 1994, which has been discussed already today, and to describe it as an "obnoxious and intolerant piece of nanny legislation". As previous speakers have indicated, the legislation had unanimous support in this place. As other speakers indicated - Mr Connolly included - that legislation, rather than being a piece of nanny legislation, is becoming the blueprint for other jurisdictions around the country to follow. It will be, I think, a remnant of an historical point of view that this article represents in maybe as little as five years' time. I am quite certain that, by that time, the rest of the Australian community will have followed suit in preventing the open consumption of tobacco products in places where, clearly, they have an impact on the health of other people around those who are smoking. We need to be taking very careful steps to wind back that level of death and disease which the motion and Mr Berry refer to.

I want to correct one thing that Mr Berry did say about the Tobacco Bill which was passed in 1990. It is a pity to dilute the unanimity of our tone; but, unfortunately, Mr Berry did make this sly aside. He suggested that the Alliance Government in 1990 had left out or removed provisions to deal with smoking in restaurants. That is not the case. When I inherited the drafting of that legislation from Mr Berry, there were no provisions dealing with smoking in restaurants or enclosed public places. Indeed, no amendments to that effect were moved by Mr Berry on the floor of the house. But we have moved on since that time and we now have legislation like that in place. At that time we had disagreements about the legislation; but the legislation, as we know, is progressively becoming tighter in its application. I forget the date by which the legislation will actually operate to be fully effective in terms of the - - -

Mr De Domenico: I think it is 1997, is it not?

MR HUMPHRIES: As my colleague Mr De Domenico reminds me, 1997 is the fully operational date. I think that is right. When it does happen, it will be a very effective way of restricting the impact on other people in the community of passive smoking, particularly.

AMA and the awards that were given. I was actually there when those awards were given by the AMA. I must say that, at the time, Brendan Nelson actually paid compliments to the ACT Assembly for being a leader - complimenting not only the Minister but also other members of the ACT Assembly who had been involved with and supportive of it. He did it in what I thought was a very sensible and non-partisan way. That is how this Assembly has been able to achieve great strides forward in this legislation.

There is some way to go. I think that is implied in the motion of Mr Berry's. I look forward to the current Minister for Health moving appropriately, wherever it is possible, to stand up against tobacco companies. They will always find new ways of trying to get their message out. It will be appropriate for us to ensure that we continue to reduce the harm associated with this most addictive substance.

Mr Osborne: I hope that you stand up against heroin in the same way, Michael.

MR MOORE: Mr Speaker, I heard an interjection from Mr Osborne, showing his very shallow understanding of what has happened on this issue for some years. Indeed, in exactly the same way, I have stood up against heroin. The term I used was that we "reduce the harm associated with this most addictive substance". I will continue to work as hard as I possibly can to reduce the harm associated with heroin, as has been the sensible approach in this Assembly. I hope that Mr Osborne also will learn to base his thinking on the reduction of harm associated with whatever drug it is that we talk about. Given the opportunity, Mr Speaker, I would be only too delighted to take Mr Osborne through the process of reduction of harm and how we can improve the reducing of harm associated with all drugs.

As I said, the reduction of harm from tobacco is something on which all members of the Assembly are in agreement. Of course, we have differences of opinion on what are the best ways to go about it. The worst possible way to go about it is to be caught up in preconceived prejudices about whatever drug it is that we are dealing with. So, I look forward to working with other members - in just the same way as I have worked with Mr Berry to reduce the harm associated with tobacco - in reducing the harm associated with whatever substance causes harm, so that we can base our thinking on how we can improve the health of the population. That is what we are all interested in. I include Mr Osborne in that comment. It is important that we keep an open mind to ensure that we can achieve that goal.

MR BERRY (11.22), in reply: Mr Speaker, interestingly, this morning I was reminded by a member of the ACT Greens that the curing of tobacco is often done by smoking it and that the timber from rainforests is often used in that process. That demonstrates how strong the addiction is, when members of the Greens party cannot give up smoking. It is a dreadful addiction. We all know about the commitment of the Greens party of Australia to the rainforests of the world. It demonstrates, I think, just how strong an addiction tobacco can be.

31 May 1995

One issue that Mrs Carnell raised, which I would like to deal with, is the allocation of a percentage of funds going to the HPF. Labor supports that. Inevitably, one still has to walk the balancing wire on the allocation of funds in a budget. The pressure for the allocation of those funds to other areas of health and other areas of the budget is often very high. So, it is sometimes difficult to divert those funds in the way that you might wish to. There is one other issue about the percentage allocation of funds, and another irony. If, say, a health promotion fund receives its funds by way of a percentage allocation, when it fails to achieve its aims and tobacco sales go up, the health promotion fund receives more money. That flies in the face of most arrangements. Usually, if you fail, you receive less. There is an interesting issue there to consider in the allocation of funds. But that is not to say that they should not get more money. It just brings to notice the issue that, if you fail in business, you usually go broke; but, in this sort of process, if you fail, you actually receive more. I just raise that one as a little issue in the scheme of things that is worth thinking about as well.

From my point of view and that of my colleague Mr Connolly, I would also like to say a few words about the ACT Government public servants who work in the area of health promotion. We both found them - and I am sure that the Liberals opposite have done so - to be a dedicated crew who work above and beyond the call of duty in this area in particular. All of those public servants, in my experience, have been completely dedicated to their job. In fact, had they the opportunity, they would have worn a path to my office on every occasion possible to enlist my support for one scheme or another. I think they are to be congratulated for their effort. The incremental changes to our legislation and attitude to tobacco consumption which have occurred over the years may not have been as easy without their full and dedicated support. So, that is a bouquet for them.

I would like to go back to a press article in 1990. This is not meant as a barb; it is meant to show just what happens in the scheme of things, how hard the tobacco companies will try and how they will try to drive the wedge at every opportunity. The heading is "Kaine forces Humphries' hand on tobacco law". The article reads:

The Tobacco Institute of Australia has managed to get the ACT's Chief Minister, Trevor Kaine, to force the Minister for Health, Gary Humphries, to consult further over proposed changes to tobacco legislation.

It goes on further to quote Mr Humphries as saying that he thought the industry was playing a little bit dirty. That is the understatement of the year, I would have thought. The article said that the institute was objecting mainly to the ban on sponsorship and to the proposal to force restaurants to set aside 50 per cent of their tables for non-smokers. We got that out of the way. I do not know what other dirty tactics we can expect them to get up to, but I will bet that they have a bagful.

The issue that Mr Connolly raised, about encouraging filmmakers throughout the world to include pieces where people have a cigarette in their hand all the time, is in their bag. We all remember - I certainly remember - that in all the old films there was always a wisp of smoke in the background. In the most famous of them all - *Casablanca* - the smoke was lingering around Sam's piano. That was continued by the filmmakers over the years. They have obviously seen the success - - -

Ms Follett: It may not have been tobacco.

MR BERRY: It may not have been tobacco, but I think it was. We can expect more from the tobacco companies, because it is in their interests to get somebody to smoke just that first cigarette.

Mr Speaker, I think I should add that I am starting to warm to this collegiate friendship in this place, and I am trying to think up a few more motions to move today where I can gather all of this support. This is much better than being in the minority. The warm inner glow you get from this sort of collegiate friendship is beyond description.

MR SPEAKER: You are telling me, Mr Berry!

MR BERRY: All it urges me to do is to make sure that we get nine the next time. I am not sure that the motions I am likely to come up with will earn the undying support of everybody in the place, but at least it has been a good start today. Mr Osborne has given me 100 per cent support. I hope that we can continue that. I am sure that it will grow into a productive relationship, if we can start off with 100 per cent. I thank members for their support on this motion.

Question resolved in the affirmative.

A.C.T.I.O.N. - CORPORATISATION

MS HORODNY (11.30): Mr Speaker, I move:

That the Government must receive the support of the Assembly before taking any measures towards corporatisation of ACTION, the leasing of any part of ACTION services, or giving approval to any other operators for the provision of regular scheduled public transport services within the ACT.

The provision of public transport in the ACT has been the subject of much debate over the years. Recently, we have had significant research into future transport options for Canberra. Public transport must be a significant part of any future transport options for the ACT. Although there have been many criticisms levelled at ACTION over the years, ACTION buses are likely to be the core of public transport provision. My motion is directed at ensuring that any proposed solution to problems that may afflict ACTION that changes the nature and operating environment of ACTION will be brought to the Assembly for full and proper debate. The intention of this motion is not to stop the Government from investigating and putting forward options for ACTION and other forms of public transport. Indeed, the Greens welcome debate on this issue and seek to be included.

31 May 1995

There is widespread concern in the community about decisions that affect them that happen overnight. If all or any part of ACTION is to be corporatised, it is essential that there is an opportunity for extensive public consultation and debate. There is some lack of confidence out there about decisions that have already been made in haste, and we are seeking an assurance from the Government that this will not happen with ACTION.

There is a basic assumption made by proponents of corporatisation that exposing public authorities to competition will somehow magically enhance efficiency and the general welfare of the community. How the community will benefit from any proposals to enhance efficiency must be seriously debated. In the provision of these services traditionally provided by government, we can find ways both to be efficient and to satisfy community needs. In the national arena this debate is only now starting to happen, well after many policies based on recommendations contained in the Hilmer report have been implemented through Federal legislation and heads of government agreements. The Hilmer reform agenda is currently subject to a Federal parliamentary inquiry. The terms of reference are very broad, including social costs and benefits of any measures aimed at increasing efficiency. That inquiry is expected to report in September and it will be very interesting to look at the conclusions.

If we accept that public transport in Canberra is not as good as we would like it to be, then we need to look at why this is the case before we look at solutions. There are many subjective factors that make people use public transport. Quite clearly, the low use of public transport in Canberra shows that the system we have is neither convenient nor cheap; nor is it necessarily as safe, comfortable and reliable as the community would like it to be. While we continue to subsidise private car use with roads and freeways and ever increasing areas of prime land used for relatively cheap parking, there is less incentive for the community to use public transport. As a consequence, the community has come to rely on the private motor vehicle, with all the inherent environmental, social and health problems that this incurs. An effective transport system is vital to achieve social equity in our community and to redress the local and global issue of greenhouse gas emissions. It is a service that benefits the elderly, the young and the disadvantaged members of our society.

We have already recently debated at length the environmental and social arguments for a cheap, reliable and efficient public transport system. I do not think we can overstate the social responsibility of government with regard to public transport. Other members representing residents of Tuggeranong and Belconnen will be well aware of how few and far between many bus services are. I have been contacted by people, particularly in Tuggeranong and Belconnen, who on several occasions have been left to wait for buses that never arrive. On inquiring why this is the case, these people have been informed by management at ACTION that it is the result of a smaller number of reserve drivers being available as a consequence of rationalisation of services. If you live in an outer suburb and you rely on buses that in peak hours run perhaps every 20 minutes or half an hour and on weekends run once an hour, missing one bus can mean a significant delay.

Mr Speaker, it is clear that we need to be proactive in dealing with the transport needs of this community. This can be done through a range of measures such as the provision of commuter car parking in local areas, limits on car parking in other areas, and proper allocation of space for public transport. However, as Kerrie and I have made clear on a number of occasions, we believe that it is the responsibility of the members of this Assembly to help facilitate community debate. The provision of an efficient public transport system for both the current and future needs of the community is an issue that is too important to leave for the Executive alone. It is vital that this Assembly and the community get an opportunity to debate fully any proposals to alter the fundamental conditions under which our public transport system operates, and this motion seeks to do just that.

MR DE DOMENICO (Minister for Urban Services) (11.37): Mr Speaker, I appreciate the intention behind the motion put forward by Ms Horodny this morning, but I wonder whether she has had a good look at what she is saying.

Mr Berry: She sure has.

MR DE DOMENICO: I am glad that Mr Berry tells me that Ms Horodny has; obviously, Mr Berry knows more about the motion than Ms Horodny does. I can understand that too. I wonder whether Ms Horodny has realised what the motion is saying. I have just signed off a letter to a lady in Hall, who was concerned about the lack of ACTION services into Hall. When she was told that there was another bus company called Transborder that provides services between Yass and Canberra and stops at Hall, she was delighted that she could have that service because she did not know of it before.

One wonders whether the Government will have to come to this Assembly before giving the okay to increase services in those outlying areas you were talking about, instead of doing it straightaway. That is the way I read this motion. I am telling you that because the Transborder Yass-Canberra service, for example, that stops in Hall operates one daytime service from Canberra, an evening service from Canberra, and several services on weekends and public holidays. So, here we have another bus company besides ACTION providing a service to the Canberra community and, the way I read your motion, we cannot do that until we come and discuss it in the Assembly first. I hope that that is not what the motion says that we have to do.

This Government is here because the Greens, Mr Moore and Mr Osborne voted for Mrs Carnell as Chief Minister, knowing that this Government's policy for the past three, four, five or six years has been to corporatise ACTION. Before we can do that, as with the ACTEW situation, we have to come before this Assembly and present legislation. This Assembly, as always before any major thing is done by any government of any political persuasion, is the ultimate test for any Government policy. Of course the Government will come before the Assembly with the legislative changes we need to have before we can corporatise any government instrumentality.

31 May 1995

Ms Horodny also talked about the ideology, I suppose, of corporatisation. That gives me an opportunity to talk about corporatisation as well. Might I say that we are not the only government in the country that uses the word "corporatisation". There seems to be a lack of understanding about the difference between corporatisation and privatisation. It is always thrown back to any conservative party or Liberal Party. As soon as the Liberal Party mentions the word "corporatisation", the people opposite start talking about privatisation. It is very interesting how quiet those same people are when the word "corporatisation" is mentioned by people such as Paul Keating, Laurie Brereton, Bob Carr, Michael Egan and Wayne Goss. It seems to me that, if a Labor government corporatises, it is okay; but, if the Liberal Party does it, it is skull and crossbones stuff. We all know that the Federal Labor Party has gone one step further: It sold the Commonwealth Bank, for heaven's sake, and many other things. That seems to be okay. We do not have members opposite standing up and screeching when Mr Keating sells off the Commonwealth Bank.

I think it is important in this debate to talk very generally about corporatisation in words that people can understand. What is corporatisation? Very simply, corporatisation creates a business out of a bureaucracy. It allows the organisation to focus on improving customer service rather than on following bureaucratic processes. We are not corporatising for the sake of corporatising, because it happens to be the in word at the moment. It has been proven on most occasions that corporatising actually improves customer service, and it improves customer service because the service is provided at the time and place the customer wants to use it. For example, you will not have buses running round, as they do from time to time, with nobody on them; they might run along routes when people want to use them. That is one of the things we need to say about corporatisation.

A corporatised business continues to be owned by the Government. We are not saying that we are going to sell off anything. A corporatised business continues to be owned and controlled by the Government but is run along commercial lines. By being separated from the broader public service, the business is freed up from bureaucratic constraints and can compete more effectively. There is nothing wrong with competition. It happens all over the country, not just in the ACT. We are not coming out of left field. It is something that is occurring quite successfully all over the country. The place where it is not successful is Victoria, and it is not successful in Victoria because Jeff Kennett has gone a step further in certain respects and has privatised. It seems that when that happens - and it is not across the board - things go wrong.

We do not have a chainsaw in each hand and we are not talking about selling off the jewels. We are talking about a commonsense approach to providing a public transport service that satisfies the needs of the people who want to use it. The Government remains responsible for the strategic direction of the enterprise, including the community service obligations. You will find that in every corporatised body around the country there are very stringent and strict community service obligations in the legislation. That happens whether it is a Labor government that corporatises or a Liberal government. Corporatisation allows an ACT Government-owned business to compete freely and pursue opportunities beyond the ACT. For example, if there is a possibility of ACTION providing a service into Queanbeyan - we all know that Deane's Buslines, a private company, provides services into Canberra from Queanbeyan - what is wrong with

ACTION competing with Deane's to provide a similar service? Ms Horodny talked about the Tuggeranong Valley and Brindabella. I live in Conder, which is way down south in Brindabella, and I would be delighted to catch a Deane's bus from Conder to Queanbeyan. ACTION does not provide a service to Queanbeyan. My family and I sometimes want to go to Queanbeyan to go shopping and we do not want to drive. I would be delighted to be able to catch a bus, and I am sure that Mr Whitecross would be if he had to, as Mr Wood would be.

Mr Wood: Yes, if the bus runs.

MR DE DOMENICO: If the bus ran; that is right. I can tell Ms Horodny that some years ago we were talking about the possibility of Deane's or another private company transferring young people from Tuggeranong to some of the entertainment things that were happening in Queanbeyan. We could not do that because there was not a service available. I can also say that Mr Connolly, who at that time was Minister for Urban Services, was quite happy to look at whether ACTION was prepared to provide that service. As it turned out, ACTION was not in a position to do so; but that sort of thing was explored. It did not need the sanction of this Assembly before we could go out and do that.

There will be times when we will not agree on ideas, but surely it is the right of the executive government to try to improve the lot of anything we get involved with before we have to come to the Assembly every minute of the day to get a decision. As Ms Horodny is aware, sometimes the Assembly is not sitting. Does this mean that before we allow Deane's to compete in providing a service into Tuggeranong we have to wait for three months until the Assembly says, "Yes, you can do it"? I am sure that that is not the intention of her motion.

While I am talking about corporatisation, I think it is about time we put the record straight in as simple language as possible. Some people ask, "Why did he do it?". Tomorrow I will explain to you that one of the reasons why this Government would like to corporatise ACTEW is that we want to make sure that people get a return on investment. Perhaps I am pre-empting debate on that issue, so I will not continue on the ACTEW side of things.

Let us have a look at the record of corporatisation. It is not something that has happened overnight. Since the early 1980s most Australian governments - Federal, State and Territory - have seen the sense of corporatising government business enterprises, so it is nothing new. Since 1983 we have had a Federal Labor Government. So, we are not talking about right-wing Tories now; we are talking about a Federal Labor Government - right-wing Tory though they might be. Corporatisation began in 1983 with the restructuring of Australian National Railways. Since then, OTC, Australian Airlines, the Office of Defence Production, the AIDC, the Snowy Mountains Engineering Corporation, the Government Aircraft Factories, the Federal Airports Corporation, Aussat, Australia Post and Telecom have all been corporatised or are in the process of being corporatised. The last Federal budget and the one before went a step further - to sell half of the Commonwealth Bank. Now we are going to sell the lot, under a Federal Labor Government. The Federal Labor Government has since gone further and privatised many of the businesses.

31 May 1995

The ACT Liberal Government has given a firm commitment that it will not - I emphasise "not" - privatise ACTEW, ACTION or ACTTAB. The ACT Liberal Government - let me repeat the commitment, in case people did not hear it the first and second times - will not privatise ACTEW, ACTION or ACTTAB. An interesting case study is the Government Aircraft Factories, which became Aerospace Technologies of Australia. In its first three years as a corporatised business it increased its export sales by 24 per cent. That 24 per cent return went right back into providing services for the community. So, we are talking about making a business better, making an entity better, by removing the shackles it might have. Ultimately, the benefit comes back to the community.

Ms Horodny mentioned Hilmer, and Hilmer is the one everybody talks about when the word "corporatisation" comes along. The Hilmer reforms endorsed by the heads of all Australian governments involved further competitive changes to government-owned enterprises. In the energy industry alone, for example, the Industry Commission estimates a gain of \$2.4 billion from corporatisation of Australia's electricity and gas utilities. That is something we need to look at. When people as eminent as that come to us and say, "There is a better way of doing things", of course we have to listen and see what they are talking about, especially as it seems to work in other places in the world as well as in Australia.

All State and Territory governments are corporatising government business enterprises to some degree. Last night, I heard Mr Michael Egan, the Labor Minister for Finance in the New South Wales Government, talking about corporatising utilities in New South Wales. Here is a Minister in a Labor Government, elected two or three weeks ago, on all television channels last night saying what a wonderful thing corporatisation is. What was one of the first appointments made by the New South Wales Government? Whom did it put in to chair Pacific Power? Professor Hilmer, for heaven's sake. Professor Hilmer was appointed to chair Pacific Power. Why? Because they could see the benefits of making sure that that organisation delivers a better service to its customers, and of course they should. Overseas, the story goes on and on.

Let us have a look at one of the instances in the ACT. Totalcare was corporatised on 1 January 1992. Within six months Totalcare was recording a profit, doing the same sort of thing as it was doing before it was corporatised but using better practices. Corporatisation has resulted in savings of \$1.4m to the taxpayer from improved efficiency in one area alone, once again under the stewardship of Mr Connolly, initially.

Mr Connolly: And we saved a lot more in ACTION without corporatising.

MR DE DOMENICO: Yes; but now we are comparing apples and bananas.

Mr Whitecross: Disregard all that stuff about Totalcare. It is not relevant.

MR DE DOMENICO: No; Totalcare was a fine example under a Labor government; it continued to be corporatised. So, we are talking about a better service.

The other thing that is said about corporatisation is that it is a way of slashing jobs, and we know that that is not the case either. There are commitments there as well; go and talk to Totalcare. That is why I am saying that the requirements of the motion already happen anyway because the commitment is that before we corporatise anything there needs to be legislation. The Greens and everybody else will have the same input on ACTION buses as they have over the ACTEW proposal.

I am quite happy to support a motion that says that the Government must receive the support of the Assembly before corporatising ACTION. But if we are now saying that, before this Government does anything to reduce the costs of ACTION, it must come to this Assembly, I am sure you will realise that that is not the way executive government operates. If you would consider wording it to require that the Government must receive the support of the Assembly before corporatising ACTION, I would be quite happy to support that motion.

MR WHITECROSS (11.52): Mr Speaker, the motion Ms Horodny has moved is about open and consultative government and about providing a high-quality public transport service in the ACT. The Opposition is happy to support the motion. If I can reiterate the importance of public transport to the community at large, public transport is an essential element of the fabric of our community. It is about getting people to employment, meeting their need to get to social and recreational opportunities - not just poor people, not just people who cannot afford a car, but people in the wider community who choose to use public transport for convenience and for the other benefits it provides.

The need for appropriate and convenient transport is a fundamental social justice issue. Lack of access to affordable and accessible public transport leads to inequalities in access to employment, community services and the other facilities we all enjoy as residents of Canberra. There are all the other benefits of public transport, such as reducing energy consumption, reducing atmospheric pollution and other kinds of environmental degradation. We in the Labor Party regard public transport as a pretty important issue, and we have talked about it before in this place. The ACTION bus system transports about 24 million passengers a year over 21 million kilometres, as I recall. The subsidy to ACTION is quite modest when compared with subsidies to public transport systems across Australia and I think it provides a very important service as a result.

In this motion we are saying, quite simply, that a change to the public transport system, whether it is corporatisation of ACTION, leasing out of ACTION services or letting other private operators come in and run public transport services within the ACT, would be a very significant structural change to our public transport system; and that these kinds of changes should not be proceeded with without a proper debate, and that means without the participation of the Legislative Assembly in those processes. The Government has talked about changes to public transport at various times. Their election platform was not very fulsome on the subject; but they have talked about corporatisation of ACTION, they have talked about tendering out services and forcing ACTION to compete with private operators for bus routes, and they have talked about private operators replacing ACTION on many routes.

31 May 1995

These sorts of things raise a whole range of problems, and the community and the Assembly have a right to have an input into the debate. We are talking about the need to integrate services provided by multiple operators. We are talking about the need to have proper regulation of the way those operators function and how their fares and timetables mesh in with those of other operators. We are talking about whether they are going to provide equipment of a comparable standard to the equipment ACTION operates, which is of a quite high standard in terms of both passenger comfort and low levels of atmospheric pollution. These are important issues that ought to be considered before going down the route of giving away ACTION services to other companies or allowing other companies to subsume ACTION on many routes.

Mr De Domenico in his remarks threw in a few furrphies along the way. He talked about the possibility of ACTION providing services from Tuggeranong to Queanbeyan. There is nothing in this motion that will prevent ACTION from introducing a new service from Tuggeranong to Queanbeyan. He talked about his right as a Minister in the Government to take action to provide greater efficiencies in ACTION - something the Labor Party was quite happy to do. There is nothing in the motion that prevents this Government from taking action to improve the efficiency of ACTION services by appropriate changes in the structure of the services and the way ACTION operates. The Labor Government took a lot of action to reduce the subsidy to ACTION. It took action that saved \$13m on the ACTION subsidy, so we are hardly going to argue with that. But this motion does not address that. This motion addresses changes to the structure of the provision of services from public sector to private sector and from a government service provided through the existing ACTION structure to a company structure as an alternative.

In talking about the corporatisation of organisations, the argument that is usually put up is that somehow or other corporatisation, competitive tendering and those sorts of things will lead to increases in efficiency and savings to the community at large by providing better services. In recent times the argument has been that public sector organisations, by definition, are unable to respond to community needs and unable to respond to expectations in the community that they provide services efficiently and of a high quality, and that the only way this is going to be done is by some process of competition or by putting them into a company structure where they can pretend to be a private sector organisation. This simply has not been the case in relation to ACTION. ACTION has been able to improve services, to increase efficiency and to work closely with its employees to provide a better service, with lower subsidies being paid by the community, without having to go down the track of corporatising the organisation. The Government, as the representative of the community, and the Assembly, as the people charged with keeping the Government accountable, have had full input into what has happened in the ACTION service. The argument that there is an inevitable need to corporatise ACTION or to expose it to competitive tendering has yet to be made out.

I was interested to hear Mr De Domenico talk about the fulsome input we have all had an opportunity to have into the corporatisation of ACTEW. I have yet to enjoy this fulsome input into the issues surrounding the corporatisation of ACTEW. In fact, I have yet to hear an articulation by the Government of what they think the benefits of corporatising ACTEW are. Last time we asked the Government, we were told that the Government did

not know; that it was not sure. In fact, the Government did not know whether charges for electricity and water were going to go up, and they went up about a week later. But we have not yet been told why. What we can look forward to in relation to ACTEW is the Government introducing a Bill on Thursday and expecting the Bill to be passed three weeks later. That is the limit of the community input into that.

What we are hoping for with this motion is that we will set down the parameters for a more appropriate kind of consultation in relation to ACTION than has happened so far in relation to ACTEW. On the changes to ACTEW so far, the only explanations we have heard have been ideological. They have been to do with the merits of having private sector people involved. We have heard about the merits of their pretending to be a company. We have heard about how much benefit the community would get out of a return to the shareholders on the services provided by ACTION. We all look forward to the day that ACTION runs at a sufficient profit to provide a return to the shareholders. I think the problem might be that, in the process of doing that, we will see a drastic reduction in services.

The action the Government has taken so far in relation to ACTION buses is to cancel the Nightrider service, which was providing an important community safety service to young people. We have heard Mr De Domenico talking about looking at low patronage services in Tuggeranong, and we all know that "looking at" is code for cutting. We have every right to be concerned about the direction in which the Government is heading with ACTION. We have every right to say that before a major change is made to the structure of ACTION - we are not talking about every change - it is appropriate that this Assembly have an input, to deliberate properly on the implications of the change for the community as a whole, what it means for the overall service, what it means for the social justice concerns of people in this place, what it means for other parts of our infrastructure such as our roads, and what it means for our environmental concerns.

MR MOORE (12.03): Mr Speaker, there is no doubt that members do have concerns about ACTION. It provides one of the most important social services to the community, and whenever we are concerned about such an organisation and what it delivers it is appropriate for us to take particular care with how it is handled by government. On the other hand, I think it is appropriate to say that we delegate to a government the power to administer the Territory, and part of that delegation is to say, "You can do things. We are not, where possible, going to tie your hands; but we are going to keep a check on things". "We are not going to tie your hands" is the prime thinking I have in this kind of issue. At the same time, I think we need to recognise that the people of Canberra at the last election felt that they wanted a change, and they wanted a change in approach to a range of issues. We cannot abrogate our own responsibilities in keeping a check on what government has done or is going to do in this area.

Let me start by saying that my own concerns go way beyond the simplistic slogans we hear about this being just a form of privatisation. As far as I am concerned, that is simply nonsense. It is a great slogan. It may appeal to some people. It has no impact whatsoever on me. In fact, if anything, it would have a negative impact in what it is trying to achieve. I have no ideological opposition to corporatisation. I believe that corporatisation of either public transport or ACTEW or some of these bodies may deliver

31 May 1995

some benefits for the ACT, and I am open-minded about that. What we want to do is understand what those benefits will be and ensure that that is explained in this Assembly before the process is taken up by the Government. That is why I will be supporting this motion.

Mr Connolly: We thought you were having a go at us.

MR MOORE: Of course I was having a go at you. Whenever I have an opportunity to have a go at either Labor or the Government I will do so, and that was a perfect opportunity with the ridiculous privatisation slogan you run, particularly Mr Berry. With that in mind, Mr Speaker, there are some serious issues that run a little deeper than that simple concept. We know that the Government is not talking about privatisation at all. In a situation where there is a privatisation of such public services I believe that government does lose control, and that is something I do have an ideological objection to.

However, there are some concerns in how this motion might be interpreted. For that reason I think it is important for me to run through my interpretation, so that the Government can understand, when they are considering the motion and the implications of such a motion, how they need to interpret it. The motion states:

That the Government must receive the support of the Assembly before taking any measures towards corporatisation of ACTION ...

I think “taking” can be interpreted in two ways. It can be interpreted as finalising an action or it can be interpreted as meaning to begin a process. As far as I am concerned, on my interpretation, it is only the finalising of the process I am talking about. If it were interpreted in one sense, a literal sense, nobody could even draw up a proposal for measures for corporatisation and nobody could prepare legislation. I think that would be a silly interpretation of this motion. I do not think that is the intention of it. It is certainly not my intention in supporting it. I do not believe that it was the intention of the Greens in putting it up, and I see that they acknowledged that it was not their intention. It is about making sure that there is no finalisation of any proposal. I think that is clear from Ms Tucker's acknowledgment, and I would hope that Ms Horodny in her closing speech would also support that.

The other part of the motion that I think could be interpreted in a range of different ways is the last part, which reads:

... or giving approval to any other operators for the provision of regular scheduled public transport services within the ACT.

The words “other operators” could be taken in one of two ways. It could be other than ACTION or it could be other than those who are currently operating. I think that is something else that needs to be interpreted. In this case, I would also go for the broadest interpretation. I understand that there are a couple of bus services that run regular school services, which one could interpret in a narrow sense as scheduled public transport services. I would argue that we are not talking about interfering with the ones that are currently operating. We understand that they are currently operating and I do not think it is our intention to interfere with those.

Mr Speaker, in interpreting such motions, I might foreshadow that I am intending to bring into the Assembly a piece of legislation whereby the Assembly can use its power through a motion that is actually a binding resolution; in other words, it actually has the force of law. In such circumstances, a binding resolution, under the way I will bring it into the Assembly, would require seven days' notice. It would give time to sort out where things like this might cause a problem in interpretation and would therefore have to be drafted in a much more careful and precise way. So, a government that was being held by legislation, because that would be the effect of a binding resolution, would have to deal with such issues and would not be able to deal with a motion that has a fairly wide interpretation.

All that being said, I think there is a message here that is being sent by the Assembly to the Government: If you want to proceed with corporatisation, before you take any steps to finalise anything bring it back to the Assembly. I am also sending my personal message about that: That does not mean that we are going to knock it back. It means that we want to debate it in here and we want to have all the reasons why it is a good idea to take any of these actions. It is interesting that, when you are talking about ACTION and action, the two words seem to get confused. I pity *Hansard* having to work out when they are going to use capital letters and when they are going to use lower case. The reality is that the message being sent by this Assembly to the Government is that we believe that it is appropriate for you to come back to the Assembly and explain to the Assembly what you are doing in terms of the modification of ACTION.

There is no doubt that under the two previous Ministers, but primarily Mr Connolly, the improvements made in work practices at ACTION were significant. The savings that have come through from ACTION have been significant, and we cannot turn a blind eye to what has been achieved. It would be silly to do so. It may well be that what this Government is trying to achieve may be achieved without corporatisation. On the other hand, it may be that corporatisation provides the next step in the process Mr Connolly started. Amongst those of us who are the most cynical, it would be easy to say, "Yes, it is the next step, and the one after that is privatisation", and I can almost hear Mr Berry calling it out now.

Having made those few points, Mr Speaker, I think a fairly wide interpretation of this motion is appropriate. The message should be very clear to the Government: Before they implement any major changes to ACTEW they should come back before this Assembly.

MR HUMPHRIES (Attorney-General) (12.12): I think the message of this motion is fairly clear, that is, that the Government has to make its case. It has to persuade those with open minds about the subject that there needs to be a step in this direction in order to achieve what it wants to achieve. I think that is a welcome reaction from the Assembly. I hope that we would always be able to demonstrate the wisdom of our actions, even if we had a majority on the floor of the Assembly; but having to do so in an environment of a minority government is, of course, extremely important and we intend to do our best when that occasion arises. When we bring forward legislation to privatise ACTION we will explain what we are going to do, how we will achieve it, and what we hope to gain for the people of Canberra by taking that step. That is the onus on us.

31 May 1995

I heard Ms Horodny say that she does not wish the Government to stop preparing plans, only that it has to put those plans before the Assembly prior to taking decisions that will change the way in which ACTION operates. I think that is a welcome progression. We had a debate about Namadgi yesterday and we will have another one about it this afternoon. These sorts of things will happen from time to time, but I repeat that it is important to be able to put things on the table and talk about them. There are very few, if any, areas of government policy in this country that are not subject to serious questioning and review at this present time. We have to accept that that is the spirit in which our nation is moving and we have to be prepared to move and make decisions in that environment. One of the consequences of this, of course, is that, as other States rationalise services, as they provide for lower costs of providing those services and as they make decisions about the way in which these things are operated on a more efficient basis, in many cases the cost of providing services goes down and the platform on which the ACT's funding is measured through processes such as the Commonwealth Grants Commission lowers as well. So, rather than having a defined gap that the ACT has to bridge between what it has been receiving and what it would receive under State-type funding, that bridge is having to get larger and larger as the gap widens. If we do not make decisions towards micro-economic reform and other States and Territories do, that certainly is a great risk we face.

Let me say quickly what it is that we see as being the essence of corporatisation in ACTION's case. First of all, it is not innovative and it is not different. ACTION's corporatisation is in line with changes towards public transport structures that are occurring all over this country, indeed all over the world. It is part of a national transport reform program that every jurisdiction, in some form or another, is engaging in. For us not to do something along these lines will put us at odds with colleagues in other States. That might not be a reason to do it, but it is a fact that we need to be aware of. Most States are adopting this very model of corporatising their public transport systems, or components of them, as a way of dealing with what have been notoriously inefficient and ineffective deliverers of services to the people of their States.

We know that we cannot proceed to make these changes without extensive consultation with staff, with unions and with management in these areas, and we must work towards building a consensus about where we go with this kind of service. It will not be easy, I must admit, in the case particularly of organisations representing the industrial interests of their members. We have been told very clearly that that is going to be a sticking point, but we will be working very hard to try to achieve it. We will also try to explain the experiences and build on the experiences of other jurisdictions, so that when we make a decision we have learnt from whatever mistakes might have been made by other places in Australia.

It is important to note that what we are talking about here is retaining ownership and ultimately control of our public transport system. No-one is talking about selling buses directly to other organisations or private companies; no-one is talking about ceding control of the way in which our public transport system delivers the services. We would be able, under this model, to set fares, for example. We would insist on being able to set standards of service and routes. There is no question of a new operator being told, "You have Belconnen", and him running off and then cutting it back to three or four profitable routes and forgetting about the rest of Belconnen. We, as the Government, would be able to say, "No; we have set certain standards. You deliver these services to these people at this cost. You provide that service and we pay you for that service".

The reason that corporatisation is important in this regard is that it introduces an element of competition. Mr De Domenico went through a list of the organisations the Federal Government is corporatising and has corporatised since 1983. It is interesting, if you take an example such as Telecom, that what has been important in the corporatisation of Telecom has been the introduction of competition in its structures. Think back to five or so years ago when we did not have a corporatised Telecom and there was no competition in the market. Telecom was an appallingly inefficient service to the people of this country. Today we have competition, costs of calls have fallen and the range of services has increased enormously. It is in every sense of the word a step in the right direction. We think the principle of applying competition and a corporate model for these organisations to operate in is very important. You cannot introduce competition if the body you are competing with is not operating in a corporate environment. That is why you have to have corporatisation of the body in order for it to do that job efficiently in that marketplace.

Ms McRae: Nonsense!

MR HUMPHRIES: Those opposite say "Nonsense", but I remind them that their Federal colleagues and their colleagues in both New South Wales and Queensland are going down this path. They have argued that there needs to be this model to be able to work this way. Queensland, for example, has corporatised such things as Suncorp, regional electricity authorities, port authorities, gas pipeline authorities, the TAB and their major public transport system, Queensland Rail. They are doing all of those things. With respect, the ideology that is coming from those opposite is that it cannot be done with corporatisation. Please be open-minded about this. Do not say, "Our policy says no corporatisation; therefore it will not happen". We are saying to you: Be open-minded about how we might achieve this with corporatisation, as your colleagues in other States are doing at the moment.

Mr Berry: It is the apples and bananas argument, Gary.

MR HUMPHRIES: Why all ACT public services are apples and those in every other jurisdiction in this country are bananas I do not know. I look forward to having it explained to me during the substantive debate. Those are the issues, Mr Speaker. We have a challenge ahead of us - not just this Government, but everybody in this community.

31 May 1995

MR CONNOLLY (12.20): Mr Speaker, just briefly, the Government continues to try to portray the Labor Party as having some sort of ideological hang-up in relation to the issue of the appropriate structure for providing public services. In reality, the ideological drive and obsession is coming from the benches opposite, where there is this simplistic 1980s market-driven view that the corporate form is necessarily better than the public sector form and that a corporatised body is necessarily better. We, on the other hand, have taken a very pragmatic view of things. We proceeded with the corporatisation of Totalcare - the corporatisation of Totalcare occurred under our Government - because you had there a body that was not providing a central government service but was going out to pick up market share from the private sector, as it has very successfully done with the Hyatt contract, which is its flagship. So, that was appropriate for a corporate form. But when we looked at bodies that were providing a core public service, such as ACTEW and ACTION, we said, "Do not worry about the flim-flam of the form; focus on the hard results".

The Liberals like to talk about micro-economic reform. We actually went in there, rolled up our sleeves, and did it, and the change in the financial performance of ACTION over the last three or four years has been very dramatic. We inherited a body which under a Liberal government had achieved a record high level of subsidy, and we went in there and dramatically changed work practices, changed management structures and got a situation where we reduced the level of subsidy by nearly a third. That is a remarkable achievement. I think that as the years go by we will start to see these interstate comparisons of efficiency of public transport, bearing in mind that ACTION was never the worst. Mr De Domenico was fond of saying that ACTION was the most inefficient public transport provider in Australia. It never was. I think that if you look - - -

Mr De Domenico: The second most, was it?

MR CONNOLLY: No, not at all. Metropolitan Sydney and Melbourne were always worse than ACTION. I think that, when you look at the level of change in performance in ACTION in recent years, it will have been the most dramatic turnaround in the fortunes of a public transport provider under the ordinary, conventional public sector form. So, we are saying: Let us be pragmatic, let us be sensible, let us look at serious reform, rather than muck about with the flim-flam of chopping and changing the corporate form. It is like that old statement of a Greek historian in the second century AD: "We trained for years, we got our army formations right, and then someone would come along and reorganise, and it was so frustrating. Every time we got our act together, we would be reorganised". The obsession with corporatisation is just an obsession with changing a form and can lead to ignoring the fundamental issue, which is about efficiency.

Mr De Domenico very patronisingly suggested to the Greens, "You have no business making these sorts of criticisms. After all, you voted for Mrs Carnell as Chief Minister, so what business have you got putting these sorts of motions forward?"; or, even more patronisingly, "You people do not really understand what you are doing here". I will leave members to make their own judgments about that form of debate.

The most important thing about this is to ensure that the Government does not by stealth contract off some of those core routes, because we all know that the only routes that go close to making money in ACTION are always going to be those peak commuter routes. If a Liberal government decided to contract out those peak commuter routes, which it could very easily do through Executive action, the finances of ACTION as a public transport provider would be thrown completely out of kilter. It really would matter little whether it was corporatised or privatised or remained in public ownership, because it would be totally gutted. It is important that the Assembly place in your path a very clear signal that that form of conduct would be unacceptable.

Motion (by **Mrs Carnell**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Health Services - Job Losses

MR CONNOLLY: My question is to the Chief Minister and Minister for Health. I note that, whereas Bob Carr has promised to resign unless he can improve health services significantly, Mrs Carnell appears to have promised to resign unless she can inflict significant job losses on ACT Health. My question to the Health Minister is: Just how many workers will have to lose their jobs for you to remain as Minister for Health?

MRS CARNELL: All I can say, Mr Connolly, is: Whinge, whinge, whinge; carp, carp, carp! Does that sound familiar?

Mr Connolly: You are still doing it, Mrs Carnell. It is very familiar.

31 May 1995

MRS CARNELL: I assume that the shadow Minister for Health is asking a question about the consultancy that was announced yesterday. That consultancy has started. It will work with ACT Health, with management, to identify the areas where we can become more efficient and where we can improve the quality of care in ACT hospitals and in our health service generally. We have an enormous problem in Health. If the previous Minister does not know that, he did not learn a lot in the time he was there. He would be aware that in this coming year, the next financial year, we have been left a legacy of \$8.6m worth of salaries that were not budgeted for and have no efficiency offsets, \$1.5m for the Clinical School that was not budgeted for, and \$3m in Comcare premiums that were not budgeted for. Just in those areas alone there is \$13.1m worth of unbudgeted expenditure that is simply not discretionary for this Government. Before we even start there is a \$13.1m overrun.

In addition to that, we have waiting lists of 4,600. That is something that the previous Health Minister certainly should know about. We have had a reduction of over 100 public hospital beds since the Labor Party took over. We have had an increase in the people waiting for longer than six months for elective surgery, from some 32 per cent when the Labor Party took over - an unacceptably high figure - to over 50 per cent now. We have over 50 per cent of people waiting for longer than six months for essential elective surgery. We have the second longest clearance time from our waiting lists in Australia. We are second to the Northern Territory.

Mr Berry: Mr Speaker, I raise a point of order. I heard the question. This does not sound like the answer. The question I heard was: How many workers will have to lose their jobs for Mrs Carnell to remain as Health Minister?

MR SPEAKER: Mr Berry, difficult as I found it to hear the answer being provided, over the interjections from both sides of the house, you are as well aware as I am - you have had a great deal of experience in this - that the Minister can answer the question as she sees fit.

MRS CARNELL: Last year Mr Connolly put \$14m into the health budget.

Ms Follett: Mr Speaker, on a further point of order: I take it that you are not directing that the Minister does not have to remain relevant?

MR SPEAKER: No, I am not.

Ms Follett: I do refer Mrs Carnell to the question that has been asked, which has regard to the number of jobs she has said she will cut from the health system.

MR SPEAKER: I have no doubt that Mrs Carnell is as aware of the question as I am.

MRS CARNELL: If the Opposition does not believe that health budgets have something to do with employment in our system, they have a much bigger problem than they ever thought they had. We have inherited a budget that simply does not work and waiting lists that are far too long.

Mr Berry: I raise a point of order, Mr Speaker. Would you be prepared to direct that Mrs Carnell remain relevant?

MR SPEAKER: I have not yet found her to be irrelevant, Mr Berry. As Mrs Carnell pointed out, the question of health budgets is very relevant to the number of people who can be employed within the health system. I would have thought that that was obvious, even to you.

Mr Connolly: I take a point of order, Mr Speaker. I would remind you of the duty of the Speaker to reflect the entire will of the house. That was a very political comment. I would ask you to reflect, as you have often quoted to us, on the duties and role of Speaker in the green book. Political asides in rejecting Opposition points of order are really quite inappropriate for your role.

MR SPEAKER: I did not reject it. I explained that I did not see that the answer was not relevant, Mr Connolly. Mr Berry has been a Minister and he knows full well the way that questions can be answered. As for the question of relevancy, I am happy to reflect upon what I have said. I will have a look at the *Hansard* and let you know if there is anything to reflect upon. In the meantime, we have Mrs Carnell answering the question, and relevantly, of course.

MRS CARNELL: Absolutely. We have brought in a health consultancy to work with ACT Health to attempt - I believe successfully - to do something about the very definite problems that we have been left with. If Mr Connolly had bothered to come to the briefing about the consultancy he would know exactly how it worked. There is no doubt about that. We have a consultancy coming in to look at Health right across the board; to look at how we can best provide services to the people of the ACT, how we can best address the problems of waiting lists, how we can do something about the unbudgeted expenditure that the previous Government entered into. Quite seriously, we will not back away from targeted voluntary redundancies. Interestingly, nor did the previous Government. They used those every single year, and we will, too; but we will make sure that they are targeted, that they are voluntary, and that they are in the appropriate places to ensure that we do something about waiting lists, we do something about having fewer public hospital beds than anywhere else in Australia, and we do something about the overrun or the unbudgeted expenditure you have left us with.

MR CONNOLLY: By way of a supplementary question: The Chief Minister's only relevant answer referred to targeted redundancies. Again, to refer to the original question, what is your target? How many workers will lose their jobs?

MRS CARNELL: If we went into a consultancy worth a lot of money - as you have said, \$330,000 for the first nine weeks - knowing what was going - - -

Mr Connolly: For the first nine weeks?

MRS CARNELL: That is exactly it. If you had come to the - - -

31 May 1995

Mr Connolly: For the first nine weeks? How long is it going to go for?

MRS CARNELL: Absolutely.

Mr Connolly: Wow!

MR SPEAKER: Order!

MRS CARNELL: Everybody knows that - except Mr Connolly, because he did not come to the briefing yesterday. If he had, he would have known. Nobody goes into a consultancy like that, with some of the best consultants in Australia, with the view of knowing exactly what is going to come out the other end. Obviously, what we need to achieve here is the best possible outcomes for ACT Health and for the people of Canberra. That is what this is about.

Planning and Land Management

MR MOORE: Mr Speaker, my question is directed to Mr Tony De Domenico, the Minister, in this case, for red tape. Minister, would you assure this Assembly that your red tape review committee - - -

MR SPEAKER: Order! The Minister should be addressed by his correct title, Mr Moore.

MR MOORE: Indeed, Mr Speaker. Apart from being the Minister for red tape, I believe that he is the Minister for Urban Services, the Deputy Chief Minister, and some other things, which I cannot recall off the top of my head, Mr Speaker. Certainly, he is the Minister for Urban Services and the Deputy Chief Minister. Minister, will you assure this Assembly that your red tape review committee will not examine the workings of the planning and land management section of the Department of the Environment, Land and Planning while the Planning and Environment Committee is in the process of examining land management and planning? Minister, do you recognise that land management has just been through a year's process in which they examined ways and methods of reducing red tape? Surely, to double up on this process would be the antithesis of everything you are trying to achieve in terms of efficiency with such a committee.

MR DE DOMENICO: Thank you, Mr Moore, for your question. I am pleased to answer any question about the red tape task force because I believe it to be one of the Government's most important initiatives to date. Mr Moore has asked me why we have set up the red tape task force when a review process is already under way in the Department of the Environment, Land and Planning. I am happy to explain the differences. First, some explanation of the DELP process might be helpful. I am advised that the DELP process review was set up in 1994 to identify opportunities for improvements in the department's development management process. The review addressed shortcomings and opportunities. It mapped relevant departmental processes

and reviewed them from a client viewpoint. It is aimed at redesigning mega processes to address client identified shortcomings. The mega processes are, for example, strategic planning and the development of the land release program, the broadacre land development, building development on broadacre land, development in established areas and site applications. The review also defined requirements for implementations. The first stage of that implementation is now under way. DELP has set up 13 working groups to look at a range of issues that were identified by the review. Clearly, this has been a very valuable exercise, and it will continue to be so.

In setting up the red tape task force I have been very conscious of the fact that there would be very little value in duplicating work that was already in the pipeline. Indeed, our modus operandi clearly recognises the existence of not only the DELP process review but also a number of other reviews that are being conducted by the Attorney-General's Department. Mr Speaker, the red tape task force has been created to tackle the dual problems of red tape and excessive legislation that hamper economic growth in the ACT. It is a joint government and business task force, with an independent chair, Mrs Elizabeth Whitelaw from the legal firm Sly and Weigall.

The scope of its review will be wide ranging. For example, some of the typical problems which may be brought up are the number of forms which business people are asked to complete and the number of agencies they have to deal with in order to obtain an approval. There may be concerns about the complexity of legislation or the number of times it is amended. There may be concerns about perceived inconsistencies or disagreements between agencies over some areas that are regulated. The list goes on, if what we have been hearing from the private sector is anything to go by, and I believe that it is. We have set up the task force so that all of these issues can be looked at from a whole of government perspective. We are not talking about going back and redoing any of the work that has already been completed by DELP in that DELP process review; quite the opposite, in fact.

I understand that Mrs Whitelaw has asked that a senior manager from DELP join the task force, and this invitation has been accepted by Mr Townsend. We believe that these processes can inform each other - that the DELP review can provide the task force with information on matters that have already been dealt with, while the task force will be able to inform DELP on matters from a wider perspective. I believe that the red tape task force will ultimately benefit all agencies which have as their goal improved client services and relations.

Mr Speaker, the red tape task force is a vitally important opportunity for the business sector in the ACT to have its say. We have placed no limit on what their submissions should address. Clearly, if we were to do that, we would be setting the task force up for failure, and we want it to succeed. The task force can do that only if it is not itself tied up in red tape. I agree with Mr Moore. We will make sure, by having Mr Townsend on that red tape task force, that that task force does not revisit something that has already been done by the people at DELP.

31 May 1995

MR MOORE: I have a supplementary question, Mr Speaker. I am very pleased with the rather full answer that Mr De Domenico gave me. That could be due partially to the fact that I gave him a few minutes' notice - not many, I might add - that I would be asking such a question. My supplementary question has to do with the comment you made, Mr De Domenico, about the complexities of laws and inconsistencies, and the fact that you have, basically, a business group looking into this issue at the same time that our Planning Committee does so. What is missing from the group that you have looking into this issue, Mr De Domenico, is general community participation. The time taken to deal with issues over the last few years has caused a great deal of anxiety in the community. I have suggested to you that the Planning and Environment Committee is looking at that legislation. Will you recognise that that is happening and ask that red tape task force to leave that area alone until after the committee has reported?

MR SPEAKER: I would remind members that questions are to be concise, or as concise as possible.

MR DE DOMENICO: Mr Speaker, I thank Mr Moore for his supplementary question, which, once again, is a very intelligent and well thought out one. The answer, Mr Moore, is yes. We will take that into account. I will make sure that the chair of the task force, Mrs Whitelaw, is in touch with you to make sure that she is aware of what you are talking about.

Government Service - Office Accommodation at Gungahlin

MS FOLLETT: Mr Speaker, I direct a question to the Chief Minister. Chief Minister, when we were in government Labor adopted a policy of housing our public servants in owned rather than rented office accommodation, and we did that for a number of reasons: To provide jobs in the construction industry, for one reason; to save money on the rent in rented accommodation; and also as a means by which the Government could control the standard of accommodation that is provided to ACT employees. What advice have you received on the cost of building an ACT Government office block at Gungahlin, especially in terms of the long-term savings in rent that would be brought about by such government-owned accommodation?

MRS CARNELL: Whenever this Government, as with the previous Government as well, I assume, looks at accommodation for ACT Government employees, the important things are the quality of that accommodation and the cost-effectiveness of that accommodation in order to make sure that the ACT gets the best possible deal - not just in the short term, but in the longer term as well. That is one of the reasons why this Government will be going to whole of life costings on all of our new capital works programs.

At this stage no costings have been done on office accommodation at Gungahlin. There are a number of reasons for that. We will announce a decision on accommodating DELP employees in the next couple of weeks. The Gungahlin option is an interesting one. It is one that encompasses a number of other issues, not the least of which being the light rail option - the option of having light rail between Gungahlin and Civic Centre, something that I know that the Greens have been very interested in.

As I am sure members of the previous Government are aware, if light rail were to go ahead in that area - no final decision has been taken on that - urban development, the places at which ACT Government employees are housed, where they work, is absolutely essential in terms of the viability of the light rail link. It is those sorts of long-term planning issues, and short-term planning issues as well, that we will be taking into account when we make those decisions.

MS FOLLETT: I have a supplementary question, Mr Speaker. Unless I am very much mistaken, that amounts to about a 360-degree backflip on the part of the Government in terms of Gungahlin. The last words I heard Mrs Carnell utter on the matter were, "Why would you put an office building at Gungahlin when they do not even have a shopping centre there?". She was wrong about that; they do have shops at Gungahlin. Obviously, she has changed her mind about that as well, Mr Speaker. Can the Government indicate whether they have abandoned the policy of having government-owned buildings for ACT Government employees?

MRS CARNELL: No, we have not abandoned that at all, and it is true that I did say, "Why on earth would you put government offices next to a park?", or, "Why, in heaven's name, if you do not have the Gungahlin Town Centre up and running, would you put office blocks there?". As the previous Chief Minister would know, the DELP employees need a new building by the end of next year. It is simply impossible to build a building at Gungahlin in that timeframe. We have looked for other options. As the previous Chief Minister would know, she had to, too. She had put this out to tender in February this year. She had put the whole thing out to tender. What was in that tender? Appropriate sites in North Canberra. North Canberra is what she had put out to tender. Those tenders have closed and this Government, being an efficient operation, will make a decision in the next couple of weeks. The previous Chief Minister knew perfectly well that Gungahlin was not an option. That is why she put it out to tender in February.

ACTEW - Corporatisation

MR HIRD: Mr Speaker, the doves are a bit restless this afternoon.

MR SPEAKER: So are the galahs.

MR HIRD: Yes, there are plenty of them over there; they are directly opposite.

I address my question to Mr Tony De Domenico, the Minister for Urban Services. There has been a lot of debate in this chamber on corporatisation, Mr Minister. Are you aware of the announcement by Mr Michael Egan, the New South Wales Labor Treasurer, relating to the proposals for that State's electricity industry? Can the Minister inform the parliament of the similarities between approaches taken by the New South Wales Labor Government and what the ACT Government is preparing with respect to ACTEW? Can the Minister inform the parliament whether the proposals of the New South Wales Labor Minister, Mr Egan, are consistent with developments within our own jurisdiction, the ACT?

31 May 1995

MR DE DOMENICO: Mr Speaker, as I touched on earlier today, corporatisation is being embraced across the country, by both Liberal and Labor governments. It is not a radical move. I think that the recent publicity in New South Wales concerning the Carr Government's plan to corporatise the State's electricity power is indicative of what is happening all over the country. Yes, I am aware that yesterday the New South Wales Treasurer and Energy Minister, Mr Michael Egan, announced reforms to the State's electricity supply industry. As part of his energy statement, I am advised, Mr Egan announced that rural-based distributors will be amalgamated and Pacific Power's structure will be reviewed to determine whether it should be divided into three separate competitors. Mr Egan said:

The reforms will cut power prices, reduce greenhouse gas emissions and create jobs over the longer term.

Mr Egan also outlined the Government's plans for this reform, saying:

The Carr Government will legislate in the Budget Session to create a competitive market for electricity within New South Wales, ahead of a national market for power opening in mid 1996.

Mr Egan also said that the Pacific Power chairman, Professor Fred Hilmer, will head a review to determine whether Pacific Power should be corporatised as one or more publicly-owned businesses. I would like to touch on this point, Mr Speaker. It is an interesting one. The person whom the New South Wales Government appoints to oversee the restructuring of Pacific Power is Professor Fred Hilmer, the architect of the Hilmer reforms which have been endorsed by the heads of all Australian governments. In the energy industry alone, the Industry Commission estimates gains of \$2.4 billion from corporatisation of Australia's electricity and gas utilities.

The New South Wales Minister, Mr Egan, also went on to say:

Our policy is to set up publicly owned corporatised bodies which are going to beat the pants off those privatised bodies in Victoria.

You do not need to read between the lines, Mr Speaker, to realise that the New South Wales Labor Government wants a competitive electricity power operation ready to compete in time for the national electricity grid in July next year. You can therefore see that this Government's move to corporatise ACTEW by July 1995 is not a radical one. It is the sort of thing that is being considered in other States, and has already occurred in some. The most recent example occurred in Queensland, under another Labor Government, on 1 January this year when the Labor Premier, Wayne Goss, corporatised his electricity services.

What we are seeing, Mr Speaker, is the national micro-economic reform processes getting under way right across Australia. This Government supports national micro-economic reform processes, particularly developments to establish a national electricity market, and the first step towards that is the corporatisation of ACTEW. The advantage with ACTEW is that it exists and functions more like a corporation than a bureaucracy at the moment. Therefore, we believe that achieving corporatisation by 1 July this year is

a reasonable target. One of the advantages of corporatisation is that it removes the bureaucratic constraints and allows a government-owned corporation to compete more freely. The Queensland Labor Treasurer, Keith De Lacy, admitted that, by corporatising their State's electricity power, "the government would abrogate any involvement it may have had in the past in day-to-day management to enable the board and management to focus on clearly prescribed commercial objectives". Mr Speaker, corporatisation is not a radical move. It is something that all sensible, commonsense governments have undertaken, both Liberal and Labor. This Government has a lot of commonsense, and it will go the same way.

MR SPEAKER: Order! Before I call Mr Berry, I remind all members of standing order 117(a), which says that questions shall be brief and relate to a single issue, and standing order 118(a), which says that answers to questions without notice shall be concise.

Health Services - Consultancy

MR BERRY: My question is directed to the Chief Minister in her capacity as Health Minister. I almost could not believe my ears a moment ago when Mrs Carnell said that the first nine weeks of a consultancy was going to cost \$330,000. For how long will the consultancy go?

MRS CARNELL: Nine weeks. I told you before. Mr Berry would have known the answer to this question if Mr Connolly had bothered coming to the briefing yesterday. They would have known, had they bothered to read the quite substantial briefing paper that has gone out to everybody. All the media and everybody else have had these questions answered. The reason you might not have known is that you did not come to the briefing, which was really silly. I will run through it. It is all in writing; it is all above board. Everybody who bothered to find out knows how this consultancy works. Just for the Labor Party, I will run through it.

The consultancy will commence with a diagnostic phase, which will start in the next couple of weeks. Actually, it is starting this week, come to think of it - the end of May. The cost of the first nine to 10 weeks of the diagnostic phase will be \$330,000 for professional fees, plus some expenses, which have been outlined. The cost of stage 2 of the consultancy, which is in the next six to nine months, the implementation phase, will be finalised at the end of stage 1, when we determine what the priorities and targeted areas will be. Like any sensible government which goes into this sort of consultancy, we have not decided what the outcomes will be. Surprise, surprise! So, we have a first phase, the diagnostic phase, which goes for nine to 10 weeks. At the end of that time we will have a report - not from the consultants, but from the group, which is a mixture of the consultants, people who work in health and health management - on the areas where we can achieve improvement in quality and improvement in costs, generally.

31 May 1995

It is very interesting to note that this is only a fraction of the \$14m that Mr Connolly put into the budget last year, for not one extra admission, not one extra public hospital bed, not one extra patient in the system. It is interesting to note that where these consultants, Booz Allen and Hamilton, have worked before they have received paybacks of eight times the initial fee paid - not just in one year, but every year.

MR BERRY: Mr Speaker, I think I heard Mrs Carnell say that the consultancy would have a further stage to it, beyond the nine weeks.

Mrs Carnell: Yes.

MR BERRY: Will you now admit to the Assembly that you misled the Assembly by saying that it was only nine weeks?

MRS CARNELL: I think that I have said this quite a lot of times. There is a stage 2 to the consultancy, all of which is in the briefing papers. All of this information is there and it was available yesterday, absolutely.

Mr Berry: So, it is more than \$330,000.

MRS CARNELL: There is a stage 2 of the process. Stage 2 will go for six to nine months and will be the implementation phase of the diagnostic phase. This time this is not some report that will be on the shelf to gather dust. This is about implementation of the essential reforms that are required in Health. This is about taking it from the diagnostic phase into making Health work. Where this consultant has worked in the past they have achieved returns on that investment, paybacks, of eight times that initial fee paid, and, as I said before, eight times not for one year, but every year. If we spent \$1m we would get back \$8m, going on the 16 teaching hospital experiences that these people have had. All that information is in the information that has gone out to all the staff in the health system, all the journalists, all the people who attended the briefing session.

Ms Follett: Not us.

MRS CARNELL: That is because you did not go to the briefing session.

ACTEW - Corporatisation

MS HORODNY: Mr Speaker, I direct this question to the Minister for Urban Services. In light of the statements made this morning showing the Government's strong support for corporatisation and the fact that a Bill for the corporatisation of ACTEW will be tabled tomorrow, has the Government done extensive independent financial, social and environmental analysis of the costs and benefits, comparing existing and proposed structures for ACTEW, in the preparation for corporatisation? If so, what is the nature of this analysis, and will the Government table this analysis for public scrutiny?

MR DE DOMENICO: Mr Speaker, the answer to Ms Horodny's question is this: The Government's position on corporatisation has been clear, out in the open, for a number of months and a number of years. I can also assure Ms Horodny that the corporatisation of ACTEW has been a long-going process. Ms Horodny should know that ACTEW was about to be corporatised before the change from the Alliance Government to the Labor Government. Ms Horodny would also be aware of the complete package of documentation - if you have not received it already you will be receiving it - on the complete restructure and corporatisation process of ACTEW. I can also say to Ms Horodny that the Government has taken into account community service obligations, and the Government's election commitments to corporatise - why we are corporatising, the benefits from corporatisation, and the track records of other governments and corporatisations. All those things have been taken into account. You will find tomorrow, when we introduce the package, that you will be pleasantly surprised.

MS HORODNY: I have a supplementary question. How will the Government expect to gain the support of the community for corporatisation if it will not provide to the community details of the basic analysis which has led it to this conclusion?

MR DE DOMENICO: Mr Speaker, I have said time and time again - in fact twice today, I think - that the community benefits of corporatisation have been well documented. All State Premiers and Chief Ministers and Federal Government people have talked about the electricity market in particular. It is well documented, Ms Horodny. You will find from the package tomorrow, including the introductory speech and the negotiations with the unions, that all the things that need to be done have been done. They will continue to be done. Here in the ACT we are going to learn by the mistakes of other people who have corporatised. We are going to do it better and, when we do do it better, it is for the benefit of the community.

Government Service - Office Accommodation at Gungahlin

MR WOOD: Mr Speaker, my question is to Mr Humphries, the Minister for the Environment, Land and Planning. Referring to the desirability of a DELP building in Gungahlin in the town centre area, the other day you would have received a letter from the Mitchell-Gungahlin Chamber of Commerce. I quote from part of that letter: "There is no reason why the construction of a new DELP building could not start now in Gungahlin". That view certainly supports my agenda as Minister. Given this statement from the business group and what I believe is a clear case that that building can go ahead on time, would you go back to your officers, express a strong view on the matter, and ask them to spell out the details of how that building may proceed?

MR HUMPHRIES: Mr Speaker, I have to say that it is very easy for the Labor Party to pretend that they are now the friends of Gungahlin and the people who would have delivered a new office building for DELP in Gungahlin had they been returned. That is very convenient reconstruction of history. In fact, that was not the way that the former Government was proceeding at the time it left office. It is not possible to provide

31 May 1995

a proper building in a proper environment for the housing of the Department of the Environment, Land and Planning by the end of next year, December of 1996, when the John Overall Offices have to be vacated. It is as simple as that. Mr Speaker, proof of that fact is that the previous Government acknowledged it itself. As the Chief Minister indicated, the previous Government called for expressions of interest or tenders for sites.

Ms Follett: No.

MR HUMPHRIES: Yes, you did.

Ms Follett: Not the Government.

MR HUMPHRIES: Not the Government. I correct myself, Mr Speaker. Apparently, a renegade department that was nominally under the former Minister for the Environment, Land and Planning, Mr Wood, surreptitiously, without any of the members of the former Government noticing, placed ads in the *Canberra Times* calling for tenders for the new office building, for housing DELP. The ads must have been very small. That happened, I think, in January of this year, well before the ACT Government went to the election. Apparently, the Government did not even know about it. What is even more surprising, Mr Speaker, is that contained in these calls for expressions were conditions about the sort of thing that had to be provided, including indications that a central location was preferred. Okay; these things happened without the former Government knowing about them. Somehow these surreptitious public servants slipped the ad into the *Canberra Times* before they noticed and on that particular Saturday no members of the Government happened to be reading the *Canberra Times*.

Mr Kaine: Another \$60m of unbudgeted expenditure.

MR HUMPHRIES: That is right, yes. It is easy to work out how things happened under the former Government, is it not, Mr Speaker? That was bad enough. Two weeks before the 1995 election, at the beginning of February, the tender process closed, and a number of companies had indeed put forward - - -

Mr Wood: Tender?

MR HUMPHRIES: It might be expressions of interest; forget the process. Whatever it is - tenders or expressions of interest - a number of companies had put forward bids in that process.

Mr De Domenico: There were 27.

MR HUMPHRIES: My colleague the Minister for Urban Services tells me that there were 27. Do you know how many related to Gungahlin? Are there any guesses from opposite? No? You are a bit quiet today. None. Absolutely none related to Gungahlin. At that stage there was two weeks to run before the then Government went to the election. It was about a month before they left office. Did they come out at that stage and announce that the process that they had initiated was inappropriate; that it should be abandoned because it had not produced any bids for Gungahlin? Was there an announcement by the former Government saying, "No, we are rejecting the process we

have initiated to produce new office accommodation for DELP. We are going back to the drawing boards and starting again.”? No, there was not. These people opposite fully intended to put the DELP building elsewhere than Gungahlin because they knew that they could not provide it in Gungahlin in the timeframe available. They are the facts.

MR WOOD: I have a supplementary question, Mr Speaker. It is interesting that the Minister, Mr Humphries, seems to be contradicting his Chief Minister, who was talking about tenders, very definitively, and now he comes back to expressions of interest, which is, as he said, rather different. I want to refer further to that approach from the Chamber of Commerce and that area in which they said to the Minister, “Had you consulted this chamber before making your decision we could have discussed it with you”. Mr Humphries, do you intend to talk to your communities, as you have so often said?

MR HUMPHRIES: Mr Speaker, what a stupid question! How am I supposed to describe what was in the minds of the former Government when they made the decision not to put DELP in Gungahlin? You people called for the expressions of interest. You people received the expressions of interest, which had no indication of Gungahlin. If you had been honest and up front at the time, you could have told the people in the Mitchell-Gungahlin Chamber of Commerce - - -

Ms Follett: Mr Speaker, I raise a point of order. I think “If you had been honest” is a clear imputation and it ought to be withdrawn.

MR HUMPHRIES: I withdraw, Mr Speaker. If those people opposite had been prepared to tell the people of Mitchell-Gungahlin what was going on at the time, what they had done with their own tender process, they could have advised those people that there was no chance of Gungahlin being used as a base for that accommodation. Rather than Mr Wood asking me why it was not possible and why I have not told the Mitchell-Gungahlin Chamber of Commerce that it was not possible, he should explain why he did not tell the Mitchell-Gungahlin Chamber of Commerce why it was not possible to put that building in Gungahlin.

Mr Speaker, this Government is committed to providing government-owned accommodation for as many public servants as is appropriate, and, in particular, to providing government-owned accommodation for government departments in Gungahlin. That will be provided at the appropriate time when the infrastructure is available to do it. Plopping buildings in the middle of empty fields is not good commonsense, and we are not a government that goes down that stupid path.

MS FOLLETT (Leader of the Opposition): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

Mr Humphries: It is done at the end of question time, as a rule.

MR SPEAKER: I can allow this and I will be happy to do so. Then I will call Mr Kaine.

31 May 1995

MS FOLLETT: Thank you, Mr Speaker. I will be brief, Mr Speaker. I refer to the answers given by Mrs Carnell and Mr Humphries to questions concerning the construction of a government-owned office block at Gungahlin. I can confirm, Mr Speaker, that the advertisement calling for expressions of interest that appeared during the caretaker period shortly before the election this year was inserted without my knowledge or consent, and also without the knowledge or consent of the former Minister, Mr Lamont. Mr Speaker, it is my view that the appearance of that advertisement, of which I first became aware about a week ago, was in direct contravention of my written instructions on this matter.

Taxes on Building Materials

MR KAINE: My question is addressed to Mr Stefaniak, the Minister for Housing and Family Services. Mr Stefaniak, I am sure that you are well aware that the residential building industry in the ACT has come up against a brick wall; that finally the Keating-induced recession has hit Canberra and construction is coming to a virtual stop. You will also be aware that in the recent Federal budget the Keating-Willis combination delivered the housing construction industry in Canberra a second whammy - a double whammy - by imposing very significant taxes on building materials. Mr Stefaniak, can you tell us what the impact of these taxes is going to be on the ACT? How much can we expect the cost of new housing, extensions to housing and renovations to increase as a result of those new taxes?

MR STEFANIAK: I thank Mr Kaine for the question. I think bricks are one of the very few items that will continue to have sales tax exemptions. The answer depends very much on the type of work being undertaken, Mr Kaine. It might give the house a better feel if I first outline the actual impact on specific building materials. In fairness to the Federal Government, let me say first that there will be continued sales tax exemptions for structural materials such as doors, windows, roof trusses, wall sheeting, bricks, cement, roof tiling, stone, sand, gravel and concrete. The Federal Government, I suppose, is being a little bit gentle on those who prefer to eke out their existence in spartan concrete bunkers. It is another matter if you want to live in a normal house, however, because sales tax will increase to 12 per cent for ovens, hotplates, heaters, range hood fans, hot-water services, shower screens, baths, towel rails, toilets, basins, wash troughs, toilet paper holders, mirrors, prefabricated shelving, sinks, cork, vinyl tiles, rubber, carpet and freestanding wardrobes.

Mr Humphries: Is that all?

MR STEFANIAK: That is quite enough, I think, Mr Humphries. The 12 per cent rate will also apply - you are right; it is not all - to items which were previously exempt from sales tax altogether. This tax impacts on handles, hinges, lock sets, batten screws, silicone, weather strips, ceramic tiles, internal tapware, external hose cocks, waterproofing adhesives, bathroom taps, fixing materials for your internal lining, doorstops, kitchen cabinets, prefabricated wardrobes, ceramics, slate, partitioning, quarry, wall and floor tiles, timber parquetry, timber floor coverings, paint, putty, joinery, nozzles and wallpaper. This tax will also hammer your nails and screw your bolts, nuts

and washers. If all this makes a family home look like a tax nightmare, do not worry; the Keating Government has slapped 12 per cent on the light fittings so that you cannot afford to see the results. If you are thinking of pulling down the scaffolding and giving up on your dream home altogether, it is too late, because scaffolding has been hit with a new 22 per cent sales tax from 9 May this year, so it is already cutting in.

There are also, unfortunately, numerous other administrative costs hidden in all of this. Every nook and cranny of the house is being treated in a different way by the Taxation Office. Cabinet-makers, who have previously produced tax exempt items, will now have to register at the Australian Taxation Office and retain receipts for all business inputs, materials and manufacture-related equipment in order to claim exemptions. Of course, there is no escape for the consumers because they will still have to cough up the 12 per cent.

The consumer does not escape the confusion either. While the changes apply to taxable sales made by suppliers from 1 July this year, the legislation may not come into force by that date. Whilst suppliers will need to charge sales tax from 1 July, they will not be required to remit the tax to the Australian Taxation Office until 28 days after the legislation is enacted. If all the proposed taxes are not passed by the Senate and suppliers have charged the additional tax, this can be refunded only when the customer can be identified. Otherwise, the money will have to be remitted to the Taxation Office.

The Federal Government contends that the sales tax increases will raise \$215m and add \$400 to the cost of a new home. However, we have all come to appreciate in recent weeks the unreliability of the 1995-96 Federal budget papers; so who knows exactly how much they will raise and exactly how much they will add to the cost of a new home. Obviously, it will be a considerable amount of money. A joint analysis by the Housing Industry Association and the Master Builders Association reveals that the Federal measures are likely to mean a tax grab of \$525m and a cost impact of more than \$1,000 on an average new home. That is 2½ times more than what Keating claims. The MBA estimates that repairs and maintenance will cost 6 per cent more for the family home.

Mr Berry: Mr Speaker, I take a point of order. Mr Stefaniak might have taken notice of your earlier ruling on the extent of an answer to a question.

MR SPEAKER: Mr Berry, I would have hoped that everybody would take notice of my earlier comments.

Mr Berry: I would have hoped so, too.

MR SPEAKER: Thank you. I would hope that you are drawing your answer to a conclusion, Mr Stefaniak, because it is certainly out of order in terms of standing order 118(a), which says that answers to questions without notice shall be concise. It is longer than the Gettysburg Address, and not as interesting.

31 May 1995

MR STEFANIAK: It is a little more current, though, Mr Speaker, and a little more interesting to the people of Canberra perhaps. Certainly, you are quite right; it is longer than the Gettysburg Address, and both you and Mr Berry will be delighted that I am coming to my final remarks. Mr Berry, there are, clearly, heavy financial and administrative costs arising from this new tax attack. It will have a harsh impact on Canberra builders and home buyers. It is certainly the hope of this Government that these measures will not pass the Senate. I hope that I can say that with the support of all members in this place, not just those on this side of the house.

Police Chaplain

MR OSBORNE: My question is to the Minister for Police. Minister, the ACT Police Association has written to me asking for assistance in getting a police chaplain appointed. Having had seven years in the police force myself, my sympathies are entirely with them. The work can be extremely stressful and is often, as has become obvious in this Assembly, a thankless job. The importance of having someone to talk with after a traumatic fire or accident, a murder, a rape or a suicide is well recognised for victims and families, and also for social workers and others closely involved, so I ask the Minister to give some thought to our police men and women. We have chaplains in hospitals, for our defence forces, and even for our sporting teams. Can the ACT police have one too?

MR HUMPHRIES: I thank Mr Osborne for that question. He refers to the ACT Police Association. I am not sure whether that is a reference to the Australian Federal Police Association, ACT Branch, or the Canberra Police Association; but, whichever it is, the question is still quite relevant. I have discovered in the last few days that the ACT Region of the Federal Police do not have any chaplaincy services and I think that that is a matter that should cause us some regret. Clearly, people such as police involved in emergency service situations do have to face highly traumatic incidents throughout their working lives. They can range from death to serious injury, to a loss of people's loved ones, having to advise relatives when people have been killed in road accidents, and so on. There are tremendous pressures on such people. The rate of burnout is very high. The level of retirement at the first available opportunity is also too high, and we do tend to lose too many good police for reasons very much related to those questions of stress.

Mr Speaker, I am quite prepared to raise with the Commissioner of the AFP the question of whether a chaplain ought to be provided to the ACT Region of the AFP. I understand that it would not necessarily be an expensive option in that in other services these chaplaincies often operate on an honorary basis or on a nominal cost basis for the work they do on particular occasions rather than be paid an ongoing retainer. I am quite prepared to consider that option. I think that is only reasonable and I hope that it is something we can do. We have indicated in our remarks already, Mr Speaker, that we intend to deliver on a promise to provide more police on the beat on Canberra streets. I am not sure whether a police chaplain would be within the frame of that promise, but I can say that it lines up with our commitment to support officers in our emergency services generally in this Territory, who face tremendous difficulties in the jobs that they do.

Gungahlin Town Centre

MR WHITECROSS: Mr Speaker, my question is to Mr Humphries in his capacity as Minister for the Environment, Land and Planning. Mr Humphries, the Liberal planning policy for the 1995 election stated, "A Liberal Government will therefore ensure the development of a town centre for the people of Gungahlin commences before the end of 1995 at the latest", and the current Chief Minister has said, "I am amazed that Rosemary Follett is talking about an office complex at Gungahlin when we do not even have a shopping centre there". Since it appears that the Chief Minister has no intention of fulfilling the Liberal election promise in this regard, can you advise the Assembly, and, more importantly, the residents of Gungahlin, when the town centre will now be commenced and what it will contain, since there will be no government office block and apparently no shopping centre?

MR HUMPHRIES: Mr Speaker, dear, oh dear! It really is quite irresponsible. It is amazing how irresponsible the people opposite are. The fact is that the people of the ACT, in all areas, can expect under this Government to have services provided to them as soon as is practically possible at a level which other citizens of the Territory enjoy. We have to make it quite clear that we are very much committed towards providing that town centre at a pace and an appropriate level which was not afforded by the Government with which you were associated before this Assembly came into being. I have to say, Mr Speaker, that this Government has retained its commitment towards an early commencement on the building of a town centre at Gungahlin. That is our promise. We will be proceeding faster than the previous Government even dreamt of proceeding.

I might indicate, Mr Speaker, on that question of Gungahlin providing a home for the officers of DELP, that this Opposition is a little bit blurred in its thinking about what happened in the last few months before it left office. Mr Speaker, I might refer members opposite to a minute which was given to the Chief Minister, dated 18 January 1996, which I understand she approved.

Mr Connolly: When?

MR HUMPHRIES: It is dated 1996. I am pretty certain that it referred to 1995.

Ms Follett: That is about as accurate as the rest of it.

MR HUMPHRIES: Mr Speaker, the question is not whether the minute is accurate; the question is whether the Chief Minister at the time approved the contents of the minute. That is really the question, is it not? This minute of 18 January, we assume 1995, said, in the last substantive paragraph:

31 May 1995

Gungahlin is unlikely to be an option for DELP offices as was being studied in association with a John Overall Offices lease extension to 2000, since the new accommodation has to be available in 1996. However, we will continue to plan an ACT Government presence in the Gungahlin Town Centre.

Mr Speaker, as this makes clear, DELP was not being considered at that stage because it was not possible, on this advice, to have it happen. I ask the Chief Minister of the time, Ms Follett, to ask herself what her reaction to that advice was.

Ms Follett: I did not agree with it. That is what happened.

MR HUMPHRIES: I would ask her, then, to prove that by tabling the response that she had to this minute. Presumably, like any other Minister in the Government, she would have signed off this brief. She would have indicated, as she now suggests, if she opposed it, "Not agreed", or, "I do not accept this proposition". She has access to those documents. I invite her to put her money where her mouth was and table this document in its final form. That is my challenge to Ms Follett. I also have the ad which appeared in the *Canberra Times* on 25 January and which made it quite clear that this was the proposal being put forward for DELP. I think it is quite clear that this was not the process that was going to lead to the construction of a building in Gungahlin.

The other point to note, Mr Speaker, is that this Government has taken the trouble to talk to staff. Earlier today I was asked a question about speaking to people about Gungahlin. The staff at DELP are not unimportant in this equation, and they were asked what they would think about the option of moving to Gungahlin. What was their view? You do not know? I am surprised. I thought you members opposite would have spoken to the employees of DELP as well. Again, I can fill your void of ignorance by telling you that, in fact, the staff, almost to a man and a woman, were opposed to the idea of moving to Gungahlin. That is not the critical determinant of a decision; but it is important within the equation, and, Mr Speaker, it is not unimportant to this Government.

Mr Hird: Mr Speaker, could I move that those documents referred to by the Minister be tabled?

MR SPEAKER: He does not need approval to table them. If Mr Humphries wishes to table them he can do so.

MR HUMPHRIES: Mr Speaker, I do table that minute I referred to and the advertisement in the *Canberra Times* of 25 January.

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

MR WHITECROSS: Yes. I will wait until Mr Humphries has decided which papers he is tabling.

MR SPEAKER: There you are.

MR WHITECROSS: Mr Humphries, in answer to the question you said that the commencement of the development of a town centre for Gungahlin would happen as soon as possible, or as soon as practicable, I think were the words. When is "as soon as practicable", and is it before the end of 1995?

MR HUMPHRIES: Mr Speaker, as Mr Whitecross may know, there is one issue which this Government needs to resolve before it can set down a firm timetable for the construction of the Gungahlin Town Centre, and that is the appropriate way for the Government to deal with the habitat of *Delma impar*, otherwise known as our friend the legless lizard. This Government is concerned about being able to proceed with the Gungahlin Town Centre and concerned about providing an appropriate, ongoing habitat for that endangered species. As a result, Mr Speaker, we are, at this stage, finalising our strategy for dealing with that issue. When we have a strategy for dealing with that issue we will be able to finalise a timetable for the Gungahlin Town Centre. However, I can assure the members opposite that we do have a very firm commitment towards providing that town centre. It will happen. Work on that town centre will commence, I am quite confident, before the end of 1995.

Aboriginal and Torres Strait Islander Consultative Council

MS TUCKER: Mr Speaker, I address my question to the Chief Minister. It is in relation to the Aboriginal and Torres Strait Islander Consultative Council, which is in the process of being selected. What process was used to invite nominations for the Aboriginal and Torres Strait Islander Consultative Council, what process will be used to decide who goes on this council, and was the Aboriginal community consulted about the processes which she chose to use?

MRS CARNELL: Thank you for that question. Ads have been placed in newspapers, including the *Koori Mail*. I have had discussions with the previous Chief Minister's Aboriginal and Torres Strait Islander Consultative Council and a number of other Aboriginal groups in the ACT and surrounding areas about the composition and other important issues such as how the chair should be selected. With other consultative councils and in the past, the Chief Minister has selected the chair. A number of Aboriginal groups have put it to me that they would prefer to elect the chair from within the current consultative council. I have absolutely no problems with that, and I suggest that the new consultative council will elect their own chair. We have put ads in the newspapers, including the *Koori Mail*, and we have discussed it with people. We are interested in applications from whoever is interested.

MR SPEAKER: Do you have a supplementary question, Ms Tucker?

MS TUCKER: Yes. Part of that question was: How are you going to select the members of the council, not just the chair?

MRS CARNELL: When we have expressions of interest from various people, we have undertaken, as did the previous Government, to ensure that all the various groups in the Aboriginal and Torres Strait Islander community - and there are a number - will be represented on the new body.

31 May 1995

Ministerial Conduct

MS McRAE: Mr Speaker, my question is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, we heard this morning that late last night Mr Kennett accepted the resignation of one of his Ministers who felt that he had to step down to defend allegations, relating to personal conduct, from one person, one staffer. In the context of clear signs of leadership shown by your Liberal colleague Mr Kennett and his ex-Minister for Finance, Mr Smith, will you now take appropriate action?

MRS CARNELL: No resignation is before me.

MS McRAE: I have a supplementary question, Mr Speaker. Does that mean that you think that Mr Kennett's and Mr Smith's actions were wrong?

MRS CARNELL: I understand that Mr Kennett accepted the resignation of a Minister who put that resignation to him. As I said, no resignation is in front of me to accept or reject. If the question that you are actually asking me is, "Will you stand down Mr De Domenico while the Human Rights Office is investigating his complaint?", I think that has been answered again and again in this Assembly this week.

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

NATIONAL ROAD TRAUMA ADVISORY COUNCIL Paper

MR DE DOMENICO (Minister for Urban Services) (3.31): Mr Speaker, for the information of members, I present the National Road Trauma Advisory Council annual report for 1993-94 and move:

That the Assembly takes note of the paper.

Mr Speaker, the National Road Trauma Advisory Council was established in August 1990 by the Prime Minister to advise him, State Premiers and Chief Ministers on effective and achievable ways to reduce the road toll. The council's membership includes medical experts in trauma management and rehabilitation, experts in transport and transport economics, as well as representatives of the motor vehicle industry and law enforcement agencies. The council's terms of reference require that its annual reports be tabled in Federal, State and Territory parliaments. We have been provided with a limited number of copies of the report; so, if members wish to have a copy of the report, please contact the Clerk's office.

Over the last 25 years, the safety of Australian roads has been vastly improved. Fatalities have fallen from 3,800 in 1970 to 1,941 in 1994, despite the fact that the amount of road travel has almost doubled. Despite these improvements, road trauma remains an important national issue. As well as the 1,941 deaths, road crashes caused about 38,000 serious injuries last year. Lost productivity due to road crashes cost the national economy \$6.1 billion annually. Each year in the ACT 10,000 road accidents are reported to the police and, of these, 200 result in serious injury or death. There were 17 fatalities on ACT roads last year. Road accidents cost the ACT community \$150m each year.

Mr Speaker, the purpose of the National Road Trauma Advisory Council is to provide strategic advice to governments on the means by which road safety and health efforts within Australia can be targeted to areas where maximum reductions can be made in road fatalities and serious injuries. One of the key tasks for the council is to monitor and report on progress with the national road safety strategy. An implementation program for the strategy - the national road safety action plan - was released by all governments in June 1994. As part of this monitoring process, the council will host a national road safety review conference in Canberra, I am pleased to say, on 15 June 1995. The recently released ACT road safety strategy acknowledges the importance of national initiatives and commits the ACT to implementing the national strategy and action plan. In particular, ACT efforts are being focused on providing an integrated approach to road safety, improving the coordination of road safety activities carried out by ACT government agencies and actively encouraging and supporting community involvement in road safety issues.

Mr Speaker, to summarise, the ACT is closely involved with the work of the National Road Trauma Advisory Committee and is actively participating in related national road safety initiatives. It gives me great pleasure to formally table the annual report of the council in the Assembly.

Question resolved in the affirmative.

PAPERS

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

Audit Act - Canberra Institute of Technology - Report, freedom of information and financial statements, including the Auditor-General's report for 1993, together with a report on the *Teaching Services Act 1972*.

Mr Speaker, pursuant to standing order 83A, I also present three petitions which do not conform with standing orders. The first, lodged by Mr De Domenico concerning traffic arrangements in the vicinity of Lyneham Preschool, is from 40 residents; the second, also lodged by Mr De Domenico concerning a skateboard park in the Tuggeranong Town Centre, is from 253 residents; and the third, lodged by Mr Moore concerning Tillyard Drive traffic problems near the Alkira Child Care Centre, is from 91 residents.

31 May 1995

MS FOLLETT (Leader of the Opposition): Mr Speaker, I seek leave to present a petition which does not conform with standing orders in that it does not address the Assembly.

Leave granted.

MS FOLLETT: Mr Speaker, I present an out-of-order petition from 33 residents who express the wish to remain in their present accommodation at the Watson Health Services Hostel.

REHABILITATION SERVICES - REVIEW **Ministerial Statement**

MRS CARNELL (Chief Minister and Minister for Health and Community Care): I ask for leave of the Assembly to make a ministerial statement on the review into rehabilitation services in the ACT.

Leave granted.

MRS CARNELL: Mr Speaker, this Government is committed to the development and improvement of health services in the ACT. During a four-month period in 1994 a review of rehabilitation services in the ACT was conducted. This review, similar to that of the homecall program, was funded by the Medicare incentives program. In other words, it was federally funded. It provides an overview of rehabilitation services in the ACT prior to mid-1994. It is clear that in the past the development of rehabilitation services in the ACT has been fragmented.

The review examined rehabilitation services both in the ACT and in the south-east region of New South Wales in terms of availability, gaps and inadequacies in access, appropriateness, and linkages and coordination. The services were considered under the groupings of musculo-skeletal, prosthetic and orthotics, and neurological and acquired brain injury. The review did not cover psychiatric or drug and alcohol rehabilitation. The review adopted a collaborative approach, using a steering committee of government, non-government, union and consumer representatives.

During the review, consumers and service providers were consulted and a range of issues were identified, including inconsistencies in services which were not meeting the community's expectations or needs. The review found that a number of themes emerged about the current range of rehabilitation services. For example, services to meet the accommodation needs of the young brain injured and the transitional living requirements for adults were inadequate. Improved outcomes were reported for people who are involved in a rehabilitation program which includes a transitional living service. A transitional living environment provides, in a homelike environment, the opportunity for people to gain skills and confidence in activities that are part of their daily routine.

Another theme which emerged was the need for improved promotion of some services. Better promotion of services would increase the access of clients to the existing services. Service providers have a responsibility to ensure that clients and their carers have access to comprehensive information. Information needs include an understanding of the needs of the individual client, the expected outcome and the proposed timeframe. The review found that service providers do have educational needs to ensure that they have an understanding of current rehabilitation therapies and processes. Service providers also require up-to-date information on agencies, services and support services for clients. Meeting the educational and information needs of service providers enables them to assist clients and carers by providing adequate information. This then assists in the negotiation of agreed management plans, thereby helping clients to make a smooth transition across services.

This review proposes a model of care which places greater emphasis on achieving the best possible outcome for the client. This can be achieved by further exploration of accommodation needs and by greater involvement of not only the client and their carers but also their support systems, employers and community members. This assists the client and carers to make a smoother transition toward psychological adaptation during the rehabilitation process.

The review also proposes future directions for the improvement of rehabilitation services - something that is much needed. These include appropriate access to services and the facilitation of the active involvement of consumers and their carers in the rehabilitation process, supported by the development of seamless service structures. These new directions for improved delivery of rehabilitation services will be implemented, in the first instance, through a pilot project which focuses on acquired brain injury. This project is seen as a priority at this stage.

Mr Speaker, the rehabilitation review provides the embryo of a strategic framework. The strategic framework will address the recurring themes in the review of the need for improvement of accommodation facilities, coordination of services, improved education, and promotion of services. The next stage will be to further develop and finalise the strategic framework which addresses these issues identified in the review and further strengthens current best practice. The framework will provide a future direction which encourages more active participation of clients in the development and implementation of their rehabilitation plans.

Throughout the rehabilitation review process, assurances were given to the community and service providers that this review is the first stage in the improvement of rehabilitation services. An interdepartmental steering committee including service providers, managers and consumer groups will participate in the finalisation of the strategic framework. This cooperative approach will ensure that rehabilitation services in the ACT and surrounding areas will be improved, better coordinated, better able to meet the needs of the community and better able to provide the level and the quality of service the community deserves.

I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

31 May 1995

MR CONNOLLY (3.43): The Opposition welcomes Mrs Carnell's statement in relation to this review, the report of which was circulated to members during the non-sitting period. This review was commissioned during the period of the Labor Government. As the Chief Minister indicated, it highlights the fact that this was an area that had become somewhat fragmented over the years. It also highlights - and I think it is very clear from the Chief Minister's statement - that this is a complex area which will require well thought out and well crafted solutions. I can recall from my experience as Health Minister that we were often attacked from the Opposition benches for failing to come up with magic wand solutions in relation to rehabilitation services. We were told that if the Liberal Party got into government, hey presto, magically, all would be solved. I am pleased that in fact we are now getting a much more balanced response.

The review is a welcome signpost for the future. It does not in itself solve the problems, as Mrs Carnell's statement indicates. The direction to which the Chief Minister points, of further work being done, of a cooperative approach being taken and of all parties - consumers and client groups as well as the relevant industrial organisations - being involved, is welcomed. I point out that the way this review was achieved, at comparatively modest cost and with the cooperation of all groups - industrial and consumer as well as management - is the way to go with reviews of health, rather than the 9½-week special.

Question resolved in the affirmative.

QUESTIONS WITHOUT NOTICE

Health Services - Consultancy

MRS CARNELL: I would like to table a paper that has relevance to question time. It is the newsletter that went out to staff of the Department of Health and Community Care yesterday with regard to the consultancy that was announced yesterday. It seems that the Labor Party was unaware of it. It outlines the cost, the nine weeks and the various phases.

NAMADGI NATIONAL PARK

Discussion of Matter of Public Importance

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

The importance of maintaining the Namadgi National Park with public management and in public ownership.

MR BERRY (3.45): Mr Speaker, this has been a matter which has caused some agitation in the community. Too often we take our natural environment for granted. Too often we fail to notice how fragile our environment is. At the same time I think we would all be happy to note that over the last decade or so many of our friends in the community have learnt that our resources are not finite, that the environment is fragile and that habitats lost cannot be found again. This recognition has led to other things -

national parks, recognition of special environments, applications for World Heritage listings, and World Environment Day. It is particularly apt that discussion of a threat to our national park, Namadgi National Park, should take place in the sitting week before World Environment Day. As we get ready to celebrate World Environment Day, we are reminded of just how vulnerable our environment can be. When the environmental vandals, if I may describe them as that, get their hands on things, it seems that our national parks are up for grabs.

How has the issue of Namadgi come up in this Assembly? First we heard that the Liberal Government were going to give half of the Australian Capital Territory to New South Wales. At this point, Mr Speaker, I would like to mention a letter from a Garran resident which was in the *Canberra Times* today. Under the heading "Crazy Namadgi proposal" it states:

Let the NSW Government manage Namadgi, a third of the ACT? Good idea, Garry, it might save a few dollars.

Then it goes on to make a few unkind remarks about the Assembly:

A better money-raiser would be to sell Murdoch the pay-TV rights to the Assembly proceedings. Question is, which channel would it be shown on? Would it be "tragedy" or "farce"?

I think that both would apply in relation to the Government's attitude on Namadgi in the first place. The letter goes on to say:

The Namadgi proposal follows hard on the heels of the corporatisation of ACTEW.

It finishes by saying:

If the Liberals aren't interested in governing the ACT, why did they stand?

That gets us to the real issue. If everything is going to be handed over to somebody else, what are we here for? That is very important when we look at the hills, the fauna, the flora, important Aboriginal sites, the air around us, our water catchment areas - the lot, really. The Liberals, and Mr Humphries in particular, were going to abrogate their responsibilities to manage the ACT and hand half of it over to New South Wales - provided, of course, that they did not charge us much. But they really floated this idea without knowing what it was all about. It seemed to be a little bit of a disease that was caught from some of Mrs Carnell's attitudes about the health system.

The economic rationalist approach to environmental management just does not work. Do not count the assets; do not count the benefits; do not count the impact of the loss. It is a little bit like the presentation that was made to the Planning and Environment Committee about the value of Acton Peninsula. We were told that it was not worth anything; that it was valueless. Indeed, quite the opposite applies. It is priceless because

31 May 1995

of the heritage value of that place to the Australian Capital Territory. So, it is “just look at the bottom line” time. Those are not the sorts of attitudes that Labor in opposition can sit idly by and tolerate.

But it turns out that the management of Namadgi by the ACT is cheaper than that offered by New South Wales - or it seems that way. So, the Liberals came up with a new plan within minutes, perhaps within half an hour or so - to flog it off to the private sector and to let the private sector manage it. But that caused so much of an outrage that they had to backtrack again.

Mr Humphries: It was a 360-degree backflip, was it?

MR BERRY: It is just backtracking all the time from these silly, straight-from-the-lip decisions. Now I hear that the private sector will run only the kiosk. It is very hard to work out - - -

Mr Humphries: They already do, you idiot.

MR BERRY: Mr Speaker - - -

Mr Humphries: I am sorry, Mr Speaker. I withdraw that.

MR BERRY: He knows that that is not true.

Mr Humphries: I could not help myself. I am sorry. But they do run it already.

MR BERRY: You need help but you could not help yourself. Yesterday the Minister for the Environment claimed that he just wanted to get some options on the table. I notice that also yesterday he said, “If you think this is a crock of poo, you can do what you like with it”. I know what I would like to do with it, and I am going to try to do it. It is something of considerable concern to me. At this point, Mr Speaker, I would like to circulate a motion which I intend to move at the conclusion of this MPI discussion. So, here we are, Mr Speaker, with an options worry. I want to rule out some of those options. That is why I have circulated the motion which members will receive shortly. I want to rule out giving away Namadgi National Park, or giving the impression that one is considering it or creating any angst at all about it. I want to rule out handing over the management to the private sector. This park is regarded by the community as precious, or priceless, and it has to be secured in a decisive way. That is why I have decided to go down the path of proposing a motion for consideration by this Assembly.

The management of national parks is not an entrepreneurial profit-making venture. It is about preserving our environment, our heritage, our culture and the culture of the Aboriginal people, ensuring that those things are not downgraded and ensuring that the sensitive balance is maintained. To understand what is involved means understanding what the park does, understanding what it contributes to the ACT, understanding what it means not only to the people of the ACT but to many other Australians, perhaps even all Australians, understanding its place in the wider environment and the surrounding region

and understanding its importance to Aboriginal Australia. It is not a possession to be sold. It is not a possession to be handed over willy-nilly to other people. It is a precious possession that has to be handled with kid gloves. It has to be preserved, and it has to be maintained.

The role of the public sector in managing Namadgi involves protection of its habitats, management of the sensitive alpine areas, maintenance of and protection of the Aboriginal sites, identifying and documenting the native species in the park and offering education programs to the many visitors. The Liberals would say that the private sector could do that. But the profits are different when the public sector manages these things. The profits are the retention of the park as an asset for the Territory; whereas on the other side, the economic rationalist side of things, it is a matter of what profit one can make out of managing this particular facility. Namadgi holds two of our dams and is the source of much of our water. The trees in Namadgi clean our air. The park is a source of beauty and enjoyment for us all. It is very much the bush of our bush capital. There are very few places in Australia, or in the world for that matter, where local residents can gain access to such an important natural park so close to their homes. It is well maintained by a dedicated group of people who know it in detail.

Mr Speaker, I would like to draw attention to some of the groups who have an interest in the bush in the ACT. They appear in our *Contact* book. We have, under the heading of bushwalking, ACT Walking for Pleasure Inc., Canberra Alpine Club Inc., Canberra Bushwalking Club, Canberra Speleological Society, Family Bushwalkers, Namadgi National Park - which is managed by DELP - National Parks Association of the ACT, New South Wales National Parks and Wildlife Service, Off the Wall Adventure Program and Omnia Adventure and Social Club Inc. There are a range of groups who have an interest in Namadgi National Park, and all of whom would be concerned about the way it is managed. They know the special characteristics and they know how to look after the park. As the Liberals opposite have already found out, they can manage the park cheaper than their New South Wales counterparts could. They are not only dedicated but also efficient and cost-effective. Of course, public sector management is something that is not guaranteed under the options which Mrs Carnell says that she does not want to rule out.

I believe that I speak for the majority of this community when I say that there are many options which should be ruled out. Specifically, handing over Namadgi National Park to New South Wales or the private sector to manage is one of them, as I have mentioned. The Minister for the Environment has said that he was just trying to get consideration started. I think the message ought to be sent loud and clear now that what has been proposed as an option is not on. This message has to be got through. This kite flying exercise is not something that does any credit to the Government opposite. When you look at options for Namadgi, when you fly kites about what you are considering, the outrageous ones have to be ruled out before you start, because they do nothing but cause disquiet in the community.

Namadgi is an important issue which the Government has to take responsibility for. It is too important to hand over to anybody else. As the writer to the *Canberra Times* said, why bother standing for government if you are not prepared to manage it, if you want to hand it over to somebody else? This is a precious resource for the community which I am sure we all intend to preserve. The protection of Namadgi for future generations is a big responsibility. It is a responsibility that cannot be abrogated. It is a responsibility that we all have to carry on our shoulders, narrow and broad. To quote that Garran resident - - -

31 May 1995

Mr Osborne: And big and strong.

MR BERRY: This is what happens to you if you stay here for too long. You end up with shoulders like a coke bottle. To quote that Garran resident again, why did they stand? I think the issue of corporatisation and privatisation is going to emerge again and again. It has been talked about today in relation to ACTION. Before this house rises at the end of the week it will be mentioned again, I am sure, in relation to ACTEW, and it will be the subject of much concern. The Government has to make out a case in relation to all of those instrumentalities that it is better for the community, that it is not just an ideological attitude that they have and they want to have matched in their management of Territory assets and that it is not just something that they promised to do for no good reason.

No case has been made out in relation to Namadgi National Park, and I am convinced that no case can be made out, because this is not an instrumentality which provides particular services to the community. With their ideological economic rationalist approach, the Liberals opposite will be able to play with the numbers in relation to those other instrumentalities throughout the Territory and present a case. It will be almost impossible for them to justify a claim that they will be able to do something better - - -

Mr Humphries: You have not even listened to it yet.

MR BERRY: We have been through this over and over again. There is the promise of economic rationalism every time the Liberals appear on the horizon; but when it comes to national parks forget it, because it is not on. It is not on in relation to Namadgi, because this is an asset that the people of the ACT, I am absolutely certain, want their elected representatives to shoulder responsibility for with pride.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.00): Mr Speaker, dear, oh dear! I really think that we fail to do the people of this Territory justice in meeting the responsibilities that fall on our shoulders when we advance arguments of such a weak and unsubstantiated nature in dealing with a debate as important as this. What Mr Berry is doing in none too subtle fashion is confusing two quite different issues. He is confusing the notion of contracting out a functional role of the operation of Namadgi National Park with the idea of giving it away or selling it. Mr Speaker, those two ideas are utterly different and are arguably utterly incompatible. The former is certainly an issue to which this Government is prepared to address its mind. The latter would never be an issue to which the Government was prepared to address its mind. It is quite dishonest, to be frank, to try to confuse those two issues and pretend that by talking about contracting out aspects of the management of Namadgi National Park we are thereby going to hand over the park to somebody else.

The ACT Government would always, under every circumstance, retain control over Namadgi National Park - always, under all circumstances. The fact that somebody else actually manages that park for you does not imply that you are giving away that park to somebody else. That is really a quite false suggestion. It raises the question of what happens to all the other services the ACT Government owns but which are run or managed by somebody else. The Government does not provide directly through public servants all the services it offers to the people of the ACT. Other people offer those services as well on contract bases. Thousands of workers in the health system do that, as do workers in the education system. Lots of people do that. We do not necessarily provide all these services through public servants.

Mr Speaker, Namadgi National Park is a very important asset of the people of the ACT. It covers almost half of the ACT - some 45 per cent of the Territory, in fact. It consists of 105,900 hectares. It is the largest area of natural bushland vegetation in the ACT. It provides the major water catchment for the Territory's water supply. It is an important extension of the network of alpine national parks that go all the way from New South Wales down to Victoria, and it is an area of great peace, tranquillity and enjoyment for the people of Canberra. None of those things will change under any foreseeable plan of this Government.

Mr Speaker, my pleasure in discussing the importance and value of Canberra's sole national park is offset only by the need to mention once again the appalling legacy which the previous Government left us as a result of their fiscal irresponsibility, financial mismanagement and positive squeamishness in addressing the important financial management decisions facing the ACT. Mr Speaker, it might not be known to all members here that, in fact, it was the Alliance Government back in 1990 which actually took the decision to increase Namadgi National Park by 10,000 hectares - over 10 per cent of its then size - to the present 105,900 hectares. A park that we are supposed to want to give away we actually were seen to be adding to.

Mr Moore: I said that you made a good decision.

MR HUMPHRIES: Indeed. The important thing, though, is that after we made that decision the incoming Labor Government in 1991 did not allocate additional resources to manage the area of that park to account for its enlarged size. So, we had a larger park which got no more resources to manage that extra area. That, I think, was wrong. This Government wants to look at all the options for making the provision of those services better and more efficiently costed, and that involves a process of examining options.

Huge levels of public debt were incurred by the previous Government, and we have to be imaginative and creative in the ways we deal with that large level of debt. One idea we have explored is to review the management arrangements for Namadgi National Park to see whether management by the New South Wales Parks and Wildlife Service or some other public or private agency could reduce costs, increase revenue or offer better

31 May 1995

services to park users. Mr Speaker, the option of the New South Wales Parks and Wildlife Service has been ruled out because that particular option did not provide for a cost-effective method of delivering a service to the people of Canberra. That is the bottom line. We have to maintain an important level of service to the people of Canberra. But we are prepared to look at the options.

Mr Speaker, I would ask Mr Moore and Mr Osborne to listen particularly to what I have to say now. I was criticised in this debate about a kite flying exercise. It was suggested that we are flying kites and that we should not be allowed to do that. Flying a kite has actually produced a very important development for the people of the ACT. In the last few days a further offer has been made to the ACT Government for the management, not by the ACT Government, of Namadgi National Park. That offer has come about only because of the so-called kite flying that Mr Berry referred to. The organisation that has approached us is the Australian Nature Conservation Agency, formerly known as the National Parks and Wildlife Service. They are interested in offering a service to the people of the ACT to manage that national park. For those of us who do not know what the Australian Nature Conservation Agency is - - -

Mr Berry: Tell them, "No thanks. We are right". Just say, "No; we are right".

MR HUMPHRIES: Mr Berry says to say, "No thanks". Let me tell him that the Australian Nature Conservation Agency, formerly the National Parks and Wildlife Service, is a highly professional, world-class nature conservation management organisation. It presently manages Kakadu and Uluru national parks and a couple of other parks as well. They have a world-class standard of park management to offer to the people of the ACT. They also may be able to offer us a service which is less expensive than our present one.

Mr Connolly: It is a Federal agency that moves in when they do not trust the States or Territories.

MR HUMPHRIES: It is a Federal agency, indeed. It is absolutely a Federal agency. I see no reason why we should not be prepared to talk to such an agency about this option. If we say that we will not talk to that agency about that option, then we are saying that we think they are good enough to manage Kakadu and Uluru but not good enough to manage Namadgi National Park. That organisation is interested in offering a service to the people of the ACT because they are interested in adding Namadgi, which I think is a very considerable asset not just to the people of the ACT but to the people of Australia, to the coterie of parks that they manage, to broaden their experience, to widen the range of parks that they manage and services they offer and to ensure that they have a cost-effective basis on which they can operate.

With great respect, Mr Speaker, I think that information throws the suggestion made in this motion of Mr Berry's into a different light altogether. I would ask members of this Assembly not to rule out the idea of handing over, as Mr Berry puts it, or contracting out, as I would put it, to an organisation like the former National Parks and Wildlife Service, now the Australian Nature Conservation Agency, the management of Namadgi National Park. There is no doubt that they could do a good job.

The important point is that we do not lose control of the national park; we do not relinquish it forever; we do not cede it to somebody else merely because we have somebody else manage it on our behalf. We still set the standards of management that we expect. We still decide how many people should be admitted to the park to view its beauty. We still decide what services should be offered at the park. We still manage the major questions about tourism, particularly ecotourism, at the park. We control all the important questions - every single last one of them - about the way in which the park is managed. But we do have the option of having somebody with a wealth of experience in this area do it on a better basis, on a higher quality basis and for less. That is the reason we need to look at this option.

I would urge members, therefore, not to consider a stupid move, a ridiculous move, and say, "No. We are putting down the shutters. We are closing our minds. We will blindfold ourselves and put corks in our ears. We are not considering this additional option". That is what Mr Berry's motion talks about doing. That is stupid; that is stupidity. There is no basis for intelligent human beings to behave in that fashion, but that is what is being asked of us. Mr Speaker, I want to make it clear that the park will remain in public ownership and that the Government will continue to make it available to the people of the ACT.

Mr Speaker, there is another reason that Mr Berry's MPI deserves to be questioned very critically. Having said that we will keep it in public ownership, I acknowledge that there is a circumstance in which the ACT Government would hand over ownership of Namadgi National Park.

Ms McRae: For money.

MR HUMPHRIES: No, not for money. Mr Speaker, members who choose to be frivolous may be unaware that there is a process set up in this country for native title legislation to operate. It provides that indigenous peoples in this country may obtain ownership over land which was previously owned by the crown and it can produce in that circumstance ownership by them of assets which had previously been owned by the public through the crown. Therefore, it seems to me, Mr Speaker, that it is conceivable that land in the ACT could be subject to that process. Indeed, as we have said from the outset, the most eligible piece of land in the ACT that could be subject to that process is Namadgi National Park.

I, for one, say to the Assembly that I have no difficulties whatsoever in the Ngunnawal people of this region owning Namadgi National Park. We should therefore be prepared to acknowledge that as a possibility. We would hope that there would be appropriate conditions in that to make sure - - -

Mr Berry: It is hypothetical; but, if it happens, bring it back.

MR HUMPHRIES: Mr Speaker, I am being interjected on constantly in these remarks. I would ask for a little bit of order.

MR SPEAKER: There has been a considerable amount of interjection.

31 May 1995

MR HUMPHRIES: I think it is appropriate for us to acknowledge that that is a possibility and that we will have in that arrangement, I hope, a way of the Ngunnawal people keeping Namadgi National Park open and accessible to the public of the ACT in almost the same way as it is now. But that could entail some changes. Mr Berry's knee-jerk motion proposing no change, putting up the shutters and not considering any options other than the present arrangements is not conducive to an environment in which we can look at the sorts of eventualities we have to look at. We may not have any choice. It may be that the Native Title Tribunal, which makes decisions in this area, determines that the national park will be owned by somebody else. If they do, we may not any longer have an option of saying that these decisions about management of the park rest with the ACT Government; but I hope that we will.

Mr Speaker, I think I have said enough to indicate that it is important for us to be prepared to consider at all stages the way in which we should best manage these important assets which at the present time are owned by the ACT. The park is an asset which we see being available to the people of the ACT, and we should be doing our best to think of its best possible future use. The best way we can guarantee the efficient provision of that use is by making the best possible arrangements for its management. That may not necessarily be by having ACT public servants doing the actual things in the park which they do at the moment. It could conceivably be by having somebody else doing that. At the moment the option that is presenting itself to us is for the Australian Nature Conservation Agency to do that for us. I would ask members to ask themselves whether that really is such a bad option at any stage. I am not saying that this is going to happen. They have only just approached us because of the kite flying which Mr Berry has criticised. They would not have approached us otherwise.

Mr Connolly: Because they do not trust you. They think the ACT is going to do something underhand.

MR HUMPHRIES: No, that is not the case. That is a silly thing to say, Mr Connolly, with great respect. It is not because they do not trust us. Mr Speaker, they are interested in providing a quality service, and they are quite happy to do that in conjunction with the ACT Government. I think Mr Connolly knows that. The fact of life is that we could get a good quality service from this, and we should think about that.

The Labor Party would be well advised to heed the lesson that this experience has given us and drop their mindless ideological and long outdated pursuit of having every public function undertaken by a public employee. The Government accepts responsibility for the control of the management of the park and undertakes to keep it in public ownership, with that one qualification. No option for its future use and administration which does not meet these requirements will be acceptable either to me or to the people of the ACT.

Mr Speaker, I say to the members here that it is within their power to shut off these options if they want that to happen. You can rule off anything you want; but, with great respect, that is a foolish way of proceeding. It is much better to see what it is that we are talking about before you decide on what you think of it. We have only just been

approached by this organisation. We deserve to go ahead and talk to them about this option. If the members of this place pass the foreshadowed motion this afternoon, I will take it that we should discontinue our discussions with ANCA. That is the import of this motion as I read it.

Mr Berry: Yes.

MR HUMPHRIES: Mr Berry says yes. I would say that that would be a very unfortunate outcome, a stupid outcome, and members should reconsider that position.

MR MOORE (4.15): Mr Speaker, Mr Humphries on many occasions during his speech used the words “stupid” and “stupidity”. They are appropriate words. In fact, I may well have been the first one to use the word “stupid” when I was asked by a member of the media for my reaction to the kite flying that Mr Humphries had run on this. I said, “It is a stupid idea”. I still think it is a stupid idea.

Mr Humphries suggests that because he has had an offer from the National Parks and Wildlife Service in response to his kite flying this was a very sensible way to go about it. Mr Humphries further suggests that, if the motion that Mr Berry has foreshadowed to follow this MPI discussion is passed, then Mr Humphries will not be able even to negotiate with the National Parks and Wildlife Service. I do not agree with that, Mr Speaker. I think he would be able to negotiate. If he gets such an overwhelmingly wonderful deal that he can come back to the Assembly and ask us to reverse our opinion, then I think that would be a reasonable way to deal with this matter.

Mr Speaker, I find it very hard to believe that Mr Humphries would get me to change my mind about getting the National Parks and Wildlife Service to run Namadgi National Park any more efficiently than our own public servants can run it. If there is an efficiency problem, which I doubt in the first place, then let us deal with it. Over the last six years that I have been here none of us have heard any suggestion that there is an efficiency problem with the way Namadgi National Park is dealt with.

Mr Berry: Not one question.

MR MOORE: Mr Berry interjects that there has not been one question. That is how my memory serves me also. On the contrary, nobody has ever raised with me, as chairman of the Environment Committee over the last four or so years, the prospect that we should examine problems with the management of Namadgi National Park.

Mr Humphries: It is really the cost that is at issue.

MR MOORE: Mr Humphries interjects that it is about the cost. If we have an efficiency problem, it is appropriate always to look at costs and make sure that we work things as efficiently as we possibly can. Mr Speaker, to most Canberrans, Namadgi is part of our sense of space and part of our sense of identity, and therefore we should be looking very carefully at ensuring appropriate management ourselves.

31 May 1995

The concept that Mr Humphries is looking at is what I think is normally referred to as outsourcing, in the current jargon of the particularly dry economists. Mr Speaker, I think that outsourcing does have a role to play in a number of places in the work of governments. However, when it comes to Namadgi National Park, I do not think that it is acceptable. We have seen no reasons at all yet to consider taking such drastic action. If Mr Humphries still really believes that we have a financial problem in the way the park is managed, then I think it is appropriate for us to look at where savings might be made, as it is always appropriate for governments to look at where savings might be made in management.

That leads me into the original suggestion and Mr Humphries's response at question time yesterday about having two options with ideas. One of them is to float an idea by flying a kite. The other is to carefully develop an idea until it is complete and then present it. I agree that in some ways he has a problem whichever way he goes. If you fly a kite, then people say that the idea is not fully developed, you have not consulted and so on. On the other hand, if you fully develop an idea and start to explore it and it gets out, then everybody asks why you are operating in a secretive way.

It is perfectly reasonable - I have no criticism - for Mr Humphries to fly a kite, to float this idea. At the same time, if you float an idea and the rest of us find that concept unacceptable, stupid or entirely inappropriate, then that is what we are going to say. If it worries us enough, then we are going to say, "You floated the idea. Understand that the trail you are following is simply not acceptable". If you still believe that what you say is the best way and if you are able to convince members of the Assembly that that is the case, then continue your negotiations with the National Parks and Wildlife Service if you like. On my reading of Mr Berry's foreshadowed motion, there is nothing to stop you doing that, provided you do not hand the park over to the National Parks and Wildlife Service and say that they can manage the service that we are currently operating in the park, even if they can do it for half the cost and can deliver an excellent service. After that, come back to us and talk about it and perhaps we will consider it. It may well be that even under those circumstances we say, "No; we want our own public servants to do it because we want full control of our national park and we want you, as Minister, to answer for how well that national park is looked after. We want you to answer if there is a problem with the management".

Earlier in my speech I indicated that I was not aware of any problems with the management of Namadgi National Park over the last three years, but I now recall - and I would hate to mislead the Assembly in any way - some problems associated with a car park near the Aboriginal rock paintings.

Mr Wood: That was Urban Services, which came in.

MR MOORE: Mr Wood interjects that it was a problem with the way the matter had been carried out by Urban Services. Nevertheless, the management of that issue was relevant to the management of the national park, and we held the Minister accountable.

It was the Minister who had to answer for those problems, and we want to be able to go on holding the Minister accountable for the management of such a huge portion of the ACT. Whilst I have no problem with your floating an idea, I think you should also understand that there will be times when you float ideas when you will get quite strident reactions, as has been the case - - -

Mr Humphries: I do not mind the reaction. I just do not want this motion.

MR MOORE: If you believe that the motion does more than that, then propose an amendment if you think that is appropriate. What we are saying to you is that you are not going to privatise the management of Namadgi National Park while this Assembly thinks it is inappropriate for you to do so.

Mr Humphries: It does not say that.

MR MOORE: Then move an amendment.

MR WOOD (4.23): Mr Speaker, the debate today is focusing quite properly on the importance of Namadgi, on its value to the ACT and beyond and on our care of the park. That is all very appropriate because it has been gazetted as a park now for only some 10 years. In that time, I believe, our officers working there - the rangers and others - have done a wonderful job. Mr Humphries has been honest and made it quite clear that the reason he is taking an interest in Namadgi is to do things more cheaply. That is something he is honest about, but it is something that alarms me enormously because it is the only consideration that he is giving to Namadgi. There has been no indication of his doing more. I, as Minister, would have liked to spend a lot more. We squeezed out every cent we could for Namadgi. I would have liked to do more, because there is so much that can be done there.

Let me give just one example of the economies that Mr Humphries was talking about. At one stage he was saying, "Privatise the toilets. Let someone come in and look after the toilets". I would be happy if someone else could do that, but the fact of life is that it has to be done by the rangers. You cannot get anybody else to do it. The cost would be prohibitive if we were to get people to go there from Canberra or wherever - from New South Wales now, it seems - just to do the rounds of the toilets. It would be ridiculous. I had thought until today that Mr Humphries and Mrs Carnell had got the message, because the issue had been dropped very rapidly. But it seems that Mr Humphries now is rethinking his position and has told Mrs Carnell to butt out. He wants to talk about getting the Commonwealth authorities in on the act. That makes me even more alarmed.

I do not want to mention the merits of Namadgi, because I think they speak for themselves; but I want to focus on the messages behind this continuing debacle. Those messages say a lot about this Government. They are very revealing. The first of those messages indicates that this Government has such little knowledge of the park.

31 May 1995

They have less knowledge of the community respect for the park, and they certainly have no concept of the community's needs. Their actions in proposing to relinquish responsibility make that very clear. I think it is urgent that Mr Humphries and his Cabinet colleagues start to get a feel for the park. I would suggest that if they have not been out there themselves they engage the officers to take them over some of the park. They need a lot of education, and they need it very quickly indeed.

Mr Kaine: Take them up to the top of Mount Coree.

MR WOOD: Indeed. Mr Kaine has been up to the top of Mount Coree in my company. We have enjoyed the experience of moving around the park. When in government, my Cabinet colleagues and I moved around the park. I do not think we needed to do so to get the feel of it and get the sense of importance of it, but it is obvious that Mr Humphries and Mrs Carnell and others urgently need that.

Mr Humphries was going to hand over management. Today and recently he has been trying to redefine what management means. He was going to give over control of the park. Management means management. He was giving that up. Using the art of rhetoric, subsequently he said, "We might just contract out the cleaning of the toilets and the running of the bookshop". But management has one clear meaning. Mr Humphries wanted to give up control of the operations of the park. We hear differently this day. He is now trying to say, "That is not really what I mean, folks". But that is what he was saying early in the piece.

Mr Humphries: No; I have never said that, Bill.

MR WOOD: I saw you quoted - I will never accept totally what I see quoted, of course - as saying that you were giving up management of the park. I think it is shameful that the Government has so little knowledge and so little awareness of what that park means that it would do that. The big problem is that the Government acted in ignorance. That is a very alarming first message that we get. I repeat: Get out there and start to get a feel for the park.

There is another message that is going to be debated throughout the life of this Assembly, and that is that the Government wants to privatise or corporatise or give away much of government activity. That has been made clear in the past and is clear again today. This has been driven by Liberal Party ideology. This is in deliberate contrast with the Chief Minister's oft-quoted words. I heard them recently. She says, "We are not an ideological party. We do what is practical and sensible in the circumstances". Yet Mr Humphries is out there saying, "Let us examine what we can give away, because that is what the Liberal Party ideology says". Once again in this issue, as in others, the actions of the Liberals do not match their words, especially those before the election.

There is a third message from this debacle, and that is that it is about time the Government came into this Assembly and said to the community exactly what they are looking at with respect to not just Namadgi, grass cutting and the corporatisation of ACTION, ACTEW and others. Let us have from the Chief Minister a full list of what she is proposing to privatise, corporatise or whatever. I think it is about time she came clean,

so that we do not discover these things simply by accident. Let the Chief Minister and her Ministers tell us what is going on. Finally, I mention that, once again, there is no suggestion of consultation. I say that, in particular, because the Liberal Party and the Chief Minister are persistently saying, as they did before the election, that they will talk to people and consult with them. Yet time and time again, in the short life of this Government, we have found that that simply does not happen.

MR KAINE (4.30): The subject matter of Mr Berry's matter of public importance today is a subject that is worthy of debate in this place. It has nothing to do with what this Government or any other government might do now, what it might have done in the past or what it might do in the future. The fact is that Namadgi National Park is a great public asset and it is appropriate that we occasionally discuss matters of this kind, exchange views and come to some agreement on how this asset should be dealt with in the future. Therefore, it is an interesting and worthwhile debate. From the debate so far, it is quite clear that there are different opinions about what public management means and perhaps what even public ownership means. It is appropriate that we clarify these issues, because of the importance of the subject matter, and that we all know in which direction we are going. Whether or not we all agree, it is a good thing that we get our views on the table so that people both in this place and outside of it know what our thinking is.

There is a matter of great concern to me, however, Mr Speaker, that is peripheral to this debate, and it is reflected in the motion that Mr Berry intends to put to the Assembly at the end of this debate. This is not the only instance of this kind. In February this year we had an election, and the people of Canberra spoke quite strongly, saying that they wanted a change in government and they wanted a change in direction. In other words, what the Labor Government had been doing for 4½ of the last six years was unacceptable to the community. They were looking for new initiatives, fresh thinking and new directions from government, and that is why today the Liberals sit on this side of the house and Labor sits on the other side.

There is a very disturbing thing happening, Mr Speaker. Members of the Assembly who are not elected to the Government of this Territory are attempting to circumscribe what this Government can do. The motion foreshadowed by Mr Berry proposes that the Assembly reject any moves by the ACT Government to hand over or privatise the management of Namadgi National Park. That would purport to prevent this Government from making any change whatsoever in the way Namadgi National Park is managed. Only this morning we had a motion from Ms Horodny that would prevent the Government from doing anything to change the way in which ACTION buses are managed. Of course, Mr Wood has a motion on the notice paper - which I will not reflect upon, since I am not permitted to do so under the standing orders - that would prevent this Government from making any change to the regime of betterment tax. How far does this go? How far do we permit the responsibility and the authority of executive government to be eroded and circumscribed by people who are not part of the Government, by people in particular, Mr Speaker, who only three months ago were rejected by the electorate for their management? In other words, the electorate did not want the dead hand of the Labor Party on the management of this Territory any more - not for the time being, anyway. Yet we have these backdoor techniques being used to prevent this new Government from doing what must be done.

31 May 1995

The issues, in broad terms, Mr Speaker, are pretty clear. We have to get the cost of government down. We cannot afford what we have inherited after 4½ years of Labor government. If we cannot afford it, that means that in developing the budget for next year the Government is obligated to look at other ways of doing things. Yet every time the Government comes forward with any proposal that would perhaps lead to changes in the way things are done, somebody pops up and says, "We are going to put up a motion that says that you cannot do that". Whilst this is essentially a debate about Namadgi, we are getting into a debate about what is the responsibility of the Executive and where the authority of the Executive ends. We are into a debate about trying to circumscribe what the Executive can do in doing things better. Mr Speaker, we need to reflect on whether it is appropriate for this Assembly, by the kind of motion that Mr Berry has foreshadowed and the other two that I referred to, to circumscribe everything that the Government attempts to do to make things better, to do things better, to do things at less cost.

Reverting specifically to the matter of public importance before us, which is a subset, I submit, of what I have been talking about, it is appropriate that, as I said before, we re-examine - along with the health system, the education system, the public transport system and the law and order system - how we manage our public assets. Namadgi National Park is a particularly sensitive one. It is not an asset that we can consume; it is not an asset that we can set aside recklessly; it is an asset that has been established in our time for the advantage of future generations of Australians. In terms of what we do with this particular asset, we have a rather different responsibility from that for other assets that we might safely dispose of or deal with in some other fashion.

Mr Speaker, this Government has no intention of divesting itself or the community of this public asset. When you see this sort of matter of public importance being put forward, you can only draw the conclusion that the Labor Party thinks that the Liberal Government of the Territory is going to do away with the asset. That is an absurdity. This Government does not intend to do that, any more than the previous Labor Government intended to do that. But it is appropriate, Mr Speaker, that the Government examine the way the asset is managed, to see whether there is some more effective way of doing it, some more efficient way of doing it, that may even lead to enhancing the value of that asset, at less cost. It never seems to have crossed the mind of the Opposition that this might be possible.

If you are not allowed even to look at possibilities, how do you know? How do Mr Berry, Mr Wood and Mr Connolly, if they have never looked at it, know that this asset cannot be managed better in the public interest, to enhance its value, to enhance its quality, to enhance the accessibility of the public to it, and perhaps all at less cost? If they are going to close their minds to looking at options, it might explain why only three months ago the people decided that they no longer wanted the dead hand of Labor on the government of this place. It is typical of their thinking. I think that is regrettable, Mr Speaker.

I attribute no mean motives to Mr Humphries in what he has been doing. As a Minister, he has an obligation to look at doing things better. He has an obligation to see how that asset can be enhanced in the public interest, without any regard for ever disposing of it. That is not his intention. Nobody from the Opposition really suggested that that was his intention. If Mr Humphries did not look at that, as other Ministers are looking at other activities of government to find a way of doing it better, doing it more cheaply and doing it at less cost to the taxpayer, he would be remiss in his duty. People would consider him to be derelict in his duty if he failed to do that. At the end of the day, when the budget is brought down, I am quite sure that the end product of this consideration will be something that is acceptable to the ACT taxpayers, the owners of Namadgi National Park, and that the people on the other side of this house may even find that they have something complimentary to say about it. To try to head off that debate, to try to prevent that consideration, Mr Speaker, is reprehensible.

MS HORODNY (4.40): As the national capital, Canberra is filled with places that symbolise its stature not only as the seat of government, with the High Court, the Parliament and the residence of the Governor-General, but also through the increasing diversity of the people of the ACT, its culture and its environment. Namadgi National Park is significant as a symbol representing Australia's natural beauty. The park contains large areas of beautiful and diverse alpine and forest wilderness. I have often been bushwalking in this wonderful national park. It is an area which faces many problems due to human use and the encroachment of feral animals and invasive plants. It provides habitats for a wide range of birds and animals, including several endangered species such as the Corroboree frog and the Superb parrot.

Namadgi also contains evidence of the rich heritage of human history in the region. This evidence suggests that the Ngunnawal people have been in this region for at least 20,000 years. The park also provides excellent recreational and educational facilities. Thousands of people make use of the educational facilities provided by the Parks and Conservation Service every year. These are services which we, as a community, can be proud of.

Any change in the way we treat the area must follow very careful consideration and debate in the community. Opening the area up to commercial pressures, whether it be through extensive contracting out of services or greater access for private commercial tour operators, must be done only if it has the support of the community, and specifically the local Aboriginal community, and must never represent any threat to the non-human inhabitants of the area.

There has been some suggestion that our desire to ensure that management of Namadgi is retained by the ACT Government is a very parochial view. I would argue that it is not. The ACT was set up as an area that would provide a national focus. Being an island in the middle of the most populous State in the country, we do have pressures to conform with the wishes of that State. However, we also have a duty to the residents of the ACT and the rest of the country to maintain our unique and separate identity at the same time as we work closely with the surrounding regions of New South Wales. As the caretakers of the national capital and as people who take seriously the responsibilities that come with that, we have a duty to ensure that the integrity of Namadgi National Park is maintained at the highest standard possible.

31 May 1995

The recent suggestion that it might be appropriate to transfer responsibility for management of Namadgi to the New South Wales Parks and Wildlife Service was, hopefully, just a trial balloon. Mr Humphries says that the ACT would always retain control, yet management would be contracted out. This does not make sense to me. The word "efficiency" is being thrown around as the be-all and end-all. The Australian Nature Conservation Agency is a national body and, again, much discussion would have to occur before ANCA was given management control of Namadgi National Park. Again I ask the basic question. Why? Mr Humphries needs to pinpoint exactly what is wrong with the way the park is being managed at the moment, and that is absolutely unclear. The resources of the New South Wales Parks and Wildlife Service are already stretched. This has been pointed out time and time again. The New South Wales Parks and Wildlife Service has undertaken to manage a further possible 40,000 hectares within New South Wales, and it is unclear at this stage whether that service will get any additional resources to assist with its management.

Regional management of our natural environment is very important; it is vital. The Greens will support any moves to strengthen a regional approach to management. However, the agencies which have responsibility for parks management are already underresourced. Stretching these resources further would be detrimental to the management of national parks within both the ACT and New South Wales.

MR SPEAKER: Order! The time for the discussion has now expired. I understand that Mr Berry has a motion to move. I am aware that Ms Horodny might have something else to say on this matter. I am also aware that one or two other members may wish to contribute to the debate. They will have the opportunity to do so once Mr Berry has moved the motion.

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

That so much of the standing orders be suspended as would prevent leave being granted for Members to speak on the matter of public importance.

MS HORODNY: The ACT Parks and Conservation Service has an excellent reputation both within the ACT and with other States' parks and wildlife services. The suggestion that the private sector is more capable of providing the services currently provided in and around the park is also questionable. I would be very concerned about the compromises a private operator would make in the search for profit. The Greens would be very concerned about any proposal that would include a risk of compromising care for the environment and the consequent benefit to the community as a whole for the profit of the few.

Namadgi National Park constitutes an essential part of the ACT. It is an area of importance to the community for many reasons, not just its environmental, cultural and historic values. It is also used for recreation and education of the community. I am glad that Mr Humphries brought up the issue of Aboriginal management of Namadgi. That is a separate issue and one that presumably would not be based on the profit motive. It should be discussed and debated fully.

MR OSBORNE (4.47): Mr Speaker, it seems to me that the Government is flogging a dead horse here. Last week this minority Government floated the idea of giving the management of our national park and water catchment to the New South Wales Government - New South Wales is in the middle of a severe drought - but it recanted within 24 hours. It seems to me that the issue is not maintaining public ownership and management of Namadgi National Park; rather, it is the processes of this minority Government. If it thinks our public service, our park management, is inefficient, it should be showing some political will to improve it. Public servants can only administer what politicians decree. If that is too much for the Government, if that task is beyond them, God help us all. I am quite prepared, as I suppose Michael and the Greens are, to sit in those four chairs if it is out of their control. Am I right, Michael?

Mr Moore: Absolutely. If they cannot handle it, we are prepared to do it.

MR OSBORNE: If the management of our national park leaves something to be desired, is that the fault of the public servants? Should not the responsible Minister be getting his act and theirs together?

Equally importantly, if the issue Mrs Carnell and Mr Humphries had in mind last week was how the park should be managed, they should have consulted us, this house, and our community. I repeat: This is a minority Government. During the election campaign the Liberals talked long and loud about proper consultation and the town council approach of the ACT Government in their decision-making. That crazy kite flying exercise last week was deplorable. I call on this minority Government to act responsibly in its administration and properly in consulting with us. The Minister said yesterday, "If you have an idea that is worth considering, put it on the table for stakeholders, members of the public and, of course, members of this place to consider". Unfortunately, the Minister did not do that. I hope that he has learnt from this experience, because he has copped a hammering - and I must say that I have enjoyed it. I will certainly be watching out for any more crazy notions about the management and ownership of our public amenities and resources, in particular Namadgi, which just happens to take in three-quarters of my electorate. I will be looking for proper consultation rather than alarming headlines in the media.

MR SPEAKER: The discussion has concluded.

NAMADGI NATIONAL PARK - MANAGEMENT ARRANGEMENTS

MR BERRY (4.50), by leave: I move:

That, in recognition of the special heritage and environmental value of the Namadgi National Park to the people of the ACT and the need to preserve the park for future generations, this Assembly will reject any changed management arrangements unless they are first endorsed by the Assembly.

31 May 1995

I do not need to speak much further in relation to that matter because the issue has been fairly well ventilated in the chamber. There was some comment about the extent of an earlier proposal I had circulated. My intentions were to send a very blunt message to the Government that the non-Liberal members of the Assembly were deeply concerned about the future of the management of Namadgi National Park. I cannot think of a reason to change the management arrangements, but that is not to say that there is not a proposal that could be considered.

Mr Humphries raised the issue of what might happen under the Mabo legislation and how that might affect Namadgi. If that were the case and that was the sort of proposal that came back to this Assembly, I do not think there would be any doubt about what would happen to it. Certainly, from the Labor Party's point of view, we would approve of it. Indeed, we may not even get the right of veto, and perhaps we should not have it.

From a position of establishing an Assembly view about this matter, this motion achieves the ends that were originally aimed for. If the Government thinks it has some sort of formula that it can argue, given the blunt instrument that has already been circulated in the Assembly, then they ought to feel free to give it a try; there is no doubt about that. Listening to the debate in this place, it would want to be a pretty good argument. It is fair to say that the opportunity to argue a case should not be ruled out. I should say that my motion did not rule that out. You can never say "never".

I am sure that, even against the background of that motion, if Mr Humphries at some point in the future came up with some bright proposal, he would bring it back here and reasonable people in this place, if they were able to see it from the same vantage point, would agree to it. Search as I may, I cannot think of one, and I do not see anybody else around here who can think of one either; but good luck. I urge members to endorse the motion, which has been hastily redrafted and circulated.

MR MOORE (4.55): This motion in its revised form reflects a certain amount of the debate Mr Humphries and I had through interjections during my speech on the matter of public importance. It reflects much more clearly my own view on it. I welcome the receptiveness of Mr Berry in ensuring that the intention of his original motion is carried through clearly and that we do not keep a closed mind to any possible option. I endorse the statement Mr Berry made, in that I would take a great deal of convincing about improving the management of Namadgi other than through our own Parks and Conservation Service officers. Nevertheless, I think it is appropriate that we always remain open-minded.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.56): Mr Speaker, I welcome the motion Mr Berry has moved and I am very pleased that the Assembly has indicated that it is prepared to give the Government this breathing space. Obviously, we have a major task to bring forward a convincing proposal to the Assembly. It may be that we do not get to that stage because the negotiations we would like to have with an organisation such as ANCA might not produce a position we can bring forward to the Assembly. Alternatively, we may bring forward such a proposal.

It might be rejected by members because they do not feel that it answers key questions about the management or the future of the park or its accessibility to the public or whatever it might be. I do, however, say that we will be attempting that task because we feel that it is important to make sure that we have that opportunity.

I might observe that this is something of an object lesson. Had the option of ANCA not been on the horizon as of yesterday, certainly the motion that was originally circulated would have passed in this place - there is no doubt about that - and the option of ANCA being considered after that point would have been, in my view, not on the list of possibilities.

Mr Moore: You would have come back to us, Gary. That would not have been a problem.

MR HUMPHRIES: That may be, but I would say that we would have been very hard pressed even to have those discussions with ANCA on the basis of such a motion. I hope that we can accept that kind of approach - that, if members feel concern, they should indicate that they want these things brought back to the Assembly, and it will happen. If the Government irritates the Assembly to the point of its biting back, I can assure members that that will be more by accident than by design.

MR WOOD (4.58): Mr Speaker, I will support this motion which has been moved by my colleague. I rather preferred the original version, but I will go along with the consensus that seems to be reigning in this chamber today. Throughout the debate there were comments such as, "We can do better". It is always true that we have to try to manage better, to operate our systems better; but I want to put on record my respect, gained over three years plus as Minister for this area, for the current management of Namadgi. It is very good. Do not think for a minute, Minister - perhaps you did not suggest this - that it is an isolated body out there, that we do this alone. There is a great deal of shared knowledge in Namadgi about all national parks in Australia. They are a very proud and coherent group. The Namadgi management is not operating on its own; it is operating in the knowledge of what is happening everywhere else. It is also the case that there is a deal of movement between bodies. I went through some of the places in the Northern Territory and found people who had worked in our own national park or our own nature park. The park management is good. They would agree that they can always do better, and they constantly improve their professional approach. They constantly contact other park managements. They are in constant communication to see that they do get better.

I hope that Mr Humphries has dropped the notion that we just want to do something more cheaply. I repeat my disturbance at the idea that the only thing the Government has in mind is how to do it more cheaply. This is a vital part of Canberra, and economy is not the only factor we have to look at. If I thought this exercise was simply to make savings, I would be very disturbed. Mr De Domenico, as a member whose electorate encompasses Namadgi, would also be concerned, I am sure. I repeat that my purpose in rising is to point out to this Assembly the dedication - - -

Debate interrupted.

31 May 1995

ADJOURNMENT

MR SPEAKER: Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

NAMADGI NATIONAL PARK - MANAGEMENT ARRANGEMENTS

Debate resumed.

MR WOOD: The Manager of Government Business has just been rolled!

The dedication and the competence of these people does need to be put on the record. I urge Mr Humphries, and all members, to get out there and see the park in operation. If he organised a trip for us all I would love to get out there, although we do not need that because I am sure that most of us are there very regularly.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, under standing order 46, I want to make a short personal explanation. Mr Wood invited me to reflect on my view about the quality of staff at Namadgi. I have not had any reason to complain about the quality of staff at Namadgi and I certainly think they have done a very good job. My remarks about wanting to explore other options for management were a reflection not on the staff but simply on the options of doing things in a different way structurally that might achieve a better result.

ASSEMBLY BUSINESS - PRECEDENCE

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent order of the day No. 2, Assembly business, relating to the proposed Select Committee on Workers Compensation Provisions, being called on forthwith.

**WORKERS COMPENSATION PROVISIONS - SELECT COMMITTEE
Appointment**

Debate resumed from 30 May 1995, on motion by **Mr Berry**:

That:

- (1) A Select Committee be appointed to inquire and report on the provision of workers compensation arrangements in the ACT Government Service including Territory Owned Corporations and Statutory Authorities. The Committee will include in its inquiry the following:
 - (a) the adequacy of the Commonwealth Safety Rehabilitation and Compensation Act in the ACT Government context;
 - (b) the management of the Act in the ACT Government context;
 - (c) the value provided to the workforce and to the ACT;
 - (d) the costs of the current arrangements and the underlying reasons;
 - (e) the cost of possible alternative arrangements; and
 - (f) any other related matters.
- (2) The Committee shall consist of 3 members, 1 member nominated by the Government, 1 member nominated by the Opposition and 1 other member. The nominations shall be notified to the Speaker in writing by 4 pm, Wednesday, 31 May 1995.
- (3) The Committee shall report by 23 November 1995.
- (4) If the Assembly is not sitting when the Committee has completed its inquiry, the Committee shall send its report to the Speaker, or in the absence of the Speaker, the Deputy Speaker, who is authorised to give directions for its printing and circulation.

31 May 1995

MR HIRD (5.03): Mr Speaker, you have heard the arguments in this house for and against the appointment of the select committee. We are against it because, as the Minister has indicated in this debate, a consultant will be reporting on this question. That report will come before this house, once the Minister's department has appointed the consultant. However, I understand that there is an amendment to be moved, to which the mover of the motion will agree. When and if that is agreed to, I am sure that this side of the house will give due consideration to the argument for the select committee.

I believe that we already have a very workable committee system within this place. These sorts of motions to establish select committees should be moved in extreme circumstances and not in an ad hoc arrangement. I believe that this is one of those times when that has actually occurred. I understand Mr Berry's motives. Mr Berry could be seen to be running a campaign to be able to manipulate the position of the consultant, when the consultant is appointed, with respect to the Government's situation on this matter. However, I will be keen to see the outcome of this matter, Mr Speaker. I personally will not be supporting it; but, if this select committee is established, it should certainly report by the first sitting day in October. I understand that an amendment to that effect will be moved shortly.

MR DE DOMENICO (Minister for Urban Services and Minister for Industrial Relations) (5.05): I seek leave to speak again, Mr Speaker.

Leave granted.

MR DE DOMENICO: Mr Speaker, in order to facilitate the whole issue, to save time and perhaps to prevent members from becoming bored, I will now move the amendment that has been circulated in my name. I move:

Paragraph (3), omit "23 November 1995", substitute "the first sitting day in October".

Mr Speaker, in speaking very briefly to my amendment can I say that, whilst the Government is not doing cartwheels about the fact that we have this select committee, there is one thing that governments can do as well as oppositions can, and that is to count. Being in that situation - I have got to nine, and I realise that nine beats eight every time - I still think that it is a bit premature to have this committee established and working when the consultant has not yet been appointed and has not made his report. However, I am quite happy to have this committee convene. It has nothing to do at the minute, I imagine. That does not matter. It can meet, elect a chairperson and do whatever it needs to do.

I have moved the amendment to have the committee report on the first day of sitting in October because it is crucial that we do something about our current situation in terms of workers compensation. As I have said before, it is costing this Government and this community an absolute bomb - \$30m. It has gone up by \$10m over the past two years, and we are getting a lot of agencies that are saying, "There has been no increase at all in our claims history and claims record, yet our premiums keep going up". As I am sure this

committee will realise - Mr Moore and I have been talking about Comcare for a number of years now - if there is a better way of doing things, we ought to be approaching that better way. There is no doubt in my mind that there is a better way of doing this; but this expert consultant will show us that.

Is it not strange to think that the ACT administration is the only administration in the country that, for example, does not either self-insure or combine self-insurance and insuring in the private sector? Is it not strange that ours is the only jurisdiction in the country that does not allow its individual departments and instrumentalities to obtain the workers compensation coverage that they require at the best possible price? In saying all that, I stress that the review is about getting all options on the table so that the best possible system for workers compensation is put in place. I again stress that the Government has given, and will continue to give, a public commitment that the benefits package will not be different from those of the Commonwealth sector and not different from what is currently being enjoyed by people working in the ACT public service. We have also given a commitment that, whatever system is put in place, it should, and will, incorporate appeal mechanisms equivalent to those currently provided. Some members opposite suggest from time to time that we have a chainsaw in each hand and are about to rip benefits off the workers. Nothing is further from the truth. What we are saying is that we want the work force in the ACT to continue to have the same benefits that they enjoy today and, if we can acquire those benefits at a better price for the Territory, then we would be abrogating our responsibility if we did not do that. That is purely and simply what we are saying.

I am also disappointed, to say the least, that the invitation given to the Trades and Labour Council to participate in this entire process has now been rejected. If Mr Berry is going to be the chair of this committee, one hopes that he will use the influence that he should have with the Trades and Labour Council to get them back on board. Perhaps they are more inclined to trust Mr Berry than to trust a Liberal government. Mr Berry might use his ability to negotiate with the Trades and Labour Council in order to get them on board and say, "This is about working together and making sure that the people of the ACT do not have to pay an exorbitant price for their workers compensation insurance". So, in that sort of spirit, Mr Speaker, the Government is prepared to support the establishment of the committee. I hope that the Assembly will support my amendment, which says that the committee should report by the first day of sitting in October.

MR BERRY (5.11): The Opposition will agree with the amendment proposed by Mr De Domenico. The date that was chosen was thought to be a convenient date. If this one is a more convenient date, all the better.

Amendment agreed to.

31 May 1995

MR BERRY (5.12): Mr Speaker, I seek leave to move the amendment that has been circulated in my name.

Leave granted.

MR BERRY: I move:

Paragraph (2), omit "Wednesday, 31 May", substitute "Thursday, 1 June".

The amendment merely seeks to change the notification time and date, because we are now past the time by which the notifications would have been required. So, it is merely a technical rearrangement of the close-off time for nominations until tomorrow.

Amendment agreed to.

MR MOORE (5.13): Mr Speaker, I think that the motion, as amended, is really much more suitable now. The tightening up of the times, I think, provides a challenge for the committee, of which I hope that I will be a member. I am sitting here writing out my nomination for the committee, Mr Speaker. I look forward to a very open inquiry. I reiterate the sentiments of Mr De Domenico. If Mr Berry is the chair of the committee - I will certainly be supporting him as the chair of that committee - I hope that he will use his good influence with the unions to ensure that in this matter we get as cooperative an approach as is possible. That should mean a very good outcome for the ACT.

Mr Speaker, through a series of estimates committees I have noted questions on Comcare that Mr De Domenico has asked. Indeed, I have asked quite a number of questions on Comcare. For quite some time I have been of the belief that the arrangements are not satisfactory. The impression I had from the previous Government was that it was an area that it was prepared to look into carefully. I think that we should be able to come up with a good result that is in the best interests of the people of the ACT and, in particular, in the best interests of people who are involved in workers compensation, so that we can provide a system where people are happy to get back to work and, where possible, to live much more fulfilled lives than would otherwise have been the case. I think that is the goal we are all after.

MR BERRY (5.15), in reply: I thank members for their support for this motion. I would like to respond to one thing that Mr De Domenico said in relation to the matter. I accept that there is a need to examine these issues with a view to getting the best outcome for the Territory. It is important to preserve those conditions which apply in relation to workers compensation, because it is one of the treasured security arrangements which were won by workers a long time ago. It is also important to ensure that the particular workers compensation arrangements that we have are good for the broad range of employees which exists throughout the Government Service. That is a very difficult formula, because the employment conditions of workers range from the physical grades right through to the professional grades and include the white-collar workers. At this point, I am not convinced that the interests of what have been described as the blue-collar workers are as well served as they might be; but that is a matter for examination.

Mr De Domenico: But they have the same benefits as everybody else in the service.

MR BERRY: The difficulty is that their working conditions are entirely different. Whether they can transport their skills into another area of work in the event of an injury is a somewhat difficult question. But that is an issue that would be - - -

Mr Moore: It is a bigger challenge.

MR BERRY: It is a bit of a challenge to work through and to come up with some sort of an arrangement there. I know that the trade unions will be interested in it. I trust that they will be fully involved in it. There will be a lot of interest in this matter, not only from the ACT Government - because it will have to assist the committee with the information that it requires - but also, I expect, from Comcare, because it will want to argue - - -

Mr De Domenico: Yes. They want to keep their jobs, or keep providing us with the service.

MR BERRY: They will want to argue a case for the service that they have been providing, and so they ought to; but I agree that from time to time these things have to be reviewed. As I said in an earlier debate, you never say "never", because there are some things that do possibly need change. This may or may not be one of them. I trust that, at the completion of this inquiry, we are able to come up with an outcome that pleases everybody. Once again, I thank members for their support.

Motion, as amended, agreed to.

PERSONAL EXPLANATIONS

MS FOLLETT (Leader of the Opposition): Mr Speaker, I again seek leave, under standing order 46, to make a personal explanation.

MR SPEAKER: Proceed.

MS FOLLETT: Thank you, Mr Speaker. I hope that members will bear with me for just a few minutes on what I believe is an important matter. In question time, the subject arose again of the attitude of the previous Government - the Government which I led - to the accommodation of the Department of the Environment, Land and Planning at Gungahlin. Mr Speaker, this matter is important to me because I feel that some of the statements made by both Mrs Carnell and Mr Humphries have called my integrity into question. I want to say at the outset that it has been my habit in this place, where I have made a mistake, to be very rapid in correcting that mistake in full and to the best of my ability. As a Minister for some six years and taking questions without notice, I know that very often in the heat of question time you can give an answer which later needs some modification or correction, and I was very quick to do that. It is, in my view, the honourable course to take and in no way detracts from one's performance as a member.

31 May 1995

On the question of my Government's attitude to accommodating the Department of the Environment, Land and Planning, I do not believe that I have made a mistake, and I want to inform the Assembly as fully as I can on that matter. Mr Humphries tabled a briefing, so-called, addressed to me and to the Minister for Urban Services, dated 18 January 1996. I think, if members are interested in this matter, they might want to read that.

Mr Moore: 1996?

MS FOLLETT: It is dated 1996, I regret to say. That is, I am afraid, somewhat symbolic of the value of this briefing. But, Mr Speaker, I would recommend that members actually read the brief, because they will see that the matter addressed is predominantly that of the John Overall Offices. Over two of the 2½ pages of the brief relate to the occupational health and safety issues, the matter of negotiations with GIO and so on. Only late in the brief does it touch on the question of Gungahlin. I want to read out the latter part of this brief, Mr Speaker. It says:

Working party delegates representing DELP staff have agreed to our proposals which is to be put to a mass meeting of staff for endorsement on Monday. We propose to present options for consideration -

this is for the accommodation of DELP -

and decision to the new government in March 1995.

So, there was no indication to me that there was any decision on this matter imminent. Mr Speaker, if members want to read through this document, they will also see that it makes absolutely no mention whatsoever of any intention to advertise for expressions of interest for the accommodation of DELP, although that advertisement appeared in the *Canberra Times* some 10 days later, on 28 January 1985, as it turns out. Mr Speaker, as far as I am aware, nobody in the Government at the time was advised of that intention, and I will advise the Assembly that I did not see the advertisement. I have no way of proving that, except to tell you that I did not see it and to tell you that the brief, so-called, to me on the matter did not mention it.

I might point out, Mr Speaker, that the advertisement appeared in the commercial properties section of the Saturday *Canberra Times*. Members probably could take my word for it that that is not a section of the *Canberra Times* that I often scrutinise very closely. In fact, I have often expressed the view that the *Canberra Times* should adopt the practice of many other Saturday papers in allowing you to buy the news portion only, because all of the rest of it goes straight to the recycler. So, Mr Speaker, I was unaware of that advertisement. I was not advised of it. I would like to refer again to the final part of this brief, which says:

Gungahlin is unlikely to be an option for DELP offices as was being studied in association with a John Overall Offices lease ... However, we will continue to plan an ACT Government presence in the Gungahlin Town Centre.

Mr Speaker, I would like to refer now to the original of that document. The document tabled by Mr Humphries was a file copy, without my annotation on it. I will table a fax of the original of the document, and members will be able to see my annotation. It is initialled "RF", it is dated 18 January, and it is in my handwriting. Referring to the John Overall business, it says:

I suspect GIO has other plans for this site. I also think Gungahlin is the best option for DELP.

As I said, it has my initials on it. Mr Speaker, I seek leave to table that fax of the original document, together with the note from the Acting Secretary of the Chief Minister's Department, Mr Stephen Hunter, which assures members that that is the document which has been copied.

Leave granted.

MS FOLLETT: Mr Speaker, I want to make a further comment on this matter. I believe that the making available to an incoming government of documents of a previous government is a matter which ought to be treated with a great deal of caution. It seems to me that on this occasion - we do not know whether it has occurred on other occasions - the incoming Government has been provided with a file copy of a brief to the previous Government and possibly has been given an incorrect, possibly misleading, indication of the previous Government's attitude to that brief. I find that quite reprehensible. Mr Speaker, it is, of course, the case that the incoming Government has no access to the originals or anything signed by the previous Government. Therefore, in making other documents available to an incoming government, I expect the highest standard of probity and accuracy from the public servants. In my view, Mr Speaker, the advice that was given to me on this matter is no more full or frank than is the advice that has been given to the current Government, and I expect a better standard than that from our public servants.

Mr Hird: Mr Speaker, in accordance with standing order 213, I would ask that the first documents that Ms Follett referred to in her personal explanation, made under standing order 46, be tabled.

Ms Follett: I have tabled them.

Mr Hird: No; the first part.

Ms McRae: They have all been tabled.

Mr Hird: No, they were not tabled.

MR SPEAKER: Are they not those that were tabled by Mr Humphries?

Ms Follett: They are, indeed.

MR SPEAKER: Yes; that is what I thought they were.

31 May 1995

Mr Hird: Okay. I apologise, Mr Speaker.

Ms Follett: I will table again the documents that Mr Humphries has already tabled.

MR SPEAKER: Do not bother, Ms Follett. We have copies of them.

Mr Hird: As long as we have a copy of them.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, under standing order 46, I would also like to make a personal explanation.

MR SPEAKER: Yes; proceed.

MR HUMPHRIES: Mr Speaker, I have listened with interest to Ms Follett's remarks about the brief that she received in January 1995 and the advertisement in the *Canberra Times*. I will advise the house that I had been led to believe that the attitude of the previous Government was different from the one which Ms Follett has indicated to us now. I fully accept the explanation which Ms Follett has given. I have not seen the annotation, but I will look at it in a moment. I am sure that it does say what she says that it says. It is clear that she did indicate in writing that the Government - or she, as Chief Minister - did not view Gungahlin as an unattractive option for the home for DELP. I withdraw any suggestion I made in the course of my remarks today in question time that she had changed her personal position on that matter, and I apologise to her for those remarks that I made. I also accept that she was not aware of the advertisements in the *Canberra Times* and did not approve of them. Mr Speaker, I do have some questions of my own to ask some officers.

ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE
Referral of Legislative Assembly (Broadcasting of Proceedings) Bill 1995

MR MOORE (5.27): Mr Speaker, I seek leave to move a motion concerning the Legislative Assembly (Broadcasting of Proceedings) Bill 1995.

Leave granted.

MR MOORE: I move:

That notwithstanding the provisions of standing order 174:

- (1) the Legislative Assembly (Broadcasting of Proceedings) Bill 1995 be referred to the Standing Committee on Administration and Procedure for inquiry and report by the last sitting day in November; and

- (2) on the Committee presenting its report to the Assembly, resumption of debate on the question “That this Bill be agreed to in principle” be set down as an order of the day for the next sitting.

Mr Speaker, I believe that members have agreed to this process, and I do not think it requires any great debate.

Question resolved in the affirmative.

PRIVATE MEMBERS BUSINESS - PRECEDENCE Suspension of Standing Orders

MS HORODNY (5.28): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent the private members business order of the day relating to the corporatisation of ACTION being called on forthwith.

Mr Speaker, I believe that the debate that occurred this morning on the corporatisation of ACTION highlighted the importance of dealing with this motion now, for a number of reasons; and I will briefly go into them. The Government obviously has a desire to progress this matter quite quickly. Therefore, I believe that it is appropriate for the Assembly to vote on this motion so that it can inform the Government as to how it believes that it should proceed. Furthermore, I believe that, on an issue that is as important as this one, it makes good sense to debate it in a single block of time and not have the debate broken up over a three-week period.

MR BERRY (5.29): The Opposition will agree with the suspension of standing orders.

MR DE DOMENICO (Minister for Urban Services) (5.29): And so will the Government.

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

A.C.T.I.O.N. - CORPORATISATION

Debate resumed.

MRS CARNELL (Chief Minister) (5.29): Mr Speaker, I find the comments that Ms Horodny just made actually quite interesting. The comment that she made was that we were progressing this issue quite quickly. That sounded somehow like we were planning to corporatise or do something absolutely remarkable in the next few weeks, before June, when we are sitting next. Nothing could be further from the truth.

31 May 1995

What the Government is planning to do, and what it has said in about four million public forums, is to attempt to make ACTION buses more competitive, to cut the million dollars a week it costs to actually run ACTION buses for the ACT, to increase the level of service and, importantly, to get more people using our bus service.

One of the great problems we have at the moment is that the patronage of our public transport system is actually going down, and it has been going down every year for a quite long period of time. One of the things on which I am sure that Ms Horodny would agree with us is that we have to get a public transport system that people actually want to use. I am confident that everyone would agree with that. What we are planning to do is, over the next 12 months, to make some changes to the ACTION structure and the way ACTION operates, so that, when, in 12 months' time or potentially longer, we are able to make some groups of bus routes available for competitive tender, ACTION will be in a position to win those tenders. That is the bottom line for this Government.

The best possible scenario for any government that adopts this approach - and, let us be fair, every single government in Australia is doing the same thing - is for the in-house entity, whether it be a corporatised entity or some other structure, to be the one that wins the tender. To do that, of course, they have to be more competitive than the private sector competition. Certainly, I know that, in other places where this is being adopted, the general view is that the in-house company, or whatever, regularly wins in excess of 75 per cent of the tenders, if the corporation - in this case, ACTION - is in a position, both structurally and operationally, to be efficient enough to compete on a level playing field.

I think another thing is being missed here. We are not planning to sell the buses. The buses will stay in public ownership. I repeat: The buses will stay in public ownership. The ACT people - the ACT Government - will continue to own the buses. The opposite has been done at least, I think, in Melbourne. That was one of the places that made the mistake, in our view, of allowing the ownership of the buses to go to the private sector. What that meant immediately was that the Government had very little control and that the private company which actually owned the buses and which was running the services was in a position, I suppose, to determine what services were available, at what cost and at what quality. That is the last thing we want to do.

We have had a look at other models, including those in Perth and South Australia, that we believe are adopting this process in a very sensible manner. They are maintaining the ownership of the buses. What that means is that the Government has total control over consumer service obligations - things like quality of service, the routes that are being offered and the times at which services are being offered. That is the bottom line for any government and for any assembly. Our whole approach is to get a more competitive bus service - one that is more reflective of what the consumers want from their bus service - and, therefore, to do something about the continuing drop in patronage. We want one that we can afford, very importantly, and one that changes with the changing marketplace, because inevitably, if you open public transport systems to competitive tendering, this must happen, by the very nature of competitive tendering.

So, there is nothing that is going to happen before the next sitting, I can promise. There is nothing that will happen even before this budget. What will happen, and what we are planning to do with ACTION, is that we will make sure that, when we are able to put ACTION bus services out to competitive tendering, ACTION will be in a position to win those tenders. Let us be fair; we have said this many times. There are no timeframe problems here. This is going to happen over a period of time. It is going to happen in a very public way. So, we have absolutely no problems with it. We want this Assembly to be very well aware of all of the steps towards this end point - the end point of a public transport system that provides services that people want, that provides services that people use, hopefully, at a quality second to none around Australia. That is the bottom line. The Assembly will be able to see it every step of the way. There is no way that we can corporatise ACTION, or anything else for that matter, nor would we want to, without bringing it to this Assembly. So, quite seriously, we have no problems with a very public process. It was always going to be a very public process.

Let me requote some of the things that Mr Moore said. He said that he did not believe that this motion meant that we could not take those steps that are required to put ACTION into a position or into an operational structure that is competitive. That must be allowed to happen. From what I understand of this debate, this Assembly has no problems with our continuing to move to have ACTION in an operational structure or operating in a way that will make it competitive, if this Assembly chooses to allow us, at the end point, to corporatise ACTION or to change the structure of ACTION to some other structure that may turn out to be appropriate. At this stage, we believe that a Territory-owned corporation would be the most appropriate structure; but, obviously, we are always open to different views. But what we do believe strongly, and what every other government around Australia at this stage - Liberal or Labor - believes strongly, is that competition does produce better prices, a higher-quality service, and services that are more appropriate to the consumers that they attempt to attract. That is what this is all about.

We are quite happy to support this motion, as long as it is very clear that this does not stop the Government progressing to create an entity that is able to be more competitive if and when this Assembly decides to allow us to open up ACTION bus services to competitive tendering.

MR KAINE (5.37): Mr Speaker, I am afraid that on this issue I disagree with the Chief Minister. She indicated that she had no objection to supporting this motion. I am afraid that I do. I referred to this in an earlier debate in connection with the matter of public importance. I do not believe that this Assembly ought to presume - and I use the word "presume" advisedly - to put this kind of constraint on a government doing the things that it must do and that it was elected to do. I do not find this kind of motion that purports to constrain the Government in whatever it seeks to do in the public interest to be something that we should be supporting.

I have read the words of the motion carefully. It begins with the words "That the Government must receive the support of the Assembly before taking any measures towards". Does that mean that the Government cannot undertake any negotiation, that it cannot discuss any changes that it wants to make with anybody - any other government or any organisation - without first having the support of

31 May 1995

this Assembly? Mr Speaker, I submit that that is an absurdity. It is the responsibility of government to undertake that kind of negotiation and to consider the options. If the Assembly is of a mind to pass this motion tonight, at what stage does it intend to permit the Government to go ahead and even discuss this matter with anybody? According to this motion, if it is passed, they cannot even discuss it with anybody without the prior approval and support of the Assembly. Mr Speaker, it is a nonsense.

Earlier I used the words "purports to". Such a motion is not necessarily binding on the Government anyway. So, what value does it have? I have only to refer to the practice of the previous Government over its 4½ years in office, in terms of its rejection, non-acceptance or simply refusal to accept motions put to it by this Assembly - recommendations that were put to it through committee reports that were endorsed by this Assembly. Many times they did not adopt recommendations and motions from the Assembly. Therefore, if this attempts to establish a precedent, I submit that it cannot, and I ask members before they vote on this motion to think carefully about what it means. Do we really intend to put such constraints on governments that they cannot even discuss a matter such as this with anybody before they have our approval?

I conclude, Mr Speaker, by noting that, very soon, this Assembly is going to be considering this Government's budget. It is going to be put to the scrutiny of an estimates committee, and that estimates committee is going to be trying to attack the Government from every possible angle because it has not done the best it can in getting public expenditures down. On the one hand, we are tying its hands behind its back and saying, "You must not do anything that can lead to a reduction of public expenditures", and, on the other hand, in three months' time, the very people that are putting this motion forward and supporting it are going to be attacking the Government and saying, "Why did you not do something about getting the costs of the public transport system down?". Mr Speaker, I am back to where I started. This is a nonsense. It is an absurdity. If we are going to pass this kind of motion, all I can say is that executive government had better simply abdicate, because it cannot operate; it cannot function.

MS HORODNY (5.42), in reply: This motion is about the corporatisation, privatisation and leasing of the services and structures of ACTION. It is not about limiting the incidental services provided by interstate operators, as Mr De Domenico referred to earlier in the day. Support for this motion by the Government will assure the community and this Assembly that it is truly committed to open and consultative processes, which was such a significant part of its election platform. Furthermore, Mr Speaker, support for this motion by this Assembly will ensure that this Assembly will have control over any future plans to corporatise, privatise or lease one of the Territory's most important services - our public transport system.

The statement made by Mr De Domenico, that corporatisation is on the agenda for public power utilities in New South Wales, is true. However, I understand that, unlike the ACT, the New South Wales Government has already commenced a process whereby the community will have extensive input into the shape and form of those utilities over a period of many months. In relation to Mr De Domenico's belief in the Hilmer report, which again was mentioned earlier in the day, I would refer him to an inquiry currently

before the Federal Parliament that seeks to look at the social and environmental implications of the Hilmer report. The debate about the appropriateness of the Hilmer recommendations is just beginning in the national arena, and it would be irresponsible of this Government to base its actions on ACTION, ACTEW and other government enterprises on a report that has not been fully debated by the community and that may well be proved to have serious social and environmental problems. I am happy to table the terms of reference of this inquiry which is currently looking at the Hilmer report.

Currently, only a few services associated with ACTION are provided through external sources. These include the cleaning of terminals and bus depots and the advertising internally in the buses. In addition, I understand that a few country school bus runs are operated by private operators. However, these do not affect the basic operating structure of ACTION. We do not think that it is appropriate that any further services be contracted out without full approval of this Assembly. I emphasise that the intention of this motion is not to stop the Government investigating and putting forward other options for ACTION or other forms of public transport - I am very pleased to hear that the Government is intending to look at light rail - nor is it the intention to limit the services provided by private operators as an incidental part of interstate operations. It is intended to ensure that ACTION's fundamental operating structure is not corporatised or parts of its routes sold off or leased to other operators.

Mr De Domenico and Mrs Carnell have both talked about models that they are looking at. I would like to see those models. I am very interested in seeing the models that they are speaking about and I am sure that other members of this Assembly would love to look at those models, too. Again, we are not seeking to constrain the Government; but this Liberal Government did come to power saying that it was committed to open government, and I am curious as to how Government members plan to remain committed to open government, when they are continually talking about the constraints on their decision-making that this Assembly imposes on them, and when they seek to have access to information that the Government obviously has access to but which the Assembly does not.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.46 pm