



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

22 June 1995

**Thursday, 22 June 1995**

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The Assembly met at 10.30 am.

*(Quorum formed)*

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

### **ANNUAL REPORTS (GOVERNMENT AGENCIES) BILL 1995**

**MRS CARNELL** (Chief Minister) (10.33): Mr Speaker, I present the Annual Reports (Government Agencies) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, the Annual Reports (Government Agencies) Bill 1995 provides a simple, streamlined and consistent annual reporting arrangement for ACT government agencies and public bodies. Most importantly, it raises the level of accountability to the community and will encourage agencies to improve their level of service. The present system of annual reporting requires strengthening and is overly complicated. There is no legal requirement for ACT government agencies to provide annual reports, other than financial statements, to the Assembly. In the case of public bodies, a plethora of annual reporting requirements is contained within the various pieces of legislation by which they were created.

The legislation that is before you today, in combination with the Annual Reports (Government Agencies) (Consequential Provisions) Bill 1995, will ensure that the current situation is improved by creating a single reporting framework. It applies to all ACT government agencies and most public bodies. Territory-owned corporations will be excluded because they are subject to special reporting requirements under the Territory Owned Corporations Act 1990 and the Federal Corporations Law.

The new framework provides a legislative requirement to report by the date by which the Assembly shall receive annual reports. The Bill includes specific provisions for informing the Assembly when reports will be late and of the reasons for this. These provisions will apply to both agencies and public bodies. It clearly places responsibility for reporting with chief executives and makes them accountable to the Assembly for the program performance of each administrative unit under their control. It will also enable the Government to stipulate the form and content of annual reports through the mechanism of annual reporting directions and guidelines which will be issued under this legislation.

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These guidelines, which are currently issued under Chief Minister's direction, provide detailed program and statutory - for example, EEO, occupational health and safety and administrative law - reporting requirements which agencies must comply with in their annual reports. The guidelines will ensure that annual reports give an accurate and comprehensive account of the implementation, by programs and subprograms, of the Government's policies and priorities.

In order to ensure that the maximum accountability and reporting requirements of the Assembly are met, the legislation provides for directions issued under the legislation, including annual reporting directions and guidelines, to be tabled in this Assembly. They will be updated annually to reflect comments by the Estimates Committee, the Assembly and the Auditor-General. This Government was elected with a mandate of enhancing the performance and accountability of the ACT Government Service. This legislation is a key element of the Government's program to achieve that mandate. It will significantly improve annual reporting by ACT government agencies and public bodies to this Assembly. Mr Speaker, I commend the Bill to the Assembly.

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

**ANNUAL REPORTS (GOVERNMENT AGENCIES)  
(CONSEQUENTIAL PROVISIONS) BILL 1995**

**MRS CARNELL** (Chief Minister) (10.37): Mr Speaker, I present the Annual Reports (Government Agencies) (Consequential Provisions) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL**: I move:

That this Bill be agreed to in principle.

Mr Speaker, this legislation will amend annual reporting provisions in various Acts, to provide a requirement for public bodies to report that is consistent with the Annual Reports (Government Agencies) Bill 1995. This will ensure that the current situation of varying reporting requirements is improved by creating a single annual reporting arrangement.

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

**DRUGS OF DEPENDENCE (AMENDMENT) BILL 1995**

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (10.38): I present the Drugs of Dependence (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, it is important that, where the Government makes a law, it is clear and leaves as little room as possible for reinterpretation. It is for this reason that I present the Drugs of Dependence (Amendment) Bill 1995 to the Assembly today. This Bill provides a clear basis for the legality of the provision of takeaway doses of methadone to be consumed, as prescribed, elsewhere. The ACT methadone program is a major element in the range of treatment options for people with an opioid, usually heroin, dependency.

A key element of this program is fostering the customer's independence, through changing from a lifestyle which was characterised, for many, as being centred around the acquisition of drugs. The methadone program provides a means to support opioid-dependent people getting on with their lives, knowing that withdrawal symptoms will be largely eliminated by methadone. The takeaway element of that program enhances that independence through eliminating the need to call every day to the clinic for a dose. Methadone is currently provided through two public clinics - at Woden Valley Hospital and the City Health Centre - and four community pharmacies. About 200 people on the program receive up to three takeaway doses each per week.

Given the public interest in the program, it is essential that the legal basis for this program be watertight. The ACT Government Solicitor advised earlier this year that, in the current wording of the Drugs of Dependence Act 1989, the word "treatment" could not necessarily be interpreted to include the provision of takeaway doses of methadone for consumption elsewhere. It was further advised that the current program could continue. But, as a definitive interpretation could not be made, action should be taken to amend the Act to avoid a finding - say, in a court case where takeaway methadone was involved - that the program was somehow illegal.

Mr Speaker, the Bill that I table today clarifies that the definition of "treatment" includes the supply of methadone to a patient for self-administration at the centre or elsewhere; that this can occur both at public clinics and at non-government treatment centres, such as pharmacies; that nurses can supply methadone for later consumption; and that the wording of the Act as it currently stands cannot be taken to make the provision of takeaway doses of methadone illegal. The last element is essential to ensure that the ambiguity of the current wording does not provide a basis for considering the takeaway program to be illegal. Mr Speaker, I commend the Bill to the house.

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

## CONSUMER CREDIT BILL 1995

**MR HUMPHRIES** (Attorney-General and Minister for Consumer Affairs) (10.42): Mr Speaker, I present the Consumer Credit Bill 1995, together with its explanatory memorandum. I also present the following paper:

Consumer Credit (Queensland) Bill 1994 - Incorporating the Consumer Credit Code.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

The Consumer Credit Bill and the Consumer Credit Code represent the culmination of many years' work by consumer affairs Ministers and officers throughout Australia. The legislation has been released in a number of previous forms, none of which achieved the consensus between credit providers, consumer organisations, professional organisations or the community which was needed to ensure its progress through the parliaments of the Australian States and Territories.

The Bill now before the Assembly, while not necessarily meeting all of the aspirations of all of the competing interests of Australia, nevertheless represents our best efforts to achieve sustainable and progressive laws for the regulation of consumer credit. It is a unique Bill, not only because of its contents but also because of the opportunity it presents for cooperative federalism in Australia. For many, the prospect of the States and Territories agreeing to a set of laws on which there has been so much acrimonious debate seemed remote. Yet what we have achieved as States and Territories is a law which will significantly advance consumer protection and at the same time ensure that product diversity and competition are optimised.

The Bill attempts to provide strong consumer protection while recognising that competition and product innovation must be enhanced and encouraged by the development of non-prescriptive flexible laws. Unlike the existing consumer credit laws, there is no artificial monetary limit. The legislation applies to all consumer credit lending. The Bill does not set a maximum interest rate, but it does give the Executive power to make regulations prescribing a maximum annual percentage rate. This is not dealt with in the code and is a recognised non-uniform issue. This provision is intended to be a safeguard against possible unscrupulous activities by fringe credit providers.

The Consumer Credit Code, which is attached to the Bill, is intended to form the basis of consumer credit laws throughout Australia. Queensland passed this legislation on 2 September 1994. We are proposing to pass an application of laws Act applying the Consumer Credit Code to the Territory. This means that, when the code and regulations are modified, those changes will be picked up in those jurisdictions, resulting in uniformity both in substance and in timing. Amending legislation may not be introduced into the

Queensland Parliament unless there has been a resolution of the ministerial council, passed by a majority of at least two-thirds of the members who are present and who vote, approving the amending legislation. Once approved, the amending legislation is introduced into the Queensland Parliament and, if adopted, is then applied by the other States and Territories. All parties are bound by the agreement not to submit to their respective parliaments legislation which conflicts with or negates the consumer credit legislation. I am not entirely clear, Mr Speaker, what the extent of that obligation might be on parties other than government parties in various parliaments, but I certainly hope that members around the chamber are prepared to respect the spirit of that agreement.

Some provisions will be non-uniform. These areas will cover essentially administrative matters, namely, whether a court or tribunal will be utilised in resolving disputes, whether there will be positive or negative licensing of credit providers and whether a maximum interest rate will be set. The Territory has chosen to establish a Financial Counselling Trust Fund into which civil penalty moneys can be paid. This is a matter of discretion for each jurisdiction. The Territory will also continue to utilise the Credit Tribunal.

The legislation applies to all forms of consumer credit. Business credit is not regulated, and this stands in contrast to the existing law which attempts to regulate credit provided for the purchase of farm machinery and commercial vehicles. The legislation also applies to credit given to natural persons unless the debtor is a strata corporation. Also, a charge must be made for the credit, and it must be provided by a credit provider as part of its business. The credit must be provided, or intended to be provided, wholly or predominantly for personal, domestic or household purposes. A predominant purpose is defined to include a purpose for which more than one-half of the credit is intended to be used or, if the credit is intended to be used to obtain goods and services for different purposes, the purposes for which the goods or services are intended to be most used. In the case of credit used to purchase a vehicle used partly for personal and partly for business activities, if the vehicle is mostly used for business purposes the transaction is not regulated by the code, whereas if the vehicle is mostly used for personal purposes it is. A number of exceptions are also contained in the legislation and are set out in clause 7 of the code. The exceptions essentially mirror those which are currently provided by the Credit Act.

One of the key elements of the Consumer Credit Code is to ensure that there is truth in lending. This means that a consumer can make an informed choice between credit providers as to the nature of the credit being offered as well as the comparative costs between credit providers. The legislation sets out in some detail the requirements of credit contracts, including basic matters like precontractual disclosure, the fact that credit contracts must be in writing and that they must contain certain key material designed to ensure that there is truth in lending. Key disclosures are outlined in clause 15 of the code and deal with critical issues such as the annual percentage rate or rates, the amount and number of repayments, the calculation and total amount of interest charges, credit fees and charges, default rates, enforcement expenses, commissions, insurance financed by the contract, and other critical information.

Clause 16 provides that the contract must conform to the requirements of the regulations as to its form and the way it is expressed. This is intended to ensure that, as far as possible, documents are user friendly and that consumers, when entering into transactions, understand the extent of their rights and obligations. A copy of the contract is required to be given to the debtor and it is possible for a consumer to terminate a contract even though the contract has been entered into, provided that no credit has been obtained or attempted to be obtained under the contract.

I would also draw members' attention to the provisions in the legislation dealing with mortgages and guarantees. One important provision is the prohibition on third party mortgages. This prohibits a credit provider from entering into a mortgage to secure obligations under a credit contract unless the mortgagor is a debtor or a guarantor under a related guarantee. In addition, any mortgage is void to the extent to which it secures an amount in excess of the sum of the amount of the liabilities of the debtor under the credit contract and reasonable enforcement expenses of enforcing the mortgage. The code specifically recognises all accounts mortgages, which, as members know, when properly used, can be of assistance in minimising stamp duty, registration fees and professional costs when entering into new mortgage arrangements.

In recent years there have been criticisms about the way in which certain banking institutions have misused guarantees. The code contains a number of provisions designed to ensure that persons wishing to guarantee the debt obligations of others are given key information up front and that credit providers cannot impose unreasonable obligations on guarantors. For example, a guarantor must receive a signed copy of the guarantee and a related credit contract within 14 days of execution. Moreover, before a guarantor's obligations under a credit contract are increased, the guarantor must receive written notice of the proposed changes; and, before they become binding, the guarantor must first accept them in writing.

I must draw your attention, Mr Speaker, to Part 4 of the code, which deals with changes to obligations under credit contracts, mortgages and guarantees and, in particular, to Division 3, which focuses on changes on grounds of hardship and unjust transactions. In relation to hardship, the code provides, as a general principle, that a debtor who is unable reasonably, because of illness, unemployment or other reasonable cause, to meet his or her obligations under a credit contract and who reasonably expects to be able to discharge his or her obligations if the terms of the contract are changed by either extension or postponement can apply to a credit provider for such a change. This facility does not apply where the credit provided exceeds \$125,000.

The code also empowers the Credit Tribunal to reopen unjust transactions. A court may reopen a transaction if satisfied on the application of the debtor, mortgagor or guarantor that in the circumstances relating to the contract, mortgage or guarantee at the time the transaction was entered into or changed the transaction was unjust. The code sets out certain circumstances that the court can take into account in determining whether a transaction should be reopened, and I invite members to peruse subclause 70(2). The subclause outlines a number of factors to which the court may have regard. However, these are not intended to be exhaustive.

Home lending and overcommitments are of particular concern to this Government. The Consumer Credit Code has not been drafted with the intention of requiring credit providers to make inquiries beyond those ordinarily made by prudent lenders; nor is it intended to place obstacles in the way of lenders giving credit to borrowers who make it clear from the outset that they will have difficulties repaying their loan but nevertheless want to take on the obligation because of the lifestyle they wish to pursue. This often happens with young people when they are buying their first home. I am sure that many of us have been in that position. It is intended to deal with those lenders who consciously lend without making proper inquiries into the debtor's ability to pay, rather than those lenders and borrowers who have gone down this path and made a conscious decision based on the best available information.

In relation to Territory public housing assistance agencies which are covered by the code, I point out that it is certainly in the public interest that these agencies continue to provide assistance by way of finance to persons who otherwise may not be able to obtain it. I therefore wish to make it abundantly clear that subclause 70(2) should not be read or understood as somehow inhibiting traditional lending practices of Territory housing agencies or be in any way interpreted as preventing people who have suffered from income shortfalls from being deprived of the benefit of socially just and innovative housing schemes.

Important innovations in the code are the provisions relating to consumer credit insurance. Consumer credit insurance has been the subject of justifiable criticism for some years now as being unjust, with excessive premiums in relation to payouts and unacceptably high commissions. Problems with this form of insurance were exposed by the Trade Practices Commission in 1991 and the code, consequently, gives specific protection to persons who have taken out this form of insurance. To deal with the excessive commissions that have been charged in the past, the code provides that a commission must not exceed 20 per cent of the premium and, in addition, on the termination of the credit contract, any relevant consumer credit insurance contract financed under the contract is also terminated. These rights override any contrary statement in a credit contract and will ensure that some of the most basic and telling consumer detriment in this area is rectified.

The code also changes the civil penalty regime. Members will be aware that under the existing legislation, in addition to criminal penalties, credit providers automatically lose all of their interest if they breach certain provisions of the Act. Credit providers have to make reinstatement applications to the Credit Tribunal. Although the Territory would have preferred to retain such automatic civil penalties as a deterrent, it was in the end difficult to succeed on this point. Under the Consumer Credit Code the number of civil penalty triggers has been narrowed and made explicit. The triggers are called "key requirements" and are set out in clause 100. The present open-ended liability of credit providers is modified and a cap of \$500,000 for all breaches of a key requirement in Australia is proposed. This capping will deal with concerns of some of the smaller lenders that their prudential standing could otherwise have been jeopardised. In addition, when determining whether to impose a civil penalty, a court is specifically required to have regard primarily to the prudential standing of the credit provider if requested by the credit provider.

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Apart from an application by a borrower affected, the Director of Consumer Affairs can intervene in a civil penalty application either to assist the court or to represent debtors. In the event that a State consumer affairs agency intervenes, any civil penalty or part thereof awarded against a credit provider can be paid into the Financial Counselling Trust Fund. That trust fund is intended to provide a central location from which moneys can be disbursed to assist consumers and their representatives in relation to creditor matters. I recently had the pleasure of launching a special legal credit counselling service being operated by the CARE Credit and Debit Counselling Service, which is funded from that trust fund. Finally, I should also mention that linked credit provider provisions, now called related sale contracts, remain an integral element of the Consumer Credit Code.

Although I have attempted to provide members with an overview of the code, I have by no means dealt with all of the important provisions. The code provides a comprehensive framework for all aspects of consumer credit lending. From the consumer's viewpoint, its central pillars are coverage of all credit contracts - including housing loans - disclosure, accessibility to useful information, and enforcement and reopening mechanisms which target areas of demonstrated consumer need. From the credit provider's point of view, this legislation is not just a consumer credit code but a code of good business practice. It contains provisions which should reflect good lending practices, but at the same time it is flexible enough and sufficiently contemporary to ensure that it will pose no significant problems to lender and borrower relationships, product innovation, competition or the development of sensible pricing decisions.

Members only have to look at the index to the legislation to see that the code deals with everything from precontractual disclosure and advertising to the form and content of credit documentation, the enforcement of obligations and the changes to those obligations, as well as such important ancillary matters as harassment, related sale contracts and related insurance contracts. The legislation is written in plain language and should assist the courts, the professions and the lending fraternity, as well as the public. The Consumer Credit Bill 1995 and the Consumer Credit Code require an administration Act to provide the machinery provisions. It has been agreed that this will not be a uniform exercise. Due to the large legislation program, the administration Bill will not be ready for introduction into the Assembly until later this year. The administration legislation will carry forward provisions of the existing Credit Act 1985 dealing with licences, the Credit Tribunal, the Financial Counselling Trust Fund, holding inquiries, powers and functions of the Director of Consumer Affairs, and miscellaneous matters.

This code, Mr Speaker, represents the culmination of many years of hard work. I commend the work that has been done in this area, including that done by the previous Government. I believe that the uniform agreement across Australia has resulted in compromises and changes which might not suit each jurisdiction - and I gather that the ACT is one of those jurisdictions - but I believe that this code significantly advances the position of credit consumers in this country and also provides certainty to credit providers. It therefore is worthy of our support. It will pose a particular challenge to us

because it is part of a nationally agreed code and our capacity to change the code is limited indeed, particularly because of the size of our jurisdiction. I hope and trust that members will respect the amount of work that has gone into the process of producing the code and will permit the code to operate in the spirit that that code can be changed not by just the Assembly voting to do so but by a process of consultation with other jurisdictions. I commend the Bill to the Assembly.

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

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

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

That leave of absence be given to Mr Osborne for today, 22 June 1995.

### **CONSUMER CREDIT (CONSEQUENTIAL PROVISIONS) BILL 1995**

**MR HUMPHRIES** (Attorney-General and Minister for Consumer Affairs) (11.00): Mr Speaker, I present the Consumer Credit (Consequential Provisions) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

The Consumer Credit (Consequential Provisions) Bill 1995 deals with the consequential and transitional amendments required upon the commencement of the new Consumer Credit (Australian Capital Territory) Code. The Consumer Credit (Consequential Provisions) Bill 1995 is an important aspect of the legislative initiative introducing the new Consumer Credit Code into the ACT. The Bill provides for consequential amendments in respect of Acts having a relationship to the old Credit Act 1985. Those Acts will now be amended to include a reference to the new Consumer Credit (Australian Capital Territory) Code.

The Bill also amends the old Credit Act 1985, stipulating that the Act will not apply to new credit contracts made after the commencement of the new Consumer Credit (Australian Capital Territory) Code. However, the Bill will allow the old Credit Act 1985 to operate in respect of credit contracts made before the commencement of the new Consumer Credit (Australian Capital Territory) Code. By having a separate Bill dealing with consequential and transitional amendments, efficient drafting practice will be facilitated and future revision or repeal will be greatly assisted. I commend this Bill to the Assembly.

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

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**LAND (PLANNING AND ENVIRONMENT)  
(AMENDMENT) BILL (NO. 2) 1995**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.02): Mr Speaker, I present the Land (Planning and Environment) (Amendment) Bill (No. 2) 1995, together with an explanatory memorandum to the Bill.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

This legislation will replace the Soil Conservation Act 1960, which, together with the Mining Acts 1930 and 1931, is to be repealed. Mining is now a controlled activity under the Land (Planning and Environment) Act 1991, which renders the 1930 and 1931 Acts redundant. The Soil Conservation Act dates back to 1947 and was reintroduced in similar format in 1960. Enactment of this Bill will also make the Soil Conservation Act redundant. Repeal of the Soil Conservation Act 1960 will allow consolidation of the relevant environmental provisions affecting land into the one piece of legislation, the Land (Planning and Environment) Act 1991.

Activities which are an offence in the Soil Conservation Act will remain an offence in the amended Land Act. The amendment will also clearly establish the Government's responsibilities under those provisions. The land degrading activities which are to be listed in Schedule 5 of the Land Act as "controlled activities" and subject to orders cover the cultivation or disturbance of steep ground for any purpose, soil disturbance and removal of vegetation near a stream, and disturbance of a stream bank. In essence, any activity likely to result in soil erosion will be a controlled activity and subject to the provisions of the legislation.

The efficiency of application of the legislation will be improved through transfer from the Minister to the registrar of the ability to give a direction to stop or not to commence an activity. This is preferable to the previous arrangement, whereby obtaining a ministerial order was a complex, cumbersome and unused process, and replaces it with an arrangement whereby the registrar can intervene earlier with advice and warnings, backed up if necessary by realistic penalties.

The requirements of the orders process and the potential for appeal to the Land and Planning Appeals Board will act both as a deterrent to careless and irresponsible activity and as protection from malicious or trivial application of the process. I might point out, Mr Speaker, that, to the best of our knowledge, in the 35 years since the Soil Conservation Act was enacted it has not once been used to obtain an order of the sort which we are now transferring to the Land Act. I think that is a good case for repealing it.

The proposed amendment will bring ACT legislation into line with modern soil conservation legislation and provide for speedier enforcement action, a simplified appeals process and penalties consistent with current practice. The Government will, however, continue to focus its soil conservation efforts on encouraging community involvement in Landcare and a responsible approach to natural resource management. Application of a soil conservation order will continue to be used as a last resort where there is blatant disregard for community values and legislative intent. I commend this Bill to the Assembly.

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

### **STANDING COMMITTEES - RESOLUTION OF APPOINTMENT Amendment**

**MR MOORE** (11.06): I move:

That the resolutions of the Assembly of 9 March 1995 establishing the Standing Committees of the Assembly be amended by:

- (1) omitting from paragraph (1)(a) of the resolution relating to General Purpose Standing Committees the following words:
  - (a) “economic development,”; and
  - (b) “science and technology,”;
- (2) omitting the heading “Tourism and ACT Promotion - Standing Committee” from the resolution so titled and substituting “Economic Development and Tourism - Standing Committee”; and
- (3) inserting before the words “the impact” in paragraph (1)(a) of the resolution relating to the Standing Committee on Tourism and ACT Promotion the following words: “matters related to economic development, science and technology and”.

This motion is an amendment in relation to the general purpose standing committees. The intention is to try to ensure that the current Standing Committee on Tourism and ACT Promotion is given a wider range of responsibilities so that it can also deal with areas such as economic development and science and technology. In my discussion with Ms Tucker over the last little while, she had some difficulty with the area of science and technology, which effectively comes out of the current Planning and Environment Committee along with economic development. The current Planning and Environment Committee is subject to discussion. Certainly, there are ongoing discussions as to whether the Planning and Environment Committee should be divided into two committees. I would like to assure members that I do not see this as in any way undermining those discussions. We should continue those discussions and, if it is appropriate to split the Planning and Environment Committee, then that should come back to the Assembly.

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However, the issues of economic development and science and technology, I think, are important. I have just assured Ms Tucker that, on the issue of science and technology, I am very open-minded as to whether at this stage that goes to the Standing Committee on Tourism and ACT Promotion. However, I think we should rename the committee the Economic Development and Tourism Standing Committee. The biggest advantage of that is that the committee, which Mr Kaine chairs, would have a wider range of possibilities in the way it can operate. For example, being careful not to pre-empt another matter that is on the notice paper - the taxi industry reference - there is an amendment we are currently discussing as to whether or not that reference should go to the Public Accounts Committee or the Planning and Environment Committee. The Planning and Environment Committee currently carries the issue of economic development, and it would seem to me appropriate that we move economic development to the Tourism and ACT Promotion Committee, renaming the committee Economic Development and Tourism Committee, and refer the taxi industry inquiry to that Economic Development and Tourism Committee.

This seems to me to be logical and a better way to distribute the workload the committees take on at this stage. One of the main reasons for this has been the perception amongst some members that the Planning and Environment Committee has a particularly heavy workload, while the Tourism and ACT Promotion Committee could almost fall into a select committee status in the way it is currently framed. I know that the chair of that committee, Mr Kaine, is enthusiastic about ensuring that his committee has a broader range of responsibilities than tourism and ACT promotion. It is also important, when we look at tourism and ACT promotion, that that is done in the context of economic development. One of the main economic development issues for the ACT is tourism - there is no doubt about that - but it also has to fit into the context of economic development rather than being seen as out on its own. If we have an opportunity to distribute the workload more efficiently, that is an opportunity we ought to take.

As I indicated earlier, it is particularly important for us to distribute that workload evenly, and to keep in mind also that this move does not pre-empt any further moves or ongoing discussions about the possibility of splitting the Planning and Environment Committee into two committees. Those discussions are ongoing; I think they are being conducted in good faith by all members, and we need to continue with them. However, we have an opportunity to deal with this and I think it is appropriate that we do so with care.

In looking at the resolution of the Assembly and at the work of our committees, I think it is also important to recognise that there are certain members who serve on a wide range of committees. Mr Kaine is chair of the current Tourism Committee and is also a member of the Planning and Environment Committee, and he recognises the usefulness of this move. But there are other members of the Assembly who serve on one or two committees and who would probably appreciate the opportunity to have a more substantial matter to work on. I think those are particularly good reasons for us to ensure that we take this first step in readjusting the committees but also keep open the process, as we should all through the Assembly, of discussion of committees. I strongly commend this motion to members. I am interested in hearing from other members how they feel about the amendments, which I have discussed with Ms Tucker, who I understand is still considering them.

**MR BERRY** (11.14): The problem with this debate about committees is that the first step was unsatisfactory for some members. Since then, it has been the subject of much discussion as people find their position on these matters as this Assembly develops. There has been discussion about forming a new committee. Labor's position in relation to the environment was that it would be better served by another committee, but the arrangements have certainly not been settled. If you cannot get the first step right, from my point of view, you should not proceed down the path of a piecemeal approach, so that every time a new idea is developed we whittle away the prospects of getting a joint agreement on how the committee process ought to work.

I see a withering commitment to the committee process from the Government and, from Labor's point of view, if the committee process and its culture is to survive it is going to have to have the enduring commitment of all the players. If people are cut out of the action because of the raw numbers which were used in the first place in developing the committee process, they are cut out at the peril of the committee process. That is the truth of it, because you cannot have a committee process where some people are squeezed out of the action with the use of raw numbers. I have to say to you, Mr Speaker, that the first step was a step that ought not to have been taken, because people were dissatisfied at the end of the day.

Labor will be opposing the move that is set out in Mr Moore's motion. I know that it has been on the agenda paper for a long time, but it is also the case that agreement has not been reached in relation to the overall committee structure and therefore the piecemeal approach ought to be avoided. I do not know where the Government comes from in relation to this. They supported Mr Moore's position in the first place, and well they might. We would expect them, on the basis of past performance, to have a natural tendency to oppose what we believe in in relation to these matters. But I think people ought to have the entitlement to sit down and resolve all these matters as a whole. The non-Executive members of this place, essentially, have to work together, one way or another, with disagreement from time to time in the committee process. My view is that we have to form an arrangement - not just one member's view being imposed on the rest of us - that will make the process work. If the piecemeal approach is adopted, we might all go down the path of little piecemeal measures to suit ourselves. That approach might be taken by members as well. Certainly, that is what is happening up to this point. If it is good for the geese, why should not the ganders play by the same rules? I do not think that augurs well for the future of the committee process.

I urge members to vote against the motion moved by Mr Moore. It is a piecemeal approach. It is not fair, and it has the appearance of the first step that was taken in relation to this. Mr Moore used the blunt instrument when he was setting up the committees in the first place, and it is now very clear that, if you use the piecemeal approach, the end product may not be finetuned to suit the needs of everybody in this Assembly. The motion will be opposed by Labor.

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**MR DE DOMENICO** (Minister for Urban Services) (11.19): Mr Speaker, the Government will be supporting Mr Moore's motion. We will be supporting it because it makes a lot of good sense.

**Mr Berry:** You did not need a crystal ball to work that out.

**MR DE DOMENICO:** Mr Berry kills his own argument every time he gets up on his feet. The Government was in two minds, I have to say; but after the speech from Mr Berry there is no doubt that the Government will support Mr Moore's motion because it makes a lot of sense. Mr Moore talked about giving the committee a wider range of responsibilities.

**Mr Berry:** Did you say that you have changed your mind? If I had a mind like yours, I would change it too.

**MR DE DOMENICO:** I will take on only the intelligent interjections, Mr Speaker. That one was not intelligent.

**MR SPEAKER:** I hope that we will not take on any interjections at all. They are out of order.

**MR DE DOMENICO:** Thank you, Mr Speaker. It is true that tourism is a very important part of economic development. In my view, economic development is one of those things we ought to be looking at constantly, and to change the committee's name to Economic Development and Tourism makes a lot of sense.

I heard Mrs Carnell yesterday saying that individuals with certain interests in this Assembly ought to be allowed to develop those interests to the benefit of the community. I note Mr Kaine's chairmanship of the Economic Development and Tourism Committee, should the Assembly so decide, and also Mr Kaine's excellent work when he was Chief Minister in setting up the South East Economic Development Council, with the then Premier of New South Wales, Mr Greiner. Now that the Federal Government has decided to fund the South East Economic Development Council, which the ACT is involved in, the new Economic Development and Tourism Committee should be looking at ways of improving the economic development of the ACT and region, and I think a committee under the stewardship of Mr Kaine, who initiated that great council, is where it ought to be. Without pre-empting debate on the taxi industry, a committee that, strictly speaking, is looking at economic development and tourism is the right place for inquiries of that nature to go to.

Mr Berry talked about how this has all been stitched up by numbers. I find it very difficult to worry when Mr Berry says that because, of all people in this place, Mr Berry deriding the fact that numbers are used from time to time is an utter nonsense. Mr Berry is wont to tell us that he has never used numbers in his political career.

**Mr Berry:** Mr Speaker, I raise a point of order in regard to relevance. This is not about Mr De Domenico's infatuation with me.

**MR DE DOMENICO:** Mr Speaker, on that point of order: With the greatest of respect, it was Mr Berry who used the word "numbers". I am just commenting on what Mr Berry said. If he was in order, I dare say that so am I.

**MR SPEAKER:** Continue, Mr De Domenico. I am sure that you will get back to the subject.

**MR DE DOMENICO:** Yes, I always do, eventually, Mr Speaker. Mr Berry also suggested that this approach was piecemeal. It was not piecemeal at all. As I understand it, Mr Moore consulted with the Government, with the Opposition and with the Greens. What is piecemeal about it I do not know. If this Assembly cannot come to an agreement after the matter is discussed amongst all groupings in the Assembly, I do not know what we can do. Mr Berry also said that it was not fair. Once again, I disagree with Mr Berry. I think it is very fair. We are now going to be in a situation where all groupings in this Assembly will be debating and voting on a motion presented by Mr Moore after consultation with all those groupings. In the opinion of the Government, it is not only fair; it also makes a lot of good sense that a committee called the Economic Development and Tourism Committee be established and that that committee ought to look at things like economic development.

I must say that the Government's preference would be that the committee should also look into science and technology. If tourism is an important area of economic development, I suggest that so is science and technology in terms of the ACT. I must admit that the previous Labor Government did some excellent work in the high-tech area of technology by making sure that those companies were well looked after in the ACT in view of future employment prospects and also as a future source of exports into the South East Asian area in particular. Science and technology should be a very important link in the economic development area. However, we can also accept that that ought to remain in the area of the Planning and Environment Committee. We are not going to die in a ditch over it. I now note that Ms Tucker is proposing an amendment to make sure that that does remain with the Planning and Environment Committee, and the Government will be supporting Ms Tucker's amendment as well. As I said, it is not one of those issues over which people die in ditches.

The thing that really concerns me, though, is that from time to time Mr Berry seems to find it easy to play politics with the most commonsense things, which ought not to be political. Then he stands up and talks about how numbers are used. Numbers are used when commonsense is not used. For all those reasons, the Government thinks Mr Moore's motion is a commonsense one. We will be supporting it, and we also give notice that we will be supporting Ms Tucker's amendment at the same time.

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**MR KAINE** (11.25): I will be brief; time is at a premium today. As chairman of the Tourism Committee, I support the amendment put forward by Mr Moore. I am a little disappointed that Ms Tucker is removing science and technology. I am not going to fight about it today either; but I would think that the exploitation of science and technology in Canberra was very much a part of the economic development process, and to exclude it seems a little odd. I do not know which committee, other than this one retitled, would be better qualified to deal with it. However, we can leave that for future debate.

I support this motion because, in my view, the workload as between some of the committees has been quite out of balance. It always seemed strange to me that we had one committee, the Tourism Committee, with very narrow terms of reference, while all the others had wide-ranging terms of reference that resulted in a considerably greater workload. Looking at the Planning and Environment Committee, it has been pretty obvious for six years that these two issues loom large in people's minds in Canberra, and the Planning Committee in its various forms has always been a very busy committee and a very productive committee. Its workload has always been enormous, relative even to some of the other committees. To transfer some of its responsibility to the Tourism Committee, whose workload, I suspect, has been a little light on, I think is a sensible thing to do. The Tourism Committee has the capacity to take on additional work and, as Mr De Domenico mentioned, it allows me to continue to take an active interest in a subject in which I have had a long and abiding interest, that is, regional development.

Briefly, in connection with the reference to the division of the Planning and Environment Committee, I suspect that we need to be a bit careful about that. It is the very physical development of this city that impacts on the environment. I would have thought that the people who are interested in the environment as a particular subject would be better able to influence outcomes by being a part of the planning process, through the Planning and Environment Committee, than by separating themselves out and taking a different view and being removed from what goes on in the Planning Committee. It seems to me that the two subjects are highly interrelated and they should stay together; but that is obviously a matter for later debate.

There is one other matter I want to comment on. I understood Mr Berry to make some comment about people being excluded from the committee process, saying that you could not operate effectively by a process of exclusion. In my experience, after six years as a member of this Assembly, and having spent a lot of time on committees and chairing them, there has to be a process of exclusion because the alternative is for all of the non-Executive members to sit on all committees. Our committees are designed to best utilise the abilities and the time and energy of the non-Executive members, with a limited number of people on each. That in itself is a process of exclusion because not everybody can sit on every committee, and it would be an absurdity to suggest that they can. I have a hard time, as it is, keeping up with attending committee meetings and involving myself in all of the processes of those committees of which I am a member. If I were expected to be on every committee to guarantee that I was not excluded from anything, it would be beyond my capability, and I suggest that it would be beyond the capability of most members of this Assembly. I do not quite understand what point Mr Berry was trying to make when he talked about a process of exclusion.

I think there is room for a little bit of reallocation of the workload between the Planning and Environment Committee and the Tourism Committee. What Mr Moore is proposing here is an eminently suitable way of adjusting that workload, and I am happy to take on the additional workload in the redesignated Tourism Committee.

**MS TUCKER** (11.30): Mr Speaker, we are not happy with the motion as it stands. We want to see the result of a review of whether or not planning and environment should stay in one committee, which will occur later on. For that reason, we want to see science and technology kept where it is. I will be moving two amendments to this motion, to keep science and technology in the Planning and Environment Committee at the moment, that is, to omit the references to science and technology, and to leave as they are the words covering the move of economic development into the Tourism Committee. If that is possible, we would be prepared to support the motion. I seek leave to move two amendments to Mr Moore's motion.

Leave granted.

**MS TUCKER:** I move:

Subparagraph (1)(b), omit the subparagraph.

Paragraph (3), omit the words “, science and technology”.

Amendments agreed to.

**MR WHITECROSS** (11.32): I want to contribute briefly to this debate to reiterate some of the points made earlier by my colleague Mr Berry about the Labor Party's position. Our view is that work does need to be done on the disposition of functions in Assembly committees. We agree with Mr Kaine's point that the workloads of some of the committees are out of balance; indeed, this was an issue we were very concerned about when things first started. When the committees were originally proposed we were very concerned that the Planning and Environment Committee had too wide a brief and had too much to do, and now we have before us a proposal to take some of the work away from it. We are not entirely surprised; but the Labor Party's view is that any changes should have been part of a properly considered review of the functions of the committees, not simply a hiving off of the little bit that Mr Moore is happy to give away while leaving aside the substantive issues about the functions of the committees.

I was very touched by Mr De Domenico's concern for Mr Kaine's wellbeing and personal development. It is a matter that I know is close to his heart, and it is to be applauded.

**Mr De Domenico:** Just as I am concerned with yours, Andrew.

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**MR WHITECROSS:** Indeed, and I am coming to that, Mr De Domenico. If Mr Kaine is interested in pursuing the issue of economic development, that is to be applauded. The Government's concern about the ability of members to pursue their interests and to develop their understanding of issues of concern to the governance of the Territory is not reflected in their willingness to allow Opposition members to participate in the committee process. While Mr Kaine says that in the last six years he has come to recognise that not every member can serve on every committee, Mr Kaine might also recall that when he was in opposition there were five-member committees, which there are not any more. When he was in opposition there were more standing committees than there are now and there were, therefore, more opportunities for Opposition members to participate in the committee process than we have at the moment.

They are the kinds of issues we would like to be considered in a review of the committees. While Mr Kaine has a fulfilling workload of committees - he is on three committees, if I recall correctly - Opposition members have been excluded from the committee process to the extent of being on only one committee each, apart from Mr Berry, who is on the Administration and Procedure Committee.

**Mr De Domenico:** He is on the Planning Committee and he is chairing another committee as well. That is three.

**MR WHITECROSS:** That is a select committee, yes.

**Mr De Domenico:** That is different, is it? It does not count?

**MR WHITECROSS:** It does not count.

**Ms Follett:** I am on only one.

**MR WHITECROSS:** Yes, everyone else is on only one, Mr De Domenico. The point I am making is that the structure of the standing committees, which has been determined by the Government with the support of others, is one that reduces the number of committees, the opportunities for participation in committees, and the opportunities for members of the Opposition to have some input and to develop their understanding of issues being considered in the committee process. We feel that it would be appropriate for a review of committees to be more broad-ranging, rather than rushing through this ad hoc one.

There has been some discussion of the numbers, and it would appear that the numbers are here to make this particular change and so it will happen; but we would not like to see this being the end of the matter. We think there are other issues that ought to be considered. We are concerned that this sort of ad hoc approach signals that we are happy to proceed with some things while other things will be bogged down in this discussion. I do not agree with Mr Kaine that the capacity of the Planning Committee to consider environmental matters would be inhibited by separation, while the capacity of the Planning Committee to consider economic development issues, which are equally relevant to planning, is not going to be inhibited by this separation. We do need to consider things in a more holistic way than is being done at the moment, and that is why we are opposing this amendment at this time.

Question put:

That the motion (**Mr Moore's**), as amended, be agreed to.

The Assembly voted -

*AYES, 10*

*NOES, 6*

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

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

Question so resolved in the affirmative.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Taxi Industry Inquiry**

Debate resumed from 11 May 1995, on motion by **Mr Moore**:

That the Standing Committee on Public Accounts inquire into and report on the Canberra taxi industry with particular reference to:

- (1) the efficiency of the industry within a sensibly regulated environment;
- (2) the role of taxis in enhancing the public transport system, and possible forms of integration between other forms of public transport and the taxi industry;
- (3) the setting of fares;
- (4) the system by which new taxi plates are calculated and allocated and the impact on the revenue of the Territory;
- (5) the adequacy of remuneration for taxi drivers; and
- (6) any other matter that the Committee considers relevant -

and on the following amendment thereto moved by Ms Follett:

Omit "Public Accounts", substitute "Planning and Environment".

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**MR KAINÉ** (11.40): I do not intend to speak at great length on this subject. I moved the adjournment of the debate on 11 May because it seemed that everybody wanted this inquiry but nobody wanted to undertake it. We were at something of an impasse; so I moved to defer the debate. It seems that nothing much has changed. Everybody still wants the inquiry but nobody wants to undertake it. We have only just changed the terms of reference of the Tourism Committee, and it would seem now that this is a matter that could reasonably be undertaken by that committee, which I chair. I think the issue would be resolved by this matter being referred to the Economic Development and Tourism Committee and I am happy to take it on. I think Mr Moore intends to amend his motion to provide for that. That will provide a solution as to where the inquiry is conducted, and I am happy with that outcome.

**MR MOORE** (11.41): I would like to move an amendment to the amendment put by Ms Follett. Ms Follett in the initial debate on this said, "No, it is inappropriate for this reference to go to the Public Accounts Committee; it should go to the Planning and Environment Committee". Largely, her arguments were based on the fact that the Planning and Environment Committee looks after economic development. Thanks to a vote of the Assembly, it is now the new Committee on Economic Development and Tourism that deals with the issue of economic development, so it seems most appropriate to take the spirit of what Ms Follett was saying and amend her amendment by omitting "Public Accounts" and inserting "Economic Development and Tourism".

I think I have a drafting problem, Mr Speaker. What I need to do is omit not "Public Accounts" but "Planning and Environment", if I can change that and circulate a different version. I move as an amendment to Ms Follett's amendment:

Omit "Planning and Environment", substitute "Economic Development and Tourism".

Mr Speaker, that was not done correctly because originally I was going to amend the whole motion rather than amend the amendment. I think this is a more efficient way to do it.

**MR SPEAKER:** Mr Berry, you can speak again, bearing in mind that you are speaking to Mr Moore's amendment.

**MR BERRY** (11.43): That is understood, Mr Speaker. It is worth noting that Mr Moore is seeking to send the issue of taxis off to a committee other than his own. The interesting part about this is that this was an issue of extreme interest to Mr Moore before the last election, and I wonder why he has lost interest in it. It seems to me that it would have been most appropriate for Mr Moore to have had carriage of this matter, given that it was of interest to him. I heard Mrs Carnell say that it is very important that people who are interested in these matters should be considering them. Perhaps Mr Moore sees the dangers of chairing a committee that looks at this particular issue and would rather see it looked after by somebody more hardy on these issues, like Mr Kainé. This is a flick pass, an attempted hospital pass even, methinks, and that needs to be noted.

We are opposed to this. It ought to be going to the Planning Committee. I happen to be on that committee, and I would find the subject of much interest. If the Government is still firm in its view that it ought to go off to a committee where people are interested in it, send it off to the committee I am on. I would be very happy to be involved in an inquiry on this matter. Mind you, they might be taking the view that you should not send it to a committee where the chair is uninterested in it, all of a sudden. The Government may well be right in that Mr Moore is now uninterested in it, so it ought not to go to him. Certainly, from my point of view, it is an inquiry that I would find most interesting, and I think this is a flick pass, perhaps even a hospital pass. Labor will be supporting Ms Follett's amendment.

Amendment (**Mr Moore's** to Ms Follett's) agreed to.

Amendment (**Ms Follett's**), as amended, agreed to.

Motion, as amended, agreed to.

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

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

That the report be noted.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.48): Mr Speaker, yesterday I tabled the Government response to the report of the Standing Committee on Planning and Environment. I would be interested in hearing what other members have to say about that. I hope that that will permit the variation to proceed today in the Assembly and for processes to take place as a result of that.

**MR MOORE** (11.49), in reply: Mr Speaker, I want to make members aware that, if I stand to speak to this matter now, I believe that I will be closing the debate.

**MR SPEAKER**: That is correct.

**MR MOORE**: Mr Speaker, yesterday, when Mr Humphries tabled his response, I made a number of comments, and they remain. However, I have had a better chance to read through the comments made by Mr Humphries, and I think that the answers that Mr Humphries provided in relation to improvements to be made to the Ellenborough Street and Barton Highway intersection are particularly equivocal. They recognise that approval by the NCPA is needed, but I think it is important for Mr Humphries to understand that the Planning and Environment Committee was particularly keen to ensure that the movement of traffic in and out of Kaleen and Giralang was facilitated as part of that proposed development. I do not think it would be within the spirit of that committee report to proceed with the development and allow a bank-up of traffic that could easily be relieved by that process at the Ellenborough Street and Barton Highway intersection.

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Mr Speaker, I would encourage the Minister to ensure that the approval required from the National Capital Planning Authority will be obtained and that work will be done to facilitate that traffic movement. There is a positive response in the Government - - -

**MR SPEAKER:** Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted, in accordance with standing order 77, and the resumption of the debate will be made an order of the day for the next sitting.

**MR HUMPHRIES** (Attorney-General) (11.51): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent order of the day No. 2, Assembly business, being completed.

**MR SPEAKER:** Do you wish to extend Assembly business?

**MR HUMPHRIES:** That is what I am doing, Mr Speaker, for this item only. If no other members have any other items that need to be dealt with at this stage, I suggest that that is what we should do.

**Mr Berry:** There are others as well, if you are going to extend it.

**MR HUMPHRIES:** We will have to adjourn the next one, anyway.

**Mr Moore:** Let us extend Assembly business in the normal way.

**MR SPEAKER:** What is the wish of the Assembly?

**MR HUMPHRIES:** Mr Speaker, I am moving that the standing orders be suspended to allow completion of this item.

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

**MR MOORE:** Thank you, Mr Speaker and members. I would like to complete what I was saying, which was that we should encourage the Government to ensure that the work is done. I note that Mr Humphries, in his response, said that this work is to be funded out of the 1995-96 capital works program. So, I accept that there is interest from the Government, but what I am saying is that it will also require some active work with the National Capital Planning Authority to get them onside. I accept the positive intentions of the Government, but I think that, in this case, it will take a little bit more effort than that and it will require that work with the National Capital Planning Authority.

Question resolved in the affirmative.

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

**MR WHITECROSS:** Mr Speaker, I present Report No. 6 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

**MR WHITECROSS:** Report No. 6 of 1995 contains the committee's comments on one Bill. I commend the report to the Assembly.

**SOCIAL POLICY - STANDING COMMITTEE  
Report on Social Policy Issues Raised by Community Groups**

**MS TUCKER (11.54):** Mr Speaker, I present Report No. 1 of the Standing Committee on Social Policy, entitled "Social Policy Issues Raised by Community Groups, April 1995", together with extracts from the minutes of proceedings. I move:

That the report be noted.

It is with pleasure that I present this first report of the Standing Committee on Social Policy, entitled "Social Policy Issues Raised by Community Groups, April 1995". The committee chose to invite submissions from community groups, as well as to receive briefings from government departments, as the first activity, in order to gain an understanding of the current issues and needs of the residents of the ACT. We asked community organisations to brief the committee on the key social problems, major gaps in services, any duplications or inefficiencies, emerging needs and effective methods of consultation. The government departments were asked to brief the committee on similar issues and on the processes and outcomes of consultation. It was very informative. On behalf of all members of the committee, I would like to thank all the people who gave their time and energy in providing briefings and written submissions.

The important work being done by community groups in the ACT is not given the recognition or support it deserves. If our government agencies were to take over the responsibilities of these groups, the economic costs would be great and the social benefit would probably be impossible to duplicate. This is because these groups have grown out of community need and are therefore nearly always appropriate and relevant. Obviously, over the course of time, some groups may become less relevant or appropriate and may therefore not warrant government support. What is essential is that clear and transparent processes exist within the Government so that non-government groups do not feel powerless in decisions that affect them and the people to whom they provide services.

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Listening to the various groups who spoke to the committee, I was at times appalled by the inadequate support given to them. I was also moved by the dedication of people working in community organisations and as often isolated individuals under stressful conditions. It is estimated that in the ACT there are 25,000 people, or 11 per cent of our population, caring for someone else on a full-time basis, with little support or relief. It is to the shame of this Assembly, past Assemblies and our Federal colleagues that this situation has been allowed to occur. Mrs Carnell has stated a commitment to improve the situation, and the committee awaits with interest her Government's initiatives.

Many other compelling issues were raised during the briefings presented to the committee. Common themes emerged, including some of the issues I have just raised. Others included the state of services to people with a disability and, in particular, the lack of programs for after school or holidays for adolescents with a disability. The committee will monitor with interest the progress of the disability services development project team. Other issues raised were: Violence in society; child protection; lack of appropriate housing; issues for the aged; concern over coordination in the social policy area; and the absence of comprehensible, accessible information on ACT Government-funded services. The responses of groups regarding consultation also had common themes. Many groups were concerned with the lack of feedback after consultation. This certainly is an issue, and I hope that the Government takes it into account in developing its own consultation strategies.

As an outcome of this initial exploration into the current social policy concerns in the ACT, the committee has decided to focus on the issue of violence in society for the first inquiry, with particular reference to the prevention of violence in schools. This issue has very great significance. Violence of all forms is a problem throughout the community and imposes huge economic and social costs. Prevention requires an understanding of the causes of violence. Obviously, these causes are many and varied, but the earlier they can be identified and addressed the better. I hope that one outcome of this inquiry will be to identify existing programs which promote non-violence in schools and to make recommendations to the Government to encourage the expansion of these programs.

The committee is aware of research and other initiatives that have been taken in the past, including Mr Wood's safe schools task force. Since the change in government, Mr Stefaniak has taken over this initiative, and the committee awaits with interest any outcomes. The committee's inquiry will complement this work and will assist in raising the profile of this issue. I hope that during this inquiry the committee will be able to adopt some creative methods of consultation to find out the views of as many people as possible. Consultation is an issue in which I, as chair, and, I believe, the rest of the committee have a great interest. At present, a paper on various models of consultation is being prepared. In the ACT, with a relatively small population and well-developed community groups, we have a unique opportunity to develop consultation and participative processes which are appropriate.

Another key issue mentioned in this report is social policy coordination in the ACT. There was particular concern as the social policy branch has gone under the new Administrative Arrangements. Obviously, not only is an intersectoral approach essential in policy formulation and implementation, but a holistic strategy is also required.

The committee will also remain alert to developments under the new Administrative Arrangements. Committee work is very valuable in challenging big issues in the community and providing a forum to explore complex issues in greater depth. As far as social policy is concerned, there are often so many factors linked to any particular issue that a quick-fix remedy does not get to the root of the problem. This is certainly the case with the issue of violence in schools. I hope that the Government will respond to the many concerns in this report. I look forward to productive outcomes and debate in the Social Policy Committee over the next three years.

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

**SOCIAL POLICY - STANDING COMMITTEE**  
**Inquiry into Violence in Schools**

**MS TUCKER** (12.02): Mr Speaker, I wish to inform the Assembly, pursuant to standing order 246A, that on 5 June 1995 the Standing Committee on Social Policy resolved to inquire into and report on the prevention of violence in schools with particular reference to the following:

- (1) the current programs and need for programs for preventing violence, bullying and harassment across the different sectors of schooling;
- (2) training and support for teachers in managing programs;
- (3) resourcing of programs;
- (4) issues relating to case management within the school and the broader community;
- (5) evaluation mechanisms in place; and
- (6) any other related matters.

**ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE**  
**Inquiry into Economic Benefits from Tourism based upon Development of Territory's National and Nature Parks**

**MR KAINE** (12.03): Mr Speaker, I wish to inform the Assembly, pursuant to standing order 246A, that on 6 June 1995 the then Standing Committee on Tourism and ACT Promotion resolved to undertake an inquiry concerning our national and nature parks. The terms of reference for that inquiry are to inquire into and report on the benefits to the ACT economy arising from the further expansion of tourism based upon the development of the Territory's national and nature parks with particular regard to the sensitivity of these areas, and having regard for the ecological attraction; the recreational

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and sporting potential; the nature of heritage and cultural aspects of these areas; the extent to which these aspects should be marketed; the degree of development which may be permitted within or adjacent to the parks to facilitate tourist activity; and any other related matters.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Inquiry into Contaminated Sites**

**MR MOORE** (12.04): Mr Speaker, pursuant to standing order 246A, I make the following statement relating to the committee's inquiry into the adequacy of processes relating to identifying and managing contaminated sites in the ACT. I make this statement on behalf of the Standing Committee on Planning and Environment. The statement reflects the unanimous view of members. The statement is intended as an interim report to the Assembly about the committee's progress to date in its inquiry into the processes relating to identifying and managing contaminated sites in the ACT and any other related matters.

This was the first inquiry to be initiated by the committee, reflecting the common view of members that the issue of contaminated sites warrants thoughtful attention by a committee of this Assembly. The committee resolved on the inquiry at its third meeting, on 7 April 1995, advertised in the local press for public input and held its first public hearing on Tuesday of last week, 13 June 1995. At the time of the public hearing, the committee had received nine submissions. These were from a number of people affected by contaminated sites in Theodore, from the Belconnen Community Council concerned about contamination from the Belconnen tip, from the ACT Division of the Institute of Valuers calling for public access to a contaminated sites register, from the ACT Division of the Australian Democrats calling for a register and a more efficient process of locating and remediating contaminated sites, and from the Minders of Tuggeranong Homestead concerned about any remediation at Tuggeranong Homestead.

During the course of the public hearing, the committee received further material, which it is treating as submissions. Regrettably, at the time of the public hearing, the committee had not received a submission from the ACT Government, despite the fact that the closing date for submissions was 2 June 1995. The committee considers that a Government submission is imperative and that it should address the issues raised by witnesses at the public hearing. In this regard, Mr Speaker, on Tuesday morning I was informed by the secretary of the committee that a Government submission was received at 10 o'clock on Tuesday morning. The secretary is in the process of arranging for it to be circulated to my colleagues on the committee. I thank the Government for its speedy recognition that, for the committee to progress its examination of the contaminated sites issue, a detailed submission was imperative. I must say, Mr Speaker, that I have had a chance to scan that submission, and it is indeed a particularly detailed and extensive submission.

The committee acknowledges the assistance also of government officials in facilitating the appearance before the committee of two expert toxicologists, who are employed by the Government to advise it on possible health problems from the former sheep dip sites. The Government has also made these experts available to advise individual residents, and the committee commends this approach. The toxicologists stated their view that, on the evidence analysed to date, there is no evidence of high levels of arsenic in people living on former sheep dip sites, nor is there evidence of undue contamination of food grown on these properties or their soil. Notwithstanding this view, the committee was told by some Theodore residents that they remain anxious about the health effects of the former sheep dips and about the process used by government officials to investigate and inform their local community.

It is obvious to the committee that there remains a very deep level of anxiety among some Theodore residents about their future. It is also obvious to the committee that the Government should act quickly to settle this unease. It should not be allowed to fester indefinitely. It appears to the committee that some residents simply wish to leave the locality and will not feel at ease until they have been assisted to move to an entirely new location. Some of these same residents told the committee that they do not like Government proposals to buy contaminated land and develop it as a park once it has been remediated. They stated that they bought their properties, knowing that other residences would be alongside them, and this is the way they would like it to continue.

The committee considers that, in order to ease the anxiety of residents living in or near contaminated sites, the Government should move quickly to buy the two homes and land that have been the subject of extensive discussions but about which no agreement has yet been reached. The committee has heard that land valuations are a problem on contaminated sites. The Institute of Valuers stated this plainly, and the committee concurs. In relation to what value the Government should place upon homes whose owners simply want to move, it seems to the committee that this has to be the market value of the homes as though they were not affected by contamination. This is the only fair way for the Government to handle the problem.

The committee was led to understand that the problem of deep community anxiety in Theodore is a localised one, not to be repeated elsewhere in Canberra. The committee was assured by government officials that they have learnt from the Theodore experience and are instituting effective mechanisms to handle the concerns of residents living on or near contaminated sites in other parts of Canberra. In the absence of a Government submission, the committee could not feel confident about that assurance. As I said earlier, we now have that submission. The committee expects this matter to be addressed in that submission.

The hearing did not confine itself to the problems in Theodore. Representatives of the Belconnen Community Council raised concerns about contamination from the Belconnen landfill site. They asked specific questions, such as whether contaminated dust and dirt is being blown by the prevailing north-west winds towards local residences - one local residence was of particular interest to the committee - and whether contaminated leachate is entering Ginninderra Creek and the Murrumbidgee River. The committee notes that

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this issue has the same two dimensions as revealed in the Theodore case. The first dimension is the need for the Government to develop procedures for consultation with local people such that everyone has confidence that they are being fully informed. In the case of the Belconnen Community Council, as in Theodore, this does not seem to have been the case. The second dimension concerns the substantive action being taken by the Government to remedy the problem of contamination. This involves such issues as whether the response is the most suitable one, whether it reflects best practice both in Australia and overseas, and whether adequate provision has been made to fund it. The committee expects that the Government submission will outline the administration's plan for removal, transportation and storage of contaminated soil. If it is being stored in ACT landfill sites, then the committee wishes to know the details of the storage and the handling methods. The committee would also like to receive information about the long-term implications of such storage for the health of nearby residents as well as for the health of water systems such as those of the Murrumbidgee catchment.

Mr Speaker, I conclude this statement on behalf of the Standing Committee on Planning and Environment by stressing the importance of handling contaminated sites in the ACT in the safest and most comprehensive manner. The committee hopes that this interim statement will encourage the Government to move swiftly to address the particular concerns of Theodore residents and the general desire of the Canberra community to be assured that appropriate mechanisms exist to deal with serious contamination problems, wherever they may occur.

**Sitting suspended from 12.11 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Budget - Capital and Recurrent Expenditure**

**MS FOLLETT:** I direct a question to Mrs Carnell in her capacity as Treasurer. Mrs Carnell, yesterday, in answer to a question from Mr Kaine you replied:

... it is grossly misleading to try to create an artificial separation between capital and recurrent spending for the purposes of reporting a budget.

You went on further and you said:

That is why budgets these days see no separation between those two things.

I must say, Mr Speaker, that I think there would be many an accountant and many a company director who would be astounded at such a statement. Indeed, Mrs Carnell's own Treasury officials nearly fell off their chairs when I told them about it.

Mrs Carnell, since your own Supply Bill, which we are debating later today, still maintains what you have referred to as an artificial separation between capital and recurrent items, and in fact all six budgets, including your colleague Mr Kaine's, have also detailed expenditure under capital and recurrent, I can only assume that you were referring to your forthcoming 1995-96 budget as not maintaining that separation. Will you confirm that the 1995-96 budget will no longer distinguish between capital and recurrent expenditure?

**MRS CARNELL:** The 1995-96 budget will distinguish between the two. The point I was making was that what we will not be doing is budgeting as the previous Treasurer budgeted, and that is attempting to artificially bring a budget in supposedly on track by moving money between the capital budget and the recurrent budget. That is what Ms Follett did every single time. Later on today I will be tabling information on transfers made under subsection 49(1) of the Audit Act. We see this happening regularly in ACT budgets. We will be attempting to make sure, wherever possible, that this is not used to artificially make recurrent budgets look all right.

**MS FOLLETT:** I have a supplementary question. Mr Speaker, if Mrs Carnell checks what has occurred in previous budgets she will see that recurrent surpluses have funded capital budgets, not the other way round. I think she has that completely back to front. Does Mrs Carnell therefore concede that she has, in fact, misled the Assembly by saying that budgets these days no longer make this separation, when she has just informed us that her own budget will make such a separation?

**MRS CARNELL:** It is true that budgets in the private sector rarely make these sorts of distinctions any more, simply because bottom lines are bottom lines. You have a certain amount of money to spend and that is all. The fact is that we will be budgeting on a recurrent and capital basis because that is the way it has been done in the past; but what we will not be doing is artificially moving money around basically to fudge the budget.

### **Retail Space - Manuka**

**MR WOOD:** My question is to Mr Humphries in his capacity as Minister for the Environment, Land and Planning and relates to the call for expressions of interest for that car park site in Manuka. I think Mr Humphries would know that, not surprisingly, it has evoked quite a deal of interest in the community and in this Assembly. Mr Humphries, understanding how essential it is for all tenderers to have an equal opportunity, are you satisfied that the requirements specified in the document are sufficient to ensure, to use that overworked term, a level playing field? Specifically, should the document have been more precise, and why does not the document spell out just what the Government wants to happen on that site and/or adjacent to it?

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**MR HUMPHRIES:** Mr Speaker, yesterday I answered a question about the application for development at Manuka which Mr Wood might not have heard. I am not sure whether he was here in the chamber at the time; but I did take a question about that from, I think, Ms Horodny yesterday. I have not seen the document. I do not usually approve individual tender documents or expressions of interest documents before they go out. I am not quite sure what Mr Wood's concern is. I will take the question on notice and ensure that I get back to him with the answers to the questions he has asked.

**MR WOOD:** I ask a supplementary question, Mr Speaker. I applaud the decision to go ahead. It was one that I was working on when I was Minister and it is something that is going to happen. Mr Humphries, in your response, will you ensure that all those who would seek to tender have equal advantage, depending on where they come from? To be specific, will you ensure that Woolworths does not get a jump ahead of the others simply because it is there?

**MR HUMPHRIES:** Mr Speaker, I did touch on this yesterday; but I will indicate, for Mr Wood's benefit, that I have heard a concern or concerns expressed about the way in which that document has been framed. I am advised that the department is reviewing the expressions call because of the perception, at least, that the document is not precise enough in what it seeks to do. I have asked for advice on that. If that advice indicates, as Mr Wood suggests, that the document is not precise enough, it should be reissued and the process commenced again. If it indicates that the document is sufficiently precise we will allow it to continue, unless there is some other problem.

#### **Department of Public Administration - Industrial Action**

**MR HIRD:** Mr Speaker, I would like to address a question to Mr De Domenico on something that I am very concerned about. What is the Government's response to - - -

**Ms Follett:** He just wrote it out for you, did he?

**MR HIRD:** I beg your pardon?

**MR SPEAKER:** Order!

**MR HIRD:** Do you see that? I wrote that out. I am not like you people. Do not judge everyone by yourself, Leader of the Opposition.

**Mr Berry:** Dorothy does not wear a grey suit.

**MR HIRD:** Never mind about Dorothy. You would know all about that.

**Mr Kaine:** This is not Ellnor Dix.

**MR HIRD:** Yes, this is not Ellnor Dix over here.

**MR SPEAKER:** This is also not the yellow brick road. Can we get on with the question?

**MR HIRD:** Yes, sir. You are quite right, Mr Speaker. What is the Government's response to industrial action by staff at the Department of Public Administration over the devolution of certain corporate functions?

**MR DE DOMENICO:** I thank Mr Hird for his question. The Government considers that the industrial action is totally unnecessary, Mr Speaker. There are no jobs at stake; no-one is being disadvantaged. Services to agencies will be enhanced, in fact. Discussions with the union concerned are continuing, I am advised. For example, a meeting between senior officials of DPA and the union has been scheduled for tomorrow morning in an endeavour to address the remaining concerns.

Mr Speaker, the Government has decided that, as part of the review of the Department of Public Administration, and to coincide with changed administrative arrangements, certain corporate functions which have been carried out centrally will be devolved to each department from 1 July 1995. These functions comprise personnel and pay processing, occupational health and safety casework, occupational rehabilitation case management, records management and internal audit services. Returning these corporate functions to departments will enhance the departments' ability to deliver a more effective and accountable service to the community by vesting in the chief executives full responsibility for decisions that affect the operations of their departments. These arrangements have been the subject of extensive consultation with affected unions, mainly the Community and Public Sector Union, and the departments. This consultation process began on 28 March 1995 when the CPSU was invited to commence discussions on the proposed devolution. Since that time many meetings have been held with the staff affected by the devolution, agencies and DPA management with a view to working through issues of concern.

Mr Speaker, despite this, the CPSU held stop-work meetings of its members today and resolved that it would commence industrial action in the form of work bans. These bans effectively mean that staff will not cooperate with the implementation of the devolution proposal and recently announced changed administrative arrangements affecting the Chief Minister's Department, Treasury and DPA. Mr Speaker, the Government understands that its staff do not oppose the proposal per se but still have a number of concerns that the Government needs to address. My suggestion to the CPSU is that, until those matters are addressed, they call off their strike immediately.

### **Namadgi National Park - Management Arrangements**

**MR BERRY:** My question is directed to Mr Humphries, the Minister for the Environment, Land and Planning. Mr Humphries, on 31 May this Assembly passed a motion concerning Namadgi National Park and it included these words:

... this Assembly will reject any changed management arrangements unless they are first endorsed by the Assembly.

My understanding is that in the course of that debate certain assurances were given that this would not happen. I put to you this question: Have you taken any actions which could lead to changed management arrangements at Namadgi? If the answer is yes, what action has been taken? If the answer is no, do you intend to move to change management arrangements at Namadgi?

**MR HUMPHRIES:** You are desperate for questions, are you not, if you have to ask a question like that? Mr Speaker, I said to the Assembly, and the Assembly approved, that the Government would not make any changes in the way Namadgi is managed without the approval of the Assembly. The motion was specifically amended to allow me to continue to discuss and work up a proposal which I could put before the Assembly, and that is what has been happening. There have been some productive meetings between officers of the Parks and Conservation Service of the ACT Government and the Australian Nature Conservation Agency, and I am very pleased with the way in which those discussions have progressed. Those discussions have progressed with authority from both the ACT Government, in the form of me as the Minister for the Environment, and the Federal Government, in the form of the Federal Minister for the Environment, Senator Faulkner, who has been consulted about the progress with these negotiations and, I understand, is prepared to progress these discussions on that basis.

Mr Speaker, at this time there is discussion about how a proposal would work, in particular how Namadgi would be managed, and whether there should be any change to the present status of Namadgi in its relationship to the ACT Government. The indications that my officers have had in those discussions are that it is unlikely that any change should occur, in order to maximise the opportunity for the ACT Government to be involved in any processes it might have concerns about, or the community might have concerns about. I will indicate, since Mr Berry has asked the question, however, that the negotiations have attracted a rather considerable sweetener at this point. I understand that the Australian Nature Conservation Agency is prepared to consider the injection of some \$500,000 into the provision of services and upgrading of the operation of Namadgi National Park.

**Mr Berry:** And rip the heart out of our park service at the same time.

**MR HUMPHRIES:** Mr Berry might not be happy about that, but I think \$500,000 would go a long way in our national park at the moment. That is not tied, as far as I can see, to any particular adverse arrangement as far as management or control of the park is concerned. That is a pretty good outcome, Mr Speaker. I will, as I indicated to the

Assembly on the previous occasion, advise the Assembly of the progress of those negotiations, and anything that I tentatively agree or my officers tentatively agree with ANCA will be put before this Assembly for its approval.

**MR BERRY:** Thank you, Minister. I do have a supplementary question. It is against the background that approaches were made by this organisation, ANCA, or those that preceded it, in 1973 and they were given the A, and in 1985 and they were given the A; but they believe that it is a lay down misere this time. On that basis, would you deny, Minister, that a memorandum of understanding is being prepared for operation between the Government and ANCA? If you cannot deny that, would you please explain why you have not consulted with members of this Assembly at the contemplative stage in the development of that MOU?

**MR HUMPHRIES:** Dear, oh dear, Mr Speaker! Goodness me! There is - - -

**Mr Berry:** Well, deny it. Just say yes or no.

**MR HUMPHRIES:** I will not deny it, because there is a document called a memorandum of understanding being drafted at the moment that is the basis for discussion between those two agencies; but I am not going to sign it until this Assembly approves it, as I undertook some three weeks ago.

**Ms Follett:** Why did you not volunteer that information?

**MR HUMPHRIES:** Because I have only just been asked the question; that is why. Mr Speaker, the Opposition are trying to beat up what is very good news for the ACT into something which should be a matter of concern in the community. I think \$500,000 for the ACT to spend on Namadgi is bloody good news, to be quite frank, and I am surprised that those opposite are not particularly prepared to acknowledge that fact. You have been caught out. We have managed to get a better deal, potentially, for the ACT, and you people are complaining. For goodness' sake, Mr Speaker! Yes, there is an MOU document which is being discussed between the two parties. Senator Faulkner has given his blessing to those discussions taking place.

**Mr De Domenico:** Who?

**MR HUMPHRIES:** Senator John Faulkner. He is the Federal Labor Minister for the Environment. He indicated in his discussions with ANCA officers that he prefers that it happen on a non-political basis. It is a pity that his colleagues here did not hear that view.

**Ms Follett:** Why did you not tell us about it?

**MR HUMPHRIES:** Because you have only just asked me the question; that is why. Mr Speaker, as I promised when this debate occurred last time, I will come back to this place and I will put those documents on the table before they are signed, not afterwards, and I will ask the Assembly to approve them, as I undertook. Nothing has changed from that undertaking given to the Assembly three weeks ago.

### **Exhibition Park**

**MR CONNOLLY:** My question is to Mr De Domenico in his capacity as Minister for Urban Services. I remind the Minister of a direction by the former Labor Government, in fact by me as Minister, to Exhibition Park management, or Natex management as they then were, that that venue is not to be used for armaments exhibitions. I also remind the Minister of the howls of derision with which this direction was greeted by members of the Liberal Party. Is that direction still in place, or will Exhibition Park be open for business for another Aidex or similar arms exhibition?

**MR DE DOMENICO:** I thank the Minister for his question. Mr Speaker, I am not aware of any piece of paper or request in front of me asking me to allow EPIC to be used for anything that Mr Connolly is contemplating. I will check that, Mr Connolly, and I will get back to you with a response.

**MR CONNOLLY:** By way of a supplementary question or by way of asking the question again: Is EPIC open for business if such a request is made, or does the ban imposed by the former Government and criticised by your colleagues remain in force?

**MR DE DOMENICO:** That ban has not been revoked by me; so, until it is revoked by me, it remains in force.

### **Ambulance Service**

**MR MOORE:** Mr Speaker, my question is to Mrs Carnell as Minister for Health and Community Care and it refers to the Ambulance Service. Is it the case, Chief Minister, that people who are not covered by private health insurance are not covered in any way for the cost of ambulance services in the ACT?

**MRS CARNELL:** I will pass that question on to Mr Humphries. He is the Minister responsible, because they were moved into Emergency Services.

**MR HUMPHRIES:** Mr Speaker, it is not true that people are not covered for ambulance services, depending on their insurance status. Everybody who has an injury or accident in the Territory, or an illness that warrants the use of an ambulance, will receive ambulance care. The question of billing afterwards is governed by the insurance arrangements and this has been the case for some time. A person who privately insures with a health insurance fund in the Territory has a deduction made from that contribution for the ACT Ambulance Service. It is a levy arrangement. Those who are not members of a health fund, in effect, could be said to be being subsidised, I suppose, by those who make that contribution or directly by the ACT Government.

**MR MOORE:** Mr Speaker, I have a supplementary question. Mr Humphries, I am given to understand from one of my constituents who phoned that he was provided with a significant bill after using the Ambulance Service. He was not a member of a private health insurance fund. Is this the normal process and do you have in mind any way to deal with it?

**MR HUMPHRIES:** Mr Speaker, I am not aware of the particular case he is referring to. My understanding is that it is possible for people to get billed for ambulance services. There are arrangements, as I understand it, for people in particular categories of need - for example, health care card holders - not to be billed for their ambulance service. I thought the question you asked me was about who actually paid for ambulance services. The answer is: Apart from the taxpayer, those who contribute to health insurance funds. It is possible that people who have had to use ambulances have been billed for such services. That is a longstanding arrangement, as I understand it. If people are not able to afford to pay, if they fall within certain categories of need, it is possible, I think, for those fees to be waived. I will check. I will get a detailed answer to Mr Moore's question and advise him precisely what the arrangements are for payment of ambulance bills. It is my understanding that, if I use an ambulance and I do not belong to a health insurance fund, I have to pay for the use of that ambulance.

### **Racism in Sport**

**MR KAINE:** I address a question to our sporting Minister, Mr Stefaniak. Minister, can you tell the Assembly what the Government is doing to eliminate racism from sport in the ACT, to make sure that we do not have any examples of the kind of thing that we have seen in other States recently?

**MR STEFANIAK:** I thank Mr Kaine for the question. Sadly, recently there was an incident, not in the ACT but in a nearby New South Wales town in a competition governed by the ACT, over which I am taking action. Apart from that, and perhaps one or two incidents I am aware of over the years, being a participant in sport in Canberra, thankfully we have been very free of racism in sport here. Having participated actively for about 30 years, I can recall only one incident personally of racism in sport. That was in the 1960s in a football match in which I was playing and it involved a Chinese winger we had. Thankfully, we have been very free of it; but it does occur, and it has occurred recently close to the ACT.

Mr Speaker, there has been a considerable amount of comment about racism in sport in recent weeks. In particular, racism in the Australian Football League and comments by Commonwealth Games officials have been prominent in the media. This Government is concerned about and opposed to any form of racism in sport. We strongly support moves by the Australian Sports Commission to instigate education programs among sporting organisations. It is hoped that these programs, aimed initially at national sporting organisations, will filter down to all levels of sports and result in the eradication of racism as an issue in sport.

As I have indicated, I am aware of recent incidents involving an ACT junior Aboriginal team. When I became aware of those incidents I immediately wrote to the ACT peak body of that sport, which I will not mention in fairness to that sport, indicating my grave concerns about those unacceptable racist incidents. Because the incident happened in New South Wales in a competition governed by the ACT, I also notified the New South Wales Minister for Sport and Recreation about it. The sport concerned,

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I am pleased to say, very promptly replied to my letter, advising that it in no way condones this sort of behaviour and will do all in its power to stamp it out. The peak body will be discussing this incident with the clubs involved and, in consultation with the clubs and ACTSport, will formulate a policy on racial abuse in their sport. I also intend to work with ACTSport in developing a whole-of-sport approach to racism in sport in the ACT. I would hope that the ACT Government, through the Bureau of Sport, and in cooperation with the Commonwealth and also in cooperation with ACTSport, will be able to ensure that similar incidents do not occur in the future. As I say, racist incidents in ACT sporting matches are, thankfully, few and far between.

We currently employ in the ACT a full-time Aboriginal sport and recreation development officer. That officer works with the local Aboriginal community and the community at large to maximise opportunities for Aboriginals to participate in sport and recreational activities of all kinds and at all levels. I am confident that the education approach will work. These incidents are few and far between and I would prefer to see education and mediation strategies in the first instance work. If these fail, I will be unhesitating in taking whatever other appropriate measures are necessary to ensure that it does work.

Mr Speaker, I conclude by stating that I am confident that ACT sport is mature enough to ensure that racism does not become an issue that would cloud our very well earned reputation as a sporting community. It is rare. I think that, with the cooperation of all sports involved and the cooperation of the peak body, ACTSport, who are very keen to assist, such incidents should not occur in the future.

### **Fitness Industry - Code of Practice**

**MS McRAE:** My question is to Mr Humphries in his capacity as Minister for Consumer Affairs. Mr Humphries, I return to a question that I asked you on Tuesday and I am hoping for more detail today about this important matter. Could you please explain what information was sent to fitness industry operators in regard to the code of conduct for the fitness industry? As well, would you please table the brochure which was prepared to ensure that all operators knew their obligations?

**MR HUMPHRIES:** Mr Speaker, I am quite happy to table the letters that were sent to the fitness club operators in the Territory and I am happy to table the brochure as well. I do not have them with me, but I will make them available.

**MS McRAE:** I have a supplementary question, Mr Speaker. Because this is to become law by 1 July, can you assure the house that the code of conduct will be complied with and that members of the general public will not be left unprotected?

**MR HUMPHRIES:** Mr Speaker, a code of conduct, by its nature, is a document that relies substantially on the willingness of people to take part in it. I cannot guarantee to members of the Assembly that the laws with respect to murder in the Territory will be complied with either, but we certainly hope that most people will comply with them.

The expectation is that we will provide the framework in which to encourage people to respect the law. That is the basis on which the Government has made decisions about, for example, advising the members of the fitness club industry as to what their obligations are and how they should best fulfil them. We will be working with people in that industry to ensure that they understand their obligations and we will, I hope, be ironing out any problems that they might encounter in the implementation of that code from 1 July.

I should say, Mr Speaker, that I think there is a relationship of dialogue here between the Consumer Affairs Bureau and those that it serves which is very good, as I said on Tuesday. I am confident that the Consumer Affairs Bureau will pick up any problems that may occur with that code before 1 July. Ms McRae is obviously predicting some sort of problem. I would be grateful if she would come to me and tell me what she sees as problems, so that we can head them off at the pass rather than be surprised about them on the next occasion. If she is not prepared to do that, I will ask officers of the Consumer Affairs Bureau to be diligent in assessing for me the likelihood of the code doing its job. I am confident that they are aware of the need to develop a strategy in this area which will be reasonably effective, and I believe that they have done that to date.

### **Safe Schools Task Force**

**MS TUCKER:** Mr Speaker, my question is to Mr Stefaniak, the Minister for Education and Training. Could the Minister please tell us what stage the safe schools task force is at? Who is on this task force and what are its aims?

**MR STEFANIAK:** I thank the member for the question. The safe schools task force is operating. It has been revamped. It has gone down from 17 to, I think, nine. I recently indicated that a P and C representative should continue on it, and I also indicated that the union, representing the professional interests of teachers, should continue on it. That takes it to 11. It has changed in that I have placed a different representative on it, namely, a representative experienced in the area from the Australian Federal Police. The task force has been streamlined and revamped and will continue. As you probably appreciate, Ms Tucker, it is a very important task force and it has done a lot of work in terms of violence in schools. No doubt it will continue to do so. I look forward to its report. I want it to be focused in relation to the issues. I think the revamping of the task force will assist that focus in terms of coming up with an appropriate strategy to deal with the problem of bullying in schools.

**MS TUCKER:** I have a supplementary question. Could the Minister tell me what the timeframe is for this work?

**MR STEFANIAK:** Mr Speaker, I will provide Ms Tucker with a list of members of the task force and also the timeframe. I do not have those with me at present, but I undertake to provide them to her in the next few days.

### **Pollution from Food Outlets - Lake Ginninderra**

**MS HORODNY:** My question is to the Minister for Urban Services, Mr De Domenico. What programs does the Government have in place to deal with pollution from fast food outlets around Lake Ginninderra?

**MR DE DOMENICO:** Do you mean the Kentucky Fried Chicken outlet and that sort of thing?

**Ms Horodny:** It is Hungry Jack's, actually.

**MR DE DOMENICO:** It is Hungry Jack's, is it? There is one out there as well. Okay. I think I answered this question before, Ms Horodny. The removal of waste there, and environmental waste especially, is in the hands of private contractors. The Government, obviously, is going to be ensuring that all those fast food outlets comply with the same rules and regulations as everybody else does. If there is any hint that that has not been done, I would like to know the circumstances, and we will take action.

**MS HORODNY:** I ask a supplementary question. Does the Minister believe that fast food outlets should be held responsible for the pollution that they create?

**MR DE DOMENICO:** The Government believes that anybody who creates pollution should be held responsible for the pollution that they create.

### **Government Service Employees in Tuggeranong**

**MR WHITECROSS:** Mr Speaker, my question without notice is to Mr De Domenico in his capacity as Minister for Urban Services. Mr De Domenico, I am asking a question in relation to the accommodation of ACT Government employees and I refer to the report in the *Valley View* yesterday about DELP staff currently occupying the Homeworld building in Tuggeranong continuing to occupy that building. Can you confirm that the Bureau of Sport, Recreation and Racing, which until recently was a part of DELP and which is currently located in the Centrepoint building at Tuggeranong, will be moved out of Tuggeranong? Is it intended that other ACT Government staff will replace those who are being moved out? Given that the Land Division is currently co-located with the Planning Authority but, under the new Administrative Arrangements, is going to be in the same policy envelope as the Environment Division in the new Environment and Land Bureau, will the Minister be ensuring that the Land Division moves to Tuggeranong so that it can be co-located with its sister division in the new policy envelope?

**MR DE DOMENICO:** Thank you, Mr Whitecross, for your questions. Mr Speaker, the Government has announced, and Mr Whitecross should be aware of it, that the lease at Homeworld is there until, I think, the year 2000 or 2001. The Government has said already that the people in Homeworld will continue to be there, or the Government will continue to take on that lease until it expires, unless, quite obviously, other people are prepared to take it on, at which time the Government would look at relocating its force.

There are no moves, as far as I am aware, to relocate the people of the Bureau of Sport. In terms of the people in the Land Division, the Government has given a commitment to the building in Dickson, which obviously has to be used to relocate people in the John Overall Offices. That building in Dickson will go ahead and we will relocate people currently in the John Overall Offices.

**MR WHITECROSS:** I ask a supplementary question. Mr De Domenico, can you give me an assurance that the number of ACT Government employees in Tuggeranong will not be reduced as a result of relocations of staff and that the existing level of employment that the ACT Government is providing in Tuggeranong will be sustained?

**MR DE DOMENICO:** I give you an assurance that, unless somebody else is prepared to take on the lease that is currently there until the year 2000 or 2001, the people that are there now shall remain.

### **Safety House Program**

**MR OSBORNE:** Mr Speaker, my question is to the Minister for Police. Minister, what steps will you be taking to help bolster the administration side of the police safety house program - an area that at the moment is grossly overworked and in urgent need of assistance to help continue this worthwhile cause?

**MR HUMPHRIES:** Mr Speaker, I thank Mr Osborne for his question. I know from discussions with him that he is concerned about the direction and the future of the safety house program, and I hope that we can satisfy his concern with the agenda of this Government. We certainly will continue to support both the maintenance of the existing safety house strategy and its expansion throughout Canberra. At present the scheme covers some 14 suburbs throughout Canberra, particularly in the North Canberra and South Tuggeranong areas. The focus at the moment is on the Belconnen area for the purposes of expansion. However, the scheme is not as far advanced as I think was first envisaged when it was launched by Mr Connolly.

**Mr Connolly:** It was always meant to come in over time.

**MR HUMPHRIES:** I think Mr Connolly would accept that it was meant to be a process of accretion whereby it became prevalent throughout the whole of Canberra. That is a slow process. Possibly, the progress has not been as rapid as we would have liked, and the community is not yet in a position, either organisationally or financially, to be able to undertake any administration of the scheme. I think that when it reaches a certain size it will generate a certain administrative capacity through support from the community, such as we have seen, for example, with the Neighbourhood Watch program.

There will be, necessarily, some continuing involvement by the Australian Federal Police, as the scheme's credibility relies upon both the ability of the police to screen potential safety house applicants or residents and a police presence within community groups or facing community groups during the establishment phases of these schools.

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Nationally, community-based crime prevention programs such as this have often proved difficult to sustain, unfortunately, because naturally, with all these sorts of things, often the enthusiasm wanes; but the good that they do is very important and they ought to be supported appropriately by government. Obviously, in parts of Canberra which have a large number of public servants, perhaps some of whom are still mobile and will be going to other places in Australia, that turnover of people is a problem as well in sustaining that program.

Mr Speaker, I have agreed that administrative support is necessary to ensure that this scheme does continue effectively to offer a service to people, particularly to young people, obviously, and it should be given the opportunity to expand. I have directed that a part-time officer be made available from 1 July for this scheme. I believe that someone will be made available at the ASO4 level. I am not sure at this stage whether that person will be an officer of the Australian Federal Police or somebody else from a position within the Attorney-General's Department, but I can indicate to the Assembly that that will occur and the person will be appropriately tasked. I am happy to advise members later on about who that person will be and what role he or she will play.

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

#### **ANSWERS TO QUESTIONS ON NOTICE**

**MRS CARNELL:** Yesterday Ms Follett asked about the fate of her question No. 32. I can now tell Ms Follett that I have this morning signed that answer off and it is currently in the system.

#### **LEAVE OF ABSENCE TO MEMBERS**

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

That leave of absence be given to the following members for the specified periods:

- (1) Mr Moore from 1 July to 14 August 1995 inclusive;
- (2) Mr Cornwell from 7 to 14 July 1995 inclusive.

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

That leave of absence be given to the following members for the specified periods:

- (1) Mr Berry from 25 June to 20 July 1995 inclusive;
- (2) Ms Follett from 21 July to 21 August 1995 inclusive.

**AUDITOR-GENERAL - REPORT NO. 3 OF 1995**  
**Canberra Institute of Technology - Comparative Teaching Costs and Effectiveness**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 3 of 1995, "Canberra Institute of Technology - Comparative Teaching Costs and Effectiveness".

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

That the Assembly authorises the publication of Auditor-General's Report No. 3 of 1995.

**STUDY TRIP**  
**Paper**

**MR SPEAKER:** For the information of members, I present a report of a trip undertaken by Ms McRae to Brisbane from 14 to 17 June 1995.

**TWINNING ARRANGEMENT WITH VERSAILLES**  
**Papers**

**MRS CARNELL** (Chief Minister): Before I go on with the presentation of papers, Mr Speaker, I would like to table the letters to the Mayor of Versailles, to the President du Conseil General des Yvelines, and to the Prime Minister. Mr Speaker, during question time on 20 June Ms Follett asked whether I would be withdrawing the letters to the Mayor of Versailles and to the President du Conseil General des Yvelines, and whether I would make available to members copies of the second French letters. I have now written to the Mayor and to the President, as well as to the Prime Minister, and I table these letters for the information of the Assembly. Both the English and French translations are there.

**AUDIT ACT - VARIATIONS TO THE APPROPRIATION ACT 1994-95**  
**Paper**

**MRS CARNELL** (Chief Minister and Treasurer) (3.09): For the information of members, and pursuant to section 49B, I present an instrument made pursuant to subsection 49(1) of the Audit Act 1989, together with a statement of reasons. This instrument was circulated to members when the Assembly was not sitting, in accordance with the recommendations of the Standing Committee on Public Accounts Report No. 3 of 1993 as accepted by the Government and noted by the Assembly on 14 April 1994. I move:

That the Assembly takes note of the paper.

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Subsection 49(1) of the Audit Act 1989 allows for transfers of funds between programs and within items of a program. An instrument under this section was signed and a copy provided to the Speaker on 9 June 1995. To assist members further in relation to the instrument, I wish to table explanations for the major variations as supporting documentation. Transfers under the Audit Act enable changes in priorities throughout the year to be accommodated within the total appropriation limit. At the time of taking office the Government was advised that the total of demands of departments for additional funding was \$31m - well in excess of the \$12m funding available in the Treasurer's Advance. Since that time substantial effort has been made to review commitments and to contain expenditure. The transfers made under subsection 49(1) of the Audit Act are part of that process. I table that information.

Question resolved in the affirmative.

## **WORKFORCE STATISTICAL REPORTS**

### **Papers**

**MRS CARNELL** (Chief Minister) (3.11): Mr Speaker, for the information of members, I present the ACT Government workforce statistical reports for the first, second and third quarters of 1994-95. I move:

That the Assembly takes note of the papers.

The documents that I have just tabled are the ACT Government workforce statistical reports for the work force as at 30 September 1994, 31 December 1994 and 31 March 1995. The report is a new document replacing the former quarterly staffing statistics. In 1995-96 the workforce statistical report will be available six-monthly, consistent with the practice in the Commonwealth and in some other States.

The new bulletin reflects two major changes in the last 12 months. The first was the establishment of a separate ACT Government Service on 1 July 1995. The second was the changeover from manual tabulation of payroll data to automated data collection from the human resource management system, or HRMS as it is known, for the 88 per cent of employees whose records are kept on that system. The move to a separate service required a review of definitions for the various types of employees, while the move to automated data collection has improved the accuracy and quality of information. The opportunity has been taken to improve the data presentation as well.

There are two changes I should highlight as improving the accuracy of these figures. First, casual employees are now counted according to whether they were working and were paid in the reporting period. The availability of the HRMS has allowed us to exclude casuals who were not employed during the reporting period but whose names were dormant on the payroll. Secondly, we have excluded the Australian Federal Police officers from the figures as the AFP are contracted service providers, not employees. There are numerous contracted service providers to government, ranging from cleaners to computer support technicians, and it is not appropriate to count people as employees when they are not.

I would like to draw members' attention to a few key points from the bulletin itself. First, we are now reporting what are known as full-time equivalent staffing levels. This places our data on a similar basis to other jurisdictions and improves our capacity to use statistics for comparative purposes. Secondly, there were a total of 20,489 ACT Government employees as at 31 March 1995. This is not comparable with the previous figure of 21,541 because of the exclusion of AFP officers and the more accurate counting of casual employees that I have already mentioned. This new benchmark figure of 20,489 provides a more accurate measure of ACT Government employment, as does the new statistic of 17,410 employees on a full-time equivalent basis.

Finally, and purely by way of example, the latest report shows that some 42 per cent of ACT Government employees are employed in professional classifications, while a further 30 per cent are employed in administrative classifications. I trust that the new work force statistical information will be of assistance to members and others, in the interest of good government in the ACT.

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

### **PLANNING FOR THE NEXT GENERATION Ministerial Statement**

**MR HUMPHRIES:** (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I seek leave of the Assembly to make a statement on planning.

Leave granted.

**MR HUMPHRIES:** I thank members. Mr Speaker, when Canberrans voted on 18 February, many indicated that they desired a change in the way our city was being planned. They sought changes from the ad hoc, directionless decisions taken for political expediency by the Labor Government in favour of a regime which was more focused on certainty, which was more responsive to the community's needs and which set an attainable strategic direction for Canberra. Today's statement is the first step among many that will be taken by this Government to respond to the challenge the people of Canberra set this Third Assembly. Canberra is a growing and developing city. In order to best manage that growth, to preserve what is best about our city, we need to map a strategic plan to evaluate what we expect the Canberra of the future to look like. That means that we need to substantially renew and review and reassess the way our city is planned, and how it is developing as a part of the wider region of south-east New South Wales.

Mr Speaker, I want, for a few moments, to talk about the Canberra region and its importance to the development of our city. On 30 May I participated in the joint launch of the draft ACT and subregion planning strategy - a document which, for the first time, evaluated Canberra as a centre of our region, not just a city within the ACT borders.

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The strategy looks at where Canberra and the region will be in the year 2021. It rightly identifies this region as one of the most important inland growth areas in Australia. It is an exciting plan put together by the Commonwealth, ACT and New South Wales governments and five local surrounding councils - Cooma-Monaro, Gunning, Queanbeyan, Yarrowlumla and Yass.

It deals with the issues our region will face in a planning context over the next generation - how best to allocate our resources, how to plan for future settlements and communities, how to provide infrastructure to those communities and how we manage cross-border cooperation. Such infrastructure issues as the fast train between Canberra and Sydney, water supply across the border and the development of the Canberra-Sydney corridor are just some of the infrastructure issues with which we must come to terms in the near future. The alternative is to put off decisions forever and suffer in the future from bungled growth and a wrecked environment. This Government will not be a party to that sort of indecisive behaviour.

The days of Canberra ending at the border are over. This Government will develop, in partnership with others in the region, a strategy which maximises the opportunities for business to grow, for communities to develop and for our natural environment to be preserved, even across the Territory's borders. We want to develop expectations among local communities that will see our region prosper, not wither. A generation from now, when our children are seeking work opportunities and starting their own families, we want to say that the strategies we put in place moulded the shape of an exciting and responsibly planned environment. A generation from now, projections are that half of Canberra's urban population will live in New South Wales. That means taking a serious responsibility for, and interest in, regional planning issues, even if they are across the border. This region will offer a unique blend of city, town and country living in the carefully preserved environment which is the hallmark of the bush capital and which creates varied opportunities and lifestyles for well over half a million people.

Our plan is that the region will offer prosperity and growth within an integrated planning framework guided by principles which will allow for growth while preserving our natural environment for future generations to the greatest possible extent. In order to do that, we need to focus our planning decisions on what is best for the region into the next generation, not just in the lead-up to the next election. That aim, while ambitious, is what makes this Government different to the previous Labor Government. We want to see a Canberra which all Canberrans can say preserves the best of what our environment offers, while growing and creating new opportunities for all of us. That is what we call the question of balance.

Many of us remember back to the days before self-government, when just the NCDC held sway over the way Canberra was planned. That body developed numerous plans and policies for the future development of Canberra, but these plans did not take account of what would happen to Canberra's planning regime under self-government. In my view, a major problem with Canberra's planning system is the need to have two different plans and planning systems. Since self-government, Canberra has had to develop a plan for its Commonwealth-related functions and a separate plan for its own development as a city

and home to 300,000 people. But what is missing from both of those plans is a strategic overview of where we want Canberra to be heading. We need to develop the Territory Plan that extra step, giving it a stronger social context, from a document dealing with particular land uses without creating a vision of the city we will leave to future generations.

Some members of the Assembly may well remember the debate on the Land (Planning and Environment) Bill in 1991 when the Assembly added a specific provision, subsection 15(3), which envisaged the replacement of the NCDC Metropolitan Policy Plan of 1984 by "a further comprehensive strategy for the long-term development of land in the Territory". We have now reached the point where a strategic plan is not only desirable but urgent. The Government will work actively with the Assembly's Planning and Environment Committee to start developing a strategic plan. The committee's role has the potential to provide both a consultative and a multiparty approach which might otherwise be missing from a bureaucrat-led planning process. In order for it to be a strategic plan, the detail must embrace the aspirations of all sections of the community and all shades of politics. That is a tough task and will probably take a long time; but, if we achieve nothing else in this Assembly, I think the people of Canberra will be pleased with a plan which offers the level of community ownership which many now recognise is missing.

There is, however, an important step which this Government believes should be taken to facilitate a more unified and sensible approach to Canberra's planning needs. No rational person would imagine that a city the size of Canberra would best be served by having two autonomous and often clashing planning bodies. What started out with the best of intentions has become a house divided - what I call the Capulet and Montague effect. I will be exploring with both the Federal Government and the Federal Opposition the prospect of rethinking the respective roles of the Commonwealth and the ACT in Canberra's planning.

If successful, that initiative would see the creation of a single statutory authority - say, the Canberra Planning Authority - which could be overseen by a board of joint Commonwealth and ACT appointees, under an independent chair, to manage the planning needs of the city of Canberra as the national capital, the centre of the region and the city which is home to 300,000 people and growing. I believe that the commonsense of ending Canberra's divided and unsynchronised planning regime will be recognised by members in this place and in the Federal Parliament. As proposed, this alternative model does not deliver dominant control to either government but recognises that the national capital and local dimensions are inextricably linked and interdependent.

There has been a lot of disquiet among local communities, particularly in the older inner parts of Canberra, about the expansive multiunit developments springing up all over Canberra - and, may I say, in many respects, rightfully so. We cannot continue to Kingstonise areas of Canberra where that concept is both unnecessary and in many cases unwelcome. That disquiet forced the previous Government's hand and we saw the

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Lansdown review established. Mr Lansdown's report has become influential in planning policy in the ACT because, among other things, its recommendations sought to engender some sensitivity in the redevelopment of Canberra's residential areas. The Liberal Party went to the election supporting the broad thrust of the Lansdown recommendations, in particular with regard to the multiunit developments.

Today, I am announcing two new measures which will enhance the amenity of residential areas. The Government will strengthen the requirements as they apply to multiunit developments and greenfield broadacre releases by the following: Firstly, we will set maximum numbers of dwellings allowable for multiunit developments. Few Canberrans want to see further instances of development like Central Park in Phillip, where the site was sold with a requirement for a minimum number of 70 units but no maximum. Ultimately, on that site, 240 units were developed - over 200 per cent more than the minimum number. When a block is sold, we want developers to be under no illusions. Canberra is not about living in shoeboxes. We want quality housing developments which preserve Canberra's amenity and place a premium among developers and architects on excellence in design and construction. If we wanted sardine boxes, we would ask John West! If housing density is high, this should be as a result of up-front planning decisions rather than the desire to squeeze as much profit as possible from every brick.

The second proposal I am announcing today is the setting of maximum block numbers allowable for greenfield land packages. As with multiunit developments, the unplanned multiplication of building blocks on greenfield sites can significantly erode the amenity of a given area. For example, in some new suburbs, we have recently seen some proposals for the development of about 50 per cent more blocks than the minimum number specified in the land development contract. That is perfectly legal under present arrangements. There is no point in government getting upset about developments impacting on amenity if government itself sets inadequate controls on those developments.

These two measures will bring a substantial degree of certainty into our residential planning system - certainty that has not been there for some time, but certainty which is easily achievable. In setting these limits, we can enable infrastructure providers to plan their requirements with a higher degree of certainty than they can at present. We want to enable builders to know the limits of their proposals, rather than battling bureaucratic discretions exercised against them as they try to maximise their investment, and we can enable local residents to know where they stand with respect to units going up in their area. Residents of Mawson have recently suffered from the lack of such advance knowledge.

Part of a strategic plan means looking at how we are doing things now, to assess whether that is how we want to continue doing them in the future. We will establish an end-of-project assessment, a sort of post-mortem, at the completion of each major estate development - which will include developers, planners and lessees - to assess the good and bad points of each development, so that we can build on those lessons in the development of new estates. Urban development in Canberra is a fact of life. Good development is an objective of planners, builders and government. We must learn from the urban development disasters of Canberra's past - and we could all name our favourites - so that the Canberra of the future is built on the best of what we have, not the worst.

Let me turn to suburban shopping centres. Canberra's retail industry is at a point where its future viability needs to be evaluated. The future of many enterprises in local and group shopping centres particularly is in question. It seems clear that if we follow the present course we may one day find our townships dominated by megamalls offering shops dominated by either management-operated or franchise-operated chain-stores. The alternative is to put some work into developing how we make our neighbourhood group centres and local shops more viable.

Mr Speaker, the Government favours the latter approach. Canberra's many neighbourhood group centres and local shops provide a personal and convenient method of shopping for most Canberrans. To that end, the Government is developing a retail strategy based on independent retail studies and a social impact study of changing trends in retailing in the ACT. The Government will require substantial justification pursuant to that strategy before approval is given to expand town centres. The proposals to expand such centres will be required to take account of the key elements of retailing in the Territory Plan, namely, a range of facilities in districts all around Canberra which offer diversity and choice, not just in major shopping malls. In other words, the Government's predisposition to applications to extend town centres where there will be a marked and adverse effect on our group centres or local shops is not favourable.

The Government will do all it possibly can not to allow town centres to expand at the cost of local shops. Our commitment is to local shops because they provide a local need to local communities. Having said that, we recognise the need for town centres to provide a wide array of choice to customers and to remain price and market competitive with other cities. Two weeks ago, I launched the results of the retail study. This study gives planners much valuable data to be able to assess the future viability of local shopping centres against proposals from the town centres to expand. The main part of this study examined the existing structure of the retail industry in Canberra and Queanbeyan and estimated future resident, worker and tourist expenditure in the industry for several categories of retail goods.

The retail evaluation model simulated consumer shopping and travel behaviour and compared the demand for products with the supply of shops. The models used in the study enable estimates of undersupply and oversupply of shop floor space, the expenditure retained within each district measured, comparisons with other capital cities and an assessment of town centre expansion proposals. The study is a market-based analysis which considers travel accessibility, attractiveness of shopping centres, location of competitors, and trading hours. It also ensures that the maximum possible opportunity is given to assess the future retail needs of newer areas of Canberra like South Tuggeranong and Gungahlin. The Government commits itself to a commencement of the Gungahlin Town Centre prior to the end of 1995.

Much has been made of the retail study in view of an application by Leda Holdings to extend the Tuggeranong Hyperdome. The Government welcomes an application from Leda to extend the Hyperdome, provided that it is accompanied by justification for its expansion. And, of course, the retail study will be a useful benchmark against which Leda's application will be tested. The retail study shows, in particular, that future concentration of retail floor space for food retailers in the Tuggeranong Town Centre will have severe and adverse effects on local shopping centres in Tuggeranong.

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Local shops in Tuggeranong are a priority. There are still areas of Tuggeranong, particularly in the south, not yet serviced by supermarkets, and it is not a satisfactory option to the Government that these people be serviced by the town centre in lieu of local shops.

It is useful for members to note that the Territory Plan requires proponents of major developments, which include extensions, of over 7,000 square metres to undertake a preliminary assessment of the environmental impact of their proposals. This means a study of the retail, transport and social impacts, including those on neighbourhood retail centres. The Government will expect top quality assessments and, if necessary, will bring in independent retail and other professional advice on development proposals. This study provides a good start to the planning needs for the future of Canberra's retail industry, but it should not be seen as a vehicle for providing all the answers to Canberra's business problems. It is a guide to assist government in the planning priorities facing the retail industry.

Let me speak about the quality of urban design. The Government will continue the work of the Urban Design Advisory Committee, which Mr Wood established, but will look to this group to take a more leading role in the design of Canberra's growth. I want to see UDAC work with the ACT Planning Authority to develop meaningful guidelines which pursue excellence in design. The provision of plain English brochures on the design aspects of multiunit developments will be a task I will assign to this committee to oversee. The role of the committee takes an added focus in these days of promoting design which is price efficient, energy efficient and of the highest possible standard. I am encouraged by the enthusiasm shown so far by developers and designers who want to strive for innovative design which focuses on those needed elements. By making a small extra investment in good design, builders achieve a future saving and a worthwhile investment in the quality of their product and, through that, the local amenity of Canberra's suburbs. This means aiming for higher development standards and, on the part of the Government, it means being receptive to new concepts. We stand prepared to do that.

Canberra's families have various needs and, while I do not acknowledge that it is the role of government to service all of those needs, it should be the role of government to help those providing them to target that assistance with maximum effectiveness and convenience. I propose today a new initiative that will allow Canberra families to provide special residential care for their aged and other special relatives in need of care, such as intellectually or physically disabled relatives. These families in need of the provision of urgent accommodation will be able to install a transportable unit in their backyard for a limited time. This is to cater for an increasing social need for this type of temporary accommodation. These units will not be allowed to be rented, nor will unit titles be permitted. Their occupants must be related to the occupants of the property and must fall within a category such as age or disability. When no longer required, the units must be removed. As the special needs of families in our community increase, the Government looks to practical and lateral solutions to some of the problems they face. By allowing a physically separate dwelling, the levels of privacy and independence families require and deserve will be attained.

Let me talk about local area planning advisory committees. A key element of the Government's election commitments is the formation of local area planning advisory committees, or LAPACs. Community consultation on the evolution of the Territory Plan has been piecemeal and, in the eyes of many, largely unsatisfactory. Consultation about the broader land uses allowed in that plan was important but in some cases lacked any context. Conversely, community reaction to particular development proposals has often occurred against a background of being unable to change the environment in which such development was allowed. In his review of planning guidelines last year, Robert Lansdown said:

A primary problem that the Review observed was that the one overall and flexible land use policy and one design and siting code has resulted in new small scale infill and dual occupancies which, while acceptable in one area, is not acceptable in another.

... ..

The preferred option to meet the detailed requirement is a recommendation that the Planning Authority specifically identify urban areas with different residential characteristics and different levels of visual and physical amenity, and introduce more development (non-statutory) guidelines and timeframes which are area specific and appropriate to each locality.

This Government believes that, generally, local residents are responsible enough to be entrusted with a continuing role in the shape and direction of their neighbourhoods. Admittedly, such a role may bring the broader community interest and narrow self-interest into sharp conflict on occasions. This Government recognises the need for a balanced approach to local area planning - one which gives the green light to a local, consultative approach, while giving the red light to delays and uncertainty. Above all, we recognise that the needs of local communities in respect of planning their neighbourhoods are different. Planning priorities in newer suburbs such as Banks or Ngunnawal are obviously different to the planning needs of older established areas such as Red Hill. And the many suburbs within the age scale all have different dynamics that a concept like local area planning can identify.

The Government proposes the initial establishment on a trial basis of three local area planning advisory committees in North Canberra. The first will be centred on the areas of Lyneham, North Lyneham, O'Connor and Turner; the second will consist of Watson, Downer, Hackett and Dickson; while the third will take in Ainslie, Braddon, Reid and Campbell. Membership of the committees needs to be as broadly representative of the community as possible if they are to work effectively. I propose that there will be a representation of two people per suburb in each area. In the case of a suburb which has a suburban residents association already, that association will be asked to nominate one of the two members. In addition to the eight suburban representatives, there will be two representatives of the local business community and one representative of the district community council. As Minister, I will retain the option of appointing to a LAPAC up to four individuals to represent the interests of groups in the area such as senior citizens,

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school boards and the like. To pass over that again, there will be two representatives of each suburb, making four community or residential representatives, as well as two representatives of local business, one representative of the local community council and up to four ministerial representatives.

By the end of September these LAPACs will be expected to consider applications for development in their respective areas, if any. Redevelopment applications already in the system will continue to be processed, while new applications from today will be referred to LAPACs. The LAPACs will be advisory only. They will have referred to them for comment any of the following issues that are relevant to that committee's area: Draft variations to the Territory Plan, draft guidelines, all development applications which require public notification under the Land (Planning and Environment) Act 1991, public works implementation plans, and preliminary assessment and environmental impact statements. Dual occupancy proposals will be covered by existing rules and will not be subject to the scrutiny of LAPACs. There have been extensive changes in recent years, indeed in the last six months or so, to dual occupancies. I propose that we see how they operate before we consider any change to that arrangement.

I will ask LAPACs to develop awareness guidelines which set a policy agenda for their area of Canberra. When proponents are preparing an application for a development, they will be asked to submit a statement addressing the local guidelines. Developers should be on notice that their developments need to complement our local environment, not to fight it. Consultation with an area's LAPAC should be viewed by proponents of developments as a means of obtaining certainty about what is expected of them. The open-ended nature of consultation mechanisms at the present time is a major source of concern for developers and residents alike. I will be releasing next week a discussion paper on exactly how the LAPACs of North Canberra will operate. I should emphasise as well that the LAPACs are not merely meant to be reactive to particular development proposals but over a period of time should be working on development of awareness guidelines for the areas that they cover, either based on the whole area of the LAPAC or suburb by suburb if they wish.

Members will have noted the new Administrative Arrangements announced on Tuesday by the Chief Minister. A major election commitment by the Liberal Party was the establishment of the ACT Planning Authority as a stand-alone statutory authority, and that commitment is being implemented. Of course, this process will change if the Federal Government responds positively to our suggestion that the dual planning system in Canberra should end.

An extensive review of departmental processes and procedures has been aimed at producing a simplified system of applications for development approvals. The Assembly's Planning and Environment Committee has been extensively briefed on this process of change. We expect that the outcome will be a two-stage application process for developments in Canberra: First, the development application, which will bring all the design and siting, heritage and lease variation applications into one; and, second, the building application, which will, as its name suggests, simply deal with the building structure itself. Work is already under way to implement these changes. The complex and arcane processes currently encountered by applicants have been a major source of irritation; their streamlining will be welcomed by many.

I was struck early on as Minister by a high level of dissatisfaction across the community with the Land and Planning Appeals Board. The board's decisions, obviously, will never make all the people happy all of the time, but it seems that very few people actually understood the processes the board followed or were happy with them. The Government supports an inexpensive avenue of appeal on planning matters, but the existing model has suffered from the perception that its decisions were capricious and inconsistent. This is clearly not in the best interests of promoting certainty.

It is proposed that the functions of the Land and Planning Appeals Board will be transferred to the ACT Administrative Appeals Tribunal. I will be discussing the best way to implement this change in coming days with the President of the AAT of the ACT and officers of the Attorney-General's Department. The current AAT will deal with more complicated appeals and will provide legal advice to the planning division, which is what the board will become. The existing board will become a division of the AAT and will deal with simpler matters, often on a single-member basis. One member of the tribunal will be able to head an appeal, with an opportunity for a further full appeal, on limited grounds, to a full bench. This significant change to the structure of the board will improve the accountability, credibility and performance of the planning system in the ACT, particularly with respect to giving people an avenue of recourse which provides some certainty in that legal precedent will not be ignored.

In conclusion, let me say that many have trodden the path of reform in planning in the ACT before me, and many have failed to find consensus and resolution. I do not pretend that the initiatives in this statement are certain of ending controversy in ACT planning, but I do hope that these initiatives will begin to dismantle the almost institutionalised conflict we have witnessed. These reforms, particularly the establishment of local area planning advisory committees, operate on a simple premise, that is, that people are less likely to be hostile to planning changes if they are part of the process that furnishes those changes. Planning has often been seen as a contest between vested interests - those of residents, those of developers. I believe that, by placing a measure of responsibility on the shoulders of those who otherwise might wish to join the barricades, the broader community interest will come to the fore. In my experience, community interest is never contained purely within the negotiating positions of residents or of developers.

Many of today's initiatives are not about satisfying a vested interest but are rather about broader goals. The strategic plan and the subregion plan are about improving the face of tomorrow's Canberra. Limits on dwelling numbers in new residential areas and the urban design package are about raising our standards in planning. The retail strategy and aged relatives provisions are about making the urban environment friendlier for families. The changes to the Planning Authority and the appeals process are about providing greater control and certainty, and the local area planning advisory committees are essentially about something Kate Carnell has described as a touchstone for her Government, namely, local involvement and decision-making or, if you like, a more city style of government.

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The Government will seek to strike a badly needed balance in our planning regime. To those who say "another review", I say that it is the duty of any government to review a system which lacks the confidence of the people it serves. I would be surprised if all the people in Canberra who are fully content with our planning system could fill the seats in the chamber's press gallery, let alone the public gallery. Should we not work to change that environment? This statement is a beginning to that process. This is about planning for the next generation, not the next election. I commend this statement to the house. I present the following paper:

Planning for the next generation - Ministerial statement, 22 June 1995.

I move:

That the Assembly takes note of the paper.

**MR WOOD** (3.46): I have to say at the outset that I am immensely surprised by this statement, not because it has been made but because of what it does not say. Mr Humphries has indicated his approach to planning. Regrettably, it is very much a stop-start approach, as I will indicate in my fairly brief comments. I add that there is a lot of rhetoric about planning under the previous Government that is certainly not matched by the actions that Mr Humphries proposes to take.

First of all, he mentioned the region. He seemed to suggest by his words that he had launched Canberra on a regional approach. Recently, with Mr Howe, he launched a regional planning document. Mr Humphries should realise that that document did not emerge out of nothing. Mr Kaine and certainly Ms Follett would be very interested to hear that nothing had happened until Mr Humphries arrived on the scene. Regional planning has been under way in Canberra and its region for a very long time. Mr Humphries launched the outcome of a lot of work; he did not suddenly start something.

My greatest surprise comes from the comments that Mr Humphries made about drawing up a strategic plan. I indicated in my response to Lansdown that we would go down this path. Members will reflect that that was immediately prior to the election. Because it was such a significant task to undertake, especially the choice of the person who would do the study, I did not think I should proceed ahead of the election. I certainly hoped that I would be part of the process after the election. That was not to be the case. I did not proceed with what was ready at that time, late in December, even into January, with the election pending.

I expected that the new Government, when they were elected, would act immediately on that work. Today, three months later, I would have expected Mr Humphries to stand up and announce exactly what is going to happen, who is going to do it and what the parameters are to be. Today Mr Humphries has said, "We are going to start work to get around to doing it". We have had three months when we should have been moving well down the path in that direction and we have got nowhere. It appears that from today we are to start to think about it. That is the greatest surprise of all. I thought that we would have in front of us the clear direction that we were going to take and the name of the person who was going to do the work. Some of my expectations were quite wrong.

Mr Humphries went on to talk about two planning bodies - the NCPA and the Territory planning body. I do not argue that the ACT could do with one body, but I am not sure what role those words have in this document. Mr Humphries knows that it is outside our control. He says that he will talk to the Federal authorities. Good luck. What is he going to do on the ground in the ACT?

**Mr Humphries:** Do you support me in that?

**MR WOOD:** Yes, certainly. Mr Humphries spoke about the number of dwellings - and, I assume, units - on sites. This could have been a significant statement, but it was not. I am not sure whether it changes anything at all. More recently, in our greenfields development we have specified a maximum number. In most circumstances, certainly for dual occupancies and the multiunit developments on a lesser scale than the Phillip one that was quoted, which was a fairly large-scale development, the planning criteria specify a maximum number of units. I conceded that Phillip would be different; but, for the most part, the planning criteria specify quite clearly how far a builder may go.

The Chief Minister is in the chamber. Between them, the Chief Minister and Mr Humphries may be able to enlighten me on retail studies. There is a deal of confusion in my mind and, I know, in the minds of those people who are very switched on to this debate. Recently Mr Humphries released - and I thank him for the copy I got - the Ibecon retail study which was initiated some months ago, late last year. Mr Humphries and certainly Mrs Carnell seem to be talking about an independent, the Government's own - it would not be the Government's own - retail study. I wonder whether that is another retail study. Certainly, Mrs Carnell was very emphatic before the election that there would be no further expansion of the major town centres until we had this independent study. Is that the Ibecon one or is it another one?

**Mrs Carnell:** There are two.

**MR WOOD:** There are two. Mrs Carnell was out at Belconnen, quite properly - I do not argue about it - digging a shovel in to begin the extensions to the Belconnen shopping centre. That is fine, but it was in contradiction to what she had been saying during the election campaign - that there would not be any of that until these studies had been done. I am pleased that the Ibecon report is out. It gives us some good information on which we may proceed to evaluate what should happen in Tuggeranong and elsewhere. Very strong statements have been made by some Liberals, including Mr De Domenico unless I am mistaken, to the effect, "We cannot do a thing. We cannot do another thing". That study, as I suggested it would when it was set up, gives us a better idea of what we might do. The blanket veto that the Liberals seem to want to put on is quite inappropriate. Other developments are coming up, such as the Woden Plaza. I am sure that Mr Humphries is alert to that. There is also Manuka. Mr Humphries put out, and is now apparently pulling back, a planning document on Manuka. Are these two to await further studies, or does the Ibecon study cover them?

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**Mr Hird:** Bill, keep working on it, son. It is better under a Liberal government than under your ex-Government.

**MR WOOD:** Mr Speaker, would you draw Mr Hird's attention to the fact that he is not following the running orders for the Liberal Party not to interject any more now that they are in government?

**MR SPEAKER:** Continue, Mr Wood.

**MR WOOD:** There has been a remarkable change in question time, has there not? Now that they have changed their strategy, it is much quieter than it used to be.

**MR SPEAKER:** Relevance, Mr Wood!

**MR WOOD:** Let me move on to UDAC. I have to say that I am pleased with Mr Humphries's comments about UDAC and his confidence in the Urban Design Advisory Committee. It was a great achievement to set that up. The calibre of the people on that committee is outstanding. I think that in the near future it is going to have a most significant impact on planning in the ACT.

Let me go to the LAPACs, the local area planning advisory committees. These again are a demonstration of Mr Humphries's stop-start approach. Let me go back in history. Before the election a great deal of activity was occurring. I think we had even rented space or we were about to rent space for these committees. There was extensive consultation with the community, and we were expecting that they would be up and running straight after the election. Today Mr Humphries is saying, "We have been sitting on our hands for three months. Now we are not going to put them into operation, but we are going to start thinking about what we ought to be doing with them. We are going to start to move in that direction". He did not answer the question that is in everybody's mind: What is to happen to all those development proposals that are sitting in limbo at the moment pending the establishment of these local area planning advisory committees? Is there still a freeze on development in certain parts of North Canberra awaiting the advice from these committees? Perhaps you have told applicants what is happening, but I certainly do not know.

**Mr Humphries:** I said it in my statement today, actually.

**MR WOOD:** I looked through it. I did not see it.

**Mr Humphries:** As from the beginning of September, they have to be considered by the LAPACs; they are unfrozen.

**MR WOOD:** So, there is another period of delay; is that what you are saying?

**Mr Humphries:** That is right - while the LAPACs get settled.

**MR WOOD:** I saw the reference to September, but I did not read into it that current applications are still going to wait for another three or four months before they can start to be considered. That does not sound like a very effective way to proceed to bring to planning the certainty that you suggested. I will be very interested to hear what the community says about Mr Humphries's concept of the local area planning advisory committees. There was a great deal of discussion with the community. I expect the community to say, "This is not what we were talking about". I should imagine that there will be some very critical comment about this concept of Mr Humphries's.

The other concern I have is about the way the Land and Planning Appeals Board is being dealt with. Mr Humphries says that it was not well perceived in the community. I am not sure about that. I would like to see some more evidence of that. Certainly, I had a difficulty on a couple of occasions and took their findings to appeal, but it was working its way in and I think that in almost all respects it was doing a job that was well accepted by those who appeared before it. I think the universal view of the Planning Appeals Board was that appeals to it should be inexpensive. I await some greater definition from Mr Humphries of what the attachment to the AAT will do. Will it mean that it will become an expensive operation, as appearances before the AAT can be? Will it price the mechanism of appeals out of the reach of many of the residents who have taken appeals to that tribunal? It is a source of concern to me.

**Mr Humphries:** There is no change in the structure.

**MR WOOD:** Thank you. You did not say that in your statement. It is going to be an arm of the AAT, you said.

**Mr Humphries:** Yes, a planning division, but with the same structure as it has now.

**MR WOOD:** So, some appeals will go to the AAT, with the cost structure involved with that - - -

**Mr Humphries:** Like what?

**MR WOOD:** The cost of taking people in, for example.

**Mr Humphries:** There is a very minimal application fee.

**MR WOOD:** The ability to bring people in on your side.

**Mr Moore:** Lawyers.

**Mr Humphries:** No, there are no lawyers.

**MR WOOD:** Are you telling me that the cost structure will remain the same - a \$100 application and that is it?

**Mr Humphries:** Yes.

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**MR WOOD:** And lawyers are still not allowed in?

**Mr Humphries:** That is right.

**MR WOOD:** I wish that you had said that. They are my comments for the moment. I repeat that it seems to me very much a stop-start process. This Government has stopped what has been happening in planning for three months. They are not starting anything today. They are going to start the process whereby things can get under way at some time in the future. I do not think that is a good indication of how things will be in planning under this Government.

**MR MOORE (4.00):** Mr Speaker, I think this is a pleasantly surprising document. On a couple of issues that I shall talk about shortly I have some differences of opinion with Mr Humphries, and no doubt tomorrow morning, when Mr Humphries appears before the Planning and Environment Committee, we will flesh out some of those issues. When Mr Wood was speaking, Mr Humphries interjected to correct Mr Wood's understanding, filling out some of what he had said in the statement, for example, about the Planning Appeals Board going into the AAT. That sort of discussion can continue at length tomorrow.

The statement begins with a general overview of what we can expect Canberra's future to look like. Mr Humphries says that we need to map a strategic plan to evaluate that. On my interpretation of Mr Humphries's statement, that strategic plan would include Canberra and the region. Mr Humphries appropriately deals with the region, and then at the bottom of the second page of the copy of the statement that I have he talks about the best of what our environment offers. Unfortunately, the environment is not mentioned a great deal after that, although what Mr Humphries talks about certainly looks to me to be seeking to find a better environment. To get that better environment, it talks about an atmosphere of balance. Mr Speaker, I would argue that for a long time the balance has been incorrect.

One of the issues that Mr Humphries then takes up is a strategic plan for Canberra. He states:

Some members of the Assembly may well remember the debate on the Land (Planning and Environment) Bill in 1991 when the Assembly added a specific provision, subsection 15(3), which envisaged the replacement of the NCDC Metropolitan Policy Plan of 1984 by "a further comprehensive strategy for the long-term development of land in the Territory".

Indeed, Mr Humphries, some members do remember very well - in fact, so well that I went back to the minutes to determine exactly what happened when that Bill was introduced into the Assembly. They read:

Clause 15 -

Mr Moore moved the following amendment ...

“(3) All variations to the Plan prepared by the Authority ... until that policy plan is replaced by a further comprehensive strategy for the long term development of land in the Territory.”.

That was put to the Assembly after a slight amendment. The ayes voting for it were Mr Collaery, Mr Jensen, Dr Kinloch, Mr Moore and Mr Stevenson. Who voted against it? Among the noes were Mr Berry, Mr Connolly, Mr Humphries, Mr Stefaniak and Mr Wood. Mr Kaine was not there. I well remember the debate. The amendment was lost.

Mr Humphries may well ask how my provision got into the legislation. Mr Humphries, I was part of dealing with that legislation. We revisited that clause at the end, as we are able to do under standing orders, and I once again moved an amendment to clause 15; but at that time Mr Kaine was back in the Assembly. I remember that as I made that speech - it was through the Chair, as my speeches always are - I explained carefully to Mr Kaine why it was important that my proposed words be put in. What I put up was that the following words be added:

All variations to the Plan prepared by the Authority shall be in accordance with the document known as the Metropolitan Policy Plan (1984) until that policy plan is replaced by a further comprehensive strategy for the long term development of land in the Territory.

Mr Kaine moved the following amendment:

Omit “be in accordance with”, substitute “have regard for any relevant provisions of”.

That done, the amendment then passed. That is actually how it got into the legislation. It was through persistence. To have you now come back to us with that as the prodigal returned is indeed a delight. I see Mr Kaine smiling. I am sure that he too is delighted that we now have you onside to develop the strategic plan for Canberra.

Mr Speaker, Mr Humphries then goes on to talk about the two planning authorities being drawn into one. This is something for which I commend him. If I remember correctly, the White Committee back in about 1982-83, looking at the possibility of self-government, recommended then that there should be just one planning authority. It seems to me that a number of our problems associated with planning in the ACT arise because we have two separate planning authorities that overlap. I think we have reached a point of maturity where it is now time to say that a single planning authority with nominees from both the Federal Government and the ACT, preferably agreed by both, can ensure that what occurs in Canberra is in the best interests of Canberra and the best interests of the people of Australia. I think that is possible, Mr Speaker, and I think it would be a much more efficient way for us to operate.

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I would like to move on to Mr Humphries's comments on suburban shopping centres. There was a question at question time today about the possible expansion of Manuka. As I recall the retail study that I saw, there was even some suggestion that in some way the extension of Manuka would be almost for Woolworths. I understand that that was a mistake and that there will be an open auction of any land. We have to ask ourselves what will happen if we expand Woolworths at Manuka. Will it mean the death knell for the Kingston shopping centre, which is already struggling, for Deakin, for Yarralumla, for Red Hill? These are very critical questions for suburban shopping centres. As you raise the general issue, I think you have to keep in mind the specific problems we have in front of us at this very moment. I know that some people have questions about the specific study that was released a couple of weeks ago. It is appropriate that such studies receive comments. I suggest that Mr Humphries look around for comments on that study and assess whether or not they carry any real weight.

Next I would like to comment on the local area planning advisory committees. On page 9 of the statement Mr Humphries states:

This Government believes that, generally, local residents are responsible enough to be entrusted with a continuing role in the shape and direction of their neighbourhoods.

The "generally" clearly excludes dual occupancy. Page 10 states:

Dual occupancy proposals will be covered by existing rules and will not be subject to the scrutiny of LAPACs.

It further states:

The LAPACs will be advisory only. They will have referred to them for comment any of the following issues ...

He gives a range of those. I have no problems with those. I think that is positive. But what appears to be missing is giving them the initial say in how they want to control their own neighbourhoods - in other words, giving them the opportunity, if you like, of a mini-strategic plan for their own suburbs. That is something that we need to address.

I note that on the bottom of page 10 you talk about "awareness guidelines which set a policy agenda for their area of Canberra". To a certain extent, I think that reaches what I am looking for; but I think it needs to be more extensive, so that effectively they can be involved in writing a strategic plan, clearly subject to the overall strategic plan for Canberra, for their own area. That will develop more certainty in the area -

more certainty for the residents, more certainty for developers - as to how much of the development is going to go where and when it is to occur. That is the sort of certainty that will assist in ensuring confidence in the planning system and confidence that our city will remain a beautiful and environmentally friendly city.

Comment was made on the Land and Planning Appeals Board. I still have doubts and I hope that I can pursue them tomorrow. The doubts in my mind are to do with costs. The Land and Planning Appeals Board was supported in this Assembly because it was a cheap and accessible system. We will be seeking to ensure that it remain a cheap and accessible system that people can use and feel comfortable about using. Mr Speaker, I look forward to asking Mr Humphries tomorrow about more details on this issue of planning. I know that you have had a particular interest in it over the last two or three years and, indeed, carried the Liberal banner through the election on this issue. In overall concept, I am rather pleased with the direction in which planning is going under this Minister; but there are still some issues that no doubt we will discuss at length.

**MS TUCKER** (4.10): Obviously, we would like to respond to this statement at a later date - and Ms Horodny will adjourn the debate later - but our first impression is that we are surprised that it is so broad again and that it is another attempt to develop something, a strategic plan, in the future. I have concerns about what appears to be happening at centres such as Manuka. We need to look very carefully at the effect an extension of Woolworths at Manuka would have not only on Kingston shops but also on smaller shops in Manuka.

The question of local area planning advisory committees is particularly interesting. I am concerned about dual occupancies not being included in the matters referred to them for opinion. I am also concerned that there is very little process. Maybe that will come and the details will come. I cannot see any mention of resourcing for these groups. I would not like to be one of the people who are nominated to represent the community.

**Mr Humphries:** They will be resourced.

**MS TUCKER:** They will be resourced. The only way you get effective participation and decision-making is by making information available to the whole area that is affected. For that to happen you have to have the ability to take the time and the expense to inform people about the issues. If you just ask people to make a comment from the information they have before there has been real information dissemination, you are not necessarily going to get an enlightened decision at all. It is going to be very difficult for the people who decide to take on those positions. They are going to have to put up with all the flak of the community, which still feels basically alienated from the process. We look forward to seeing more detail and hope that it comes soon.

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

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## RATES AND LAND 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) (4.13): Most of the Government's proposed amendments to the Rates and Land Tax Act were well canvassed in the lead-up to the recent election and, for that reason, the Opposition will not be taking issue with the substance of this Bill. Another reason for the Opposition's general support is that late last year I announced some of the reforms that are contained in the Government's Bill, particularly those relating to quarterly assessment of land tax and the staggered billing of rates and land tax charges to avoid congestion on payment days. Obviously, we will be supporting those aspects of the Bill, for indeed they were our initiatives.

I will be proposing a number of amendments to the legislation when we reach the detail stage. In my view, those amendments will provide for a fairer taxing regime than is currently proposed by the Government. The most significant proposal the Government has included in the legislation is the freezing of valuations as at 1 January 1994. What this action does is ensure that many Canberrans who would have had a reduction in their rates in 1995 as their valuations fell from what I think was an artificially high level last year will now pay an extra 4 per cent on top of the high rates they paid last year. I have tried in vain to get from the Government the detail of unimproved capital values for 1995. I was informed by the Revenue Office that that detail was available; but, as yet, it has not been made available to me. That is another example of the sham the Government represents in its posturing on open and accountable government.

Many people would have wanted to object to their valuations last year if they had been aware that those valuations were to be used for more than one year. The Government's legislation gives them no right of appeal against the valuation as it applies in 1995. Many people paid their rates last year without appealing against the valuation, in the expectation that the valuation would drop in the following year, and that has been the pattern in Canberra - - -

**Mrs Carnell**: Do you think people ever have expectations that their property is going to reduce in value?

**MS FOLLETT**: Mr Speaker, are you going to protect me from the Chief Minister?

**MR SPEAKER**: Order!

**MS FOLLETT**: I repeat that those people this year have lost their right to appeal against their valuations, and I believe that that is unfair. They still have no idea what the basis of their rates bill will be next year, as the Government apparently has no policy on the matter. There is to be an inquiry, which again is what we had expected; but what the outcome of that inquiry might be is anybody's guess. I will be proposing that ACT

home owners should be able to appeal against their valuations, which are now to be used for the 1995 rates calculations. That is something they had not expected last year. In the area where I was living last year the valuations rose very significantly. I had fully expected that that would drop off in the following year and, looking at the pattern of valuations in most areas of Canberra, that was a reasonable expectation.

In addition, I will be proposing that anybody whose valuation would have fallen by more than 4 per cent this year will not have to pay any increase in rates in 1995. I think that is an extremely fair position, as in ordinary circumstances those people would have received a lower rates bill in 1995 than they did in 1994. It is only the Government's artificial freezing of that valuation that has cost them more money.

Other Canberrans will also be disadvantaged by this legislation, particularly those who for employment-related reasons are transferred out of Canberra for a few years. These people who are transferred away become involuntary landlords for the period of absence from their homes. Those people are predominantly from the Federal departments of defence, immigration and foreign affairs, and accepting postings out of Canberra is very much a part of their careers. It is not something that is optional, by any means, for most of them. I believe that the regime that applied previously, where these people were able to claim an exemption from land tax, was a fair one, and the Government in seeking to abolish that exemption is not being fair.

What happens in other circumstances is that a person buys a residential property as an investment and that person gains the benefit of capital gains and of the negative gearing regime. The Commonwealth recognises the benefits of that investment by applying capital gains tax to any realised capital gain on the property. The Liberal Government is proposing not to charge these investors land tax, even though they make capital gains and even though they are negatively gearing, if their property is not rented for more than a quarter. So, the ACT Government will be subsidising the investment risk of that person.

In the meantime, the public servant who has been posted out of Canberra in the process of developing their career is immediately hit for land tax on their family home which is temporarily rented during the absence from Canberra. I would find it extraordinary if somebody being posted overseas for three years were to feel comfortable with a prospect of leaving their family home untenanted and vacant for that three-year period.

**Mr Humphries:** What did you do about this in government? Nothing.

**MS FOLLETT:** Mr Humphries, by way of interjection, asked me what I did. What I did was instigate a system where they had an exemption from land tax for three out of five years. Mr Humphries displays his ignorance yet again, Mr Speaker. For Mr Humphries's benefit, I repeat that the Bill before us seeks to do away with that exemption.

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The Labor Party does accept most of the proposals in the legislation and we accept them because they do implement election promises. That is a very rare event for this Government so far. However, I will seek to move the amendments I have outlined, because I believe that they will ensure a fairer rating system for Canberrans. By way of conclusion, I would like again to say how disappointed I am that I have sought from the Government information that would have given me a greater insight, a greater capacity to scrutinise this legislation, and it has not been provided in time for me to bring it to light in this debate. I think that is a very sad state of affairs, particularly as I know that that information is available.

**MR DE DOMENICO** (Minister for Urban Services) (4.22): This is an excellent Bill, quite obviously. It proves once again that what the Liberal Party promises we deliver, and we deliver it very quickly as well. I am not going to take much of the Assembly's time. I am just going to comment on some of the phrases Ms Follett used. Ms Follett talked about a fairer rating system for Canberrans and said that this Bill does not deliver that. People tend to forget things from time to time, and under Ms Follett's regime one wonders whether she knew what happened to the people who lived in Macarthur. Under Ms Follett's fairer rating system, their rates went up 62 per cent. I heard someone else in the Labor Party say, "Yes, but that is because property valuations went up the same way".

**Ms Follett:** What happened to them this year?

**MR DE DOMENICO:** CPI this year, Ms Follett. Rates in Chisholm, under Ms Follett's regime, went up 41 per cent; in Bruce, 60-odd per cent; in Ainslie, 30-odd per cent; and so it went on. We had a situation in Banks, for example, where the rates went up to the tune of 31 per cent. Over the road in Bonython - same services, same neighbourhood - they went up by about 40 per cent. Quite rightly, people in Bonython said, "Why did our rates bill go up so much? We are getting no different services". This piece of legislation is eminently fair. It is a fair rating system to say that, until we assess the way we charge rates here in the ACT, if we are going to increase rates at all let us link them to the CPI and nothing else. I do not think there is any fairer system than that.

On the other point Ms Follett made about public servants who need to go overseas for their careers, we accept that. But when that property is earning income we believe that land tax should be charged on it; when it is not earning income, perhaps it should not be. Once again, I cannot see how the logic can be any fairer than that. For the Labor Party to stand up and criticise and rebuke the Liberal Party for the rating situation is just a nonsense. As I said, there is no justification at all for anyone's rates to go up by 62 per cent, 41 per cent, 60 per cent or 30 per cent.

I will be very interested, when the figures are available, once they are finished - I have not seen the figures either - to see what has happened in areas like Ainslie and Downer and whether Ms Follett's suggestion that they have not gone up at all or have gone up by very little is true. I will be very interested to see those figures.

**Mr Whitecross:** So would we all.

**MR DE DOMENICO:** And you will see them when they are available, Mr Whitecross. I would also be very interested to see whether the people in Macarthur, under this regime, are happier than they were when their rates went up by 62 per cent, under your party's regime, over the five years you were in government. They went up by 62 per cent in your electorate. You should be hanging your head in shame for the fact that, under your party, in your electorate the average increase in rates, Mr Whitecross, was in the order of 35 per cent. You might be prepared to come into this place and say that that was good thinking, but 42 per cent of Canberrans did not agree with you.

I think this is very good legislation. It commits this Government to an election promise and it shows once again to the people of the ACT that what Liberal Party governments promise they deliver, and they deliver very quickly. We are 104 not out - 104 days in government; 104 not out. We have committed ourselves to more election promises than the mob over there did in the five years they were in government.

**MRS CARNELL** (Chief Minister and Treasurer) (4.25), in reply: The Rates and Land Tax (Amendment) Bill 1995 contains a number of measures, some of which give effect to election commitments by my Government, others of which are designed to improve the administration of the Rates and Land Tax Act and make it easier for ACT rates and land tax payers to meet their obligations. My Government undertook to remove the unfair land tax impost on residential properties which were not being used to derive income. With the passage of the amendments proposed in this Bill, properties used by family members where no rent is received, for example, will not incur a land tax liability. On the other hand, greater equity will prevail by introducing land tax liability for income-producing dual occupancy properties and properties used purely as boarding houses, which under the current permanent place of residence test do not attract land tax.

My Government also committed itself to an external review of the rating and valuation system and to hold rates payments in 1995-96 to the current year's values plus the increase in the CPI. The Bill gives effect to this undertaking. Quarterly assessments of land tax were also a promise of my Government, and the Bill delivers this reform. With the passage of the amendment, residential land tax payers will not be liable for a whole year's land tax where their property is rented for only a short period of that year. Another financial benefit for land tax payers is that there will no longer be a surcharge for paying land tax on a quarterly basis. On the administrative side, the introduction of staggered billing of rates and land tax charges will make it easier to pay accounts and reduce customer frustration at payment centres on payment days. Enhancing this legislative change is an increase in the number of payment centres, as Australia Post will, from 1 July 1995, be collecting selected government charges, including rates and land tax.

There are a number of things that need to be sorted out here. The first one is that the rates part of this Bill is budget neutral in forward estimates terms. All we are doing here, and this is important, is collecting exactly the same level of rates that Ms Follett had planned to do if she stayed in government. It is the same dollar value exactly. Any view that somehow people are going to be worse off is simply not true on a macro basis. What Ms Follett does not seem to be able to handle here is that our policy is different from hers. We are not using her policy of rates and land tax valuation. We believe that, while we do a total review of our rating system, the rates bill you got in your hand last year will be what you get this year, plus the increase in the CPI.

**Ms Follett:** Even if your rates went down?

**MRS CARNELL:** Because the policy has changed. To meet Ms Follett's budgetary requirement, if some people's rates went down others were going to have to go up. What Ms Follett has overlooked is that the land valuation system on its own was not the way rates were levied under her Government. There was this wonderful thing called a rating factor, and therefore, even if your property value went down, your rates could go up. In fact, in certain circumstances they would have to go up to meet the budget requirement. So, even if the land valuation went down, your rates could still go up if the rating factor produced that result.

What we are saying here is that, instead of people's rates going up by 30 and 40 per cent this year, everybody's rates will go up by the increase in the CPI. Over the last three years, it is interesting to note that only three suburbs had rate reductions, and they were Kingston, Pialligo and Tharwa. Certainly, there is no doubt that the property market has slowed down.

**Mr Connolly:** As a result of the Liberal Government.

**MRS CARNELL:** No, this is before we took over, Terry; I am sorry. What we have is a situation where the rates part of this Bill is budget neutral. We are going to collect exactly the same dollar figure as Ms Follett was planning to do. The land tax part of this Bill is budget negative. We collect less money than Ms Follett would have collected under her regime, simply because we are allowing people who do not derive income from their property to not pay land tax. It is an unusual situation to actually levy tax when there is no income.

It is important to look back at the increases in rates in previous years with regard to CPI. In 1992-93, the increase in the CPI was 3 per cent, and what did rates go up by? They went up by 5.7 per cent, of which 5 per cent was the average increase in existing properties. So, Ms Follett put rates up, on a macro basis, by more than the increase in the CPI. In 1993-94, the increase in the CPI again was 3 per cent and the increase was 5 per cent again. In 1994-95, it was forecast that the increase in the CPI would be 3 per cent; it ended up being 2.5 per cent, and rates went up by 5 per cent again. We have a situation where every year Ms Follett put up the amount of revenue the ACT got from rates by more than the increase in the CPI. This year, in the interests of fairness and equity and also because this is what we promised at the election, which has something to do with it as well, this Government will put rates revenue up by only the increase in the CPI, which is 4 per cent. So, there are no extra little bits for the Government in this at all. I think that is an important issue.

Members of the previous Government are having a large amount of trouble understanding that our policy is to use 1994 valuations plus the increase in the CPI. It is not a mix of their policy and our policy; it is 1994 valuations plus the increase in the CPI. There is no doubt that under their policy there were enormous variations in the rates levied.

We had increases, and Mr De Domenico mentioned some of them, over three-year periods of 44 per cent in Kambah, 62 per cent in Macarthur, 44 per cent in Wanniassa, 57 per cent in O'Connor, 77 per cent in Reid - the list goes on. Under this policy, while we do a full review, it is 4 per cent on your last rates bill. There can be no messing around from there because that is the policy, that is the basis of the Bill.

In conclusion, the proposed land tax reforms introduce significant improvements in the current system. At the conclusion of the external review of the valuation and rating system in the ACT, I look forward to introducing further improvements that will benefit the people of the ACT and will ensure a predictable system and an affordable system for Canberra ratepayers.

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) (4.35): I move:

Page 2, lines 30 and 31, clause 5, proposed new paragraph 11A(3)(e), omit the paragraph, substitute the following paragraph:

“(e) section 29 applies in respect of the fixing of the valuation under paragraph (b) as if it were a determination of the unimproved value of the parcel.”.

This amendment goes to a very important question of natural justice. It allows people who want to appeal against the valuation on their property to do so. Last year, when people's valuations were advised to them, as a matter of common practice they received a note with their rates advising them of their appeal rights and how to make an appeal. This year, under the Government's Bill, people have no such right. I believe that there is no way that at this time last year people could have known that the valuation would be used for two years. It is therefore only a matter of natural justice that they again be advised this year of their appeal rights and that they have the entitlement to make an appeal.

I know that Mrs Carnell does not understand this; but it is a fact that many people in Canberra, like me, who have owned property for 20 or more years, recognise that your rates go up and down.

**Mrs Carnell:** But they have not gone down. They have always gone up. They have not gone down once.

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**MS FOLLETT:** All of the suburbs I have lived in have experienced fluctuations - - -

**Mrs Carnell:** Kingston, Pialligo and Tharwa.

**MR SPEAKER:** Order!

**MS FOLLETT:** I will shout over her if I must. All of the suburbs I have lived in have experienced fluctuations in the valuation of the land and therefore in the rates from time to time. When you see the valuations going up, as they did last year, you think, "Oh well; they will drop back a bit next year". Given the state of the property market, I think people had a reasonable expectation that that is what would occur. Many people who would have appealed against the valuation last year had they known that it was to be used for two years have lost the chance, under the Government's Bill.

I seek to put back that appeal right. It is very important to recognise that, under the amendment I have moved, I am seeking that appeal right only in relation to determining rates and land taxes to be paid in 1995-96; that is, I have not made it retrospective to last year. If they did not appeal last year, and they paid their rates and land tax last year, end of story. But I do think that for the current year they ought to have the usual appeal rights, hence I commend the amendment to the Assembly.

**MRS CARNELL** (Chief Minister and Treasurer) (4.38): We will be opposing this amendment, simply because it is absolutely unnecessary. The basis of these valuations is the 1994 valuations. People have had ample opportunity to appeal against those valuations already. I think it is probably worth while telling you just how many objections there were. There were 393 objections to valuations last year and I think 195 were confirmed. So, a number of people had their appeals upheld and, of course, a number of people did not. That is the whole basis of an appeal system.

What we are talking about here is an appeal against a valuation that happened last year, not this year. Obviously, all of these things come with a cost, and everyone in this Assembly has to realise that that is the case. I cannot see why we would put in place an appeal process when people have had those valuations for more than 12 months and have had every capacity to appeal. Some 393 of them have already appealed. Some of the appeals have been upheld; some of them have not. That is fine. Are we in the business of rehearing the appeals against the 1994 valuations? Remember that this is not against 1995 valuations. What may have happened to their valuations since 1994 will be irrelevant for any appeal. It will simply be the value of those properties on 1 January 1994. They have had any amount of opportunity to do that.

Why would we indulge in this administrative cost and expense, at a time when the budget is tight, when everybody in this Assembly has a large number of extra things they would like to put into this next budget? There are a number of proposals that have come from the Greens and from Mr Moore and all the things we want to achieve. There is only a finite amount of money. If we put in place an administrative process that is unnecessary because everyone has had an opportunity to appeal already - - -

**Ms McRae:** Not against the 1995 rates. Nonsense!

**MRS CARNELL:** The appeal will be against the 1994 valuation on 1 January. That is all it will be, Ms McRae.

**Ms McRae:** It is against the 1995 valuation.

**MRS CARNELL:** No, it will not be against that at all. The only appeal capacity is against the valuation under this Act, and the valuations that are used are as at 1 January 1994. That is the only capacity to appeal. Ms McRae, if you do not believe that, ask Ms Follett, because she knows that that is right. They have had an opportunity, over a quite long period of time now, to appeal against that valuation. That is the only capacity to appeal, even if this amendment goes through; so it is simply unnecessary. It is extra cost, and the money obviously has to come from somewhere, if that is what people want.

**MS FOLLETT (Leader of the Opposition) (4.41):** There are two matters I need to reiterate. Mrs Carnell knows as well as I do that, had there been a new valuation this year, a 1995 valuation for rating purposes, every ratepayer in Canberra - and there are 100,000 or so of them - would have had the right to appeal against that valuation. They would have been advised of that right with their rates bill. They would have had an amount of time in which to appeal. Because Mrs Carnell has not made a valuation this year but is using last year's, people have lost that right. I think that is unfair. People are being taxed on a valuation of their land. In principle, it is irrelevant whether that valuation was struck last year, 100 years ago or this year. In a democratic society, they should have a right to appeal on that matter.

I repeat what I said before: Many people who chose not to appeal last year because they expected their rates to drop off the following year did not exercise their right to appeal last year. Had they known that it was to be a repeat experience in 1995, plus 4 per cent, they would have appealed. I believe that this is a matter of natural justice. People last year were not advised that they would lose their right of appeal unless they exercised it immediately. They were not advised of that last year. They had no idea that that was in the Government's mind. I believe that it is essential that this amendment be carried.

I would also say to Mrs Carnell that I think she may have inadvertently misled the Assembly in her previous comments when she referred to the rates increase in 1994-95 as being 5 per cent. It was in fact 3 per cent, and if you check the budget overview document you will see that that is the case. However, there is an important point of principle here, and that is the ability of ratepayers to question the bill they are being presented with. There is no way that people could have known last year that the same valuation would be used this year. I think it is absolutely essential that we put back that right. I say again that I am not proposing that this be a retrospective right. If people paid their rates last year, they paid them, and that is the end of it; but I think they have a right to appeal against this year's valuation, no matter how that valuation was derived.

I again say to the Assembly that I think it is a matter of natural justice, of people being informed of what their rights are and having accurate information available to them. Part of that includes the ability to appeal in relation to your circumstances, and that is a very important right in our community. I believe that it should be upheld on this occasion.

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**MRS CARNELL** (Chief Minister and Treasurer) (4.44): I think it is important for the previous Chief Minister to remember that when we had triennial valuations ratepayers were able to object once every three years, simply because it was the same valuation, and that is what we are talking about here. I think Mr Berry is trying to get everybody confused by suggesting that it is a new valuation. It is exactly the same valuation as 1 January 1994. It is not their policy. This is a new policy, a new policy that says that it will be the bill you got in your hand last year, plus 4 per cent. There are no new valuations. That is the policy. That is what we stood for election on. That was our election commitment, and that is what should stand. There simply is no need to have an expensive appeal system when people have already had 12 months to appeal on this particular issue.

Question put:

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

The Assembly voted -

*AYES, 7*

*NOES, 10*

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

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

Question so resolved in the negative.

**MS FOLLETT** (Leader of the Opposition) (4.49): I move:

Page 2, line 31, clause 5, proposed new section 11A, add the following subsections:

“(4) If the 1995 valuation of a parcel of land is less than the 1994 valuation, subsections (2) and (3) shall be disregarded and the unimproved value of the parcel as at 1 January 1995 shall be the 1995 valuation.

“(5) In subsection (4) -

‘1994 valuation’, in relation to a parcel of land, means the unimproved value of the parcel as at 1 January 1994;

‘1995 valuation’, in relation to a parcel of land, means the unimproved value of the parcel as at 1 January 1995 that would, but for subsection (1), have been determined or re-determined under another section of this Act.”.

This amendment provides that, where a valuation has fallen between 1994 and 1995, the landowners will be given the benefit of that fall in the determination of their rates and their land tax, if that is applicable, in 1995-96. I said before that I considered that between 1994 and 1995 the unimproved capital value of many properties would have fallen, and anybody who has looked at the property market in the ACT would find that a reasonable expectation. It seems to me that where those falls have occurred it is quite unjust to expect people to pay their rates at last year’s inflated level. It represents a windfall for the Government, plus 4 per cent.

The amendment I am proposing will be of great benefit to people in areas of Canberra, and we know that there are many of them, who experienced a sudden sharp increase in their rates last year. Members might recall that I proposed a three-year rolling average of rates in order to iron out those sharp increases in some areas of Canberra. The reason it was put forward was that, after very careful study of the pattern of rates in Canberra and the pattern of land values, it was abundantly clear that where there had been a sharp rise it was usually followed by something of a fall, or at least very much a flattening out of the unimproved capital values. Insisting, as Mrs Carnell is doing, that people pay last year's level of valuation, plus 4 per cent, and not get the advantage of the fall in valuations that must have occurred, I think, is grossly unfair.

I repeat that I have asked for the information on 1995 unimproved capital values. I believe that it is available. When the Revenue Office briefed my colleagues and me on this rates Bill, we were given to understand that that information was available. It has so far not been made available to me or to my Labor colleagues, and that makes me believe the worst. What do they have to hide? Probably what they have to hide is exactly the situation I am trying to protect people against, and that is that in many areas the unimproved capital value would have fallen. That ought to be reflected in a lower rates bill, and under the legislation proposed by the Government it quite clearly is not reflected in a lower rates bill. The amendment I have moved would have that result, and I commend it to the Assembly.

**MRS CARNELL** (Chief Minister and Treasurer) (4.52): I cannot believe that Ms Follett moved this amendment without laughing, because she knows perfectly well that there is no windfall to the Government on the basis of this, simply because the whole policy is based on last year's rates bill plus 4 per cent. Certainly, the people whose property values have fallen will not have whatever possible benefit there may be from that fall, but the people whose property values have increased equally will not pay the substantially increased level of tax. As I said before, this Bill is actually cost neutral. We are at exactly the same level of rates as Ms Follett had planned in her forward estimates, but instead of having the level all over the place, with some people paying 30 per cent more and some people potentially paying a couple of per cent less, we are saying to everybody, “It is what you paid last year plus 4 per cent”. That is the policy.

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Ms Follett is trying to change the policy. Having moved this amendment, she should move another one to say that everybody whose valuations went up should get the benefit of that as well. That obviously is not possible. It is simply not possible under this approach. What would it mean to Government revenue? It would mean that everybody whose valuation fell would get the benefit of it, but the Revenue Office would not get the benefit from everybody whose valuation went up. That would leave an enormous hole in the budget, as Ms Follett knows, that would have to be picked up somewhere.

One of the interesting things that we have not spoken about yet is the way Ms Follett levied rates, but not just on residential valuations. Ms Follett balanced residential and commercial valuations. If commercial valuations went down at a greater rate or at a greater percentage rate than residential values went down, if they went down at all, the bulk of payments would be moved to the residential sector. In other words, if the base falls out of the commercial market, residential ratepayers in the ACT pay. Under my approach everyone gets 4 per cent - residential, commercial, whatever. It is interesting to note that since 1992 the proportion of rates revenue contributed by the non-residential sector has fallen from 19.49 per cent to 14.5 per cent. The amount that residential ratepayers are paying as a percentage has gone up substantially. That means that commercial ratepayers are paying less and residential ratepayers are paying more.

Ms Follett was talking about fairness and equity. If we are really looking at that, is it not fairer to have everybody's rates going up by the increase in the CPI, whether they be commercial or residential ratepayers, for this year while we have another look at it? It does seem to me unfair that, if the bottom falls out of the commercial market, the residential ratepayers should pick up the bill. I do not believe that that is an appropriate rating system. We are looking for a different one - one that is fairer; one under which residential people do not pick up the tab for the commercial market.

**MR BERRY (4.56):** Mrs Carnell never ceases to amaze me. First of all, she uses an argument in relation to residential properties which actually criticises her own rating system.

**Mr De Domenico:** No, it does not.

**MR BERRY:** It is her party's policy to adopt a system based on the CPI. That means that the top end of town, those who do well out of increasing property values, will prosper under that 4 per cent proposal. If their increases are higher than that they will do very well, thank you very much. The ones we are concerned about are the ones whose property values fall, particularly those whose property values fall by more than 4 per cent. I think it is reasonable to assume that in areas where there is less interest in the real estate there will be a decline; but there is also a possibility of a decline where there was a steep increase last time, or at least a levelling out. They also ought to have the opportunity. Much has been made by the Liberals opposite about areas where there have been steep increases - great shrieks - but they are not prepared to allow the circumstance to prevail, where there is a decline in value of above 4 per cent, for them to have the advantage of that decline. You cannot criticise the Labor Government for its rating policies when its rating policies provided some relief in those circumstances. In circumstances where property values had fallen the rating system tended to flatten out the average rates paid.

The Leader of the Opposition has also pointed out to you that a three-year arrangement to flatten out rates had been adopted. It is recognised that the Government has decided to do a review. It is understood that the Government will go ahead with that. But, if they put in place a regime which is unfair, you cannot expect people to sit idly by and just allow it to happen. The CPI method of increasing rates is decidedly unfair. It is clearly unfair.

**Mrs Carnell:** Why?

**MR BERRY:** Because people whose values fall do not get the advantage of the fall in rates which might occur. I think there is broad knowledge over there - they should understand this - that property values have slipped a bit in a lot of places. It is hard to sell property. Therefore, it is likely that the rates might be affected in a negative way. That is a fair assumption.

**Mr De Domenico:** What about the ones that go up?

**MR BERRY:** Mr De Domenico says, "What about the ones that go up?". Say they go up by more than 4 per cent. They will say, "Thank you very much for that. We are very pleased with this". Again the Liberals and Mr De Domenico are focusing concern and attention on the top end of town. The ones that go up - - -

**Mr De Domenico:** What? Conder, Banks, Bonython?

**MR BERRY:** The ones that fly up - - -

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.

**RATES AND LAND TAX (AMENDMENT) BILL 1995**  
**Detail Stage**

Debate resumed.

**MR BERRY:** There we have it in a nutshell, Mr Speaker. This is an unfair rating system. It is not a system that is used broadly, and neither should it be, because it does not fairly apply the rates that ought to be paid in relation to particular properties. It does not offer relief for people when their values have plummeted. I think there would be a view out there in the community, certainly in some suburbs, that the value of their properties has fallen markedly. Mr Speaker, this is something that ought to be supported by this Assembly. We cannot help it if the Government decides on a silly rates policy, but we ought to be able to reverse it where it adversely affects our constituencies.

**MRS CARNELL** (Chief Minister and Treasurer) (5.02): Very briefly, I will say it again; the end point of this rates policy is budget neutral. Under Ms Follett's approach she had something called a rating factor. Even if people's property values fell, the rating factor, the multiplying factor, could, in many cases, make rates go up anyway. The end point, the amount of money that had to be raised, was exactly the same, whether under this system or under the old system. If property values went down, not necessarily were rates going to go down. It is important that people understand that, but it is probably a bit hard.

**MS FOLLETT** (Leader of the Opposition) (5.02): I want to address one issue that Mrs Carnell raised, and that is the relativity between commercial and residential rates. Mrs Carnell made the point that commercial rates, as a proportion of the entire rates take, had fallen, and that is the case, Mr Speaker. That is the case because the unimproved capital value of commercial land fell consistently for many years. The reason why that commercial land fell in value was the recession. Businesses were not attractive as investment propositions and there was very little development going on. That was reflected in the unimproved capital value of the land.

If it is fair for the commercial ratepayers to have the advantage of a lower rates bill because of a lower valuation, why is it not fair for the residential people? Mrs Carnell is saying that if the residential valuations have fallen she does not care. She still wants them to pay last year's rates bill plus 4 per cent. Mr Speaker, I repeat that that is not a position that I believe is in any way fair. I think the unfairness is even more exacerbated now that people have no right of appeal. You must remember that when there were three-yearly valuations people knew that that valuation would last them for three years. They appealed knowing that it would last three years. Now, thanks to the votes of the Greens and the Liberals, people do not have that right of appeal; nor did they have any idea last year that that would be the situation. You are going from one grave unfairness to another.

Question put:

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

The Assembly voted -

*AYES, 7*

*NOES, 10*

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

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

Question so resolved in the negative.

**MS FOLLETT** (Leader of the Opposition) (5.07), by leave: I move:

Page 5, line 21, clause 12, paragraph (a), after proposed new paragraph (1)(b), insert the following paragraph:

- “(ba) a parcel of land leased for residential purposes -
- (i) that, on the prescribed date, is rented by a tenant; and
  - (ii) in respect of which the Commissioner is satisfied the owner is temporarily absent because of employment;”;

Page 6, line 5, clause 12, paragraph (c), after proposed new subsection (1A), insert the following subsection:

“(1B) For the purposes of paragraph (1)(ba), a person who is the owner of a parcel of land shall not be taken to be temporarily absent because of employment unless the Commissioner is satisfied that -

- (a) the person does not occupy the parcel;
- (b) the absence is because of the person's current employment, or that of his or her spouse, by an employer residing or carrying on business in the Territory;

- (c) the absence has not exceeded 12 tax assessment periods;
- (d) the person intends to reside in the Territory at the end of the absence; and
- (e) if the person has previously benefited from an exemption from land tax in respect of any parcel of land by virtue of paragraph (1)(ba) - the person has resided in the Territory continuously for the 2 years preceding the absence.’; and”.

Page 7, line 10, clause 12, proposed new subsection (3), add the following definition:

“ ‘tax assessment period’ means the maximum period during which an assessment of the amounts of land tax payable in respect of parcels of land leased for residential purposes has been made only once.”.

Page 7, lines 11 to 20, clause 13, omit the clause, substitute the following clause:

**“Application for certain exemptions**

- 13.** Section 22BA of the Principal Act is amended -
- (a) by omitting from subsection (1) ‘Paragraphs 22B(1)(a), (aa) and (b) do not apply’ and substituting ‘Paragraphs 22B(1)(b) and (ba) do not apply’; and
  - (b) by omitting from paragraph (2)(a) ‘paragraph 22B(1)(a), (aa) or (b)’ and substituting ‘paragraph 22B(1)(b) or (ba)’.

Page 9, line 3, clause 20, add the following subclauses:

“(2) Despite the amendments of the Principal Act made by this Act, a former employment related exemption in force immediately before 1 July 1995 has effect in respect of the imposition of land tax on the relevant parcel of land on or after that day as if it were a new employment related exemption.

“(3) In this section -

‘former employment related exemption’ means a declaration of exemption made under paragraph 22BA(2)(a) of the Principal Act before 1 July 1995, where the Commissioner was satisfied that paragraphs 22B(1)(a) and (1A)(a) of the Principal Act applied in respect of the relevant parcel of land;

‘new employment related exemption’ means a declaration of exemption made under paragraph 22BA(2)(a) of the Principal Act as amended by this Act, where the Commissioner is satisfied that paragraph 22B(1)(ba) of that Act applies.”.

The purpose of these amendments is to reinstate employment-related absences as a ground for exemption from land tax liability. Mr Speaker, I recall that when this matter first arose in this Assembly it was an issue of quite some debate. It was overwhelmingly the view of this Assembly that people who were posted overseas in the course of their paid employment should not have to pay land tax on their principal place of residence in Canberra. I think that the situation has not changed. We are in danger of perpetrating a real injustice on the many people who sought and were granted an exemption last year, and who have, in fact, been posted overseas in the belief that they were not liable for land tax. Now, under Mrs Carnell's Bill, unless my amendment is passed, they will be liable for land tax for the remainder of their posting.

Mr Speaker, I think there are very good reasons for allowing this exemption, and I was not a person who was famous for exempting people from taxes. It seems to me that where people are posted overseas it is very much a requirement of their employment. They are home owners, not investors. They retain that house as their principal place of residence. Had they stayed on in that house and been kept on their normal job, they would not have been paying land tax. The question would never have arisen. I think that people are entitled to be granted an exemption, not forever but at least for the three-year period, which reflects the temporary nature of their absence from Canberra. It also reflects the fact that this absence is in the course of duty and is not something over which some of them have a great deal of control. I do not think that many people taking postings in any way relish the concept of becoming involuntary landlords. I know that I would not. It is more or less a situation that is forced upon them by the nature of their employment.

Mr Speaker, I think it is entirely appropriate that those people not have to pay land tax; hence I am moving a series of amendments to Mrs Carnell's Bill which would reinstate that concession. As I say, there is a group of people who have already been granted the concession but who will now, unless my amendment is passed, receive the very unpleasant news that that concession has been terminated, and that will occur midway through their postings out of Canberra. I commend these amendments to the Assembly.

**MRS CARNELL** (Chief Minister and Treasurer) (5.11): We will be opposing these amendments. We will be opposing the amendments because the whole basis of the land tax part of this Bill is that from now on land tax will be levied on income producing properties. If people who are posted overseas are not renting their properties, they will pay no land tax. If they are, they will pay land tax. I am confident that when they go away they do the sorts of things that everybody does. They negatively gear the property and the land tax is tax deductible, as are all the other expenses associated with that property while it is not a principal place of residence. It is not as if this is a large extra impost; it is part of an income producing entity.

I am interested that Ms Follett seems to think that the ACT Government and the ACT people should somehow subsidise Commonwealth employees. These people, almost solely, are Commonwealth employees, so any assistance that we give them to carry out their jobs overseas is a direct subsidy from the ACT people to the Commonwealth Government via their employees. If the Commonwealth Government believes that land tax is an impost which is somehow unfair or unjust for people who are going overseas, there is absolutely nothing to stop the Commonwealth Government from increasing living away from home allowances or the offshore allowances for people who are posted overseas. There are a number of allowances, depending on the posting that people get. There is nothing to stop the Federal Government from adding this if they believe that that is appropriate. I think it is totally inappropriate for the people of Canberra to be subsidising the Commonwealth Government, via Commonwealth employees, for some reason that totally escapes me.

**MR CONNOLLY** (5.13): Mr Speaker, it is extraordinary that Mrs Carnell, who made an artform of whingeing about rates and taxes and who graced our television screens in Liberal Party ads, beaming at the camera and saying, "Not one cent of extra taxes under the Liberals", is now taking away a tax concession that was very consciously crafted by a Labor government when it brought in the basic principle of this form of taxation over vehement opposition from the Liberal Party. They were totally against this form of taxation when it was a Labor initiative; but as soon as they get to the government benches they consciously remove a concession, consciously put in by the Labor Government, which targeted and benefited, and was intended so to do, a very important part of this city's community.

This city, uniquely in Australia, has a strong concentration of Commonwealth public servants and defence personnel who, through no particular choice of their own, may be posted all over the world. For some years in my public service career I had the privilege of working in the Department of Foreign Affairs and Trade and I know that, despite all the jokes about the diplomatic cocktail circuit and the easy life of BMWs and Mercedes - the popular understanding of diplomatic life - it is not that at all. Mr Kaine would know that. His daughter is a career diplomatic service officer. Those people make their homes in Canberra. They have all the difficulties and disadvantages of moving their children and the constant disruption of a three-year cycle.

The Labor Government, when it introduced land tax to bring us into line with other parts of Australia - it had been an exception here - very consciously provided the ability for an exemption, the ability for an appeal, for people who were posted out of Canberra. How extraordinary it is that the leader of this Liberal Government, the person who made an artform of whingeing about rates and taxes, the smiling face of "not one more cent", has consciously decided to remove from our defence personnel and from our foreign affairs, trade and immigration personnel who are posted overseas a tax exemption that had been provided by the Labor Government. There should be no mistake in any of those sectors of the community that Mrs Carnell, once in office, has consciously and deliberately removed an exemption which had been placed in the legislation in their interest.

We are seeking to restore the situation for people who are such an important part of this community - public servants on ordinary public service salaries. That is what is so often forgotten in the public perception of diplomats. It is assumed that a diplomat is on a huge packet and enjoys generous allowances and conditions. The fact is that most of the people in the Australian diplomatic service are in comparatively junior positions. It is notoriously a fact of life that promotion in the foreign service is much slower than in other agencies. People who serve in the Department of Foreign Affairs and Trade may, after a distinguished 10-, 12- or 15-year career, probably having entered with quite glittering academic qualifications, expect to still be in comparatively junior ranks of the service. Promotion to senior officer and beyond is much slower in that department. People who take their families overseas in this country's interest have now been hit by the deliberate removal of a tax concession that the Labor Government placed to benefit our diplomats, our trade service, our immigration service and our armed forces.

If you are looking at a group in the community who work hard for this country for comparatively low remuneration, you could find no better example than the defence services. People in the defence services, whether they be serving men and women or officers, are, compared to others in the community, not tremendously remunerated; yet they bring up families and they base themselves in Canberra in many cases, accepting that a part of their duty is to be posted away. We provided a tax concession in their interest. This Liberal Government is seeking to remove that tax concession. Labor is trying to put it back. We would hope that we would get support from other members of this Assembly.

**MRS CARNELL** (Chief Minister and Treasurer) (5.17): Mr Connolly and Ms Follett would know perfectly well that the basis of this new approach to land tax is that the principles upon which it was put together are different. Under Ms Follett the principle was that land tax was levied on properties that were not the principal place of residence of the particular person. In our case land tax is levied on income producing properties. It is that simple. If a property is producing income, land tax will be levied; but it will be done on a quarterly basis. There no longer will be a situation where somebody is liable for land tax for a week, two weeks, a month or whatever and ends up paying 12 months' worth of land tax. It will be on a quarterly basis. If somebody is overseas on a posting for only the first couple of months of a year, they will no longer pay 12 months' land tax. They will pay only three months' land tax, which is appropriate.

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I believe, quite strongly, that this is an appropriate approach. If the property is not rented, if they have left their student children in it - all of those sorts of things - there will be no land tax. If it is income producing, if it is negatively geared, if land tax is tax deductible, and all the other things that go with this, land tax will be levied. Of course, if the Commonwealth chooses to pick this up on behalf of its employees, it is most welcome.

Question put:

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

The Assembly voted -

*AYES, 7*

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

*NOES, 10*

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

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

### **LEAVE OF ABSENCE TO MEMBERS**

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

That leave of absence be given to the following Members for the specified periods:

- (1) Mr Whitecross from 4 to 7 July 1995 inclusive;
- (2) Mr Hird from 4 to 18 July 1995 inclusive;
- (3) Ms Horodny from 4 to 18 July 1995 inclusive; and
- (4) Ms Tucker from 9 July to 5 August 1995.

**Ms McRae:** Mr Speaker, I take a point of order. I ask you to offer some clarification of why people need to seek leave of absence if they are attending a conference related to Assembly business. I do not ask you to do so this minute, but would you mind giving us some advice on that.

**MR SPEAKER:** I shall give you some advice on that. I shall consider the matter. As you would be aware, Ms McRae, it has become a convention to some extent; but I will look into the matter further for you.

**Ms McRae:** I was asked about it. It does not make any sense. It is Assembly business.

**MR SPEAKER:** I take your point, and I will let members know what the arrangements are.

### **STAMP DUTIES AND TAXES (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) (5.24): Mr Speaker, the Labor team will not be opposing or seeking to amend this Bill. It deals with a purely housekeeping matter - namely, the provision of a one-off exemption for ACT vehicles transferring from the Federal interstate registration scheme to the ACT registration scheme after 30 June 1995. Members will know that the Federal interstate registration scheme is to be phased out, and the 250 or so ACT vehicles which are currently so registered and which are currently exempt from liability for stamp duty need to transfer to ACT registration. As they are currently exempt, I can see no reason why they should not remain exempt - unlike the vehicles of people being posted overseas, Mr Speaker. I also accept that if these vehicles were to transfer, say, to New South Wales for registration, which State does have a stamp duty exemption for them, then the ACT would lose revenue over the coming years. We will therefore be supporting the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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**AUCTIONEERS (AMENDMENT) BILL 1995**

[COGNATE BILLS:

PAWNBROKERS (AMENDMENT) BILL 1995  
SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL 1995]

Debate resumed from 1 June 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Pawnbrokers (Amendment) Bill 1995 and the Second-hand Dealers and Collectors (Amendment) Bill 1995? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to orders of the day Nos 4 and 5.

**MR CONNOLLY (5.25):** The Opposition has no problem in supporting these three Bills. They are comparatively minor housekeeping matters. When I saw the titles of these Bills on the notice paper I thought that they may have been a rather more substantial exercise in law reform in these areas. It is a matter of public record that through 1993 and early 1994 there was a very major operation by the New South Wales police which involved the use of pawnbrokers' shops which were in fact set up by the police as part of a sting operation. That operation was enormously successful in breaking down housebreaking gangs throughout Sydney and gave New South Wales police - again it is a matter of public record - fairly invaluable intelligence on how housebreaking operations go, how goods and material move around the State and indeed around the country, and how the trades of pawnbroking, second-hand dealing and auctioneering, despite the impeccable moral character of some members of those trades, can be used as the main channels through which stolen property moves.

It was certainly noted at a Police Ministers conference in 1994 that, as a result of the information gained in that New South Wales exercise, there would be some fairly substantial law reform on pawnbroking and second-hand dealing. I assume that that work is still going on in New South Wales and that we will at some stage seek more substantial reform. I think Mr Humphries adverted to that towards the end of his remarks. These procedures relate to tidying up some review mechanisms. They are simple and straightforward and deserve to be supported.

**MR HUMPHRIES (Attorney-General) (5.28), in reply:** In closing the debate, Mr Speaker, I welcome the support of the Opposition. Although these are not earth-shattering amendments, they certainly ensure that we bring the law of the Territory into line with practice. Where there is a variation, we risk putting people outside the law unnecessarily. We should avoid that, and this legislation is designed to do that. As I indicated in my presentation speech, there will be further examination of the general law relating to pawnbrokers and so on, particularly with respect to the fit and proper person test, which members would be aware the Liberal Party has some problems with.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **PAWNBROKERS (AMENDMENT) BILL 1995**

Debate resumed from 1 June 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **SECOND-HAND DEALERS AND COLLECTORS (AMENDMENT) BILL 1995**

Debate resumed from 1 June 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## SUPPLY LEGISLATION

**MS FOLLETT** (Leader of the Opposition) (5.30): Mr Speaker, I ask for leave to move a motion relating to the Supply Bill 1995-96.

Leave granted.

**MS FOLLETT:** I move:

That the Treasurer provide to all Members within four weeks a breakdown of allocations within the Supply Bill 1995-96 at program level; further, that no transfers of funds occur between programs during the supply period without Members of the Assembly being advised.

Mr Speaker, there are two main reasons why I seek to move this motion. The first of them is that the Supply Bill which we are debating has been changed so very radically from the supply Bills that we have previously debated in the Assembly. As I made very clear yesterday, I regard the radical change as very undesirable. In putting forward what amount to one-line appropriations under very broad-brush headings, the Treasurer has not given the Assembly the opportunity to properly scrutinise the Supply Bill. As we are talking about an amount of \$658m, I believe that that is worthy of proper scrutiny.

I am also putting forward the motion, Mr Speaker, because of the great contradictions that we have heard so far in the debate on the Supply Bill. One of the contradictions that troubled me was whether the Supply Bill actually represented existing policy - that is, last year's budget - or whether it had been changed in some way to reflect the policy of the current Government. I have reviewed the *Hansard* relating to that matter and I am no clearer on the subject. I am sure that most members would know that supply traditionally reflects current policy. There is no new policy contained in it. Hence I had expected supply to accurately reflect the appropriations that were made by this Assembly in the budget last year. That is not the case. We have been presented with some conflicting information about what has actually occurred.

The other contradictions that trouble me, Mr Speaker, are related to what is in the Supply Bill, the actual amounts being appropriated. We have heard that, on the one hand, the Supply Bill is based on last year's budget. In that case there is no earthly reason, none whatsoever, why the Supply Bill should not have been presented at program level. Last year's budget was. Therefore, items such as government schooling and private schooling should have been separated out in the Supply Bill. But we have been told that to make such a separation to program level could not be done in the time available. Mr Speaker, since that time Mrs Carnell's office has supplied me with a document which I have not had time to scrutinise properly. That may well be the information to program level that I have asked for; but, as far as I can see, it is not on a basis that is comparable with what occurred in the budget last year.

Mr Speaker, the motion that I am moving also asks that no transfers of funds occur between programs during the supply period without members of the Assembly being advised. I have moved that way for the simple reason that I am so concerned at the broad-brush approach of the present Government that I believe that the Assembly must be advised if, for instance, there is going to be a transfer of funds between the government schooling program and the private schooling program.

I want to go on the record again saying that the level of detail in the Supply Bill is not sufficient and that in future the Government's financial legislation must be far more detailed, to allow proper scrutiny by the Assembly. I accept Mrs Carnell's point that the Supply Bill is not an accounting document. We do not test the Supply Bill in the same way that we test the budget estimates, for example. However, it is a very significant amount of money. This Assembly has always taken very seriously its duty to scrutinise the financial management of the government, whatever government has been in place, and I believe that we ought to maintain that stance. I think it has served not just the Assembly and its members but also the people of the Territory very well to have that level of scrutiny and for the government to maintain full accountability to the Assembly.

Mr Speaker, I commend the motion to the Assembly. I would rather not have had to move it. I have made it clear that I would not attempt to thwart supply, but we need on the books a motion which does justice to the concern about the current Supply Bill that I have heard expressed by all parties in the Assembly apart from the Government.

**MRS CARNELL** (Chief Minister and Treasurer) (5.35): I believe that at lunchtime today I gave the information that Ms Follett and others were after yesterday. I gave it after a large amount of work from Treasury officials last night and this morning. It equates to the supply appropriations Part 1 summary, which was the breakdown of last year's Supply Bill; so it does give the same information as was given in the past. It equates it to the new administrative units and programs. It shows how, say, education - the area of concern raised yesterday - is broken down into government schooling, non-government schooling, CIT and training. That is what we are talking about.

**Ms Follett:** That was the old program. That is my worry. The new one does not.

**MRS CARNELL:** What we are saying is that that is the amount of money that is appropriated this time in those areas, and it equates across into the new areas.

**Ms McRae:** No, it is not the same.

**MRS CARNELL:** I am sorry; it does.

**Ms McRae:** It is not the same.

**MRS CARNELL:** It is the same. The information that we have been asked for, I believe, we have produced already, at least down to the level that we were asked for yesterday - for example, how much money has been appropriated for government schooling and non-government schooling. Obviously, areas like health have always been single-line appropriations in supply Bills. We believe that we have given that information already.

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I am interested in the second part of the motion, which suggests that no funds transfers should occur between programs during the supply period. I am interested in that, because you simply do not account against supply Bills, as Ms Follett knows. I do not think it particularly makes a whole lot of difference, but I cannot see that there is any point at all. What we do not want to do here is pass a motion where the information is already there on the table and the second part of the motion actually does not do anything at all. For the life of me, I cannot see what the Opposition is trying to get at.

I think it is important to restate some of the issues from the debate yesterday. What is a supply Bill? A supply Bill merely appropriates an amount of money to allow the Government to continue the programs, the approaches, that are currently in place until a budget comes down. I think yesterday we got somewhat confused with debating the difference between a supply Bill and a budget. Budgets are accounted against; they are reported against. The issue is that a budget is an accountable document. Obviously, a supply Bill is an accountable document as well. This Supply Bill simply enables the public sector to continue with the commitments that are currently in place pending the budget. Those are commitments like grants to community organisations, the delivery of service, payment of contracts, payment of public service salaries and, importantly, ACT obligations to service debts to the Commonwealth, other lenders and so on. That is what this Bill is about.

I can guarantee to this Assembly that there are no major policy shifts somehow hidden in this Supply Bill. The Supply Bill is simply to get us through to the budget. When we have the budget, all will be on the table. I explained it this morning to those who were interested. Because of the way that we will be putting together this budget it will be substantially more open and accountable than has been the case in the past, with reporting to subprogram level. When reporting starts on the new budget layout, for the first time we will be able to see right down to subprogram level. We have never had that sort of information before. In terms of being able to see where money goes in the ACT Government, the new approach will be different. That is the budget. The Supply Bill is simply to appropriate money to allow the Government to go on with its current approach, to get us by, to pay the salaries - all those sorts of things - until we get to the budget.

Everybody who knows something about governments would know that currently the Government is involved in the budget process in budget Cabinet, determining what the new policy directions will be, how we are going to pay for them and what the budget will actually look like. Those decisions have not been made, and that is the reason we have gone for a late budget. The information we have given today gives the same information as was given in the supply appropriations Part 1 summary of the last Supply Bill. The information is already there on the table. The Treasury officials have worked very hard last night and today and they have produced the information. They have not done anything else, but they have produced the information here. If that is what the Assembly wants, that is what is here on the table. I still have my reservations - - -

**Ms Follett:** No, it is not quite what we want.

**MRS CARNELL:** If it is not what we want, we are going to need a lot more detail. It is exactly what the supply summary did last time.

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

**MRS CARNELL:** It is. The information is there on the table. It shows how much money has been appropriated for government and non-government schooling, for training, for CIT, for the Treasurer's Advance, for Territory planning, for land and for all of those sorts of areas. It also shows how that reflects in the new Administrative Arrangements. I understood that the Assembly wanted to see how that fitted in with the way that money was actually being appropriated to be used to keep the Government going, to keep salaries paid. There has been no new major policy direction, simply because budget Cabinet has not finished its process. Therefore, there could be no major new initiatives. All that can be happening at the moment and all that is happening at the moment is a valiant attempt to rein back overexpenditure from the past.

**MS McRAE (5.42):** Mrs Carnell, I will try to explain. I am sorry that I interjected before, but it does seem to me to be obviously and patently clear what the problem is and what it is that you are not able to see. I thank the officials who put together the numbers that add up to the bottom line that I was asking about yesterday. We have \$75,760,000 for the new administrative units and programs in the first column, and it matches to \$75,760,000 in the column on the right. What does not match up is the subprograms. The substance of this motion talks about the subprograms. We need to understand how the - - -

**Mr Moore:** They are programs, not subprograms.

**MS McRAE:** The programs do not match up.

**Mr Connolly:** We mean programs.

**MS McRAE:** We mean programs; I am sorry. We will have subprograms, too, if you want to give them to us; but we will stick to programs. We have \$2,380,000 and \$10,750,000. In the programs we have government coordination and public administration. Where has that gone? Where is the break-up of that? Where are the programs that relate to that? That is now \$75,190,000 under the Chief Minister's Department. It is at that level that it makes no sense any more.

Let us look at the more simplistic one that we all seem to be more cut up about. You are attempting to tell us today that the new administrative units and programs that incorporate education both come to \$122,560,000. That is no problem. But all it says is "Department of Education and Training". It does not say "Government schooling" and "Non-government schooling".

**Mrs Carnell:** Yes, it does, on the other side.

**MS McRAE:** That is the old program.

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**Mrs Carnell:** That is exactly the way we are doing it.

**MS McRAE:** But we do not know, under the new administrative units and programs - - -

**Mrs Carnell:** It is the same thing.

**MS McRAE:** But it does not say it there, so we cannot come back.

**Ms Follett:** You have four weeks to get it right.

**MS McRAE:** That is right. We are trying to tell you that we want to come back under the new administrative units and programs and have a look at what the Supply Bill says and then look at the changes that were authorised under the various Acts if they were transferred from one program to another. The contention is that, with the new listing that you have given us, money can be shifted from non-government schooling to government schooling. We have no knowledge of what the break-up of those programs is. Similarly, we have no knowledge of what \$75,190,000 means under the Chief Minister's Department now.

**Mrs Carnell:** That is what the other line is for.

**MS McRAE:** But the other line relates to old programs. We are interested in the new programs. This is the detail that we need.

**Mr De Domenico:** Wait for the budget.

**MS McRAE:** We do not want to wait for the budget. We are asking you for a supply Bill that offers the level of detail that we need to be able to scrutinise properly what happens within those programs. You have four weeks to do it. The motion allows you a bit of time. We will pursue the detail with you for the entire four weeks until we get what we need. Thank you, Mrs Carnell.

**MRS CARNELL (Chief Minister and Treasurer) (5.45):** I seek leave to speak again.

Leave granted.

**MRS CARNELL:** Let me just elaborate. The column that says "Old programs" does not mean that they are old figures. The line that says "Old programs" does not mean old money. The money, as you can see, equates across the two. It shows what it would have looked like had we reported in the old format. I assumed that that was what you wanted. The \$75,760,000 equates across. That is how it splits up. This is this appropriation Bill. It is not something else; it is this appropriation Bill. It is just a different way. We have reported on the left-hand side the way we thought you wanted us to report. We have reported on the other side the way it is reported in the Supply Bill.

Therefore, you have the information that you wanted. This is relevant to this Supply Bill, not to something else. The information on your left is exactly the same breakdown as has existed in the past. It is this Supply Bill, not something different. The information is there.

**MR MOORE (5.47):** Mr Speaker, I think that some of the confusion has to do with the fact that it was named "Old programs". I wanted information at the program level. When I read down the left-hand column, that is the appropriate information that I have been looking for. There are some areas where perhaps it could have been broken down just a little bit further, if we were to compare it to, for example, the 1994-95 Act, as I did yesterday. That makes complying with the first part of Ms Follett's motion fairly easy for you, and I think that that should not cause a particular problem. I have not done a comparison of this particular breakdown with a past Act yet. It may well be that there are a couple of areas where we need to come back to you and say that we need you to break it down a tiny bit further. Clearly, it is possible to do what we need you to do, and it is possible to do it within four weeks without any difficulty. It appears to me, at a glance, to have been done. The second part of the motion is that no transfers of funds occur between programs during the supply period without members of the Assembly being advised. I am certainly inclined to support that. Since you feel that you have already done that, it will not cause you any problem. The second part of the motion is very sensible. Therefore, I think it makes sense for us to support this motion.

Question resolved in the affirmative.

### **SUPPLY BILL 1995-96 Detail Stage**

Remainder of Bill, as amended, as a whole

Debate resumed from 21 June 1995.

**MR MOORE (5.49):** Mr Speaker, I shall try to contain my speech to an hour and a half! Mr Speaker, the motion that has just gone through has made the message to the Government clear. It is a message that can be taken across to their consideration and preparation of the Appropriation Bill. I would like to thank the Chief Minister for making her staff and Treasury officials available this morning at 9 o'clock. I would like particularly to thank the Treasury officials who were there for an hour. Some members were able to remain for only half-an-hour, but Ms Tucker and I were still there at close to 10 o'clock. The answers that we had from Treasury were particularly useful to us. Mr Speaker, with all that said, I think the message that came through yesterday and today is that none of us intend to block supply. We were quite clear about that yesterday. That was why we passed the Bill through to this stage before adjourning the debate. We look forward to allowing the Government to get on with its budget process.

Remainder of Bill, as amended, agreed to.

Bill, as amended, agreed to.

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## **MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1995**

Debate resumed from 20 June 1995, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

**MR WHITECROSS** (5.51): Mr Speaker, we will be happy to support this Bill. I have had a conversation with Mr De Domenico, and he has assured me that the Bill is just about returning us to the situation we are all familiar with, so that when you are getting your registration sorted out you can get a check done to see whether faults have been correctly rectified, and that it will not be used to extend the power of private inspection to get rid of the existing government inspections. I accept his assurances. With that taken into account, we are happy to support the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **ESTIMATES 1995-96 AND BUDGET REVIEW - SELECT COMMITTEE Membership**

**MR SPEAKER:** Pursuant to the resolution of the Assembly of 21 June 1995, I have been notified in writing of the nominations of Mr Hird, Mr Kaine, Ms McRae, Mr Moore, Ms Tucker and Mr Whitecross to be members of the Select Committee on Estimates 1995-96 and Budget Review.

Motion (by **Mr De Domenico**) agreed to:

That the Members so nominated be appointed as members of the Select Committee on Estimates 1995-96 and Budget Review.

## **ADJOURNMENT**

Motion (by **Mr De Domenico**) proposed:

That the Assembly do now adjourn.

## **Assembly Sitting**

**MR MOORE** (5.52): Mr Speaker, today is supposedly the shortest day of the year but to some of us it seemed very long.

## **Temporary Deputy Speaker**

**MR HIRD** (5.52): Mr Speaker, I would like to draw attention to a unique event today. The former Chief Minister, Mr Kaine, was a member before self-government and has been a member since self-government and has occupied many positions in this chamber, but today is the first time that he has acted as a Temporary Deputy Speaker.

Question resolved in the affirmative.

**Assembly adjourned at 5.53 pm until Tuesday, 22 August 1995, at 10.30 am**

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