



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

21 June 1995

**Wednesday, 21 June 1995**

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

### **LEAVE OF ABSENCE TO MEMBER**

Motion (by **Ms Follett**) agreed to:

That leave of absence be granted to Mr Osborne for today, 21 June 1995.

### **OATHS AND AFFIRMATIONS (AMENDMENT) BILL 1995**

**MS FOLLETT** (Leader of the Opposition) (10.32): Mr Speaker, I present the Oaths and Affirmations (Amendment) Bill 1995.

Title read by Clerk.

**MS FOLLETT**: I move:

That this Bill be agreed to in principle.

This Bill seeks to amend the oath or affirmation that is taken by members of the Legislative Assembly before we take our seats. The amendment seeks to remove from the oath or affirmation reference to Her Majesty, Queen Elizabeth, her heirs and successors and to make it clear that as MLAs we will serve the people of the Australian Capital Territory.

On the technical issue of whether such a change requires amendment to the Australian Capital Territory (Self-Government) Act and, hence, would need to be made by the Federal Parliament, I can advise that my Bill has been prepared by the Parliamentary Counsel's Office. I presume that it believes that this is the most effective way of achieving my purpose. Furthermore, the self-government Act states in the section which deals with the oath or affirmation of allegiance:

This section has effect subject to any enactment.

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That is in section 9. Thus, if my Bill is enacted, it will supersede the form of oath contained in the self-government Act. You could make a case that the Commonwealth, by including section 9 in the self-government Act, intended that the ACT make its own enactment on this matter in due course.

There are a number of reasons why I am moving to make this change at this time. Of all of the parliaments in Australia, this Assembly has the least connection with the monarchy. The Territory does not have its own representative of the Queen in the form of a governor or an administrator, as do all other States and Territories. Australia's Governor-General retains some specific powers in relation to the Assembly, but has, in fact, had no dealings with the Assembly since self-government; nor does the ACT have an Executive Council to advise the Governor-General on appointments, et cetera. Legislation passed in this Assembly is proclaimed and gazetted without reference to anyone other than the Chief Minister, and the Chief Minister alone appoints the ACT's Ministers - quite unlike the situation in other parliaments. Thus, for all practical purposes, the Queen has almost no relevance for the operation of this Assembly or the ACT Government. The Governor-General, who is the Queen's representative, does have some reserve powers; but as yet he has not exercised those powers or expressed any interest in doing so.

Given the reality of our form of parliament and of government, it seems to me an anachronism that members of this Assembly should swear or affirm their allegiance to Her Majesty, Queen Elizabeth, her heirs and successors. Our job is to represent and to work for the people of the Territory. I believe that we should make it clear at the time that we are sworn into the Assembly that that is where our loyalty, our allegiance, lies. Members may know that changes have been made or are mooted in a number of areas where oaths or affirmations are made. The most notable recent change was to the oath or affirmation made by people taking out Australian citizenship. Candidates for citizenship no longer swear allegiance to the Queen but, rather, to Australia and her peoples. I consider this a much more meaningful expression of their intentions in taking on citizenship than an empty rhetorical expression of loyalty to the Queen. The candidates themselves, it has been my observation, are also much clearer about the meaning of the oath or affirmation now that it is of allegiance to Australia. In fact, I found it very moving at citizenship ceremonies to observe the obvious commitment of those candidates to their new country.

The Oaths and Affirmations Act, which I am seeking to amend, prescribes the wording for oaths and affirmations in a range of different circumstances - for example, the taking of various offices; for witnesses in court; for interpreters into English whether in a written, spoken or sign language; for verification of signatures on documents; and so on. None of these oaths or affirmations includes a reference to the Queen. I think it is true to say that the swearing of allegiance to the Queen is very much the exception rather than the rule.

I am also introducing this Bill in conjunction with the general debate on whether Australia should become a republic. This debate has given rise to questioning the role of the monarchy in relation to the governance of Australia at all levels. I make no secret of the fact that I fully support an Australian republic. I do not believe that it is in any way appropriate for Australia's head of state not to be a citizen of this country;

nor do I believe that it is appropriate to have a head of state whose role is purely symbolic, except as it is exercised by her appointed, not elected, representative. I support the Prime Minister's view that Australia's head of state should be elected, at least by the Federal Parliament.

I believe that it is time that Australia cut its ties with the British monarchy. This does not mean that we deny our history or the important ties that still exist between Australian and British peoples; nor does it mean that the Queen is not honoured and respected for the monarch that she is and for the system of governance that she represents. What it does mean is that, in my view, it is high time that Australia stood apart from our British past. We are no longer a British colony; and to retain formal and constitutional ties as if we were still a colony is quite wrong. Australia, like the ACT, is a multicultural society. There are Australians and Canberrans from every corner of the world, and it is my view that our head of state should be drawn from our own multicultural Australian society rather than just from one British family.

A further provision of the Bill that I have introduced is the requirement that oaths and affirmations by MLAs be made before the Chief Justice of the Supreme Court or a judge of the court authorised by the Chief Justice. Members may know that in some circumstances this task can currently be delegated, particularly to the Speaker of the Assembly. My view is that the swearing in of MLAs is always a matter of sufficient gravity to involve the Chief Justice or his delegated judge. It also ensures that, at least to some extent, the Assembly is less of a closed shop. It seems appropriate to me also that the Assembly take advantage of the authority and the dignity that the presence of the Chief Justice brings, at least at the outset of our Assembly career or at the commencement of a new term of the Assembly.

I believe that the Bill that I have tabled is timely; it prepares the way for the eventual reality of a future Australian republic; and it more accurately reflects the current constitutional reality of this Territory. I would ask members to search their own motivations for coming into this place, for taking up a career in politics by seeking election to the ACT Legislative Assembly. I think most members would honestly say that their motivation had very little to do with allegiance to Queen Elizabeth II. Even though they may feel strong allegiance to the Queen, the motivation for coming into a political career in this place is to serve the people of the Australian Capital Territory. I believe that the oath or affirmation that we make on embarking on that course should accurately reflect where our allegiance lies. I commend the Bill to the Assembly.

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

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## **WORKERS' COMPENSATION (AMENDMENT) BILL 1995**

**MR BERRY** (10.41): Mr Speaker, I present the Workers' Compensation (Amendment) Bill 1995 and the explanatory memorandum.

Title read by Clerk.

**MR BERRY:** I move:

That this Bill be agreed to in principle.

This Bill forms part of a thrust, if you like, to ensure that the consideration of issues related to workers compensation is well and truly a matter which is out in the open. Members will recall that a select committee has been agreed to by this Assembly to look at the operation of workers compensation in relation to public sector workers in the Australian Capital Territory. That committee will ensure that all issues associated with public sector workers compensation will be considered in an Assembly committee forum and will involve significant public consideration of the issues as well as a report to this Assembly about how workers compensation might be looked after in the future.

This Bill is about workers compensation in the private sector. It creates a Workers' Compensation and Occupational Rehabilitation Council in the Australian Capital Territory. That is something that I think is important, given some of the questions which have arisen in the community about the Government's stand on workers compensation. There is, I believe, general unrest about the ideological position of the Government in relation to workers' wages and conditions, particularly on the issue of the protection which is provided by workers compensation - protection which has been fought for, for years and years, and which is valued by workers in the workplace.

The Bill which I have presented today sets out the composition, structure and role of the council. The council is to be a tripartite body appointed by the Minister after consultation with employers and employees. The Workers' Compensation and Occupational Rehabilitation Council will work in the same way as the Occupational Health and Safety Council. It will provide the Executive with expert advice on workers compensation, occupational and rehabilitation issues. The current Act does not contain that sort of provision. The council will inquire into and report to the Minister on matters which the Minister refers to it. It will also advise the Minister on the operation of the Workers' Compensation Act and its regulations; the approval of protocols or amendments to protocols; and, more importantly, the provision of education and training in relation to workers compensation or occupational rehabilitation, and the promotion of occupational rehabilitation.

Of course, with Labor's commitment to accountability, the council will be required to provide an annual report to the Minister for tabling in the Assembly. Of the 11 members of the council, four members will represent the interests of employers. They will be appointed by the Minister after consultation with employer groups. Four will represent the interests of employees. They will be appointed by the Minister after consultation with employee groups. There will be three other members appointed at the discretion of the Minister. Members will be appointed as part-time members for a period of three years.

From these members, the Minister will appoint a chair and deputy chair. The Bill provides for the usual processes of councils, including remuneration, leave of absence, disclosure of interest and resignation and termination of appointment. There is also provision for the establishment of advisory committees, which may be required from time to time to deal with matters of concern to the council. The final clauses of the Bill require the Executive to consult with the council before approving protocols or amendments, and set out the protocol for consultation.

This Bill is important at a time when the Liberal Government has sprung, without its promised consultation, a range of things on this Assembly and the people of the ACT. You have to look only at debate in the last couple of days to see where the Liberals have gone on important issues without consultation. I think it is important that this Bill, which seeks to entrench, if you like, consultation in legislation, is recognised by this Assembly. It also will be recognised in the community as a positive sign, because there would surely be some negatives about the way that the Government has handled its business in recent times. This seeks to ensure that workers compensation conditions cannot be changed without consultation with those affected.

We have seen various things happen. I will run over them again. On the old Kingston-Acton land swap there was no consultation. It was sprung on the ACT without the promised consultation. We have seen proposals to change the management of Namadgi. I suspect that there is more going on in relation to that at this very point, without consultation - in secret, and behind closed doors. We have seen business confidence falling in the community. This is the party which says that it represents small business. If you were representing me, I would give you the dump tomorrow, because the lack of confidence out there is clearly demonstrated by the falling number of job advertisements in the ACT, and the appalling result on the unemployment front, where the ACT has fallen behind the national trends, and significantly so. There is no way that you can deny that. Have a look at the ABS figures. It demonstrates how poorly the business sector regards you. They are putting off decisions in relation to their businesses, because they just do not know where this Government is going. They are wondering, I suspect, about what the Government will do in the next budget, or whether, in fact, it is capable of putting one together in September.

**Mr Hird:** There is enthusiasm out there.

**MR BERRY:** Mr Hird says, "There is enthusiasm". There is enthusiasm to mark time all right, until they find out what this Government is doing. That is what the enthusiasm is about. Just hang on a minute; we do not know what Mrs Carnell is up to.

The position in relation to workplace safety is the same as the position on issues like rehabilitation and workers compensation. The people need to have a very clear understanding, and a clear facility available to them, to ensure that consultation occurs. All the rhetoric and promises of the last election mean nothing now, because the community out there knows that this Government did not mean a word of it. They were not in the place five minutes when they closed down the Assembly, as far as regular night sittings are concerned, in which the community could be involved. It just goes on and on from there. There is complete arrogance.

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**Mr Hird:** That is on your side.

**MR BERRY:** Mr Hird keeps interjecting. The people in the Ginninderra electorate are a wake-up to his support for a government which does not consult. All those workers out there who value their workers compensation will welcome this particular piece of legislation.

The Bill seeks to give some certainty, some reassurance, that the Government cannot spring the changes, which I have referred to in other areas, on workers in relation to their workers compensation and rehabilitation provisions, without the promised consultation. We have seen again and again the lie of the Liberal promise for open, consultative government. At a time when we have seen falling workers compensation costs, I think due largely to a change in culture brought about by Labor's occupational health and safety reforms, we cannot allow standards to drop, or we will see workers suffer. Most importantly, we need to ensure that there is a formal process in place which will send to workers out there the message that, even though there is a Liberal government in place, we have enshrined in legislation a process which will lock the Government into formal consultation.

That is the message that workers out there will welcome. That is the relief that they are beginning to look for. More than ever, we need to refocus our efforts on the rehabilitation of workers injured at work. This council is a step in that direction. It is, if you like, the second stage in the process, because the Occupational Health and Safety Council, which was put in place by Labor under the Occupational Health and Safety Act, provides a very similar facility to that which is proposed in this legislation. It is a tripartite consultation arrangement which advises the Government on how it should move on workplace safety. It is an arrangement which has the confidence of the trade union movement and has the confidence of workers in the workplace. But that is not to say that the job is over. Certainly, in the area of workplace safety more work is required to ensure that we get to a position where workers are assured of going home after a day's work in the same condition as they left in the morning. We just cannot sit idly by; we must be vigilant at all times to ensure that workplace safety is improved.

Once we get past the first step, we still have to ensure that, where workers are injured, appropriate rehabilitation and compensation measures are being developed. We need a constant eye kept on the development of those provisions. This process will do that. It will be a formally regulated process that will continue to provide advice to the Government. The council will be required to report annually to the Assembly so that we know exactly what is going on in relation to that important area of workplace rehabilitation and compensation. I commend the Bill to the house.

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

## MOTOR TRAFFIC (AMENDMENT) BILL 1995

Debate resumed from 3 May 1995, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

**MR HIRD** (10.53): Under the provisions of the ACT Motor Traffic Act 1936 vehicles are currently not permitted to turn left on a red signal at an intersection without a slip lane. A slip lane is often provided for the exclusive use of vehicles turning left. However, there are a number of locations, in particular in the central business district, where it is not possible to provide such a facility. The Government supports the proposed amendment to allow turn left on red facilities and the modifications of traffic light controllers at identified sites.

This legislation will provide improved efficiency for up to 30 intersections where the proposed amendment could apply, out of the 170 signalled intersections in the Territory. The sites will be chosen on a case-by-case basis and will need to meet the necessary safety criteria. Pedestrian safety at these sites is crucial, and the legislation will require vehicles to stop before continuing. Each site will need to be clearly signposted. The cost of these installations is approximately \$300. This legislation is consistent with legislation in other parts of Australia, in particular New South Wales, and will be in line with the national road traffic code which will take effect in another one to two years. I support this amendment to the Motor Traffic Act, as does the Government.

**MR CONNOLLY** (10.55): Mr Speaker, the Opposition is happy to support this amendment in its latest form. The original amendment proposed by Mr Moore was one that we would have had some concerns with, because there was an absolute provision that would have allowed a left turn at any red light. That has some general problems, but it has particular problems in the ACT where we do have interurban roads that have higher speed limits than 60 kilometres an hour. It had the potential to create some difficulties. The amendment in its current form essentially provides this ability only where there is a sign. Mr Hird, I presume speaking on behalf of the Minister, today has indicated that this would be done on a case-by-case basis and would be carefully looked at.

Perhaps, from the Opposition's point of view, we might suggest to the Government that, if it wants to remain in office, any traffic lights between here and Reid might be a good place to start because, clearly, Mr Moore was sitting at a traffic light one day and it entered his head that he should not be waiting. So, he proposed an amendment. I would suggest that, in the event that Mr Moore is held up in a traffic jam in Northbourne Avenue, we may be looking at amendments to provide for the use of the median strip on Northbourne Avenue, at least for MLAs' cars to travel on. But, subject to the suggestion that the best place to start would be the traffic lights between here and Reid - - -

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**MR SPEAKER:** Bicycles as well, Mr Connolly?

**MR CONNOLLY:** Yes; if Mr Moore was caught up on his bicycle he might want to ride that on the footpath. We may then have some further amendments. Subject to that, we are happy to support this Bill in its later and refined form.

**MR MOORE (10.57),** in reply: Mr Speaker, this must be one of the easiest bits of legislation that I have managed to get to this stage with so much agreement. Mr Connolly draws attention to the fact that we should start with the traffic lights between here and Reid. They actually have slip lanes. But what he ought to know, especially with Campbell Primary School students here in the Assembly today, is that I drop my two sons and daughter off regularly at Campbell Primary School. So, there are a few extra lights along the way. Perhaps we should extend it in that initial instance to as far as Campbell Primary School.

I think the amendment, as negotiated with the Government, does make a great deal more sense. I originally started with the general blanket view that we should, whenever we see a red light, be allowed to make a left turn. The difficulty with that was the general education of the population. The Minister has assured me that, in the initial instance, starting at those sites where signs are needed, those signs will be put up. It is also part of the education process that a sign will actually appear at a traffic light, as it does in Sydney, and it will say, "Yes; you must stop; but if the traffic is clear you can proceed". That is much better than people saying, "No; it is all right now; you can do a left turn even though the light is red". It is very difficult to educate people that it means to stop first as well.

The other factor is that this is clearly a safer way to proceed, because these signs will not be placed at lights where they may be a traffic hazard. I welcome the very receptive response I had from the Minister, Tony De Domenico - he is not here today - and from his department, and look forward to this legislation going through.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail Stage**

Bill, by leave, taken as a whole

**MR MOORE** (10.59): Mr Speaker, I move:

Page 2, lines 3 to 11, clause 4, omit the clause, substitute the following clause:

**“Substitution**

4. Section 112C of the Principal Act is repealed and the following section substituted:

**Left turn at intersection controlled by traffic lights**

‘112C. (1) Notwithstanding section 112B but subject to section 112D, where a traffic sign bearing the words “TURN LEFT AT ANY TIME WITH CARE” is erected at an intersection or junction of a public street with another public street at which traffic lights are erected, the driver of a motor vehicle approaching the intersection or junction from the direction in which the sign is facing may turn the motor vehicle to his or her left into another public street.

‘(2) Notwithstanding section 112B but subject to section 112D, where a traffic sign bearing the words “LEFT TURN ON RED LIGHT PERMITTED AFTER STOPPING” is erected at an intersection or junction of a public street with another public street at which traffic lights are erected, the driver of a motor vehicle approaching the intersection or junction from the direction in which the sign is facing may, after having stopped before the traffic lights, turn the motor vehicle to his or her left into another public street.’”.

This is the amendment that sets up the process and explains the sign that would appear, which is “Left turn on red light permitted after stopping”. It should make the position very clear. Judging from the in-principle debate, Mr Speaker, I believe that the amendment will be supported.

**MR HIRD** (11.00): Mr De Domenico, the Minister, is elsewhere on business and apologises to the house for not being here to support this amendment. The Government supports the amendment. As Mr Connolly indicated, it is a sensible approach to a serious problem. We commend the amendment to the house.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

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## CHILD ABUSE - MANDATORY REPORTING

**MS McRAE (11.01):** I move:

That this Assembly requests the Chief Minister to produce a plan for the implementation of mandatory reporting and report on progress towards its implementation every sitting week until it is operational.

Let me say at the outset - and I will try to repeat it a couple of times so that people understand that this is what I really mean - that what I am calling for today is the development of a plan and then a regular reporting on the plan every week we sit. I am not asking for the plan to be done tomorrow. I am not asking for mandatory reporting to be brought in in any great hurry. I am asking for this Assembly to consider its collective responsibility toward mandatory reporting and, collectively, to ask the Chief Minister to show our collective concern about mandatory reporting in a public way through a process of developing a plan and then giving us a progress report on the plan each time the Assembly sits, perhaps once in a two-week sitting later in the year, or once a week if appropriate, even if no progress has been made. I am not asking for action to be taken in any hurry. I am asking that the Assembly be kept informed and that, through the Assembly, the general public be kept informed of where we are going with mandatory reporting.

I know as well as everyone else that reports on the value of mandatory reporting are divided. There have been any number of reports. There has been legislation in other places. There have been attempts to introduce some form of non-mandatory reporting but some sort of obligatory reporting. In every instance, if one scours the literature or has a bit of a talk to people involved, one finds that there are strongly divided opinions. There is evidence weighing up on both sides, on the pros and cons, of mandatory reporting. There has been considerable debate in Australia and elsewhere about whether mandatory reporting does or does not reduce the level of child abuse. I am not convinced, but I have been involved with the debate for a long time and I know that, if we do not make the reporting of child abuse mandatory, then we are accepting the "live and let live" mentality and turning a blind eye to often inevitable tragedy. Today the action that I urge on the Assembly is for us to make a collective statement about the role of mandatory reporting in our community. I would like to see some movement towards a more comprehensive implementation plan.

As I wrote this speech last night I could hear people in government saying, "You should have done it. You were in power for three years. What is the matter with you?". No doubt I will hear a lot of that just so that a new government can prove to the electorate that somehow we were the devil incarnate and they are angels about to clear the Territory of every problem that ever existed. That is all right. That is political posturing. I suppose that it makes them feel good to say all of that, but when all the noise has died down there are 17 of us left who are responsible for the good of the people of the ACT and particularly the children of the ACT. We are collectively responsible for the implementation of the will of the people of the ACT.

I believe that what the Government did in the last three years was not too bad. My colleagues who made the decisions will no doubt fill you in with the details of the decisions they made, but it was clear at all times that our Ministers were sensitive to community perceptions. They included in budgets more money to deal with the issue. They dealt with the complexities of the issue and were responsive to it.

Many people in the community are very nervous about mandatory reporting. They know, as we all know, that once reporting is mandatory a vast range of support services is necessary. So, the development toward mandatory reporting has been slow, and I believe necessarily slow. Today I am not asking for progress to be any faster. Let me repeat: I am not asking for the imminent introduction of mandatory reporting. I am asking for all-in support for the Minister and, through the Minister, the Chief Minister so that the entire Government is involved, and then the entire Assembly, in a regular monitoring of the progress towards mandatory reporting.

Within the community there are a great variety of views about the raising and treatment of children and the responsibilities of adults in daily contact with young people. It is still not universally accepted that corporal punishment is not appropriate punishment for children. In fact, in one educational system in Australia corporal punishment is still permitted. In the ACT it was abolished a long time ago, but there are still many who believe that it is a necessary and important part of child rearing and of punishment within schools. How parents treat their children at home or even in public places is not regulated. We have all been witness to unpleasant incidents of violence against children in shopping centres. We know that had it been adult against adult one would have been able to sue the other for assault; but we are left helpless, unless we dare intervene in what is seen as a family matter, watching these often very unpleasant incidents. These inconsistencies exist in our society. I hope that they are indications that things are changing, as they have changed in our schools. I hope that eventually parents will not feel the need ever to strike their children.

I accept that there is a vast variety of views in our community. Whilst violence against children is condoned, it is difficult to persuade some people that their level of violence against their own children is unacceptable. For some accustomed to a climate of violence, a thorough beating is an everyday affair; for others, an odd slap is completely unacceptable. This is one of the many complexities that confront anyone who tries to tackle the question of child abuse and attempts to grapple with the necessity of making the reporting of abuse mandatory.

Let me now detail some of these complexities. Firstly, there are the circumstances that surround the level of abuse. These vary greatly. As I have already said, in some instances there is a very high level of cultural acceptance. One only had to see *Once Were Warriors* to see how differently some cultures view the rearing of the children and the place of violence in communities from others. We have to be sensitive to those contexts and then work through them. In other situations an illness that confronts a family can lead to a high level of violence and abuse against children. So, too, can post-traumatic stress. One of the parents or an older member of the family might have been involved in an accident that resulted in brain injury, for instance, and suddenly you have a high level of violence and abuse of children.

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Substance abuse is a common factor that leads people to act perhaps uncharacteristically but extremely unpleasantly and leads to a vast range of abuse of young children. Sometimes there are temporary situations relating to trauma, to stress, to poverty or to circumstances with which the family cannot deal, and suddenly we find that the young ones of the family are the subject of abuse or that carers are abusing people in their trust. Sometimes the situation is permanent, as in the case of extreme poverty and deprivation. One of the adjustment processes, unfortunately, ends up being the abuse of young ones. Maladapted, malfunctioning adults who may have been the victims of abuse themselves are often caught up in a tragic cycle of continuance of abuse. All of these circumstances can produce child abuse. Then there are the sadists, the pederasts and all the other ugly people in our community who can never be excused as the perpetrators of child abuse. Some families have profoundly held beliefs that firm discipline is good for a child, and their notion of "firm" may be extremely harsh.

In any of the situations that I have outlined - they are just a few of the possible circumstances in which child abuse occurs, and I accept that it is a complex and difficult issue, in any of the situations where child abuse occurs, the question is: What is going to happen if the state chooses to intervene? In other words, if we legislate to make reporting mandatory, what is the state's responsibility? What are the intended results and outcomes of such intervention? What we want to achieve has to be absolutely clear. That is why it is so important to have some sense of a plan, some sense of purpose, some sense of deciding where, in these situations, we as the people responsible for the wellbeing of the ACT, for the safety of our own children, are going to take a stand and where we are going to lead in the possible eradication of this process. What is it that we really need to achieve? Primarily, everyone begins from the base of stopping and preventing any further abuse of a child, in any circumstance. But how can we do this? Of course, for some people the answer is simple - make the abuser a criminal, lock them up so that you never see them again, end of story. Anyone who has spent two minutes thinking about it knows that life is not quite so simple.

Clearly, the parent, the carer or the abuser of any kind has to be dealt with. But - and here we come to the difficulties - is removing the child absolutely necessary? If so, where to? For how long? When? Does the guilt of the abuser have to be determined before a child is removed? If so, how are those individuals' legal rights protected? When and at what point does the state intervene? Who takes care of the child? Can they go to any carer, or do they go to a well-trained carer? Who trains the carer? Who monitors that all is well with the child? When can a child go back to their family or to the potentially abusive situation? Can the child stay with the family or close to the perpetrator of abuse? Who protects the child? Who makes those decisions? At the same time as the concern for the child is dealt with, so must some attention be paid to the circumstances of abuse. If a family is really stressed by poverty, who can take responsibility and assist them through the crisis? Does the child have to be separated and punished for the fact that their family lives in poverty? If a carer is beset by illness, does the state have the right to remove the child or does it have an obligation to ensure that the illness of the carer is dealt with appropriately? How is the child dealt with during that crisis?

The question presented to the authorities we empower to deal with child abuse is in every case: Is the best interest of the child served by removing them from the circumstances that they are in? Is substitute care always the best outcome for a child in an abusive situation, or is family therapy the answer? Who is to decide and how are we going to get the best possible outcome? These dilemmas are faced on a daily basis by the child welfare officers in the family services area who deal with reported cases of child abuse. These are the dilemmas that face a doctor, a teacher, a nurse, a child-care assistant or another adult - a neighbour perhaps - who sees bruises or some manifestations of hunger or poor care. If we move to make the reporting of child abuse mandatory, these people will have to know that by reporting the abuse the outcomes for the child will be better than if they ignore it. We may need to counsel adults, the parents, the families. We have to be sure that the abuse is stopped properly. This is where the debate always stops within the community sector. There is concern that, if doctors, nurses, teachers, other carers - mandated adults - are forced to report abuse, further contact with the child will be stopped. There is concern that the child will not present at a school, a hospital, a child-care centre or some other public place and the abuse may be worse.

This is where we need a plan and some notion of how we deal with the complexity of mandatory reporting and putting the right responsibility on people who deal with abused children and put it on them in such a way that we are assured that both the child and the abuser - in many cases, unfortunately, most people would prefer not to know the abuser - are in fact dealt with sensitively and appropriately. With this motion today, I believe that we can map out for the people of the ACT what steps the Government is taking to protect our children. Overwhelmingly, the people of the ACT want to be reassured that if a child is being abused some action can and will ensue to protect that child. I am not, I repeat, asking for the immediate implementation of mandatory reporting. I am asking for some reassurance, once during every sitting of the Assembly over the next three years, that some development is happening towards the appropriate process of mandating the reporting of child abuse and then providing the appropriate support for the children, the abusers and all the victims of these unfortunate elements of life in our city.

**MR STEFANIAK** (Minister for Education and Training and Minister for Housing and Family Services) (11.16): In a way, I thank Ms McRae for raising this question. I would just like to welcome to the Assembly the students from Campbell Primary School who are here today. Mr Speaker, Ms McRae has raised the issue of the implementation of mandatory reporting of child abuse and the Government's intentions. This Government will implement mandatory reporting. We will do that when we have all the necessary structures and services in place. I was interested to hear Ms McRae say - she reiterated it on a few occasions - that she does not expect it to happen immediately. That is very sensible. All the various community groups that both the Chief Minister and I have spoken to are very worried about it being implemented immediately. They want work to be done and the necessary structures put in place first. They see that as being absolutely essential. There is good reason for that. Members will be aware of the effect of implementing mandatory reporting in Victoria. When they did that, notifications of child abuse rose alarmingly. There were some problems, and there is a lesson in that experience for the ACT. In order to respond to notifications and to protect children, it is necessary not to raise expectations of services that cannot be met. To do that, good preparation is absolutely necessary. That apparently, from what I gather, did not happen terribly well in Victoria.

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There are some key elements of effective implementation which must be in place. We must be sure that we have trained the people who will be involved and that we have an annual cycle of follow-up training. We need an effective and protective response, ensuring that there are enough child protection workers to respond to notifications and that they are trained and equipped to do this very difficult and important job. That certainly is something that cannot happen immediately. That is something that the Government has to plan for. Training has to be done. Money and resources have to be allocated and perhaps some restructuring needs to be done in the way the Government responds. All of that takes time.

We also must have an appropriate range of placement and support options in place. We must have foster care placements and residential placements for children who cannot live at home and family support services for families who can continue to care for their children but who need a lot of support. We need a good computerised database so that we have an immediate history of notified children on which to base assessment of risk. We also need interagency support and ownership and a coordinated approach between the key agencies. Again, those are things that simply cannot be done overnight. They take a number of months to get up and running. It is also probably worthy of note that in the ACT at present we have a high level of what is effectively voluntary reporting which matches some States' actual mandatory reporting. Whilst in Victoria there is an increased level of reporting, we may not experience something of that magnitude; but we feel that there would be a very significant increase in reporting.

Mr Speaker, prevention is also very important, and it is critical to ensure that maximum efforts are made to reduce child abuse and neglect. Without adequate emphasis on prevention, there will be continued growth in demand for, and resourcing of, protective services, with consequent individual, social and economic costs. The ACT is taking part, with the Commonwealth and with other States and Territories, in a national strategy to prevent abuse and neglect. Our role is to deliver our services to target at-risk children and their families. The Commonwealth role is to deliver a community education program that will change parental attitudes and encourage non-abusive behaviour.

It is essential to highlight which groups would be involved in mandatory reporting. There would be many groups. First and foremost, there are doctors. There are also teachers and pharmacists. There are many people in the community who have a role and a duty in reporting child abuse. Under our present voluntary reporting, some groups are better than others at doing that. Over the next six months we can target groups and prepare them for mandatory reporting. As I said, some groups have a better history of reporting child abuse than others. Some groups still have a reluctance. It is a vexed question that has been around for some time.

I note that Ms McRae, quite sensibly, was somewhat guarded in her comments in relation to what had happened previously. The issue in the ACT has been around for a long period of time. It was the subject of a Community Law Reform Committee report, Report No. 7, back in 1993. There has been legislation around for some time. The current proposed regime has been given some of the necessary legislative support to enable it to be put in place. I understand that maybe a little bit more needs to be done, but that can be attended to. Act No. 17 of 1994 was passed in May of last year.

Ms McRae is quite right in saying that, whilst the previous Government maintained that it was committed to mandatory reporting, it made no preparations; that it had no plan to resource the proposal. We intend to implement mandatory reporting. We will do it in a considered way and with proper resourcing, so that children who need protection will get the services they need and deserve.

I do not think the Government has too much of a problem with the part of the motion that says, "... this Assembly requests the Chief Minister to produce a plan for the implementation of mandatory reporting" or with the words "and report on progress towards its implementation". I do not think that is a problem. It is sensible to keep the Assembly informed of the progress the Government is making in any area and certainly in an area as important as this. I wonder whether it is necessary or desirable, or indeed even practicable, for the Government to report every sitting week until mandatory reporting is operational. By that, does she mean that when we go into a two-week sitting period we will report on the first Tuesday and report again on the following Tuesday, then break for two or three weeks, and then report again? That may be an unrealistically short period of time.

In some instances, if you take what Ms McRae said literally - I assume that that is what she means - a government might report four times in a five-week period. That might be somewhat superfluous. There may not be a huge amount happening. Indeed, a report might be just a duplication of the previous one, simply because things take time. Three- or six-monthly reports by the Government, or something along those lines, might be far more sensible, so that when the Government reports it can report on a number of concrete steps that have actually been taken and the Assembly can see what is happening. If the Assembly thinks progress is a little slow, it can comment; but at least that would be a more realistic timeframe for reporting to the Assembly on the implementation of mandatory reporting. I have great problems with a report on progress towards implementation every sitting week. That is simply too short a time and too unrealistic. The Chief Minister will probably have a few further words to say about that.

Let me reiterate that this Government will implement mandatory reporting. We will do it in a considered way. We will do it with proper resourcing. We will be doing it in a very difficult budgetary situation. We realise that the next few years are going to be very tough. We have been left an awful mess by the previous Government and the economic downturn. We can lay the blame at the feet of the Federal Government as much as we can lay it at the feet of the previous ACT Government. To introduce mandatory reporting properly, we will need proper resourcing. We will do it in our term because we realise that there are children who need protection and who need and deserve special services.

**MR CONNOLLY (11.25):** Mr Speaker, it is necessary for me to rise as a former Minister for Community Services and Minister for Health and refute the very politicised comment by the Minister that nothing had been done in resourcing to meet the challenge of mandatory reporting. This is an issue that, as Ms McRae has said, goes back many years in the ACT. While legislation was put through this Assembly last year by the then Labor Government to somewhat refine the process for mandatory reporting, the fact is that provisions for mandatory reporting had been part of legislation in the ACT before

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self-government but the relevant section had not been brought into force. There really was no legislative hurdle. It could have been done, although perhaps not in as sound a form as would be possible with current thinking, by simply bringing into force a piece of legislation enacted before self-government.

There was considerable community debate over many years about when mandatory reporting should be brought in. Prominent Canberra personalities - most prominently, the Chief Magistrate, Ron Cahill - had been calling for some years for immediate action. Other prominent people in the welfare sector were urging a more cautious approach and a period of staged implementation. The then Government referred the matter to the Community Law Reform Committee. The Community Law Reform Committee, for the first and only time in the committee's history, came down with something of a divided report; but the majority view favoured a staged process of implementation.

In the last two budgets the ACT Labor Government provided quite significant enhancement funds. ACT budgets, Mr Stefaniak, you will quickly learn, are never easy. I am not sure when any ACT Treasurer has ever said or will ever say, "Not only is the cupboard not bare but it has lots of goodies in it". Budget time is always a difficult time; but, in that very challenging time of adjustment to the realities of self-government financing that Labor principally had stewardship over, the then Treasurer, Ms Follett, provided in the last two budgets quite significant enhancements because mandatory reporting was seen as a priority. Mr Lamont, Mr Berry and I, all of whom at various times had prime responsibility for this issue, were able to persuade our colleagues - and we came to this collective view - that preparing the way for mandatory reporting was an essential priority. In the last two budgets there were significant enhancements of the health budget, essentially to get the child-at-risk unit at the Woden Valley Hospital upgraded and its resources upped. There were also significant budget increases to enhance the relevant areas within Community Services.

As I think has been mentioned, we in the ACT have been for some time at the point where rates of reporting in the ACT equal or exceed rates in some jurisdictions where there is mandatory reporting. We have a very committed and dedicated group of workers in the child-care field. Our doctors, medical workers and community nurses are very committed to, and concerned about, child welfare. The ACT, being a small jurisdiction where people tend to know each other and network, has high levels of reporting. The suggestion that mandatory reporting will open the floodgates and that it will be impossible to introduce it is hard to believe when so much work has been put in.

Ms McRae is not saying that it has to happen tomorrow. Ms McRae is not grandstanding and saying that it must happen by a specific date, although I seem to recall the Independents and Liberals supporting such a resolution in the last Assembly. I can recall Ms Szuty moving some motions demanding instant action, which motions the Liberals then were all enthused about. What Ms McRae is saying is that the Assembly should have progress reported to it and that a clear implementation plan should be announced.

For the Government to say that the cupboard was bare and that it is all the fault of the former Government is right out of volume 1 of *Yes, Minister*. Open the first envelope and it says, "Blame the former Government". That lasts you for a year. In the second year you open the second envelope. It says, "Hold lots of inquiries". We are doing that with consultants already. Of course, in the third year the message says, "Prepare three envelopes". But that is another story.

We keep hearing the mantra, "It is all the fault of the former Government. We have inherited a terrible budget. The former Government did nothing". The reality is that in this area the former Government's record is very sound. In difficult budgetary circumstances we did provide enhancements. We were always dealing with difficult budgets. As Ms Follett said yesterday, to refute the nonsense of Mrs Carnell and her clones who keep saying, "Shock, horror! We are in a dreadful budgetary situation", for every budget but for the period the Liberals were in office, Labor was adjusting to the realities of self-government finances and in fact bringing down areas of overspending. Yet we were enhancing this area because we knew that we had to prepare for mandatory reporting.

I can recall when I was still Community Services Minister - that is well over a year ago now - opening the first of what was to be a series of seminars for workers in the child-care sector, for workers at occasional care and other child-care centres, to provide them with the necessary education for the coming of mandatory reporting. To get up here and say that the former Government did nothing is simply wrong. Money was spent. Training was in place. What is of concern to the Labor Opposition and of concern to many in the community is that it almost seems as though all that work has now been forgotten about. The Government is presenting it to the community almost as though there were a clean slate. It is saying, "We have to do training programs; we have to do education programs; we have to consider and carefully approach the issue of mandatory reporting". The Government is saying that as though nothing had been done.

There is a fear that entrenched resistance - perhaps from some interests within the Government structure; perhaps from within other sectors - is creating a sense of inertia. It is important that the Government come out with a clear implementation program. We said last year that we saw 1994 as very much the gearing-up period and that we were looking to bring mandatory reporting in this calendar year. We really want to know where things stand. Ms McRae's call is not grandstanding. She is not saying that you should do it this week or next week or by 1 September, 1 October or 31 December. She is saying, "Let us know and let the community know where we stand". The Government cannot get away with the sort of politicking that says that the former Government did nothing in this area. This is an area where our record is sound. We acknowledge that it has to be done carefully. We are not saying, "Do it tomorrow". We are saying, "Tell us what you are doing and give the community a clear timeline".

**MR MOORE (11.33):** Mr Speaker, the basic premise in Ms McRae's motion is that we must have mandatory reporting. I must say that I have some difficulty with that basic premise. It is an issue that Ms McRae dealt with very carefully. She pointed out that there were some advantages and some disadvantages and that it had to be implemented carefully. That was reiterated by Mr Connolly and the Minister. This issue is one of the most difficult I have faced since becoming a member of this Assembly. When I was

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studying for a postgraduate diploma in epidemiology and population health a couple of years ago, I chose to do a unit on child welfare law. I was fortunate enough to have as my lecturer Dr John Seymour, who had prepared the original legislation in this area. Having done that, I wound up with more questions than answers.

The thing that I think everybody would be agreed on is that we must take whatever action we possibly can to avoid and resolve problems of domestic violence, particularly with reference to children. Over the last two or three years, almost on a quarterly basis, I have been thinking, "Yes, mandatory reporting is the way to go". Then later I think, "No. The difficulties associated with mandatory reporting are such that it is not the best way to resolve the problems". It is interesting, Mr Speaker, that, of all the jurisdictions in Australia, the ACT is still the only one that does not have a regime of mandatory reporting. It is particularly interesting, considering the report published in the *Canberra Times* six to eight weeks ago that a survey throughout Australia found that Canberra has one of the lowest rates of domestic violence. Perhaps the children are associated; perhaps they are not. I read only the media report of that survey rather than actually looking at the survey itself, but it highlights some of the difficulties in dealing with these issues, Mr Speaker.

I was a teacher in South Australia when mandatory reporting was introduced there. My personal experience of it was that it did not cause the sorts of difficulties that some who write on it argue that it does. I heard Mr Connolly talking about the possibility of the inertia having something to do with entrenched views within the department, or something along those lines. It may well be that those views are well-founded views dealing with the same sorts of problems. On the other hand, it may well be that that is not the case. From what I have heard today, the impression I get is that the general will of the majority of the Assembly is to move towards mandatory reporting and that it is really a question of how.

That leads me to the main concern I have had with mandatory reporting. This is a concern that was highlighted to some extent in Ms McRae's speech. If you do not have the services in place and you introduce mandatory reporting of things like child abuse, then you can expect to create more problems than you resolve. Hence the motion, as Ms McRae has put it up, makes the sensible request that the Government set out the way it is going to go about it. Rather than politicising the issue, Ms McRae has been very careful to word this motion to ensure that something is achieved. Whilst I still have doubts in the back of my mind about whether mandatory reporting is the appropriate way to go, if we are going to proceed down that line, then this motion will assist. The Chief Minister has spoken to me about whether it is appropriate that the implementation report be weekly. The motion talks about every sitting week, whereas Ms McRae referred to every sitting session. There is a slight difference. I think we should have a report at least quarterly. That is the way we looked at the health area previously. That would still be very much in the spirit of what Ms McRae has proposed.

Mr Speaker, I began this speech by expressing my doubts. Many people I deal with on this issue feel the same. When we are talking about mandatory reporting, the question is: In what way can we get the best possible outcome? If we proceeded down the line of mandatory reporting, we would expect, in the initial instance, an increase in the number of reports. We would then expect it to settle down at a level slightly higher than in the current reporting situation. In that case, Mr Speaker, it would be appropriate that the implementation plan as prepared by the department incorporate an evaluation plan. If you evaluate things after you have done them, you may write things up to suit what is going on. It can be difficult. If you want a sensible evaluation of something, you ought to prepare an evaluation plan in the first place so that you can set the goals, the targets, and assess whether or not you have reached them. That is the sort of evaluation plan we should prepare in conjunction with any plan for the implementation of a mandatory reporting system.

Mr Speaker, even with those doubts, I think that what Ms McRae has proposed is appropriate. I will be supporting it. I would like to see it changed so that the reports are quarterly. Ms McRae has indicated that that is not a big issue for her and that that is acceptable. No doubt in her speech in reply we can deal with that as an amendment. It is important that we evaluate and make sure that we are looking at the most effective way of resolving problems of child abuse and family violence. In doing so, it would also be appropriate to assess the system of mandatory reporting to see whether it was going to deliver what we would hope that it would and to do comparisons between what is happening in other States and Territories and what has been happening in the ACT, although of course it is always difficult to draw those comparisons. With those few reservations, Mr Speaker, I support the approach taken by Ms McRae.

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

### **DISCRIMINATION (AMENDMENT) BILL 1995**

Debate resumed from 31 May 1995, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MR HUMPHRIES** (Attorney-General) (11.42): Mr Speaker, the Government is pleased to support the Bill which has been introduced by Ms Follett to clarify an issue concerning the status of members of the Assembly with respect to the application of the Discrimination Act. Although on the previous occasion the debate focused on matters of sexual harassment, there are a whole series of ways in which discrimination can occur and they are applied by force of the amendment put forward by Ms Follett.

The LA(MS) Act gives the capacity for members of the Assembly to employ persons, subject to direction as to particular conditions and terms from the Chief Minister, and the employment must be approved by the Chief Minister in that form. The problem which is addressed in this amendment is that these provisions create some ambiguity as to whether office-holders and members of the Assembly who employ staff according to the LA(MS) Act are employers for the purposes of the Discrimination Act, which prohibits both discrimination and sexual harassment in employment.

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The Discrimination Act prohibits discrimination on the part of employers, but there is no specific reference to the relationship between the member and his or her staff as being one of employment. The law, as it stands, creates ambiguity as to the status of members and office-holders in relation to their staff, opening up the way for argument. Indeed, members will be aware of an argument of this kind going on at this very time in the Human Rights Office. The Act could thus be seen as permitting some exemption of members of the Assembly from the processes which we, as members of the Assembly, have applied to others in the community. That ambiguity ought therefore to be cleared up.

The Discrimination (Amendment) Bill which is before us today attempts to remedy this ambiguity by inserting a provision that for the purpose of the Discrimination Act a member of the Assembly is deemed to be an employer in relation to any person seeking employment or employed under the LA(MS) Act. At this point I should indicate that, although that is fine in the sense that all members of this place are members of the Assembly by definition, there is some possible ambiguity concerning whether members of the Assembly in this context also include Ministers and office-holders - you, Mr Speaker, and possibly the Leader of the Opposition as well. It is appropriate to clarify that matter and ensure that "members" covers all 17 members and not simply those who are not office-holders as well. That distinction arises from the fact that there is a distinction in the LA(MS) Act between those two sorts of positions. Rather than leave it in doubt, we should clarify it entirely.

Mr Speaker, I support the Bill. I am also aware of an amendment by Ms Tucker which I believe could be supported by the Government. I think this will ensure that people see us as not being above the law but being prepared to abide by the same terms of the law that we have imposed on the rest of the community.

**MR MOORE** (11.46): Mr Speaker, I think that whenever we can take action to improve our Discrimination Act we should do it. Perhaps at some stage we ought to change its name to something a bit more rational as well.

**Ms Follett:** Hear, hear! Does that mean that we have the numbers?

**MR MOORE:** I have always been keen to change the name. As I recall, Mr Speaker, when we dealt with the name of this Act I was on side with Labor. I have not counted the numbers with other people, but I think it is time that we had a much more rational name. As I recall, it was Mr Collaery who was keen - - -

**Ms Follett:** We had no name for a while.

**MR MOORE:** In fact, it was the Bill with no name. I am pleased that it did get a name. Nevertheless, it is a lousy one, and I think we need to rectify that.

The issue that the Leader of the Opposition has taken up is that it is appropriate that all people have protection under the Discrimination Act. To have a Act that does not cover us ourselves is entirely inappropriate. I congratulate the Leader of the Opposition for bringing up this matter. I have seen a couple of foreshadowed amendments to the Bill - one from Ms Tucker and some from the Government. The Government amendments seem to me to be sensible enough in tidying up a couple of anomalies. Ms Tucker's is more substantive. I will have the opportunity to speak to it at the detail stage of the Bill. Mr Speaker, I am pleased to offer my support to this piece of legislation.

**MR CONNOLLY** (11.48): Mr Speaker, as has been said, this amendment has been moved by the Leader of the Opposition to try to clarify the situation and put it beyond doubt that Ministers and members would be caught by the Act. It has been supported by the Government in that spirit, with some amendments, and by Mr Moore, and I am sure that it will be supported by the Greens and others.

It is worth noting that it was clearly always the intention of this place that the Act would have that effect. I had occasion to flick through the records of the debate last night. Last night was an appropriate time for it, given that we were here until the early hours of the morning. Members who were present during the debate on the discrimination legislation may recall that it was a very long and tortuous debate. Mr Stevenson, who is no longer with us, really went to town on every point. At one point, when we were debating the issue of the appointment of the Discrimination Commissioner, Mr Stevenson proposed an amendment saying that the Discrimination Commissioner should be subject to direction from the Minister. I objected to that most strenuously on behalf of the Government, saying that, apart from issues of principle and independence of the judiciary or quasi-judicial bodies, the high point of absurdity was that it was highly likely that in the future the commissioner might well be examining and testing actions of a Minister. The Opposition, through Mr Humphries, supported that for those reasons.

The assumption common to both speakers at the time was that of course our conduct as Ministers or, had we thought of it, members would be subject to scrutiny. Doubts have been raised about that. That is why this package will go through today. It will remove that doubt. I think it is worth pointing out that, when the issue was debated and when our minds were focused on that question, the view of both Labor and Liberal spokespersons was that the Bill was clearly intended to cover the entire community, including those of us who were members or, from time to time, Ministers or other office-holders.

**MS TUCKER** (11.50): We will be supporting this Bill. We will be moving an amendment later. I will not go on at length about how we think it is important to cover all people in the workplace against harassment and discrimination of any kind. It is with pleasure that the Greens support the Bill.

**MS FOLLETT** (Leader of the Opposition) (11.50), in reply: Very briefly, to close the debate, I would like to thank members for their support of my Bill. I share their concern, obviously, that as members of this Assembly we should be subject to the same laws that we require the community to be subject to. In the case of the Discrimination Act, some doubt has been raised in the Human Rights Office about whether that is actually the case, so the amendment that I am moving aims to put that beyond doubt.

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I would like to reiterate the two points I made in introducing the Bill, which may have caused some concern to members. The first of those points is that this amendment will in no way inhibit members from choosing their staff in line with their political convictions. Were there to be that restraint on members who are clearly of a particular political persuasion, it would be unworkable. The Discrimination Act does make an exemption for people such as us as employers. We are entitled to choose personal staff in line with our or their political convictions if we believe that that is a relevant consideration. The second point is that the amendment that I am bringing in is in no way retrospective. It applies prospectively, to future cases, and I hope that the apparent confusion which has arisen in the Human Rights Office will therefore not exist in the future. I thank members again for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Bill, by leave, taken as a whole

**MR HUMPHRIES** (Attorney-General) (11.53), by leave: I move:

Page 2, line 2, clause 4, insert “(whether in his or her capacity as an office-holder within the meaning of the *Legislative Assembly (Members’ Staff) Act 1989* or otherwise)” after “Assembly”.

Page 2, lines 4 and 5, clause 4, omit “the *Legislative Assembly (Members’ Staff) Act 1989*”, substitute “that Act”.

I have already discussed my amendments with respect to making it clear that office-holders are included in the definition of a member. One would not think there was any confusion about that; but in fact that is an inference one might draw from reading the distinction in the LA(MS) Act, so it is appropriate to clear it up. From memory, I think that Act covers Ministers, the Speaker and the Leader of the Opposition. That is my recollection of what an office-holder is in those terms. I am not sure whether that now covers such positions as Deputy Leader of the Opposition and Deputy Speaker or not.

**Ms McRae:** Deputy Speaker it does.

**MR HUMPHRIES:** Ms Follett says no. Ms McRae says yes. I am not sure what the answer is, but the issue is one that I think we should clear up absolutely by having this provision in the legislation. I table my explanatory memorandum, Mr Speaker.

**MS FOLLETT** (Leader of the Opposition) (11.54): Mr Speaker, as the mover of the amendment Bill, I accept Mr Humphries's amendments. I think they are sensible amendments to put beyond doubt, or to avoid any debate on, the precise nature of the coverage that we are seeking to implement for the Discrimination Act. Mr Humphries has specified some terms beyond the wording of my amendment Bill. I find them very sensible, and for that reason the Opposition will be supporting the amendments.

Amendments agreed to.

**MS TUCKER** (11.55): Mr Speaker, I move:

Page 2, line 5, after clause 4, add the following clause:

**“Employment etc.**

5. Section 59 of the Principal Act is amended by adding at the end the following subsections:

‘(6) It is unlawful for a workplace participant to subject another workplace participant, or a person seeking to become a workplace participant at that workplace, to sexual harassment at a place that is a workplace, or potential workplace, as the case requires, of both of those persons.

‘(7) In this section -

“place” includes a ship, aircraft or vehicle;

“workplace” means a place at which a workplace participant works or otherwise carries out functions in connection with being a workplace participant;

“workplace participant” means any of the following:

- (a) an employer or employee;
- (b) a commission agent or contract worker;
- (c) a partner in a partnership.’.”.

Ms Follett's Bill addresses an important issue, namely, the definition of “employer” in cases which involve discrimination claims against members of the Legislative Assembly. The Greens endorse Ms Follett's Bill and Mr Humphries's amendments, as we believe that it is entirely appropriate that individual members be responsible for any actions which may be discriminatory. It is therefore appropriate to clarify the law with respect to this matter.

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The Greens are also taking this opportunity to make a simple amendment which addresses other potential loopholes in the Discrimination Act in relation to sexual harassment in the workplace. Mr Speaker, members will be well aware that the motivation behind the Discrimination Act is that no-one should be subject to discrimination, on the basis of a broad selection of grounds and attributes ranging from sex and sexuality to race, age, impairment or membership of any association, as well as many others. It is therefore appropriate that there be no potential loopholes which may result from interpretation of the Act.

As the legislation stands, Part V dealing with sexual harassment is likely to cover nearly all cases of sexual harassment in the workplace. However, unlike Federal legislation on which the ACT legislation was modelled, there are potential loopholes, for example, in the case of contract workers. This can be addressed by adding an additional subsection from the Commonwealth legislation which refers to workplace participants. We have also chosen to extend this further to ensure that it covers anyone seeking to become a workplace participant. Someone attending a job interview, for example, would also be covered by the Act.

I am sure that all members will agree that this is a sensible amendment, consistent with the philosophy behind this piece of legislation. It reflects what I hope is a strong commitment from all members in this Assembly to condemn sexual harassment and abuse in our society. It has come to our notice since we put this amendment together that it still may not be sufficient. We are not sure whether the definition of "workplace participant" will cover work experience people, so we will also be looking into that.

**MS FOLLETT** (Leader of the Opposition) (11.57): Again, Mr Speaker, I accept the amendment that has been put forward. As Ms Tucker suggests, I think this is a sensible step. It offers further protection to everybody in the workplace against discrimination and against sexual harassment. For that reason, because it is a broadening of that protection, I believe that it is entirely appropriate that we deal with it at the same time as we are dealing with the amendment which I have put forward. I support the amendment.

**MR HUMPHRIES** (Attorney-General) (11.58): The Government also supports this amendment, Mr Speaker. As indicated, it widens the scope of the legislation. I suppose that the argument could be advanced that perhaps we should not have definitions at all about where and in what circumstances sexual harassment should not occur. Perhaps the legislation should simply say that no sexual harassment at all should occur. I have not explored fully the implications of that kind of argument. Certainly, under the framework of the present legislation, particularly section 59, the workplace may not extend to the point of an example that was put to me of two paralegals in a legal firm who meet at the Land Titles Office to exchange contracts, to do work on behalf of their employers. Under this definition, that would be a workplace which probably is not covered in the present legislation. Therefore, this amendment would extend the scope of the legislation and protect more people in those circumstances. That is obviously appropriate. For that reason, this amendment is supported by the Government.

**MR MOORE** (11.59): Mr Speaker, while I support this amendment, I must admit that I found it a little amusing that “place” includes a ship. I do not know that we are going to have too many problems with ships in the ACT, although on Lake Burley Griffin there is a boat. Is that actually a ship? That is a good question. Apart from those mirthful comments, I think it is a very good amendment.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

**Sitting suspended from 12.01 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Education and Health Budgets**

**MS FOLLETT:** Mr Speaker, I have a question for Mrs Carnell as the Chief Minister. It relates to her statement in the Assembly yesterday about the revised Administrative Arrangements. In her statement, Mrs Carnell said:

This will enhance our chances of containing our most difficult task - bringing the budgets of education and health into line with national benchmarks.

However, Mr Speaker, in her election commitments, Mrs Carnell made this statement:

A Liberal Government will guarantee to maintain current levels of ACT education funding indexed for inflation over the next three years.

It seems to me, Mr Speaker, that there is a blatant contradiction in the two approaches to education funding. Therefore, I ask Mrs Carnell: Does your statement yesterday mean that this is about to become yet another broken election commitment from the Liberal Party, to add to those that have already been admitted by your Ministers?

**MRS CARNELL:** The undertaking and commitment to maintain education funding at last year's budget level plus inflation - in other words, in real terms - stands and will stand for the next three years. The comment that was made in my statement yesterday is a very real one, because benchmarks are not about just bottom line financial statements; they are about class sizes and quality of education - all those sorts of things that matter a lot to this side of the house. What we must not allow to happen is for the funding problems we have - largely generated by the Federal Government in its cuts to ACT revenue - to actually start affecting the quality of education in the ACT, as I think they are affecting things like class sizes.

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So, unless we actually get the costs of services that we are providing down to somewhere in the vicinity of national benchmarks, we simply will not be able to produce the quality. Obviously, how much money we spend on education is a decision for this Government and this Assembly, but how we spend it certainly should be along the lines of national benchmarks. I referred to things like class sizes and quality of education. What we are actually expecting and achieving in outcome terms is very important to this Assembly, but there will be no cuts in education funding.

**MS FOLLETT:** As a supplementary question, Mr Speaker: Now that we have had history rewritten for us in the education field, I would ask Mrs Carnell about her comments in relation to health and her statement yesterday that she would bring that into line with national benchmarks. Does she, therefore, still intend to reduce the health budget by \$30m?

**MR SPEAKER:** I will allow the question, Chief Minister, because we are talking about benchmarks.

**Ms Follett:** Both were in my question, Mr Speaker.

**MR SPEAKER:** Yes; that is all right. Go ahead, Chief Minister.

**MRS CARNELL:** Again, very much in line with our election commitments, over the next three years we will reduce health spending, simply because we have to. We intend to do something about the absolutely abysmal waiting lists in our health system - waiting lists that went from, I think, 1,789 when the Labor Party took office at the election before last to 4,600 today, a situation that is simply unacceptable. The only way we can address those problems is to start addressing the actual costs of providing services in our system. We will do that. We will bring the costs of providing services in health down to the level of national benchmarking. It is the only way that we can ensure that quality services are provided, that we can do something about waiting lists and that we can address the problem of having the fewest public hospital beds in this country - something that, I am sure, none of us here support. All of those sorts of issues have to be addressed. They cannot be addressed unless we bring costs and quality down to the levels of national benchmarks.

### **Economic Performance - Labor Party's Record**

**MR KAINE:** Mr Speaker, through you, I direct a question to the Chief Minister and Treasurer. Chief Minister, yesterday, in debate in the Assembly, the Leader of the Opposition claimed, as she often does, some interesting achievements on her part in terms of economic performance. Amongst other things, she made the claim, yet again, that the Territory had consistently balanced recurrent budgets throughout the time that she was Treasurer. It does not accord with the facts, as I understand them. Can you confirm whether or not the claims by the Leader of the Opposition are correct and, if not, can you tell us what are the facts?

**MRS CARNELL:** Not only were the comments of Ms Follett with regard to deficits incorrect, Mr Speaker, but also Ms Follett's view that her Government's term of office was somehow a success from a budgetary perspective was right off the mark. In fact, by any objective test of good government, the Follett Labor Government was a failure. I think you have to look at some of the evidence here. Let us look at some of the performance indicators over the life of the Government. Prices in the ACT increased faster than prices in the rest of Australia - 6.6 per cent in the ACT and 5.6 per cent nationally. Let us look at taxes. The increases were 135 per cent for land tax, 35 per cent for residential rates, 46 per cent for traffic fines, 51 per cent for petrol tax revenue, 53 per cent for revenue from motor vehicles, and I could go on and on.

Let us look at job opportunities. The ACT lagged a long way behind the rest of Australia. Over the life of the previous Government, job vacancies in the ACT increased by only 33 per cent.

**Mr Berry:** Mr Speaker, I raise a point of order. I know that Ministers want to answer questions in any way they like, but oppositions like to get answers. We would like a little bit of relevance, in particular in relation to balanced budgets.

**MR SPEAKER:** There is no point of order. Continue, Chief Minister.

**MRS CARNELL:** By contrast, job opportunities increased by 167 per cent in the rest of Australia. The long-term unemployed in the ACT increased from 1,500 to 3,400 over that period of time. In fact, in the final year of the Follett Government, the number of long-term jobless in the ACT increased by 13 per cent while the rest of Australia saw a decrease of 5.4 per cent. Youth unemployment increased substantially. In fact, the trend of youth unemployment in the ACT was more than five times the national average. That was an increase of 16 per cent in the ACT and an increase of only 3 per cent for the rest of Australia. Private sector labour costs, in terms of average labour costs per employee, blew out to the highest in Australia. The list goes on.

Mr Speaker, as for the claim about balanced budgets, the facts are that Labor did not deliver even one balanced budget. The former Treasurer should have known that it is grossly misleading to try to create an artificial separation between capital and recurrent spending for the purposes of reporting a budget.

**Ms Follett:** On a point of order, Mr Speaker: If Mrs Carnell wants to accuse me of misleading, then she has to proceed on a substantive motion.

**MR SPEAKER:** Order! I think the words that I heard were that the Leader of the Opposition, Ms Follett, "should know that it is grossly misleading". I do not know that she was saying that you were grossly misleading.

**MRS CARNELL:** Mr Speaker, I am happy to say that the former Treasurer would know that it is grossly misleading to the community to try to create an artificial separation between capital and recurrent spending for the purposes of reporting a budget. The money has to be found, no matter what it is used for, and the economic impact of taxing or borrowing to fund capital or recurrent expenditure is the same. That is why

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budgets these days see no separation between those two things. Labor's abysmal record under Ms Follett is that, every year, there was a budget deficit. That ranged from \$31m in 1991-92 to \$40m in 1993-94 and an estimated \$65m this year. So, the facts are that the former Treasurer's record is certainly nothing to be proud of. It proves what the community decided in February - that Labor cannot manage money.

### **Revised Administrative Arrangements**

**MR BERRY:** My question is to Mrs Carnell in her capacity as Chief Minister. I, too, refer to the statement to this Assembly yesterday on revised Administrative Arrangements. Mrs Carnell quoted from the bucket of rhetoric. There was probably a really, hugely important - - -

**MR SPEAKER:** Mr Berry, can we do without the trailer. Let us have the question.

**MR BERRY:** I know that they need protection, Mr Speaker.

**MR SPEAKER:** Let us have the main feature and do without the trailer. Ask the question.

**MR BERRY:** They need your protection, Mr Speaker, but I will get to it. She said:

The bottom line is that from 1 July 1995 we will have a much sharper and streamlined set of Administrative Arrangements.

The attachment to Mrs Carnell's statement showed that there will be two departments reporting to three Ministers, one department reporting to two Ministers and five departments reporting to only one Minister, counting the ACT Planning Authority and the Australian Federal Police as departments. The only change from the previous arrangements, save for the big bucket of rhetoric, is that the number of departments reporting to a single Minister has been reduced from six to five. What a joke!

**Ms Follett:** And the list goes on.

**MR BERRY:** And the list goes on.

**Mr Kaine:** That is better than increasing it, as you did.

**MR SPEAKER:** Order! Mr Berry has the floor.

**MR BERRY:** Mrs Carnell, against the background of saying, "The bottom line is that from 1 July 1995 we will have a much sharper and streamlined set of Administrative Arrangements" - honey off the tongue - can you explain to the community how this, in any way, improves the capacity of the ACT Government Service to provide better service to the community? And let us not go into the rhetoric bucket.

**MRS CARNELL:** If the Opposition had bothered listening yesterday, they would know that, in keeping with the Territory's limited means and modest size, the total number of departments is actually reduced by two. The Chief Minister's Department, ACT Treasury and the Department of Public Administration have been merged to form a single agency. This will give added weight and momentum to the Government's comprehensive program of public sector reform. A new Department of Business, the Arts, Sport and Tourism will bring together in a single agency responsibility for the key elements of the Territory's economic reform. The Department of Urban Services will now have responsibility for the full range of environmental, conservation and city services. Government activities that are capable of operating on a commercial basis are being consolidated in the Department of Urban Services. The works and commercial services group will have a charter to sharpen the performance of a range of activities, to ensure that the community gets the best possible return on its investment. In keeping with our election commitment, the ACT Planning Authority will now stand alone and report directly to Mr Humphries. This is a much more transparent operation.

These significant administrative reforms have been implemented under the current ministerial responsibilities. The reason we have done that is that ministerial responsibilities are allocated on the basis of Ministers' interests and talents. That might be a unique thought for the previous Government, but I believe that people should actually be doing things that they are good at and that they are interested in. I think that is substantially more important than having some artificial reallocation of ministries at this stage. We believe strongly - as, by the way, do our senior bureaucrats and, I believe, the public service as a whole - that this approach will make sure that we can streamline the whole public service and that we bring together areas such as corporate support in such a way that we are operating efficiently. That is what this is about. Unfortunately, it seems that the previous Government does not like any change.

**MR BERRY:** I have a supplementary question, Mr Speaker. Against the background of my extreme disappointment that, despite my request, Mrs Carnell still went to the rhetoric bucket, I ask: Is it true that this blockbusting statement still boils down to two departments reporting to three Ministers, one department reporting to two Ministers and five departments reporting to only one Minister, counting the ACT Planning Authority and the Australian Federal Police as departments, and that the only change from the previous arrangements is that the number of departments reporting to a single Minister has been reduced from six to five? Is that the blockbuster that everybody has been waiting for?

**MRS CARNELL:** The facts are that, under the previous Government, we had three departments that were servicing government and five departments that were providing services. We now have one department servicing government and five departments producing services to the community. We think that is an appropriate approach. What we have done is streamline services to government but ensure that the whole focus of this Government will be on providing services to the community.

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### **Telopea Park High School - Student Protest**

**MR MOORE:** Mr Speaker, my question is to Mr Stefaniak as Minister for Education. Mr Stefaniak, this morning you met with several young people from the Telopea Park High School. Can you indicate to the Assembly what was your response to their protest against the French nuclear tests and how you have responded to their request for an independent mediator?

**Mr Berry:** Did you throw yourself at the police?

**MR STEFANIAK:** No, I did not throw myself at the police. I suppose that, if I had thrown myself at the police, they would have had trouble throwing me back, because I am a bit bigger than Mr Moore.

I did meet with three students who were involved in organising the protest, the president of the Student Representative Council at Telopea Park and another representative of the Student Representative Council, and the Chief Executive of the Department of Education and Training, Cheryl Vardon, was there as well. Mr Speaker, as members are well aware, there have been a number of reports of incidents at the Telopea Park school assembly and some protests in relation to the French nuclear tests. The incident started, I understand, when some students declined to stand for the French national anthem, which is played with the Australian national anthem at all school functions. An incident followed, where apparently the principal then addressed some of the students in relation to the need for the school to adopt an apolitical position to promote an environment of tolerance and to avoid hurting or offending individual class- or year-mates. There are a number of French nationals at the school, including teachers. That then led to further protests by some of the students against the French nuclear tests.

Might I say, Mr Speaker, that this is a democratic country, and everyone has a right to protest, as long as that does not hurt anyone else. I am pleased to see that all the protests that have been made have not involved any physical injury or damage to property. Everything that has been done appears to have been done quite properly. No attempt has been made to stop the student demonstrations against the French nuclear tests. In the cases where students wish to lodge a protest themselves, we have taken the position that that is their right. Indeed, as the principal of Telopea Park school, Gwen McNeill, herself has said, it is all part of the educative process. She and the staff have been quite supportive in terms of encouraging proper protests.

I understand that a number of matters have occurred since then. Yesterday, the principal met student representatives to discuss recent protests at the school arising from the French Government's decision to resume nuclear testing in the Pacific. She told the representatives that she regretted that any remarks she made on Friday may have been misunderstood by some students. Her prime concern had been to ensure that the students involved in the protest would be aware that some people might interpret it that they, or the school, were intolerant or lacking in sensitivity. The principal's action had been designed to preserve the students' right to express their views on the issue, to ensure that they fully understand the possible consequences of protest actions and to ensure everyone's safety, as is the duty of staff at the school.

I understand that protests have continued and that a number of students are now going back to classes, although there are plans for some other specific activities on appropriate dates, maybe in months to come. This was also discussed at the meeting today. The principal has taken steps to explain the situation to all students in the school and she has written to all parents about the issue. The students, the principal and the staff met yesterday. It appeared to me, in discussions with the student group that I saw today, that virtually all the problems have largely been resolved. Three student representatives wanted to have further meetings and suggested conflict resolution. I offered the services of Ms Vardon from the Education Department as a more appropriate action. I am not sure what will come from that. They went away, I think, still wanting to use the Conflict Resolution Service; but certainly I expressed the view that they should take up the offer of having someone not in the school but in the system, as Ms Vardon is, to facilitate further meetings between any of the students who want them and the staff and principal.

The students I saw also indicated to me - harking back to what their principal said in relation to tolerance and the fact that there are people at that school, including teachers, who are French nationals - that they had apologised for any of their actions that might have offended the French nationals and had made it quite clear that they were certainly not directed at them. It appears now that they are all working together to ensure that they have due regard for other people's rights. I reiterate the right of people to protest. I understand from my discussions that the issue is largely resolved and that most students are now returning to classes.

I did also stress to the students that, if you continue to protest for too long, people get sick of it and the thing tends to die anyway, and that, having made their point, if they want to continue their protest, they should now look to the need to do it in appropriate ways, rather than just to continue something that has been going on for some time. We all have to have due regard for the need for students to attend classes, which have continued through all of this. I understand that they are thinking about that, and certainly most students are now getting on with the job of attending classes. There are mechanisms, which the students have thought about and which the school has provided. I understand that a box has been provided in one of the rooms of the school in which students can put comments or letters to the French Ambassador. They can protest in that way as well. That is being facilitated by the staff of the school. So, I think that everyone at the school, from what I can see, has been doing all they can to ensure that the democratic right to protest has been respected. I think the thing is petering out, and probably people will now look at getting on with the job of lessons and getting back to work.

**MR MOORE:** I have a supplementary question, Mr Speaker. Mr Stefaniak, in your response you said that you had offered Ms Vardon as an independent mediator. It would seem to me that, if somebody is dealing with a department, a member of the department is not going to be seen as being independent. If this is unsatisfactory to those students, would you be prepared to consider some alternative?

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**MR STEFANIAK:** Mr Moore, I will certainly cross that bridge if and when we come to it. It seems to me that, largely as a result of discussions that were held yesterday, most of the issues have been canvassed and most of the students are satisfied. Ms Vardon is the chief executive of the department, but she does not operate from Telopea Park High School. She is within the system. As I said to the students, I would think that she would be a simpler and more appropriate source for any further mediation that people might desire. I note that three of the students still seem to want an independent mediator. I am not sure what is occurring now; but I will look at that issue again, if I need to. I think that goodwill has been exercised on all sides now, as it should be. I hope that the issue will largely resolve itself in the next day without any further need for any outside interference at all.

### **Australian National Eisteddfod Society - Funding**

**MR HIRD:** Mr Speaker, my question is directed to the Minister for Arts and Heritage, Mr Humphries. Minister, the previous Labor Government ceased funding to the eisteddfod. What has the new Government done about this? What does the Minister see as the role for the eisteddfod?

**MR HUMPHRIES:** I thank Mr Hird for the question. Members will be aware that, earlier this year, there was some controversy about a decision by the previous Minister - admittedly, on the advice of the Cultural Council - not to fund the Australian National Eisteddfod Society for 1995. I had cause to regret that decision. I felt that that decision was a little short-sighted. I have had discussions with the Cultural Council about it since that time and have made a decision that I believe will bridge some of the problems the Eisteddfod Society has faced. To be fair to the Cultural Council, it felt that the Eisteddfod Society was relying overly heavily on the handout from government and not making a conscious effort to obtain resources from its very considerable pool of people who were offering in some way to support the society. For example, those entering the many and varied sections of the eisteddfod each year were charged a very low entry fee - rather lower, I am advised, than those being charged in other States. It was suggested that some effort might be made to put those onto a more commercial footing.

The suggestion was also made that there was a problem with the society not really looking for sponsorship and support; that there were very many members of the community who were involved with the Eisteddfod Society as supporters of various sorts; and that money might well have been available had some attempt been made to secure it. So, Mr Speaker, the Government was faced with those reasons for that decision. We felt, however, that the - - -

**MR SPEAKER:** Order! I suggest that, if somebody asks a question, they might listen to the answer.

**MR HUMPHRIES:** Thank you, Mr Speaker. The Government did feel, however, that the Eisteddfod Society had been rather abruptly cut off from government funding. I have, only in the last couple of days, signed a determination allocating \$5,000 to the Eisteddfod Society for 1995 for them to develop a business plan to more securely approach the task of running future eisteddfods in the ACT. That, in a sense, was an acknowledgment of their need to be given time to adjust to those new realities. Also, Mr Speaker, it was an acknowledgment of the fact that they do not, at this stage, require as much money as they did only four or five months ago. Members might be aware that the Eisteddfod Society has raised very considerable sums of money in the last few months, through very hard work on the part of officers.

**Mr Wood:** Would there be a message in that, by any chance?

**MR HUMPHRIES:** And Mr Wood suggests a message in that. I think the Eisteddfod Society has received that message, and that is why the Government has decided not to fund them to the full extent of the shortfall that they were facing because of the abrupt decision by the government of the day to withdraw funding.

**Mr Connolly:** We were wrong in not funding them, but you are right in not funding them?

**MR HUMPHRIES:** No, I do not believe that the previous Government was right, Mr Speaker. I believe that the previous Government was most unreasonable in saying, "Sorry; that is it. You are cut off".

**Mr Berry:** So, they are still not funded, though?

**MR HUMPHRIES:** No; they are funded to the tune of \$5,000, and that will be a process which, I think, will see the Eisteddfod Society create a stronger basis for activity in the future. It may be that, for 1996, the Eisteddfod Society bids for and wins funding from the Cultural Council pot. They are entitled to bid for it, and I believe that, if they have built a sound business plan, they might be able to demonstrate that they deserve that money on the basis of their own contribution to that process. Mr Speaker, I have to say that I stand by my reservations about the previous Government's handling of the Eisteddfod Society. There were certainly many Canberrans who were deeply unhappy about the way in which the Eisteddfod Society was handled.

### **Revised Administrative Arrangements**

**MR WHITECROSS:** Mr Speaker, my question is to Mrs Carnell in her capacity as the Chief Minister. Mrs Carnell, I refer to your statement in the Assembly yesterday on revised Administrative Arrangements. You clarified your intentions in the following words:

The next step in the process of continuing the rationalisation of the ACT administration will commence on 1 July 1995 with the establishment of four portfolio groupings - grouping like functions within policy envelopes.

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Given that three of these policy envelopes each report to three different Ministers, how is the creation of these envelopes in any way a rationalisation?

**MRS CARNELL:** I must admit that I find this line of questioning really interesting, because it appears that the Opposition believes that the efficient operating of a department is somehow related to which Minister it actually reports to, rather than to the structure of the actual department. We take a different view. We believe that the actual structure of the department - the way that departments actually operate and how they are put together - is substantially more important than which Minister they happen to report to. In fact, as I said earlier, our view is that ministerial responsibility is the basis of our system; but we have to make sure that those Ministers are actually good at what they do and actually have, wherever possible, background in those areas. The basis for the Administrative Arrangements changes that I made yesterday was that they streamline the way departments work. That creates efficiency. It creates better outputs. It makes sure that the focus is where it should be - on community services.

**MR WHITECROSS:** I have a supplementary question. Mrs Carnell, if it is rational to create portfolio groupings, grouping like functions within policy envelopes, why is it not similarly rational to have Ministers' portfolios grouping like functions within policy envelopes? Is it the case that you do not trust your Ministers and you require multiple bureaucrats to keep an eye on them, or is it the case that you do not trust your bureaucrats and you need multiple Ministers to keep an eye on the bureaucrats?

**MRS CARNELL:** I will answer the question again. In an absolutely perfect world, where we had a much bigger Assembly, we would have one Minister and one department. That, unfortunately, would actually mean that we would have to trim the departments just a little bit further, and we did not think that was efficient. So, the basis of this approach is that we have five departments whose focus is on providing services to the community and one department servicing government. We think that is appropriate. Wherever possible, we have Ministers in the areas in which they have expertise, background and interest. We think that is the appropriate way to go. We also think it is appropriate to make sure that departments and policy envelopes reflect the most streamlined and most efficient way for our public service to operate. That is the basis of it. I have no idea what the Opposition is talking about.

### **Energy and Water Conservation**

**MS HORODNY:** My question is to the Minister for Urban Services, Mr De Domenico. During the election campaign, the Liberal Party made a number of very positive promises relating to energy and water conservation. These promises included providing a rebate to residents who install rainwater tanks; ensuring that ACTEW monitors water use by the ACT and Federal governments to eliminate waste; expanding the use of grey water; and incorporating energy-efficient technology in all future buildings for the ACT Housing Trust and government departments. Can the Minister please outline how the Government intends to implement these Liberal Party election promises?

**Mr Berry:** Corporatise ACTEW.

**MR DE DOMENICO:** Thank you, Mr Berry. Yes, the Assembly did corporatise ACTEW last night, and what a wise decision it was by the majority of members of this Assembly. Thank you for the interjection.

Thank you, Ms Horodny, for your question. You would be aware that organisations, such as ACTEW, that are very highly energy efficient have already done things. For instance, they opened the three houses at Nicholls. I think Ms Tucker was there when that happened. It was an initiative of the previous Government, might I say; but it will be continued under this Government. ACTEW has done work on the use of grey water and recycled effluent water at Southwell Park. It is not only doing that in the ACT, but also looking at exporting it to Indonesia and other places overseas. I assure you, Ms Horodny, that this Government has already commenced and finished a lot of its election promises in only 100 days since coming to power. It must hurt you, Mr Connolly, to realise that, in the 100 days that this Government has been in power, it has done more than any other government in the history of self-government to make sure that its election promises are realised. We will continue to do that, Ms Horodny. Along with the Greens, the Liberal Party and other members of the Assembly also have concern for the environment, and you can be assured that under this Government that concern will be justified.

**MS HORODNY:** I would like to ask a supplementary question. Does the Government intend to fund these initiatives through a portion of ACTEW profits to be allocated to these and other initiatives?

**MR DE DOMENICO:** I thank Ms Horodny for her supplementary question. The Government's decisions re funding will be made at a budget and Cabinet level, and the Assembly will be informed after we make up our minds.

### **Revised Administrative Arrangements**

**MR WOOD:** Mr Speaker, my question is also to Mrs Carnell in her capacity as Chief Minister. It relates to the revised Administrative Arrangements. Mrs Carnell claimed that she had "moved quickly to create Administrative Arrangements that minimised duplication and overlap". The former single Department of the Environment, Land and Planning has now been broken up into just three parts, with each of those parts still reporting to the original Minister, Mr Humphries; but three different bureaucratic heads now report to Mr Humphries on areas previously covered by one senior bureaucrat. How can these changes in any way improve administrative arrangements? They are simply more complex.

**MRS CARNELL:** I am somewhat bemused, I must admit, by Mr Wood's comment. As far as I know - and, certainly, I do know about the Administrative Arrangements changes - what happened to DELP was that environment and land moved into Urban Services under Mr De Domenico and planning has become, as you know, an arm's length, independent operation under Mr Humphries. That is two, not three,

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as I understand it. So, I think you might be wrong, Mr Wood. I will come back to the issue here. What we are talking about here is making sure that we have an efficient approach to the way we operate government. We think that moving land management into Urban Services is a very efficient way to go. We believe that having a department that is virtually a department of the city council is the way to go. It is a very big department. It will be a real challenge for the departmental head, Mr Turner, and, of course, for Mr De Domenico; but we think that this is about efficient service delivery to the people of Canberra.

Again, I come back to it. It seems that those opposite are more interested in what the Ministers do than in the quality of service delivery. We think that service delivery has to be the bottom line in this Government. This Government will be about management. It will be about service delivery. It will not be about politics or, for that matter, about not getting on with the job. This is about management, and this is a good management arrangement.

**MR WOOD:** I ask a supplementary question. I think Mrs Carnell has just shown that she does not know what these arrangements do, because she is wrong.

**MR SPEAKER:** Ask the supplementary question, Mr Wood.

**MR WOOD:** The Environment and Land Bureau, under a different departmental head, now reports to Mr Humphries. The Bureau of Arts and Heritage, under another bureaucratic head, reports to Mr Humphries, as does the ACT Planning Authority. I concede that this is a very difficult document to follow, but it is one that the Chief Minister ought to follow because it seems that she designed it - or misdesigned it. Perhaps the Chief Minister could put this in context in this way. There were previously, I think, eight or perhaps nine - - -

**Mr Humphries:** Mr Speaker, I rise on a point of order. Members on the other side of the chamber have got into a very bad habit of making statements instead of asking questions. I would like to hear what the question is, rather than an exposition as to why the Government is wrong, in their opinion.

**Mr Berry:** Mr Speaker, this chamber has often allowed Ministers to answer questions how they like, and perhaps a little bit of latitude for the questioners might be appropriate.

**MR SPEAKER:** I am afraid that I really cannot allow too much latitude at all. I am governed by standing orders. The following general rules apply to questions: Questions shall be brief and relate to a single issue; whereas, as you know, Ministers can answer the questions as they see fit. Mr Wood, would you like to ask your question.

**MR WOOD:** Mr Humphries stood up after I had made my statement and while I was asking my question. He was just a bit late. The question is this: There were about eight departmental heads before this change. You were talking about streamlining, efficiency and everything like that. How many of those former department heads have been reduced in status as a result of this change? I imagine that that would be a necessary outcome from what you say.

**MRS CARNELL:** To start with the first part of the question, I do apologise. As I said earlier, no ministerial positions have changed at all. Everyone's responsibilities are as they were before yesterday. What has changed is that environment and land are in Urban Services. That is the change. They have moved to Urban Services. Planning is an independent area. Certainly, environment and land still report to Mr Humphries rather than to Mr De Domenico, and I am sorry that I may have misled the house on that one.

But they are in Urban Services, and that is the issue here. As I went on to say in the answer to the question, the issue is about service delivery and about bringing those areas into Urban Services so as to achieve a more streamlined, more service focused, more consumer focused approach to our public service. That is what this is all about. This is not about the status of departmental heads or agency heads. It is about having a structure that makes sure that we cut duplication; we focus on the consumer; we cut, wherever possible, duplication, particularly in the area of service to government, which we have moved under one department, rather than having three, as under the previous Government. So, it is not about status; it is about appropriate service delivery; it is about streamlining efficiency; it is about cutting duplication.

**Ms Follett:** Mr Speaker, on a point of order: I heard you rule earlier that Ministers could answer a question in any way they liked. I would refer you to standing order 118, which says:

The answer to a question without notice -

and this is the answer from a Minister -

- (a) shall be concise and confined to the subject matter of the question;  
and
- (b) shall not debate the subject to which the question refers ...

I do not see anywhere in that standing order that Ministers can answer a question in any way they like. I would ask you, Mr Speaker, to exercise the same authority over the Ministers answering questions as you have exercised over the questioners.

**Mr Humphries:** On the point of order, Mr Speaker: I must say that I am flabbergasted to hear a suggestion from that side of the chamber, particularly from a person who sits in front of a former Speaker, that the rule that we have followed in this house for the last six years - that Ministers are able to answer questions as they like - should somehow have changed. Mr Speaker, my view on that point of order is that Ministers, if they are facing questions that are vague and unspecific and are not questions half the time, anyway, have to answer the questions as best they can on this side of the chamber.

**Ms McRae:** Mr Speaker, may I further address you on that point of order, since I was accused of ruling one way or another in the last Assembly. If members choose to recall the other side of the process, they will agree that I very rarely stopped any process of supplementary question, and that was the balancing process. I quite often pointed out that a supplementary question ought not to have an introduction, but I never ruled one out of order. There was always a balancing process going on. So, where there was

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leeway in the answers that were provided by the Minister, there was leeway in the process of question asking. I would appeal to you, Mr Speaker, that, if you are going to rule on the way that we ask questions, you should also then rule on the way that Ministers answer questions.

**Mr De Domenico:** On that point of order, too, Mr Speaker: I think that what Ms McRae did not say was that, whilst she never ruled a supplementary question out of order, she never ruled an answer out of order either, as I recall.

**MR SPEAKER:** I accept what Ms McRae said - that supplementary questions were not ruled out of order by her. I do not believe that they have been to date in this Assembly either, by the way. However, the question of how Ministers answer questions, as you know, for the last six years has been interpreted most liberally. I use a small "I" in that remark - - -

**Ms Follett:** We do not.

**MR SPEAKER:** Maybe not. I would remind members that the standing orders say that questions shall be brief and relate to a single issue, just as that answers shall be concise and confined to the subject matter of the question. In confining it to the subject matter of the question, how the Minister chooses to answer the question, I am afraid, is entirely up to the Minister.

**Ms Follett:** No, it is not.

**MR SPEAKER:** I can do no more than draw people's attention to the standing orders, which say "confined to the subject matter of the question".

Have you finished, Chief Minister?

**MRS CARNELL:** I have finished.

### **Retail Space - Manuka**

**MS TUCKER:** My question is to the Minister for Business, Employment and Tourism, Mr De Domenico. Considering the oversupply of retail space in the ACT, can the Minister comment on a process, which is under way, of calling for expressions of interest by August on the proposal to build an extra 9,000 square metres of retail space in the Manuka area? Is it correct that there is a closed tender process being used?

**MR DE DOMENICO:** Can I refer that one to where it ought to be answered, and that is to my colleague, Mr Humphries.

**Ms Follett:** He does not know.

**MR DE DOMENICO:** He does know.

**MR HUMPHRIES:** Mr Speaker, this is properly a question in my portfolio, as I am responsible for making available land for additional developments. I am also responsible, and have been responsible for the last few months, for overseeing a process of conducting a study into the retail needs of the ACT. Members might have seen media reports which referred to the release of a report, which I think was commissioned by Mr Wood originally, by a firm called Ibecon, which analysed the retail needs of the ACT and particularly looked at the question of what demands were being placed on existing retailers in the next five or so years, what demands we could expect to be placed on future retailing needs, and, on a centre-by-centre basis around the Territory, what kind of retailing requirements were appropriate into the future.

It is particularly relevant in the case of the extension of the Tuggeranong Hyperdome. As members might also be aware, the Government announced that, at this stage, it would not be accepting an application by Leda Holdings to extend the Tuggeranong Hyperdome, because we believed that it had significant opportunity to damage the financial standing of small retailers in local and group shopping centres around the Tuggeranong Valley. One thing that the Ibecon study did certainly confirm was that any extension to retail food outletting in the Tuggeranong Hyperdome would not be to the advantage of local and group centres in the rest of the Tuggeranong Valley. That is a view that accords with my party's view about the way in which we should be protecting those local centres. Mr Speaker, my party's policy is very clear. We will use those retail studies to develop a retail strategy. The studies themselves will be used to do that, as will a social impact study into the way in which changing allocation of shops around the Territory affects the amenity of suburbs. By putting that information together, we will be able to develop a retail strategy for the Territory. I will have more to say about that in a statement that I will be making tomorrow.

Mr Speaker, in respect of Manuka, it is true that the Government has received a request for an expansion of retailing space in Manuka - in particular, a request by Woolworths at Manuka to be able to locate their supermarket across the road and to expand its size. The usual procedure for that kind of development is to put the matter out to an expression of interest so that we can see what other interest there is in the marketplace for that kind of work. Obviously, nobody has a right to an expansion by themselves. No-one can assume that, if they get a bigger size allocated for, say, retail food outletting in a particular place, they are necessarily going to be the ones to take on that retailing. But it is appropriate for us to work out what the market is requiring and is interested in at this stage, and that is why this process is being undertaken.

### **Capital Works Program**

**MS McRAE:** My question is to Mrs Carnell in her capacity as Treasurer - assuming that that title is still relevant, given that we no longer have a Treasury. Mrs Carnell, at this time of the year, even when we had September budgets, the capital works program would have been provided to the relevant Assembly committee for its consideration. We are a bit concerned about its absence. Could you advise us when the capital works program will be provided for examination, and to whom?

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**MRS CARNELL:** I signed a letter. I think Mr Moore, as chair of that committee, has that letter now, which explains it in depth. I am sure that Mr Moore would be very happy to give you a copy of that letter. In fact, I know that Mr Moore has it, as I spoke to him about that at lunchtime.

**Mr Berry:** What does it say?

**MRS CARNELL:** It says that the capital works budget will be with the committee as soon as it is available.

**Ms Follett:** When will that be?

**MRS CARNELL:** That will be as soon as possible. There is a letter, with a full explanation, which has gone to the chair of the committee - which is the appropriate approach, as I see it.

**MS McRAE:** May I ask a supplementary question, Mr Speaker? Mrs Carnell, will you assure the Assembly that no significant contracts relating to works in the 1995-96 program will be entered into before the Assembly committee reports to this Assembly?

**MRS CARNELL:** It might be appropriate for me to hand this to Mr De Domenico, who is the Minister in charge of those sorts of things.

**MR DE DOMENICO:** Mr Speaker, the value of the approved work in the capital works program currently is \$224.2m, and an estimated - - -

**Mr Berry:** That is not what we asked.

**MR DE DOMENICO:** Listen and you might find out. You did not ask the question, anyway. An estimated \$107m is expected to be spent in 1994-95, with an unexpended balance of \$117.2m expected to be spent in future years. Major projects included in the program are the ACT Magistrates Court, \$19.9m; and Nicholls Primary School, Preschool, Child-Care Centre and Community House. This project is being undertaken jointly with the Catholic Education Office, the core facilities of the school catering for both the government school and the proposed Catholic primary school on the adjacent site. Other major projects are intersection improvements to Morshead Drive and Kings Avenue to Russell; City Police Station refurbishment; Fyshwick technology manufacturers estate; Tuggeranong enclosed oval; Drakeford Drive duplication - - -

**Ms Follett:** Mr Speaker, on a point of order: Ms McRae's supplementary question quite specifically sought an assurance that the Government would not be signing major contracts. What Mr De Domenico is doing is reading out a list of last year's capital works. I cannot see the relevance of the matter or how in any way it answers Ms McRae's question.

**Mr Humphries:** On the point of order, Mr Speaker: It has been traditional - in case Ms Follett has forgotten in the three months since she left office - for Ministers to indicate the background to matters on which they have been asked questions. Her Government did it; she herself did it; every one of her Ministers did it. If she wants to change the rules, I think that she should do so while she is in government, not while she is in opposition.

**MR SPEAKER:** On the point of order, may I say that Mr De Domenico is certainly outlining various projects; but I am yet to hear him conclude his comments, and the conclusion may very well relate to the supplementary question that Ms McRae asked.

**MR DE DOMENICO:** Mr Speaker, I am quite happy to continue with the projects, because that is what Ms McRae asked as well. Her question related to the - - -

**Ms Follett:** No, it did not.

**MR DE DOMENICO:** With respect, it did.

**Mr Berry:** To assist the Government, Mr Speaker, it might be just as well if Mr De Domenico gave us a copy of the list that he has in front of him and just answered Ms McRae's question about whether or not they will enter into contracts. It would be much easier that way, and we would all be happy.

**MR DE DOMENICO:** Mr Speaker, whilst the Government will continue to develop all those capital works projects that were commenced by the previous Government, that had already been started - they are the ones that I am telling you about - we will obviously not be signing any new major contracts until that committee has had a chance to see the program.

**Mr Berry:** Can we have a copy of the list?

**MR DE DOMENICO:** You can have a copy of the list. It is your list, basically.

### **Government Service - Office Accommodation at Dickson**

**MR CONNOLLY:** My question is to Mr De Domenico as Minister for Urban Services. Given that the Department of the Environment, Land and Planning has now been abolished - and we heard Mrs Carnell speak at length about how great efficiencies will be achieved by transferring large slabs of that into the Department of Urban Services - do you intend to proceed with the building in Dickson which was specifically earmarked as a purpose-built headquarters for that department now abolished?

**MR DE DOMENICO:** The answer to that question, Mr Speaker, is yes.

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**MR CONNOLLY:** By way of a supplementary question, I ask: Given that the entire structure of that department has changed, I presume that you are not taking the opportunity to reconsider your decision to abandon a major ACT Government presence in Gungahlin.

**MR DE DOMENICO:** Mr Speaker, the people who were going to be put into that building when they were called something else still exist. We have to put them somewhere. We will put them in Dickson.

**Mrs Carnell:** Mr Speaker, I ask that all further questions be placed on the notice paper.

### ANSWERS TO QUESTIONS ON NOTICE

**MS FOLLETT:** Mr Speaker, I have a question under standing order 118A. My question is to Mrs Carnell. I refer her to my question on Notice No. 32. I ask Mrs Carnell: What is her explanation for failing to answer that question within the mandatory 30 days? In fact, we are some 11 days over that time. When may I expect an answer?

**MRS CARNELL:** That particular question was with regard to all groups, both government and non-government, currently located on Acton Peninsula. If the previous Chief Minister had asked about just government groups, that would have been a lot easier; but the question is one that has required substantial detail. I am advised that a response to the question is currently in the process of being finalised. I am sure that it will be forwarded to Ms Follett as soon as possible.

**MS FOLLETT:** Mr Speaker, I did ask when I could expect it, given that we have a standing order that requires that questions be answered within 30 days. I would make the point that at no stage has Mrs Carnell contacted me and said that the question was difficult to answer or would be delayed.

**MR SPEAKER:** I do not know that that is the normal process, by the way.

**MS FOLLETT:** Yes, it is.

**MRS CARNELL:** Again, I say that, as soon as possible, we will make that information available to Ms Follett. I am sure that she wants a full answer to this question. It is a difficult answer; it does require a lot of detail; and we will do our absolute best to get it to her as soon as possible.

**AUDITOR-GENERAL - REPORT NO. 1 OF 1995**  
**Report on Government Passenger Cars**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 1 of 1995, entitled "Government Passenger Cars".

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

That the Assembly authorises the publication of Auditor-General's Report No. 1 of 1995.

**AUDITOR-GENERAL - REPORT NO. 2 OF 1995**  
**Report on Whistleblower Investigations Completed to 30 June 1995**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 2 of 1995, entitled "Whistleblower Investigations Completed to 30 June 1995".

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

That the Assembly authorises the publication of Auditor-General's Report No. 2 of 1995.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Draft Variation to the Territory Plan - Yowani Golf Club -**  
**Government Response**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (3.27): Mr Speaker, for the information of members, I present the Government's response to Report No. 1 of the Standing Committee on Planning and Environment, entitled "Report on the Draft Variation to the Territory Plan for Lyneham, Section 67, Block 1 part (Yowani Golf Club)". I move:

That the Assembly takes note of the paper.

Mr Speaker, as members are well aware, the Yowani Country Club is seeking to develop 210 residential dwellings on part of its existing lease. The proposal was the subject of a draft variation to the Territory Plan. As members are also aware, on 26 May, the Standing Committee on Planning and Environment, chaired by Mr Moore, tabled its Report No. 1 on the draft variation to the Territory Plan for that part of Lyneham. The major recommendation of the report was to support the variation. On that basis, the Executive approved the variation to the Territory Plan, and the instrument of variation was tabled in the Assembly on 30 May this year.

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The report also contained a number of recommendations which have to be addressed and which, presumably, are important to the committee and possibly to the Assembly for the purposes of deciding whether to disallow the variation. Some relate to matters of development implementation rather than planning policy. These include access to the site by members of the public, improvements to the Ellenborough Street-Barton Highway intersection, the widening of Mouat Street, and the construction of traffic lights at the Cossington Smith Street south intersection. There are other recommendations related to the structure and format of future reports and matters of lease administration and betterment.

Mr Speaker, the Government is supportive of the committee's recommendations in broad terms. The Government proposes to respond positively to, particularly, the work suggested for particular streets in the ACT. I want to put on record, however, my disquiet at one aspect of this process. I am not at all convinced, for example, that the widening of Mouat Street, close to Southwell Park, where it joins Northbourne Avenue, constitutes work which, in any way, is consequential on the development of that particular part of Yowani golf course. It may well be arguable that this work is appropriate in light of increasing traffic volume from Belconnen. It is one thing to say that; it is another thing to say that support for the variation to allow Yowani Country Club to build houses on part of its land should be dependent upon there being a widening of Mouat Street just near Northbourne Avenue. As it happens, Mr Speaker, it is relatively easy for the Government to upgrade a particular roadwork proposal in the capital works program to ensure that some attempt is made to match the requests of the Planning and Environment Committee. But, if that were not the case - had it been the case, the Government had no intention of doing this particular roadwork and did not believe that it was justifiable in its own right - I would certainly be concerned that in some way it was being tied into the work on the development of the Yowani Country Club. As it happens, in this case, there is no problem with that issue and, provided that other things occur, the work will go ahead. But I certainly hope that members do not believe and expect that the approval of variations to the Territory Plan could be viewed as an opportunity for any form of pork-barrelling - I use the word very kindly - to put onto the Government agenda particular proposals which otherwise would not merit being there or being there with the urgency which the committee might attach to that particular project. I commend the response to the Assembly.

**MR MOORE (3.31):** Mr Speaker, although I have not had the Government response for more than a few minutes, and I was in my office listening to what Mr Humphries said in the initial instance, I think it is very rewarding for a committee to have a Government response that is positive. I always expect that there will be some issues on which the Government has some questions over what a committee has recommended. There may be something that the committee has missed and that the Government is aware of, and a Government response is the appropriate time to bring that out. I am delighted, first of all, that the inquiry that has been announced will deal with the recommendation in paragraph 42. The recommendations in paragraph 39 have been responded to positively. The development on that piece of land was originally approved in principle by the Planning, Development and Infrastructure Committee. With those few other matters taken care of, this should make for a reasonable opportunity for development.

Question resolved in the affirmative.

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

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members, I present, pursuant to section 261A of the Land (Planning and Environment) Act 1991, the statement which details the leases granted in the quarter ending 31 March 1995. I ask for leave to make a short statement.

Leave granted.

**MR HUMPHRIES:** As members know, the Act requires to be tabled in the Assembly a schedule of leases that were issued by direct grant during the quarter. The schedule I now table covers the period from 1 January 1995 to 31 March 1995. As always, copies of the leases are available to members of the Assembly, and indeed the public, from the department's shopfront at the John Overall Offices. Almost all of those leases that I have just tabled, with one exception, are granted to the Commissioner for Housing. Mr Moore did ask me about the possibility of including in those reports, in future, references to the betterment or the land rent paid in respect of those leases. That was not relevant in this particular case especially, but that is certainly a requirement that I hope we can satisfy in the case of future tabling statements.

**MR WOOD** (3.34): Mr Speaker, I seek leave to respond to the statement.

Leave granted.

**MR WOOD:** This is a routine reporting by now. I note that the first and only one of any significance is developments at Dickson. In the two minutes in which I have had this document in my hands, I have not been able to check exactly what that is, and I would request Mr Humphries to provide me with the details of it. I assume that it is the site for what was to be the DELP building. As I recall, in an earlier time, when I was Minister, that would have been part of the proposed Chinatown development. Perhaps I am wrong. In any case, I think it is appropriate at some time for Mr Humphries to report to the Assembly on that development and perhaps to tell us whether this is part of it, whether it is a natural flow-through from that or whether other arrangements have been made.

**QUESTIONS WITHOUT NOTICE**  
**Education and Health Budgets**

**MRS CARNELL:** I would like to make a statement to clarify a statement that I made in question time. It certainly is not a big issue, but I would like to clarify a statement that I made. In answer to the first question about benchmarks in health and education, I made the point that, in the area of health, we would be looking at bringing costs and the quality of service down to national levels. What I should have said was "in line with national benchmarks". We were talking about benchmarks. That is what I should have said. It is a little issue, but I think it is an important one.

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**ASSEMBLY BUSINESS - PRECEDENCE**  
**Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent notice No. 2, Assembly business, relating to the proposed Select Committee on Estimates 1995-96 and Budget Review being called on forthwith.

**ESTIMATES 1995-96 AND BUDGET REVIEW - SELECT COMMITTEE**  
**Appointment**

**MRS CARNELL** (Chief Minister and Treasurer) (3.37): I move:

That:

- (1) A Select Committee on Estimates 1995-96 and Budget Review be appointed to examine the expenditure proposals contained in the Appropriation Bill 1995-96 and any revenue estimates proposed by the Government in the 1995 Budget.
- (2) The Committee be composed of:
  - (a) two Members to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition; and
  - (c) two Members to be nominated by either the Independent Members or the ACT Greens;to be notified in writing to the Speaker by 4 p.m., Thursday, 22 June 1995.
- (3) Four members of the Committee shall constitute a quorum of the Committee.
- (4) The Committee report by 31 October 1995.
- (5) If the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.

- (6) The Committee is authorised to release copies of its report, prior to the Speaker or Deputy Speaker authorising its printing and circulation and pursuant to embargo conditions and to persons to be determined by the Committee.
- (7) The foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

The Estimates Committee, obviously, is one of the most important processes of this parliament or, for that matter, of any parliament. I find it interesting that some parliaments, Queensland being one, have had the estimates procedure for only a short period of time, if they have it yet. I have always found it an extremely important process and, in line with that, we believe that the make-up of the committee is important.

To reiterate comments that were made by the previous Government, it is important that the make-up of the Estimates Committee should not be based upon political grandstanding. I think the then Chief Minister said that the potential for political grandstanding that was such a feature of the previous estimates process would be eliminated by a make-up not dissimilar to this. The make-up of the committee in the last Assembly was two members from the Government, two from the Opposition and one Independent. We have now stepped that up to two Independents, as there is an extra Independent in the Assembly. We think this is a fair approach, and we commend the motion to the Assembly.

**MS FOLLETT** (Leader of the Opposition) (3.39): The Opposition will not be opposing this motion, but I do want to make some points about it. The first point I would make is that it has always been the practice in this place for the composition of the Estimates Committee to be the subject of consultation between all parties. It is absolutely typical of the high-handed and arrogant approach of the present Government that they have not sought to consult on this matter; rather, they have moved the motion off their own bat, regardless of what anybody else might have thought of it.

Furthermore, I can advise that, as the chair of the Public Accounts Committee, I wrote to Mrs Carnell two or three weeks ago asking for her views on how the estimates process might run and how the Estimates Committee might be formulated. I have not heard back from Mrs Carnell on that matter. It is a fundamental lack of manners. There is growing evidence that the open and consultative rhetoric of this Government is more and more of a sham every day. I think it is regrettable that, on a matter where quite clearly the Assembly does need a degree of cooperation and does need a commitment of resources from all parties and all sectors of the Assembly, Mrs Carnell has operated unilaterally and moved the motion without discussing it with anybody. Within my own caucus, members have a variety of views on how the estimates process might operate. As members would know, we have had a number of different iterations of the Estimates Committee process since the Assembly first had such a process.

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We will not oppose the current arrangement, but I move as an amendment to Mrs Carnell's motion:

Paragraph (1), delete "in the 1995 Budget".

This is only a minor amendment, Mr Speaker. It seems to me that the Estimates Committee ought to have the right to review all revenue initiatives brought in by the Government. The fact of the matter is that, because the budget is going to be so very late this year, I would expect that nearly all of the revenue measures will have been implemented well before the budget is brought down. I refer members to the fact that today we are looking at payroll tax, rates and land tax, and stamp duties. The Government has already made a ruling on tobacco taxes, and so on. I want to remove that slight restriction on the scope of the Estimates Committee.

**Mrs Carnell:** Where would they be if not in the budget?

**MS FOLLETT:** Mrs Carnell asks where it would be if it were not in the budget. I have just told you, Mrs Carnell, that many of the revenue measures you are taking or have already taken are not revenue measures in the budget. Knowing your predilection for keeping the Assembly in the dark, I would not put it past you to try to prevent the Estimates Committee from reviewing revenue measures taken elsewhere than in that budget context.

**Mrs Carnell:** Where do you think they will be?

**MS FOLLETT:** Again for Mrs Carnell's benefit, I refer her to the fact that we have before us Government amendments to payroll tax, to rates and land tax and to stamp duties, and we do not have before us the budget. So, we do have revenue measures which are not in the 1995 budget.

I wish to amend the motion in that way to make it quite clear that the Estimates Committee, if they wish, may review those revenue measures as well. I trust that members of the Assembly will support that slight broadening of Mrs Carnell's motion. I think the wording I suggest is consistent with the terms of reference that former estimates committees have had. I do not expect to be on the Estimates Committee, but I can see no reason why they should have that restraint upon them if they wish to examine revenue more broadly.

**MR HUMPHRIES** (Attorney-General) (3.44): Mr Speaker, the Government will certainly be opposing this amendment by Ms Follett.

**Ms Follett:** Why?

**MR HUMPHRIES:** Here is one very good reason: You yourselves did not live by the same rules. It is very easy for those who have not been here before to assume that what Ms Follett is suggesting is all very reasonable and appropriate; but it is, with great respect, best described as a stunt. The words Ms Follett proposes to delete from this motion are the very words she herself included in last year's motion.

**Ms Follett:** That is because we had the budget and revenue at the same time.

**MR HUMPHRIES:** Let me make it clear. Ms Follett suggests that there is some terrible breakdown in Government management because this year the budget is being delivered in September rather than in June. I should tell members who do not already know that the budget for 1989 was delivered by Ms Follett in exactly the same way, in September. The budget for 1990 was delivered by Mr Kaine as Treasurer in the same way, in September. In 1991 it was in September; in 1992 it was in September; in 1993 it was in September. In 1994, for the first time, the Assembly changed to a June budget. That was a move we all supported. We thought it was a good idea. But it was possible at that stage to assess the capacity of the rhythm of government decision-making being appropriate to that kind of organisation of the budget process.

A new Government took office in March of this year. To bring down a budget three months later, with great respect, would have been irresponsible on our part. We needed the extra time to deliver a budget that was comprehensive and carefully constructed. Bear in mind that a government gets only three budgets in the life of an Assembly. Not to have provided for a capacity to make decisions of the Government into the first budget because it was being delivered within the first three months would, effectively, have meant that the Government had only two budgets to deliver in the space of its three-year term, which I think would have been unfortunate. So, we have done what we did in four of the five previous years: We have put the budget back from a June budget to a September budget.

Ms Follett says that we have bits of the budget without having the budget itself. I remind her that that is exactly the way she delivered the budget in 1989, 1991, 1992 and 1993, with things like the Rates and Land Tax Bill coming in before the budget itself was delivered. So, this is not an unusual arrangement; this is exactly what has happened for most budgets in the life of the ACT Legislative Assembly, and it ought to be the case that we follow here. I think Ms Follett is trying to create the impression that she is only being reasonable about the organisation of this matter; but, in fact, what she is suggesting is most unreasonable.

The problem with deleting the words that she suggests be deleted is that it means that there is, effectively, no limit on what budget proposals or what spending proposals of the Government can be examined. Issues the Government has put on the table, promises that might have been made in the Government's own program, can be debated freely, even though they are not part of the 1995-96 budget. That was not a discipline she cared to impose on herself, and I ask why she should impose a discipline on a new government now that it has come into office. Obviously, a different rule is being applied. That is the case.

**Ms McRae:** Nonsense!

**MR HUMPHRIES:** It is the case. Look at what you did last year. That, I think, is a very good reason not to support this amendment.

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**MR BERRY** (3.49): Lesson No. 1: Take the business paper and have a look on the back of it under Executive business. You will notice that there is a list of Bills which relate to revenue. It is pretty simple and straightforward. They are occurring before the budget is brought down.

**Ms Follett:** I tried to explain that, Wayne.

**MR BERRY:** I thought you did pretty well. I will go more slowly. They are being brought before the chamber before the budget comes to the chamber for debate. This has not happened before.

**Mr Humphries:** Yes, it has. Rubbish!

**MR BERRY:** You had your chance, Mr Humphries, to debate the issue. This has not happened before. This is a period when the budget has been delayed because the Government has been unable to put it together and has put it off for three months. In the meantime, they have been involved in putting forward Bills on important revenue issues. What is proposed in the amendment is to allow those revenue measures to be specifically addressed by the Estimates Committee. Are you saying to us that you want to hide those from the Estimates Committee? If you are not trying to hide those from the Estimates Committee, there is no reason why you should oppose this very minor amendment. I cannot understand where the philosophical hang-up about this issue is.

Mr Humphries tried the old spin doctor approach again, by trying to say that this is the way it has always been done. It has never been done this way. The September budgets - - -

**Mr Kaine:** It has always been done that way, except last year.

**MR BERRY:** Do not start waving your angry old finger at me, Mr Kaine. The fact of the matter is that there were September budgets in the past; it was changed to June last year. This year the Government has not been able to put it together, because it is incompetent. Now we have a situation where there are revenue issues that ought to be considered in the estimates process. That is why the amendment has been moved. If you are not trying to hide these things, you should support the amendment.

**MR KAINE** (3.51): I cannot believe, after sitting through six years of budget debates in this place, what I hear from the former Treasurer and her chief offsider. One would think this Government had totally revised the way that budgets are put together and dealt with in this place. That simply is not true. I have always known that the former Chief Minister and Treasurer deserved a very low mark in budget management, but her comments today have indicated that she does not know anything about the way her departments prepared their budgets for five of the last six years. I have always said that the budgets were out of control and that she exercised no control. It is obvious now that that is the case, because she simply does not understand the process.

Her protestations on this issue ring pretty hollow. If she is objecting to the fact that the Government has put forward this particular motion, and she said that it has been done without consultation, I remind her and her offsider over there, who obviously does not remember either, that this is a very similar motion to the one the Leader of the Opposition put forward last year when she was Chief Minister. She set up the Estimates Committee according to her own rules, and it went even further. That motion even determined who the chairperson would be. Where was the consultation on that issue, that the Leader of the Opposition can now complain and say that this is somehow a departure from the norm? It clearly is not.

It is a simple procedural motion put forward by the present Chief Minister and Treasurer to establish that committee that must be established, that is, the Estimates Committee, to review the budget when it is brought down later this year. There is nothing unusual about it, nothing hidden about it, nothing new about it. In fact, it does not even go as far as the protesting Leader of the Opposition went last year. I presume that the Leader of the Opposition and the Deputy Leader of the Opposition are trying to impress on the crossbench members that somehow or other this Government is doing something wrong. I advise them to be very careful about listening to what the Leader of the Opposition and the Deputy Leader of the Opposition have said, because they are totally wrong and they are attempting to mislead you.

Mr Speaker, so far as the function of the Estimates Committee is concerned, its purpose is to look at the budget estimates for 1995-96. That is its sole term of reference. For the Leader of the Opposition to argue that we somehow are constraining that committee in doing its job by including the words "in the 1995 Budget" in the motion is an absurdity. Both she and Mr Berry have said, "They will not be able to look at the rates Bill. They will not be able to look at the payroll tax Bill". Those Bills, first of all, will be law and they will be on the table at the time the Estimates Committee meets. In any case, they are only very brief machinery Bills that enable the Government to collect the revenue it wants to collect. The details of that revenue, of what will be collected, will be stated in great detail, minute detail, in the budget papers, as both Wayne Berry and Rosemary Follett know. They will spell out in great detail how much the Government expects to collect by way of rates and land tax, and they will spell out in great detail how much they expect to collect by way of payroll tax and from every other tax the Government levies.

To assert that, because these two particular Bills are being put to the Assembly today, they will not be available for scrutiny or they will somehow obscure something from the Estimates Committee is a clear statement on the part of these two members of this Assembly that they have not the faintest idea what these two Bills are intended to do - and they should know, because they brought down similar Bills themselves in four of the last six years. They also are displaying their absolute ignorance of the information that is shown in the budget papers. As I said before, Mr Speaker, it merely proves what I always thought: They had not the faintest idea about what was in their own budget papers. They exercised no control whatsoever over it. I have said before that the budgets were out of control, and it is obvious why. They did not know what was in them. They did not know what they were supposed to be controlling.

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Mr Speaker, this is a perfectly straightforward motion. It is the same as has been put to this Assembly for each of the last six years. It establishes an estimates committee. I repeat that the terms of reference of that committee are to review the budget brought down by the Government and to report back to it so that there can be a comprehensive, informed debate, with all members participating at the time the Appropriation Bill is debated in detail, which probably will be around October or November. There is nothing unusual, nothing hidden, nothing obscured, no lack of consultation. It is a straightforward process. I suggest that the Leader of the Opposition and the Deputy Leader of the Opposition need to go back to square one and review what the budget process is. They should have a look at some of the budget papers they themselves introduced into this house, so that they know what is actually involved, what is included in them. If they do that, they might even be able to participate intelligently in the processes of the Estimates Committee. They might.

**MR MOORE** (3.58): To a certain extent, we have wasted quite a bit of time on a matter that is largely irrelevant. When I look at this motion, I guess that, in framing such motions myself, at the end of paragraph (1) I normally would have put “and any other related matters”. When I look at the amendment Ms Follett has proposed, it strikes me, and this has been emphasised by both Mr Humphries and Mr Kaine, that it just opens things a little more, in the way that “and any other related matters” would. I really do not know why this is causing such problems. The estimate committees, anyway, have invariably addressed whatever issues they have wanted to. If it is a matter to do with budget, it covers whatever we are dealing with, and that is always how our estimates committees have responded. I do not think there is much room for conflict. It probably simplifies the motion a little and, as such, I am happy to support it.

I would also like to foreshadow something that, I think, will make the workings of this committee a little easier. Sometimes estimates committees sit late; sometimes it may be awkward to get a quorum of four, particularly because it is not a committee of the whole Assembly. If it is a committee of the whole Assembly, a quorum of four is probably very easy to get. With the committee being formed of six people and other members being able to attend at any given time, it probably makes sense to have a quorum of three, which will allow the committee to work. In my consultations around the Assembly, it seems that most people are comfortable with that. I foreshadow that I will move that amendment after this one has been dealt with.

Amendment agreed to.

**MR MOORE** (4.00), by leave: I move:

Paragraph (3), omit “Four”, substitute “Three”.

I will not repeat what I have said.

Amendment agreed to.

Motion, as amended, agreed to.

**SUPPLY BILL 1995-96**

Debate resumed from 1 June 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (4.01): Mr Speaker, I have no intention of attempting to deny the Supply Bill - I think that to do so would be totally irresponsible, unless one had good reason - but I must say that the Bill that we have been presented with does cause me grave concern. This is the first time since self-government that the Assembly has not been provided with a supply Bill which defines the proposed supply at program level. You can go back through all of the supply Bills that we have had in the Assembly and see that there has always been that level of detail.

I regard the present Supply Bill as very much a backward step for this Assembly, which does have a proud record in leading other parliaments in Australia in the level of financial reporting provided by the Executive to the legislature. I hope that this backward step by the present Government is not a sign of worse to come. In terms of our leading parliaments of Australia, Mr Speaker, we were the first parliament to publish three-year forward estimates for both expenditure and revenue, and also to provide those forward estimates to the legislature. In every other year, including the first year, 1989, with less than a month's preparation, the Assembly was provided with a supply Bill detailing program level proposed expenditure.

In her statement to the Assembly when she introduced the Bill, the Treasurer said:

To allow agency heads greater flexibility in financial management, the level of appropriation of moneys by the Assembly will be to administrative units.

What we have here is a very broad-brush approach, Mr Speaker. The explanatory memorandum that was circulated with the Bill details 17 new administrative units or programs. It does not explain which of the 17 are administrative units and which are programs. It is certainly not clear from the document. To add to the confusion that was created, the explanatory memorandum also says:

Lower level programs and subprograms retain importance in that they remain obligatory reporting levels.

Mr Speaker, it seems that they may be reporting levels; but which is which, because it is certainly not clear, and how much any of them get is clearly not reported to this Assembly? I regard that as very much a backward step in terms of accountability and in terms of transparency of financial management. Just to ensure that, even if you were able to wade through and come to some understanding - in fact, I found that a nearly impossible task - the Government has presented us with a double whammy.

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Yesterday Mrs Carnell announced that, as part of her revised Administrative Arrangements, "the Government will be introducing into the Assembly corresponding amendments to the Supply Bill to reflect the new structures I have announced". We have had those amendments all of three or four minutes, Mr Speaker, and I, for one, have not had time to read them, let alone to digest them. Again, I find this the absolute height of sloppiness. It shows, again, a high-handed contempt for this Assembly and for this Assembly's role in scrutinising the Government's financial programs. Mr Speaker, even with these amendments, there is still no explanation of what is a program and what is an administrative unit, and I await Mrs Carnell's advice on that. For example, education and training appears to include public schooling, private schooling and training; but how much is proposed for any one of those is simply left unstated.

Mr Speaker, I regard the accountability to this Assembly as being significantly reduced by the format of these documents. So much for open and accountable government. What a sham! This Government has taken every opportunity to add to the secrecy, to deny members of this Assembly information to which we are entitled. I would like to warn the Government that this lack of accountability to the Assembly is a matter which will be closely reviewed during the budget process, and it has not started off very well.

I regard the Supply Bill as a deliberate attempt to obscure spending patterns and to reduce the scrutiny by this Assembly because it, in fact, makes a year-on-year comparison virtually impossible. If there is further evidence of this obfuscation - and, Mr Speaker, I regard the work being done by Mr Nicholls as implying that there will be - I will certainly need to require full reconciliations to subprogram level to enable proper comparisons to be made with previous years. In other words, Mr Speaker, if I see in the future some kind of shonky balance sheet approach instead of the nationally agreed government finance statistics method, the GFS method, of financial reporting, we will all know that, indeed, this Government has something to hide. The only way that the Assembly could then scrutinise properly any such financial reporting would be by such a full reconciliation. It seems to me, Mr Speaker, that that is precisely what we will require in time to come. Mr Speaker, as I said, I have no intention of denying supply. I regard it as crucial that the programs of the Government Service continue and that people continue to be paid and be confident that that will be the case.

I will finish by saying that the need for this Supply Bill has arisen only because the Government has put back the budget by another three months. In his comments on the previous motion, Mr Kaine, I think it was, referred to the fact that all of us in the Assembly had agreed that the early budget timetable was by far the best not just for our own public service departments but also for the community groups and for the business sector in the ACT. We are enabled to make the budget earlier because of the very significant earlier budget now adopted by the Federal Government. Of course, with so much of our budget funds, our revenue, coming from the Federal Government, we do need to know precisely what we are getting before we finally frame the budget. We do know that now. We have had the Federal budget - last month, in May - just as we did last year, and it ought to be possible for this Government to bring down a budget before the end of the financial year. That was the agreed timing that I thought everybody in the Assembly last year was happy with. However, Mrs Carnell has chosen not to do that; but rather to delay the budget until September, and, as a result, we have this additional Supply Bill.

Mr Speaker, I will, along with my Labor colleagues, support the Supply Bill; but I do want to warn the Government that, if this is to be a pattern of providing the very barest minimum of information, with no explanation whatsoever, and totally obfuscating the spending patterns amongst administrative units and programs - in fact, making no apparent distinction between them - then it is very much cause for alarm. I would also remind them that the Assembly has a very good record of scrutiny of the government's financial management. Now that we have a new Government, do not think that that is going to change. I do not accept that the present format of the Supply Bill is adequate, and I hope that the Treasury people are listening. It is not adequate. They are going to have to do the work later rather than sooner.

I do not accept that presenting this number of amendments, minutes before the Bill is to be debated, is adequate. It is absolutely shameful. Mr Speaker, we had the new Administrative Arrangements yesterday. Why could we not at least have had notice of these amendments yesterday? Why could they not have been circulated? I think it is the height of sloppiness. It is a process that is designed to keep other Assembly members in the dark. Whilst I believe that we have no choice but to pass supply, I do not want anybody to think that I approve of the way that this has been brought forward.

**MR MOORE (4.11):** Mr Speaker, I would like to continue the theme that the Leader of the Opposition has raised, because I think that what we are having to deal with today is downright awful. First of all, Mr Speaker, some three months ago the Chief Minister gave reasons as to why she was going to put off the budget for those three months and I imagine that, for her, that was embarrassing enough. So it should have been, because we had established in this Assembly a system whereby we did not need a supply Bill and, by that method, things were more accountable and more open.

Therefore, Mr Speaker, the Chief Minister and the Treasury had three months up their sleeves, basically, to provide for us a full supply Bill that set things out entirely appropriately. If I were in the Government now, Mr Speaker, I would be feeling terribly embarrassed. They should be embarrassed. The question in my mind is this: Is this a deliberate move by the Government or is it a failure by bureaucrats? It still comes back to the responsibility of the Chief Minister, and no doubt she will be embarrassed; but Treasury, in particular, should also be terribly embarrassed. No doubt, Mr Speaker, some of the Treasury people are sitting behind me in the gallery today. If I were them, I would be going terribly red about now, and so they ought to be.

Mr Speaker, for us to have to deal with these amendments to this Supply Bill at this stage is simply unacceptable. It is made even more so by the fact that we have to deal with a supply Bill at all. We have a new Government and it is acceptable that they would want to take an extra few months to ensure that their own stamp is on the budget. That is why I was prepared this one time only to allow a supply Bill as a way of dealing with this, but this should be the last time that we ever have to go through this process, Mr Speaker.

The Leader of the Opposition drew to our attention a comparison between the current Supply Bill as it is and the Acts that I have in my hand at the moment, for 1994-95, 1993-94 and 1992-93. The difference is quite extraordinary. It seems to me, Mr Speaker, that to change it in this way would require a deliberate decision. This is not something that has just happened. A deliberate decision was made at some level.

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Whatever the level at which the decision was made, it ought not to have been made, because it can only be about trying to hide some money. Mr Speaker, it is clearly Government policy, it is clearly the attitude of this Assembly, that you do not hide things. We have made that clear from the time we were first here. Any Treasury official who allows that, and a Chief Minister who lets it through, ought to be particularly embarrassed.

It is the responsibility of the Government to run the departments the way it wants to run them. There is a challenge for the Chief Minister, and it is a challenge that I know she is standing up to. Of course, it is now a great challenge for her new Head of Administration, Mr Walker. I hope that Mr Walker is made aware of this debate today. I hope that there will be some action taken so that we do not have to run this same sort of harsh line on the Government and on Treasury in the budget debates. They ought to be terribly embarrassed, Mr Speaker. Like Ms Follett, whilst I will support the Supply Bill - I have made it very clear that I intend to - I must say that it is just hopeless.

**MS TUCKER** (4.15): Mr Speaker, I am going to continue the theme as well. I was beginning to think that, as newcomers to this place, we have come into a totally bizarre world because of the pace and the process that occurs here. Obviously, we feel an obligation to support supply as well; but I must say that I am pleased to have heard what Ms Follett and Mr Moore have said. It gives me a little more faith that things are not usually quite as chaotic as this.

**MR BERRY** (4.15): Mr Speaker, I thought that perhaps I was being a bit too harsh on the Government when I thought that what was being put forward here was pretty much a stunt - a smart alec stunt - to make it impossible to compare year on year, to make it impossible to compare the various sections of the Supply Bill with each other, and, therefore, to confuse the Assembly. Now that I am supported in that view by Mr Moore, I feel a lot better. I feel confident that that is what this is all about - another smart alec stunt, so that the rest of the community cannot properly assess the performance of this Government. Mr Moore said that the Chief Minister ought to be embarrassed. I think somebody coined the description "blush-proof". It was coined for Mrs Carnell, I am sure, because, on this score, there is not a glimmer of red about her - except in her coat, of course. There is not a sign of a blush. Mind you, if I were one of the Treasury officials, I would be a little bit worried about what is going to happen after this sitting ends. There is no sign of embarrassment from the Chief Minister; but she has been, I think, severely caught out.

Another thing I want to talk about is the delayed budget and how this affects the Territory. We changed from a September budget some years ago. We went to a new arrangement. The budget was presented earlier, and that was supported by all of the Assembly, for good reason. It was something that, I think, was welcomed by the community. An early budget is a lot different from a late one in terms of its effect on the community, especially when you have a new government. I think there is a lot of dismay out in the community about what the future holds. We have seen job advertising figures which demonstrate that, over a year, we are about 4 per cent down. This shows to me that there is a lack of confidence in this Government by the business sector. They are just sitting pat. They will not do anything until they find out where the Government is headed.

They do not know what the Government is up to. It is presenting a confusing picture, a late budget. The budget comes after their end of year statements and those sorts of things. The source of a lot of concern for business is this decision by the Government to delay their budget.

Under the Keating Government unemployment is trending downwards right across Australia; but in the ACT, admittedly from a better base, we are trending the other way. This again is a sign that there is a lack of confidence in this Government. The Liberals trumpet how much better they are for business. If you listened to the reveille from this lot you would expect that there would be an immediate emergence of confidence from the business sector. It has not happened. It is trending way downwards. This is because of a lack of confidence, and it arises from the inability of the Government to demonstrate a clear position, a clear way forward, a horizon, a glimmer of light.

I think the Government has a lot on its plate in relation to this Supply Bill. The Estimates Committee, I think, will have a busy job. It will be a very difficult job for the Estimates Committee to make comparisons and to do the work it sets out to do. Good on them; I hope that they work their way through it. It is now up to the Government to be able to demonstrate that what has been put before the Assembly today is not a sham, is not a shonky trick. It has to do a lot of repair work to bring back business confidence in the hope that we can get some sort of activity going on out there in the community and can get back on board the national trends in employment and so on.

**MR HUMPHRIES** (Attorney-General) (4.20): Mr Speaker, I think there is a little bit of hysteria running around the chamber about the nature of the Supply Bill. It is certainly a Bill that is different from ones that have been provided in the past, but I have to ask members to bear in mind what this Bill is all about. This is not what the Government proposes to spend for the year, or necessarily even for part of the year, with respect to particular areas of budget delivery. This is a provisional allocation of money which is flexible enough to accommodate changes in government policy, decisions made in the budget which are yet to be delivered, and yet to be made, for that matter.

It is therefore, I would suggest, of relatively little importance what those figures might be. If we are honest about it, that really is the bottom line. No-one is being asked to say, for example, whether it is appropriate for the Education and Training division of the budget framework to have \$122,560,000 for the first six months of this coming financial year. No-one is being asked whether that is an appropriate amount to be spent, because that amount may well change. In fact, it will not change in Education; but in other areas it may well change, depending on the decisions that are made in the budget. This is a very notional extension of the previous Government's budget process to cover the period until this Government brings down its budget.

I have to say to members that I think there is also considerable disinformation and not a little hysteria about the idea of a later budget in the ACT. We on this side of the chamber argued originally for the early budget. We pushed an originally somewhat reluctant Labor Party to have an earlier budget. Believe me, we believe strongly in the idea of early budgets. We would love to have delivered a budget this year in June, not in September; but to have done so in the framework of a new government coming into office, with only three months in which to master portfolio areas, to understand issues in

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particular detail, to discuss administrative arrangements with various officers and departments, to decide on priorities within the budget framework, to get clear indications of what was possible in terms of future trends with the budget and directions with budget management, and then put together a budget document would have been nearly impossible.

If members think that budgets can be done in three months, from go to whoa, they are seriously mistaken. Budgets these days are almost a 12 months exercise. Some would say longer than 12 months. You have to start to plan for the budget a long time in advance. To deliver a budget, no matter how remarkable you might be as an administrator, no matter how many talents you might have to do these wonderful things without regard to the facts of life, you still have to have a certain amount of time, and that time was not available for this Government to do that properly. I would suggest, Mr Speaker, that it would be very unlikely, if in future years there are changes of government after February elections, that they will be able to deliver budgets in June either. That is my prediction of what will happen in future years.

**Ms Follett:** We did it in 1989.

**MR HUMPHRIES:** That budget was already substantially prepared, at the time you took office, by the Commonwealth. You had somebody else there, of the same party, preparing your budget. You hardly started the project from nil with a clean slate or a clean whiteboard as of 11 May 1989.

I heard Ms Follett say that it is shameful that the Government circulated an amendment to this legislation only a short while ago. This is Mrs Carnell's Bill, so I do not comment on that; but let me ask Ms Follett a question, Mr Speaker. I understand that the Opposition has a quite significant amendment to a Bill coming up this afternoon dealing with rates and land tax. I hope, Mr Speaker, that Ms Follett is listening. I understand that Ms Follett has an amendment to the Rates and Land Tax (Amendment) Bill this afternoon, which is coming up very soon. In fact it is the next Bill but one. Where is the amendment? Apparently, members on the cross benches have this rates and land tax amendment that you are going to put forward.

**Ms Follett:** It has not been circulated? Oh!

**MR HUMPHRIES:** No, it has not been circulated. "Oh", said Ms Follett, "It has not been circulated. Oh dear!". A bit of embarrassment, Mr Speaker, is coming forward from the Opposition benches as well. I think that what is sauce for the goose ought to be sauce for the gander. I understand that these amendments were floating around yesterday in the Assembly. Obviously, it is shameful as well to leave these things to the last minute, Ms Follett.

Finally, I want to touch very briefly on Mr Berry's outrageous and ridiculous suggestion that business confidence in the Government is sliding because it has not delivered its budget in June. That is not the indication that we have. I also have to take strong exception to the suggestion that these particular economic indicators somehow have sprung up since this Government took office three months ago. These indicators were very much in evidence during the previous Government's life. The trends in

unemployment were present in the previous Government's life, particularly the appallingly high trend in youth unemployment in this Territory. The low level of growth in the ACT economy relative to the rest of Australia was a feature of at least the last two years of the Follett Government's administration. It is outrageous to have anyone opposite suggesting that these things suddenly are the product of the last three months. That is a scandalous suggestion. I would even go as far as to say that it is a shameful suggestion. People are trying to avoid the responsibility which they never acknowledged and took on their own shoulders during the period that they were in government.

Mr Speaker, I would say to members again: Do not get too hung up about the particular terms of the Supply Bill. The Bill is a provisional measure which will be followed by the budget with the detailed strategy for the 1995-96 year. That is a tried and true path which has been used by every government in the country for many years. Only recently have we moved to a trend of having budgets in June. Indeed, we hope that next year we will be able to deliver a budget in June as well. That is, unfortunately, something we cannot do on this particular occasion. I hope, Mr Speaker, that members do not get too caught up in the minutiae of that process.

**MR WOOD (4.28):** I say thank you to Mr Humphries for the lecture on what this Supply Bill is all about. I can remember someone in the former Opposition - I will not mention names - who tried to double these figures in one debate and say how wrong things were and how badly the Government was going. That was their simple understanding of it. This is an important measure and it is not easy to follow what is happening. I think that says all that needs to be said. I think the Government probably has the message by now, despite Mr Humphries's rhetoric.

There is a further most important question that I would ask, and I would ask the Chief Minister to respond. I do not know whether she is still to be called Treasurer when she comes back with her reply in this debate. Does she propose similar changes or any changes to the budget? It is certainly the case that the budget sets out the detail. We read the budget and we understand, with some difficulty sometimes, exactly what is to happen. The budget - there have been six by now - has been refined year after year. That process has improved as a result of the reports of the estimates committees. The budget is, I believe, a much more intelligible document now than it was when we first started in this Assembly. I would ask the Chief Minister to respond most carefully. Does she propose any changes to the way the budget is to be presented?

**MR CONNOLLY (4.29):** Mr Speaker, it is a pity that the press gallery is vacant this afternoon. This is probably seen as a boring machinery process of government, but it is of enormous importance. We are talking about some \$658m worth of public moneys, and there is a clear view on the part of this Assembly that members have not been well served by the level of information that has been provided by the Treasurer. I think there would be the - - -

**Mrs Carnell:** Nobody had asked for one bit. Not one person had come to me and asked for any information.

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**MR CONNOLLY:** There would be the numbers here if we wanted to play silly partisan politics. When the Government is in trouble they get Mr Humphries up to give the good, rousing, belt the Labor Party speech. The numbers would probably be here if we wanted to move a motion requiring the Treasurer to provide information down to program level in the conventional manner. I would hope that we do not have to do that.

**Mrs Carnell:** You would not have to move. You would have to ask me.

**MR CONNOLLY:** I will now ask you, on behalf of members - I think it was pretty clear from the Leader of the Opposition's speech that that is what we want - to provide that information down to program level in the conventional manner. It is quite remarkable that the Treasurer has been condemned by all sides today for the poor nature of the documentation that has been provided. The opportunity is clearly here for the Opposition to try to take a political point here and move a motion to condemn you, but we always try to play a responsible role in budgetary processes, and that is what we are doing. Our leader clearly indicated that we will be supporting supply going through. You have been condemned by all sides for the poor level of detail.

**Mrs Carnell:** But no-one has asked for one bit of information.

**MR CONNOLLY:** There is clearly a strong view that we would like that data and I now formally ask you to provide it. I take it from your interjected responses that you will provide that to members during the next few days. We want the program level, as is the conventional process in the budget and the Supply Bill.

**MRS CARNELL** (Chief Minister and Treasurer) (4.31), in reply: I find this a really interesting debate. What we are doing here, simply, is providing enough money for the Government to continue to operate until the budget is passed. Everybody knows that that is what a supply Bill does. It is not a mini-budget. It is not the first stage of the budget. It is not something that you can look at and determine, on a program and subprogram level, what this Government is going to spend. It is a straight extrapolation of Ms Follett's budget. That is what it is. If we were in a position to do anything different we could have brought down our budget, and then we would not have a problem here.

It is certainly true that we would have preferred to bring down the budget in June. In fact, for quite a number of weeks after we took over government we had in mind that we would do that, and we did our absolute best to achieve those ends; but, when we realised just what a mess the whole situation was in and what dramatic surgery was going to be required on the current budget to bring down a decent budget, particularly a three-year plan that aims, at year three, at having a balanced budget, which would be a substantial move away from the previous Government's approach, we realised that it was simply going to be impossible in the timeframe. It is interesting that the New South Wales Government found the same thing and have also announced a later budget. They had an election at a similar time to us and found that the timeframe was impossible. That is the reason for having to have a supply Bill. We certainly plan to bring down an early budget next year. It is not just planned; it is what we will do. An early budget will come down next year, but this year it has been impossible. So, we had to put together a supply Bill that gives us enough money to pay staff and to do all those sorts of things until the budget is passed.

Again I come back to the real point here, and that is that all we have done is extrapolate for a five-month period what the previous Government had in their budget. We are simply not in a position, as we simply have not finished the budget Cabinet process and so on, to determine at this stage what the expenditure is going to be at program and subprogram level, which I would have thought everyone would have understood, simply because we are coming down with a late budget. My understanding, too, is that no government has ever reported expenditure against supply. When you look at what you spend you report it against the budget, not against supply, as I understand it. In fact, I know that I am right. I am sure that the Estimates Committee will make sure that accountability is at the same level as in previous years. They are going to be impressed because there will be a substantially higher level of accountability in this next budget. There will be reporting and accountability at both program and subprogram level, and the level of detail will be substantially greater than in the past, which we believe is an appropriate way to go.

Again, coming back to what we have in front of us here, this simply is an extrapolation of the old budget, obviously in loose terms. It has to be in loose terms because our Government's priorities are different from those of the previous Government. We simply have to have enough money to pay the staff to do those sorts of things, to get us through until we can bring down a budget on 19 September.

**Mr Connolly:** You must have that at program level.

**MRS CARNELL:** If we could break it down to program and subprogram level at this stage we could bring down a budget, could we not, Mr Connolly?

**Mr Connolly:** No, because that involves your new policy decisions. You have a holding pattern until September.

**MRS CARNELL:** We do not have an old budget to work on. It was not our budget; it was yours. Your budget is not the budget that we are working on. It is simply - - -

**Ms Follett:** But supply is.

**MRS CARNELL:** That is why we have supply to get us through until the next budget comes down. I want to talk now about the amendments that came down today. I am disappointed that we did have to give the Assembly such a short time on these, but there is a problem in that this week is the last sitting week before the end of the financial year. There simply was not a lot of time. As everybody will see, there is no extra money appropriated here. The bottom line is the same. All that has happened internally is that money has been moved around on the basis of the changed Administrative Arrangements. That is what has happened. No extra money has been appropriated. The bottom line is the same.

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Think about this, Ms Follett. You were Treasurer. You would realise that you do not report expenditure against supply. For supply it really does not matter, to all intents and purposes, which program the money is in. It matters a great deal for the budget when you do report at program and subprogram level, which is what we will be doing this time, unlike in the past. That is taking an enormous amount of time and effort from all of our people in all departments, but particularly Treasury. Treasury have been under an enormous amount of pressure to achieve the greater level of accountability and breakdowns that we are requiring for this new budget process. I am disappointed that the Assembly is not happy with the way that this Supply Bill has been put together, but I can happily say that it will be the last time in the term of this Government that we will have to have a supply Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

**MR SPEAKER:** Members, standing order 180 sets down the order in which this Bill will be considered. In the detail stage the Schedule must be considered before the clauses.

Schedule, by leave, taken as a whole

**MRS CARNELL** (Chief Minister and Treasurer) (4.38): I present a supplementary explanatory memorandum and I move amendment No. 3 circulated in my name, as follows:

Pages 5 to 11, omit the Schedule, substitute the following Schedule:

**SCHEDULE**

Section 3

**SUPPLY APPROPRIATIONS**

**PART I—SUMMARY**

Administrative Units and Programs	
	\$
<b>Legislative Assembly</b> .....	2 390 000
<b>Executive</b> .....	570 000
<b>Auditor-General</b> .....	720 000
<b>Chief Minister's Department</b> .....	75 190 000
<b>Department of Health and Community Care</b> .....	148 390 000
<b>Department of Business, the Arts, Sport and Tourism</b> .....	5 430 000
<b>Department of Urban Services</b> .....	137 100 000
<b>Attorney-General's Department</b> .....	46 400 000
<b>Emergency Services Bureau</b> .....	7 940 000
<b>Environment and Land Bureau</b> .....	20 285 000
<b>Bureau of Arts and Heritage</b> .....	4 550 000
<b>Planning Authority</b> .....	2 255 000
<b>Housing Bureau</b> .....	20 585 000
<b>Department of Education and Training</b> .....	122 560 000
<b>Bureau of Sport, Recreation and Racing</b> .....	5 160 000
<b>Children's and Youth Services Bureau</b> .....	22 305 000
<b>Canberra Institute of Technology</b> .....	24 600 000
<b>Advance to the Minister administering the <i>Audit Act 1989</i></b> .....	12 000 000
<b>TOTAL</b>	<b>658 430 000</b>

**PART II—SERVICES**

**LEGISLATIVE ASSEMBLY**

Program	
	\$
DIVISION 10—LEGISLATIVE ASSEMBLY	
<b>1. Recurrent</b> .....	2 390 000
<b>Total: Legislative Assembly</b>	<b>2 390 000</b>

**EXECUTIVE**

Program	
	\$
DIVISION 20—EXECUTIVE	
<b>1. Recurrent</b> .....	570 000
<b>Total: Executive</b>	<b>570 000</b>

**AUDITOR-GENERAL**

Program	
	\$
DIVISION 30—AUDITOR-GENERAL	
<b>1. Recurrent</b> .....	720 000
<b>Total: Auditor-General</b>	<b>720 000</b>

**CHIEF MINISTER'S DEPARTMENT**

Administrative Unit	
	\$
DIVISION 40—CHIEF MINISTER'S	
<b>1. Recurrent (including payments to the Superannuation Provision Trust Account and the ACT Borrowing and Investment Trust Account) (net appropriation—see section 6)</b> .....	69 540 000
<b>2. Capital</b> .....	5 560 000
<b>Total: Chief Minister's Department</b>	<b>75 190 000</b>

**DEPARTMENT OF HEALTH AND COMMUNITY CARE**

Administrative Unit

\$

DIVISION 50—HEALTH AND  
COMMUNITY CARE

1. **Recurrent (net appropriation—see section 6)**..... 146 790 000

2. **Capital** ..... 1 600 000

<b>Total: Department of Health and Community Care</b>	<b>148 390 000</b>
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**DEPARTMENT OF BUSINESS, THE ARTS, SPORT AND  
TOURISM**

Administrative Unit

\$

DIVISION 60—BUSINESS, THE ARTS,  
SPORT AND TOURISM

1. **Recurrent (including payments to the ACT Tourism Commission Trust Account, the National Industry Extension Service Trust Account, Jobskills Trust Account and Other Services Trust Account)**..... 5 430 000

<b>Total: Department of Business, the Arts, Sport and Tourism</b>	<b>5 430 000</b>
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**DEPARTMENT OF URBAN SERVICES**

Administrative Unit

\$

## DIVISION 70—URBAN SERVICES

1. **Recurrent (including payments to the ACT Transport Trust Account, the Floriade Trust Account and the Yarralumla Nursery Trust Account) (net appropriation—see section 6)**..... 91 300 000

2. **Capital (including payments to the ACT Transport Trust Account)**..... 45 800 000

<b>Total: Department of Urban Services</b> .....	<b>137 100 000</b>
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**ATTORNEY-GENERAL'S DEPARTMENT**

Administrative Unit	
	\$
DIVISION 80—ATTORNEY-GENERAL'S	
1. Recurrent.....	46 260 000
2. Capital .....	140 000
<b>Total: Attorney-General's Department</b>	<b>46 400 000</b>

**EMERGENCY SERVICES BUREAU**

Administrative Unit	
	\$
DIVISION 90—EMERGENCY SERVICES	
1. Recurrent.....	7 580 000
2. Capital .....	360 000
<b>Total: Emergency Services Bureau</b>	<b>7 940 000</b>

**ENVIRONMENT AND LAND BUREAU**

Program	
	\$
DIVISION 100—ENVIRONMENT AND LAND	
1. Recurrent (net appropriation—see section 6).....	18 955 000
2. Capital .....	1 330 000
<b>Total: Environment and Land Bureau</b>	<b>20 285 000</b>

**BUREAU OF ARTS AND HERITAGE**

Program	
	\$
DIVISION 110—ARTS AND HERITAGE	
1. Recurrent.....	4 500 000
2. Capital .....	50 000
<b>Total: Bureau of Arts and Heritage</b>	<b>4 550 000</b>

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**PLANNING AUTHORITY**


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Program

\$

DIVISION 120—PLANNING AUTHORITY

1. **Recurrent (including payments to the  
ACT and Sub-Region Planning Trust  
Account)** ..... 2 255 000

<b>Total: Planning Authority</b>	<b>2 255 000</b>
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**HOUSING BUREAU**


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Administrative Unit

\$

DIVISION 130—HOUSING

1. **Recurrent (including payments to the  
Housing Rental Trust Account and the  
Home Purchase Assistance Trust  
Account)** ..... 4 351 000

2. **Capital (including payments to the  
Housing Rental Trust Account)**..... 16 234 000

<b>Total: Housing Bureau</b>	<b>20 585 000</b>
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**DEPARTMENT OF EDUCATION AND TRAINING**


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Administrative Unit

\$

DIVISION 140—EDUCATION AND  
TRAINING

1. **Recurrent**..... 121 500 000

2. **Capital** ..... 1 060 000

<b>Total: Department of Education and Training</b>	<b>122 560 000</b>
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**BUREAU OF SPORT, RECREATION AND RACING**

Administrative Unit	\$
DIVISION 150—SPORT, RECREATION AND RACING	
1. Recurrent (including payment to the Bruce Stadium Trust Account) (net appropriation—see section 6) .....	5 160 000
<b>Total: Bureau of Sport, Recreation and Racing</b>	<b>5 160 000</b>

**CHILDREN'S AND YOUTH SERVICES BUREAU**

Administrative Unit	\$
DIVISION 160—CHILDREN'S AND YOUTH SERVICES	
1. Recurrent.....	22 255 000
2. Capital .....	50 000
<b>Total: Children's and Youth Services Bureau</b>	<b>22 305 000</b>

**CANBERRA INSTITUTE OF TECHNOLOGY**

Program	\$
DIVISION 170—CANBERRA INSTITUTE OF TECHNOLOGY	
1. Recurrent.....	20 210 000
2. Capital .....	4 390 000
<b>Total: Canberra Institute of Technology</b>	<b>24 600 000</b>

**ADVANCE TO THE MINISTER ADMINISTERING THE  
AUDIT ACT 1989**

Program	\$
DIVISION 180—TREASURER'S ADVANCE	
<b>Treasurer's Advance</b>	
For expenditure for the purposes of the Territory in accordance with section 47 of the <i>Audit Act 1989</i> (including advances to be recovered in the financial year).....	12 000 000
<b>Total: Advance to the Minister administering the <i>Audit Act 1989</i></b>	<b>12 000 000</b>

Amendment No. 3 replaces the previous Schedule to the Bill. The new Schedule reflects the new Administrative Arrangements Order. The amendment does not affect the purpose of the Bill, or the aggregate total to be appropriated for the purposes of supply. The changes have resulted predominantly from the revised Administrative Arrangements Order announced yesterday. The changes have resulted in the amalgamation of a number of administrative units and the restructuring of other services. Details are outlined in the supplementary explanatory memorandum to the amendment.

**MS FOLLETT** (Leader of the Opposition) (4.39): I am utterly appalled by Mrs Carnell's approach to this matter. The fact is, Mr Speaker, that the amendments that Mrs Carnell is moving effectively replace the Bill which she introduced. Were the Assembly to require her to withdraw that Bill and introduce a new Bill, I think that would be entirely understandable. I think it is a sign of her own party's embarrassment about this whole matter that so far the debate has been conducted with only Mrs Carnell present, although she now is joined by Mr De Domenico. She has not had a single one of her Ministers or her back bench to support her in this matter, and you can hardly blame them.

Mr Speaker, we are dealing here with \$658m of Canberrans' money. This is not a minor matter. Mrs Carnell said, "You do not report expenditure against supply". Mrs Carnell must recall the many and very vigorous debates that we have always had in this Assembly over supply Bills - questioning as to how money had been allocated, and how pro rata amounts had been made up. Where there was a full year's amount appropriated, that was under scrutiny as well. The purpose of bringing the Bill forward to the Assembly, Mrs Carnell, is so that we can scrutinise it. What you have done is one of the greatest disservices ever seen in this Assembly, which is to give us something we cannot scrutinise, because there is simply no level of detail available that would enable that scrutiny to occur. You must understand that.

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Mr Speaker, having heard Mrs Carnell's defence of the matter, I am wondering whether the fact that Treasury has been downgraded has something to do with the fact that they tried to tell her how to do it the right way. Mr Woods got his, did he not? He is no longer in charge of a department. He is just another part. We do not know whether it is a program or an administrative unit or what, or perhaps a policy envelope or the corner of an envelope in the Chief Minister's Department. Was it because Treasury tried to tell you how to do this the proper way? That is my question. You got pretty sick of getting good advice and decided to proceed with your own entirely shonky arrangements.

I think that Mrs Carnell has a great deal to learn if she is going to persist in saying, as she did, "It does not matter where the money is". Those were her precise words. This was from the Treasurer. Mrs Carnell, it does matter where the money is, and it does matter how much money is going to each program. It matters to me. It matters to every member of the Assembly, apparently, except you. Mr Speaker, what Mrs Carnell has done is indefensible. If she does not take this warning seriously, I think she will be very sorry in time to come. The information that we have been presented with is totally inadequate. Believe me when I say that. I will never again tolerate this kind of a document.

Mr Speaker, it is, I think, of great regret that the Assembly has taken this gigantic backward step in the matter of scrutiny of the Government's financial programs. This is \$658m. I think this Assembly is entitled to be able to ask intelligent questions on how that money is broken up. Indeed, that has always been what has occurred in the past. Finally, Mr Speaker, I think that in her own comments Mrs Carnell has been extremely confusing as to exactly what this \$658m represents. She said on the one hand that it represents a continuation of the previous Government's budget. That is what I would have expected it to represent. Then she kind of qualified that statement by some vague waffle about broadening the parameters of it all to reflect the current Government's policies.

**Mrs Carnell:** Is that not what you would expect too?

**MS FOLLETT:** No, it is not what I would expect to occur, Mr Speaker. A supply Bill, as far as I am concerned, continues existing policy. There is no new policy in it. I would have expected the Supply Bill to be presented in the same format and with the same amounts as the previous budget. That is what I would have expected. Of course, because of the way it has been presented, there is no way that I can be certain of that. Because the Schedule, which is the subject of this amendment, in effect replaces the whole Bill, there is no way that we can work out exactly what has occurred.

Mr Speaker, I would like to refer to one item in this Schedule. It is Division 40, Chief Minister's Department. In the Bill as presented by Mrs Carnell, the amount appropriated is \$1.8m-odd. In the Schedule which is now the amendment, the amount appropriated is \$75.19m. That is a bit of a difference. There is not a word of explanation of how that occurred or how that is broken up. Mr Speaker, I find that a quite extraordinary state of affairs. I repeat, and I expect to be taken seriously, that it is not

good enough. It is simply not good enough. We will certainly be expecting a far greater level, or at least the level that we have had in the past, of detail to enable this Assembly to make proper scrutiny of the Government's financial management and their financial records. Mr Speaker, whilst we will not oppose the Schedule, I think that it would well behove the Government to take very seriously the comments that have been made, not just by Labor but by the Independents and the Greens. If you expect to get a budget through you are going to have to do a great deal better.

**MR MOORE (4.46):** In continuing this theme, I would like to try to explain to the Chief Minister why it is that we find this sort of thing distressing. In her new Schedule there is a reference to Division 40, Chief Minister's Department, and \$69,540,000 for recurrent funding. I take that figure and compare it with what is in the Supply Act 1994-95. Under "Chief Minister's Department", which at that stage was a much smaller department, there is \$3m for Government and Coordination, \$4m for Economic Development, and \$593,000 for Audit Services. For the Department of Public Administration, which I understand is now part of that Chief Minister's Department, there is another \$7m in Division 40. In Division 50, ACT Financial Management, there is \$25m. What concerns us, Chief Minister, is that there is nothing now to tell us what is going to happen or what amounts of money might be moved from one program to another. Had we had this Supply Bill at program level, we would know that it is not your current intention to move, for example, \$5m out of Financial Management and slip it across into Government and Coordination, or something along those lines. When actions like that are taken, we believe that it is entirely appropriate that they be scrutinised. Let me make it very clear that I am not objecting to that kind of action being taken provided it is open and available and we can see it.

Let me take another example, the Department of Urban Services, for which you have \$91m. It strikes me that \$91m is quite a lot of money. Not to have that broken down is particularly interesting. When I go back to the Supply Act 1994-95, for public transport there is \$19m, for city services there is \$24m, for fire and emergency services there is roughly \$4m, and for public works and services there is about \$68m. I have included a combination of capital and recurrent in some of those figures. The point I am making is that we could see, program by program, in the Supply Act 1994-95 where the money was spent. We can see whether money has been moved, or is intended to be moved, from city services to public transport, or from public transport to fire and emergency services. We ought to have that information in front of us. That is the sort of problem we are dealing with.

One more example, just to try to drive the message home, is the Department of Education and Training, \$122m, which includes both recurrent and capital. In 1994-95, for the Canberra Institute of Technology there was \$20m-odd, government schooling \$86m, non-government schooling \$27m, and training about \$600,000. Mr Speaker, the same question applies. Is it the Government's intention to slip \$1m or \$2m out of the non-government schooling sector and slip it into the government schooling sector? It is not that I take an objection to that, I want you to understand; but I think it is reasonable that the Assembly know and understand.

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I heard Mr Connolly ask you in his speech whether you would be prepared to provide for us, as a separate document, an analysis, program by program. I think it is a perfectly reasonable request. It is quite clear that we are going to pass this Supply Bill, and we are going to do it today. Mr Speaker, having drawn this to the Chief Minister's attention, I did not hear a clear answer to Mr Connolly's question. Perhaps she gave it and I was not paying close enough attention. I believe that it is entirely appropriate that we have that information before us, and I would ask you to assure us that you will be able to do that.

**MR WOOD** (4.51): Mr Speaker, in talking briefly on this amendment, I reflect back on question time today when the Opposition sought to come to grips with the new Administrative Arrangements and to try to understand their complexity. We are not the only ones in this building who find them difficult. Let me look at the amending Schedule. I refer the Chief Minister to Divisions 60, 110 and 150. In order for me to come to grips with both the difficulty of the paucity of information on this amendment and the complexity of the data on the Administrative Arrangements, could she define for me the connections or the separations between Division 60, Business, the Arts, Sport and Tourism, \$5m plus; Division 110, Arts and Heritage, \$4.5m; and Division 150, Sport, Recreation and Racing, \$5m plus? There is a connection somewhere between those. I am sure that there is a very logical answer, but nobody is able to discern that from the way this is presented. She might explain all that to me.

**MRS CARNELL** (Chief Minister and Treasurer) (4.52): Again I come back to the issue of reporting against supply. Mr Moore went on at length about our supposedly moving money from one area to another. It is true that this Assembly must be able to scrutinise that, as you will be able to in the budget, which is the approach that we have always taken. The budget is produced on a program basis. This time you will find reporting at a program and subprogram level. At that stage that is compared with budgets of previous years that the Assembly, the Estimates Committee and individual members look at to determine what the new budget looks like. In other words, you compare budgets with budgets, and you report against that budget. How we go as a government is reported against that budget that we will bring down on 19 September. What is not done is reporting against supply. It is never done. Reporting is never done against supply. Supply is exactly that. It is the amount of money required to get us up to the budget, full stop. It is not a mini-budget; it is not stage one of the budget; it is not a five months budget.

**Ms Follett:** We do understand.

**MRS CARNELL:** If you understand that, you would realise that you cannot assess policy direction from a supply Bill because there simply is not - - -

**Ms Follett:** We are entitled to scrutinise it. The Assembly is entitled to scrutinise it.

**MRS CARNELL:** That is true. The Assembly is entitled to scrutinise it, and the Assembly can do so. As I said, we will not bring down another supply Bill. The issues here are quite simple. When you look at the Chief Minister's Department, the \$75m, you can see that all that is is a straight addition of the three departments from previously.

We have made clear what that is about. The announcement we made yesterday was that we were moving three departments into one. In the case of the amendment we are now debating, you add up three departments and put them into one. That is what the amendment does. And so on through the other areas. That is all that is done in this amendment - taking functions and the budget that was associated with them and adding them on; no messing around; just a straight addition.

When you look at all of the other areas you will see that that is the case and the bottom line remains the same. We are just appropriating money to the new structure instead of the old structure. This is what supply Bills do. As we are not basing our Supply Bill on a previous budget that was our previous budget, that makes the whole situation just that much more difficult; but I can guarantee to this Assembly that they will have more information than they know what to do with when the budget comes down in September.

**Ms McRae:** We want it now.

**MRS CARNELL:** You want the budget now? I am sorry; I cannot give you the budget now. The budget does not exist now. If the budget existed now we would not have a supply Bill now. It is quite simple. Really, what we are talking about here is simply amounts of money being appropriated to various administrative units and programs, which are all laid out in the Schedule. It is quite simple. It is not difficult. I am disappointed that the Assembly wanted more information. I am more disappointed that not one member of the Assembly asked for more information prior to today.

**Mr De Domenico:** But you cannot grandstand when you do that. You have to come in here and grandstand.

**MRS CARNELL:** That is obviously the case. It seems unnecessary to have to go through this process here when anybody could have come and seen me or any of my officials prior to today if there was not enough information in the Supply Bill.

**MR MOORE (4.57):** Mr Speaker, I wish to speak on this a second time.

**MR SPEAKER:** Very well. Proceed.

**MR MOORE:** Thank you, Mr Speaker. We certainly did not get from the Chief Minister a response of the sort that I was hoping for. The response I got indicated to me, in spite of my three examples, that she did not understand what it was I was seeking; so let me try again. Mr Speaker, it seems to me that the opportunity currently exists for substantial amounts of money to be moved from one division to another division, or from one program to another program. Under the old Supply Act 1994-95, that simply did not exist. If it is the Government's intention to move money from one spot to another, tell us, let us know; but do not do it by doing an overview of the amount of money. Let me make sure that I have it right. Do not give us an overview of Education and Training at \$122m without dividing it into areas, as was done previously with programs.

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Mr Speaker, it seems to me that we have made a reasonable request. We have said, "Would you please provide for us that information program by program even after we have passed this Bill?". There is some danger for us in that. We have a situation where, with half of the year's budget gone, it is quite possible that you can come back to us and tell us, "Actually, we moved administratively. We moved \$6m out of Government Schooling and across to Canberra Institute of Technology". You can do that administratively, as I read this Supply Bill that you have provided to us, and that was not possible in the previous year because the Schedule to the Act identified specifically the amount of money that you could put, program for program, as part of supply. I know that this is not your new budget. I know that this is taking money over on a temporary basis, if you like. I know that it extends a previous budget. If you have some awkwardness in some of the areas where you know that you are going to need to adjust the amount of money because you do want to - - -

Debate interrupted.

### ADJOURNMENT

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

That the Assembly do now adjourn.

**Mrs Carnell:** I require the question to be put forthwith without debate.

Question resolved in the negative.

### SUPPLY BILL 1995-96 Detail Stage

Schedule

Debate resumed.

**MR MOORE:** Chief Minister, if you intend to move \$3m, \$4m or \$6m from here to there, surely you would know; so let us know. We are even saying to you that we will pass this Bill. Will you give us information, program by program, on what is intended to be offered to departments as part of their supply? In other words, where are you going to limit their spending? Where are you going to stop them moving money from one spot to another, instead of doing it in this generic way which gives a far deal more flexibility for the bureaucracy without scrutiny by this Assembly. That is what we are after. You have not answered that question, and I am asking you again. Will you do that? If the answer is no, will you start by saying, "No, I will not", before you give your explanation?

**MS McRAE** (5.01): Mr Speaker, I similarly add to that list of questions. Mrs Carnell told us that it was very simple; that this money was being moved to there and the sum total was then spent on the Chief Minister's Department, or on this, that and the other. I am sorry, but I do not understand. It is not that simple in my book. We are not continuing old programs. These are new policy decisions that have been taken to amalgamate different programs and move them around. Without the detail, we have simply no idea whether, in that process of movement, there have been substantive changes in the allocation of money within those subprograms which substantially changed their nature and made them, in my book, new policy decisions. You told us 10 minutes ago that new policy decisions were not part of supply. I simply do not understand. I cannot see how anyone can understand, with the absence of that detail as to what is allocated to whom in the new Administrative Arrangements. We have no assurance that there are not new policy decisions that dramatically affect the workings of these areas.

**MRS CARNELL** (Chief Minister and Treasurer) (5.02): I think that probably the best thing that I can do here, seeing that the information at the level that we are talking about is not available, and will not be, is to offer every member of the Assembly who is interested a full briefing, with all information on the table, by Treasury officials at a time that suits everybody. Then we can show exactly what is happening here. I think that is a substantially better approach than presenting a one-page paper that simply is not going to mean anything. When people get a full briefing they will see what we are talking about here.

There is nothing whatsoever to hide here. There are no dramatic new changes in the way we operate government schooling or non-government schooling or whatever. The information that seems to be required is simply not relevant to the process that we are going on with here. We are very willing to show exactly what is happening in terms of where the money is going, how we are operating as a government, how the departments are operating and what is happening, to any sort of depth anybody in this Assembly is interested in, as always. If at that stage the Assembly wants other information, members can ask for it.

Amendment agreed to.

Schedule, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole

**MRS CARNELL** (Chief Minister and Treasurer) (5.04), by leave: I move amendments Nos 1 and 2, circulated in my name, as follows:

Page 4, line 5, clause 8, omit "130", substitute "150".

Page 4, line 9, after clause 8, insert the following new clause:

**“Auditor-General’s Trust Account**

9. If a trust account to be known as the Auditor-General’s Trust Account is established by or under a law of the Territory before 1 July 1996, this Act has effect, and is to be taken at all times to have had effect, as if for subdivision 1 of division 30 in Part II of the Schedule there were substituted the following subdivision:

1. **Recurrent (including payments to the Auditor-General’s Trust Account) ..... 720 000”.**

Amendment No. 1 substitutes in clause 8 of the Bill Division 130 for Division 150 as a consequence of changes in the order of administrative units. Amendment No. 2 allows for the creation of a new trust account to facilitate the operations of the Auditor-General's Office. The amendment will enable the Auditor-General to charge for audit services in 1995-96 and to retain those revenues.

**MR MOORE** (5.05): Mr Speaker, in rising to speak on these amendments, I guess that I am also responding to an offer Mrs Carnell made a short while ago. I still do not understand, Mr Speaker, why it has been done this way. Mrs Carnell has offered a briefing. I suggest that the most effective way of dealing with this, Mr Speaker, is to move for an adjournment of this debate until tomorrow. We have had an indication from Labor and the Greens that they guarantee that they will pass the Supply Bill tomorrow. I suggest that we adjourn this debate until tomorrow, when we can take advantage of that offer that Mrs Carnell has made for a full briefing. It can be done either this afternoon or tomorrow morning. Early tomorrow morning might be the best. Mr Speaker, I will seek shortly to adjourn the debate.

**Mrs Carnell:** Why not get through to the end and then adjourn it?

**MR MOORE:** You can get through to the end, and I will move to adjourn it at that stage.

Amendments agreed to.

**MR SPEAKER:** The question now is: That the Bill, as a whole, as amended, be agreed to.

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

## PAYROLL TAX (AMENDMENT) BILL 1995

Debate resumed from 1 June 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (5.07): Mr Speaker, the Labor Party will not be opposing this Bill. The proposal to grant payroll tax exemption for employers who hire long-term unemployed is one which I believe the majority of Canberrans would agree with. My colleagues and I would certainly always support sensible reform that will improve outcomes for Canberrans, especially the more disadvantaged. I sincerely hope that this amendment to the Payroll Tax Act results in people who have been unemployed getting jobs.

There are a couple of matters to which I wish to draw members' attention. The first of these is the danger - and it is a danger that is perhaps more perceived than real - that employers will attempt to replace existing employees with those who have been unemployed in order to attract the payroll tax advantage. If this were to occur, it would defeat the whole purpose of the proposal, and I trust that both the Commonwealth Employment Service and the ACT Government will monitor this situation very carefully.

The other concern I have relates to what I believe is an inherent bias in the Bill, and I foreshadow that in the detail stage of debate on the Bill I will be moving an amendment to address this problem. My concern is to ensure that all long-term unemployed people are treated equally under this legislation. The amendment I will move deletes from the Government's proposal the requirement that persons must be receiving an allowance in respect of their unemployment under the Social Security Act 1991 of the Commonwealth. I believe that my amendment is required because the Government's proposed clause creates a precondition which many people will simply be unable to satisfy. Any person who is in a relationship with a wage earner will be denied the benefit proposed under this legislation because of the requirement that they must be in receipt of a social security allowance. People who are unemployed and who are living with wage earners simply are not entitled to social security in the overwhelming majority of cases. I believe that the public purse is sufficiently protected here by the requirement that people must have been registered with the Commonwealth Employment Service for at least 12 months.

However, if members do not accept the amendment I have circulated, that would mean that predominantly women and young people would be disadvantaged under this scheme. That is because women and young people are typically restricted in their access to social security benefits. Such benefits are not available where a partner or, in the case of young people, their parents are in receipt of income over a certain level. I urge members to support the amendments I am circulating in order to ensure that women and young people are also able to take the benefits of this payroll tax reform the Government is moving and are treated equally, as I believe they deserve to be.

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**MS TUCKER** (5.11): The Greens support this Bill as a useful initiative to address the problem of long-term unemployment. Unemployment is something all governments grapple with, but there are things we can do. For a start, the sooner our society recognises the need to have a broader understanding and definition of work the better. Governments also have the opportunity to support the many groups that do make a difference. Yesterday, I asked a question of Mr De Domenico regarding employment and training grants, which it is believed by many groups will be cut quite substantially. The Minister replied that it was a budgetary matter. However, we know that many groups are under the impression that there have already been cuts made, and they are under this impression because they were informed by a senior bureaucrat from Education and Training that \$4m worth of support has been reduced to \$1.6m.

Among these groups is Jobline, and I feel that it is appropriate to mention this group's work. I do not know how much work the Government has done in looking at the issue of the long-term unemployed, but I would like to stress that if you look at the profiles of such people you will realise that their needs are varied. While some may indeed benefit from this legislation, by perhaps being offered a chance of regular employment, there are also many people who for various reasons will not benefit. They are going to be able to take on only casual work, and by "casual" I am not talking about private sector organisations such as Templine. That is not the type of work we are talking about at all. The sort of work that is available through community organisations such as Jobline, and there are other similar employment focus groups who feel that they are also under threat, is unique and important to the needs of the long-term unemployed.

It is also very well documented that the value to a person's sense of self or their self-esteem in having a few hours' work, of whatever kind, is very significant. Perhaps an economic analysis of these sorts of groups' work may not show that they are a booming economic success; but, if a social assessment of the work of such groups were done, I believe that the results would be, on the whole, extremely impressive. We have to remind the Government again about the dangers of being too focused on just the numbers, about the dangers of allowing an economic analysis to exist without taking into account the cost of the usually unaccounted for externalities. In this instance, these externalities are the wellbeing of a marginalised group in our society who, if they are further marginalised, will be not only a further sad human cost but also, ultimately, a further economic cost.

I support this legislation, but I do urge the Minister to consider the value of other kinds of initiatives already existing in the community - some of them for quite a long time - which help the long-term unemployed in different ways.

**MRS CARNELL** (Chief Minister and Treasurer) (5.14), in reply: Mr Speaker, the Payroll Tax (Amendment) Bill forms part of my Government's response to address the problems of unemployment in the ACT. The proposed amendment will provide a two-year exemption from payroll tax on wages paid to new employees who have previously been unemployed for over 12 months. This exemption will assist the long-term unemployed in two ways. Firstly, the exemption will provide an added incentive to employers to increase their employment. Secondly, the exemption will enable the

long-term unemployed, once having attained a job, to stay in that employment for a longer period. New South Wales now does not have this exemption, and we are hoping that in some small way implementation of this initiative will place ACT employers at an advantage over New South Wales and provide further impetus for expansion of the employment base in the ACT.

I believe, like all members of this Assembly, that this is only a very small step towards doing something about the plight of the long-term unemployed in our society. We believe that a lot more has to be done, and we will be working to that end to stimulate business in the ACT, to give them other reasons, as well as this, to increase their employment base and to be able to employ more of the long-term unemployed, particularly the unemployed young people in our community.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MS FOLLETT** (Leader of the Opposition) (5.16), by leave: I move:

Page 2, lines 17 to 19, clause 4, proposed new paragraph 9(5)(b), omit the proposed new paragraph.

Page 2, line 22, clause 4, proposed new subsection 9(5), omit all words after "registered" (last occurring).

As I said in my earlier speech, the purpose of my amendments is to extend the benefit of this payroll tax reform to include people who are not in receipt of social security benefits but who have been unemployed for over 12 months. It is a fact that there are many people in our community who have been unemployed for long periods but who have never received a dollar in dole. That is predominantly married women, I must say, but also a large number of younger people. I recall that when we were in government I initiated a range of programs aimed at both mature married women and young people, trying to get both of those groups into or back into the paid work force. I know that it does take quite an effort for those particular groups to break into a competitive labour market. I believe that, if we could extend the eligibility for this payroll tax exemption so that those groups of people were also eligible to take part in the scheme, we might be addressing a problem that is largely hidden in our community but is nevertheless a quite large problem and a very real problem. I commend the amendments to members. I think that they will probably be of greater benefit than the initial reform, if they are passed by the Assembly.

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**MRS CARNELL** (Chief Minister and Treasurer) (5.18): I understand very well what Ms Follett has said on this amendment. In fact, it is something I put initially when we were looking at implementing this policy. The problem that was brought forward, and I think it is a very real one, is how you assess the long-term unemployed if you do not do it on the basis of their receiving social security payments. As Ms Follett would know as a previous Treasurer, whenever you go down the path of tax exemptions, you have to make sure that those tax exemptions are enforceable and have some capacity to be monitored and to be put in place.

The question we had to answer when we were drafting this legislation was how we stopped companies - I am sure that there would not be too many of them - replacing current staff with long-term unemployed. The answer to that question is that there is an awful lot of training that goes into staff, and we could not really believe that companies would do that. It simply would not be cost-effective for them to do so, so we ruled that one out. The second question was whether we could make this available to people who were not receiving social security benefits. The problem we struck was how we were going to provide a very simple method for employers to determine the eligibility of the people who applied for jobs under this Act. We determined that, in these sorts of areas, the first and most important thing to do is to make sure that you target these exemptions appropriately. By targeting them at the long-term unemployed who rely on social security payments, we have targeted people who are supporting families - obviously, if they are supporting a family, they will be getting social security payments - and people who are single and are being supported totally on unemployment benefits. We believe that it does target those people properly.

I share Ms Follett's wish to extend it, but when you do this sort of thing you have to make sure that you extend it in a way that is implementable and enforceable. I think we should not pass these amendments today. Put this Bill in place in its current form, assess what the uptake is and what the extra need is out there for people who are not registered with social security, and look in the longer term at Ms Follett's ideas, because I think they do warrant looking at. At this stage, we simply could not work out how you would stop the system being abused.

**MR MOORE** (5.21): Let me first say that the amendments put up by Ms Follett make good sense, and I think the Chief Minister has acknowledged that they make very good sense. The problem the Chief Minister and Treasurer has is that we may not know how we are going to stop people abusing the system. Clearly, where you use people on social security, there is a simple computer comparison to make as to whether somebody who has applied and is nominated has actually been on social security. That would deal with the vast majority of cases. So, what happens with these other people? The usual system in ensuring that people are not cheating is to rely on a series of things. The first one, and I gather the one that is most successful, is dobbing in. Where somebody has been applying for exemption from payroll tax under this section and they have employed somebody who has been working, often they are dobbed in because they are cheating. Normally, for cheating in any taxation matters quite severe penalties apply. Whilst there are those who would abuse the system, I would have thought that they were very few and far between. By and large, most people accept that, while they will legally minimise the amount of taxation they have to pay, and fair enough, they will do so within the law. The number of people who will do it outside the law is very minor.

I am inclined to go the other way from the Chief Minister and say that we should try this. If you come up with a series of examples of its being abused, or even if we lose so much revenue that it indicates that we really do have a major problem with it, then come back to the Assembly and let us see about modifying it. What Ms Follett proposes does get to a particular group that it is appropriate that we target. The Chief Minister did speak about targeting. It is not just about targeting people who are on social security benefits. Often there are very good reasons to target women in particular, because that is the main group of people Ms Follett's amendments are going to pick up. I think there are very good reasons to target women at home, for example, who may have been left with children, have never been on social security, and - the issue you raised, Chief Minister - may be supporting a family and not have been on social security benefits at all because they have just had a separation or something along those lines.

I think there are very good reasons for us to work it the other way round. Let us try it and make an assessment of how far it is being abused. I think we will find that your fears are the fears of your advisers, who will always take a conservative view of this. However, considering our unemployment situation, I think it is better that we err in the other direction, and that is why I will be supporting the amendments put by Ms Follett.

**MS TUCKER** (5.25): I have listened to the discussion, and I do not feel comfortable in supporting the amendments, although I am absolutely in sympathy with their sentiments. There are some concerns, and I do not think we necessarily have to do this right now. We will not support them now, but we would be happy to look at them in detail and they could be introduced later.

**MS FOLLETT** (Leader of the Opposition) (5.26): I would urge members to think very seriously about these amendments and I would urge them again to support them. It is entirely possible - indeed, I think it is entirely desirable - that people register as unemployed, regardless of whether they are eligible for social security.

When I say that the employment problems of many married women and young people are being hidden - the hidden unemployed - what I really mean is that they are not registered as unemployed because they know that they are not eligible for the dole. If they were registered as unemployed they would be able to take advantage of many training courses and the various opportunities that are sponsored by the CES for unemployed people, but often they do not know that. I think we should take every step we can to encourage people who are unemployed and who are genuinely seeking work to register and to try to get hold of as many of those advantages as they can. Another good reason for that is that it does make for much more accurate reporting of the unemployment problem. I have long been concerned that, for women in particular, unemployment was very much underreported, simply because most of them know that they will never get the dole so they do not bother registering.

I think the amendments I have moved are capable of implementation through the CES. Where people do register as unemployed and the CES is able to vouch in some fashion for the fact that they are registered as unemployed and have been for some time, those people ought to be able to take advantage of the payroll tax reform measures Mrs Carnell

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is proposing. In my mind, it is an issue of giving everybody an equal chance of taking advantage of this reform, regardless of their marital status or their partner's or parents' financial status. It seems to me that that is an all-embracing approach that ought to be tested.

If we were to discover, for instance, that there was some abuse of this scheme - and it is difficult for me to imagine what might be termed abuse of this scheme - we could take remedial measures. I spent many years in the Public Service at a time when things like maternity leave and carer's leave were being mooted, and the greatest concern expressed by the more conservative forces was that these provisions would be abused. Women who took two or three successive lots of maternity leave were said to be abusing the system. Of course they were not; they were making use of the system in a perfectly legal and responsible way. But there was a worry that it would be abused. I still wonder how it would be possible to abuse a maternity leave provision. It would be so easy to be caught out.

**Mr Berry:** I would not get away with it.

**MS FOLLETT:** No, you would not. Similarly, I often think the worry about abuse of systems is perhaps showing an oversensitivity and that the concerns are more apparent than real. I believe that it would be entirely possible for this scheme to be extended to the groups of people I have spoken of. It would be a step towards greater equality in our society if it were to be so extended. I would, of course, support any moves to remove abuse of the system, if such abuse were to be found.

As I have already said, I think it is very important that we guard carefully against abuse by employers of the payroll tax exemption, and both Mrs Carnell and I have referred to the possible worry about existing employees being replaced by long-term unemployed people. That has to be guarded against; but there is no rule about that. There is no provision in the legislation as to how we might do it. We are just going to have to rely on the CES and on good corporate citizens to ensure that that abuse does not occur. I think we could apply the same sort of tolerance to the groups of people whom my amendment is aimed at embracing, and I again urge members to vote for it.

**MR MOORE (5.30):** Mr Speaker, there is one other point that ought to be made in this situation. When we are talking about payroll tax, we are talking about big businesses who pay more than \$500,000-odd. That is roughly the cut-off level. In the ACT, these businesses are invariably banks, hotels, the casino - places like that; a number of very big businesses. We are talking about very responsible corporate citizens whose image would be severely tarnished if they were to abuse a system like this. With that in mind, I think there is far less chance of its being abused, and that is why I would encourage members to reconsider their position and support this amendment.

**MRS CARNELL (Chief Minister and Treasurer) (5.31):** Let me make a closing comment. Again I say that we will be opposing these amendments, not because we oppose the sentiment but because it is an issue of enforcement. I undertake, if these amendments do not get up today, to continue to look at this issue and to continue to look at areas where we can give incentives to employers to take on long-term unemployed.

Question put:

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

The Assembly voted -

*AYES, 7*

*NOES, 9*

Mr Berry  
Mr Connolly  
Ms Follett  
Ms McRae  
Mr Moore  
Mr Whitecross  
Mr Wood

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Ms Horodny  
Mr Humphries  
Mr Kaine  
Mr Stefaniak  
Ms Tucker

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Assembly Sitings**

**MS McRAE** (5.35): Mr Speaker, I would like to take the opportunity of the adjournment debate to put on the record my extreme pleasure at seeing the details of the Assembly sittings in the *Canberra Times*. I commend you for whatever part you may have played in having them there and I commend the *Canberra Times* for now broadcasting when our sittings are so that members of the public can come, if ever they have any flexitime, or at least know what we are doing. My commendation goes to everyone who was involved in making it happen. It is a step forward for us all that we are now in the public eye in that way.

**MR SPEAKER:** Thank you, Ms McRae. My part was but a small one. However, I would like to thank the secretariat of the Assembly for the work they have done on this. I join with you in thanking the *Canberra Times* as well.

### **Australian National Eisteddfod Society - Funding**

**MR WOOD** (5.36): I want to respond briefly to some comments Mr Humphries made in question time in response to a Dorothy Dixier about the reduced funding to the Eisteddfod Society being phased out. That society complained that their funds were going. They did have some time to adjust; it was not in one move. As Mr Humphries said, I accepted the recommendations of the Cultural Council. It is a fact of life, and Mr Humphries knows this quite well, that if people lose funding they complain. There is never the counterbalance of those groups that get the funding getting out there and giving some support and thanks.

Mr Humphries had the right to intervene, although I must say that I was surprised that he did. It seemed to me that the decision was quite inconsistent with his views and, certainly, with Liberal Party approaches. In his answer he did seem to concede the benefits that flowed from that decision, the events that happened as a result of that staged withdrawal of funds. What happened, simply, was that the Eisteddfod committee got off its butt, got out there, generated some activity, did some good work, and put on some performances. That has always been a good group - I am not critical of them - but they sat back in complacency, like other groups, over many years and happily waited for money to come in. The intention of the decision of the Cultural Council, which I endorsed, was to get them to use the resources they had, the access to a great number of very great artists, get them to do something, and that is what happened.

I was surprised that a Liberal Minister who talks about initiative and enterprise and do-it-yourself would change that decision. What happened was exactly what it was anticipated would happen. I thought Mr Humphries, in his change, was perpetuating the culture that groups can survive on handouts, and "handouts" was the word he used. It is a strange approach from the Liberals. That was not the view I adopted. The view I adopted, on the advice of the Cultural Council, in consultation and discussion with the Cultural Council, was that no group had the right of long-term continued automatic funding. The view I adopted was that we had high expectations from all groups and we required that they get out there and be energetic and show what they could do. The Eisteddfod Society is a good body and it is one we did treasure, even though we were cutting its funding. I think the decision we put into place showed how good they could be, and I hope that they do not retreat into a level of complacency as a result of what has happened more recently.

### **Business Confidence**

**MRS CARNELL** (Chief Minister) (5.39): During debate today on the Workers' Compensation (Amendment) Bill presented by Mr Berry during private members business, there were claims made about the state of the ACT economy and business confidence in Canberra. Specifically, Mr Berry suggested that business confidence was down and that this was reflected in the falling job advertisements and an unemployment trend in the ACT that runs against the national trend. I know that Mr Berry, who is referred to by some around town as Mr Business - certainly on this side of the house he is - like all members of the Assembly, values accuracy in our debates; so I would like to draw to the Assembly's attention some of the latest data in these areas.

Job advertisements are measured by the ANZ Bank in a statistical series published each month. The latest figures are for the month of May. They show that job advertisements in the ACT rose by 4.6 per cent over the April figure. These statistics are volatile; so it is probably more useful to compare the May 1995 figure to the figure one year earlier. Once again, it shows job advertisements rising, this time by 8.6 per cent on the figure for May 1994. I say again: Job advertisements rose in May; they did not fall, Mr Berry. This is not the first time Mr Berry has played a little bit fast and loose with economic data. If he would like a briefing at any stage to improve his level of economic knowledge, we are very happy to organise that.

On the issue of unemployment, the latest figures show a trend rate of 7.4 per cent in the ACT compared to the national trend of 8.4 per cent. In other words, the unemployment rate in the ACT is one percentage point below the national average. Full-time employment in the ACT also rose in May. I trust that the Opposition will welcome the obvious show of business confidence in Canberra reflected by rising job advertisements and full-time employment. It is true to say that, during 1994 and the first bit of 1995, whilst the national unemployment rate fell considerably, the unemployment rate in the ACT was fairly static. In other words, the ACT has not fared as well as the rest of the country during the economic recovery. Along with other members on this side of the house, I would be interested in hearing what the former Government was doing to combat this slump in the ACT economy in 1994, because it is fairly obvious that nothing much happened during that time, if the figures are to be believed.

### **Business Confidence**

**MR BERRY (5.42):** I am delighted to rise to respond to that. I get my figures from the ANZ Bank and from the Bureau of Statistics as well. Mrs Carnell was quick to point out that job advertisements over one month had risen by 4 per cent; 28 more jobs were advertised. Over the year, the trend was still downwards, and continued to trend downwards, as a result of the employment base, against the national trend. Nationally, employment has been improving, but in the ACT it continues to decline. You cannot deny that. So, do not accuse me of misusing the figures when you know very well that there is no business confidence in this Government, and for very good reason, as I have said in a couple of debates before, and that relates to the inability of the Government to show leadership.

You hear the rumours - strong ones, indeed - about the review of private sector workers compensation, and documents have been flying around in relation to that. Workers are concerned about those issues, but business is concerned about them too. They do not know what to expect from the Government because they have not been presenting an image that would demonstrate to business that there is any form of leadership going on in this Government. This is a Government that is all about image and lacks substance. When you look at the figures right across Australia, the Federal Government has had massive success. Yes, it is true that in the ACT we are doing better than nationally in percentage terms; but, when you look at the trends, the ACT is still trending downwards and the rest of the country is trending upwards.

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It is quite significant that that has occurred in the first few months of a Liberal government - a Liberal government that has as one of its claims to fame the faith of business. Okay, we saw a new government elected in February. One would expect just a little blip of support out there, a little wee blip. I will give you credit for 28 more jobs being advertised from one month to the other, but the trends are still flowing against you because business does not support what you are up to. It is a government of show and no substance.

### **Business Confidence**

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (5.45): Mr Speaker, I thought we were going to have an early one; but whenever Mr Berry stands up and speaks it is very tempting, especially when he does not know what he is talking about. As Minister for Business, I have to say that, over the 100 days we have been in government, Mrs Carnell and I have been moving around speaking to the business community, and when I say that I mean speaking to a couple of hundred people at a time at a function. Not one person has come to me or Mrs Carnell, as far as I am aware, and said, "Our chins have hit the floor. It is very gloomy out there". In fact, the opposite has happened. They have said, "What a breath of fresh air this Government has been". Is it any wonder that 42 per cent of the Canberra community has said, "We need change. This is what we want. We need some progressive change."? Progressive change is what they have got.

Mrs Carnell obliterated Mr Berry's argument - not that it needs much to do that, mind you - by saying that full-time employment is up, not down. He said that it was down, but the truth is that full-time employment is up. Mr Berry also said that the trend rate was down, but the truth is that it is 8 per cent up. From May last year to May this year, the truth is that it is up - not what Mr Berry said, but the truth. We know that from time to time Mr Berry finds it very difficult to understand the way business works. We saw that about 18 months ago with what happened to VITAB. Once again, this shows us that Mr Berry still has not learnt what the truth of the matter is. The truth of the matter is that the business community out there is delighted with the change in government because they can see that business will flourish in the ACT under this Carnell Liberal administration.

When we get up here in this place, please, if we are going to quote figures let us quote the right figures. I know that we can make figures tell us whatever we want them to from time to time; but, when you are talking about something like unemployment figures, tell the truth. It is a fact that from May 1994 to May 1995 there has been an 8 per cent increase - not a downturn, but an 8 per cent increase. Those figures do not lie; that is what the figures are. Quote them properly, please. Full-time employment has gone up. Mr Berry said, "Yes, but by only 28". I am sure that those 28 people and the families they have to support are absolutely delighted. We know that you are in here to have a quiet political shot, as Mr Berry does from time to time, and that is fine; but when we are talking about something as important as unemployment, please, let us make sure that we get it right.

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**MR WHITECROSS** (5.48): Mr Speaker, I rise to support Mr Berry and to amplify - - -

**Mr De Domenico:** Nobody else is prepared to, mate. You are a brave man.

**MR WHITECROSS:** It is down to me, Mr De Domenico, and I am happy to do so because I am able to add to the figures we have heard so far this evening, with some additional figures that I am sure will help Mr De Domenico and Mrs Carnell to understand the point the Opposition is trying to make about business confidence and employment. The ANZ Bank figures that are used as a measure of business confidence show: February 1995, 476 job advertisements; March 1995, 435 job advertisements - that is down; April, 388 - down again; May, 406 - up a little bit, but still down compared to when you started.

**Mr De Domenico:** When did we start?

**MR WHITECROSS:** Let us say March, for the sake of the argument. March, 435; May, 406 - down.

**Mr De Domenico:** You have been sucked in to supporting nonsense. But you will learn; do not worry.

**MR WHITECROSS:** No. Mrs Carnell was happy when it had gone up 28. Now we are finding out that it has gone down 27. So, going up 28 was good news, according to Mrs Carnell; going down 27 is irrelevant.

**Mr De Domenico:** Why are you doing it to him? You need his support to be the leader, so you really should not be doing this to him.

**MR WHITECROSS:** That is not a very good argument, Mr De Domenico. There is more. The year-on-year figures from March 1994 to March 1995 showed that job advertisements had gone up 38.5 per cent, during the period Labor was in government. What has happened in the two months since then? The trend now is not up 38.5 per cent, but up only 8.6 per cent. What that means is that the guts have fallen out. Okay, it is still higher than last year; but we have gone from a situation where we were 38.5 per cent up on last year, when Labor left government, to a situation where we are now only 8.6 per cent up. It does not sound like a burst of business confidence to me.

The other figures I will draw to people's attention briefly are the unemployment figures. They were ticking along last year at about the 7.1 per cent mark for the first three months of the year, when Mr De Domenico says that we were in power - 7.1, 7.1, 7.1. Now the Liberals are in power, the figures are - 7.2, 7.4. That 7.4 per cent is higher than it was at any time last year.

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**Mr De Domenico:** Like honey off the tongue. Is that the euphemism?

**MR WHITECROSS:** Mr De Domenico, I would have thought that as Minister for Business you would be interested in this. It was 7.1 when Labor left office; it is 7.4 now. As for business confidence, job advertisements when Labor left government were 435; job advertisements now are 406. The figure has gone down. We heard Mrs Carnell's figures. She called going up 28 good news; but the fact is that from March to May they have gone down 27, so that must be bad news.

Question resolved in the affirmative.

**Assembly adjourned at 5.53 pm**