



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

21 September 1995

**Thursday, 21 September 1995**

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

### **HEALTH PROMOTION BILL 1995**

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (10.31): I present the Health Promotion Bill 1995, together with the explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

The Health Promotion Bill 1995 enacts an election commitment made by the Liberal Party to increase the resources being put towards health promotion and to give the Health Promotion Fund greater autonomy. It represents a major commitment by the Government to health promotion and increasing the health and wellbeing of the Canberra community. This Bill establishes the Health Promotion Board as a statutory authority and provides it with 5 per cent of revenue from the tobacco franchise fee. In 1995-96 the income to the board, based on estimated revenue from the tobacco franchise fee, will be \$2.1m. This is an increase of over \$1m being devoted to health promotion and represents the first real terms increase since the establishment of the Health Promotion Fund in 1989. In the first full year of operation of the fund in 1990-91, receipts from the tobacco franchise fee were \$11.2m and the fund was allocated \$900,000, or 8 per cent of revenue. Revenue from the tobacco franchise fee has increased considerably since then, with approximately \$30m collected in 1994-95. However, the amount devoted to the Health Promotion Fund had fallen to 3.2 per cent of that revenue.

The Government's commitment to increase resources to the fund recognises the value of health promotion. The decision to allocate 5 per cent of the tobacco franchise fee ensures that funds for health promotion increase in line with revenues from this fee. This decision was made on the basis of the then existing level of a 75 per cent tobacco franchise fee. This has now increased to 100 per cent in line with New South Wales and Victoria. I am pleased to say that the Government has maintained its commitment to devote 5 per cent of this revenue towards health promotion, providing a further substantial increase in the resources to be made available. In the tight fiscal situation in which we find ourselves this commitment represents a substantial investment in the future health of the Canberra community.

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The board will be charged with the ongoing responsibility to fund, through grants and sponsorships, activities that promote good health, safety and the prevention or early detection of disease. This will be achieved through the simpler administrative process of a statutory authority without any overall loss of accountability to the Government or to the Assembly. The legislation requires the board to provide a strategic plan, including campaign priorities and proposed expenditures. It also provides for the Minister to make written directions to the board in relation to the performance of its functions, either generally or in relation to a particular matter. The Bill requires the board to implement ministerial directions. Such directions must be laid before the Assembly within 15 days. The board is required to furnish the Minister with an annual report on its activities. The strategic plan, the annual report and any ministerial directions are to be laid before the Legislative Assembly.

The board will be responsible for all administrative and financial arrangements pertaining to its functions, although staff will continue to be covered by the Public Sector Management Act 1994. Many of these administrative services may continue to be provided by the ACT Government Service, and I expect that staffing and financial management may well continue to be provided in this way. However, the board will be able to negotiate and arrange all matters to its advantage and to the advantage of health promotion in the ACT. This financial year, 1995-96, will be a year of transition for the board as it becomes established, and the Government will continue to support its operations in every possible way.

The legislation gives the board a broad charter under which to operate. It allows it to research and develop activities which will, in the longer term, support its primary goal of health promotion. In this regard the board will be able to fund pilot projects and fill gaps in many areas. The board will also be asked to examine health promotion funding currently being undertaken elsewhere in the administration in areas such as sport and recreation funding with a view to drawing its funding together under its operations.

Finally, I would like to highlight the new and entrepreneurial focus that this structure will bring to health promotion in the ACT. I will ensure that members of the board are not only able to reflect the previous history of the Health Promotion Fund but also able to give the work of the new agency a higher profile within the community. I believe that the board has the potential to emulate the success of similar bodies in Victoria, South Australia and Western Australia and should, over time, make a very valuable contribution to health costs in the ACT. I am very proud of this Bill, as is the Government generally. We believe that this will be a very definite step forward. It will make sure that, in the future, health promotions are not subject to the problems that some governments had in the past with health promotion funding.

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

**LEGAL PRACTITIONERS (AMENDMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General) (10.38): Mr Speaker, I present the Legal Practitioners (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

This is a short measure which will amend the Legal Practitioners Act 1970 in order to end governmental involvement in the appointment of queen's counsel in the Territory. Members will recall that on 5 July 1993 the previous Attorney-General announced that the Government of which he was a member had decided to endorse the recommendations of the Assembly Standing Committee on Legal Affairs, which I then chaired, and impose a moratorium on governmental involvement in the appointment of legal practitioners as queen's counsel for the ACT. Such a moratorium had been recommended in the Legal Affairs Committee's report "Access to Justice in the ACT".

The issue of ending governmental involvement in the appointment of queen's counsel clearly remains on the public agenda. The conferring of special status by the Government can be seen as being outdated, since other professions themselves confer special status on their members, and the matter of the recognition of the forensic skills of individual practitioners is, accordingly, properly one for determination by the legal profession itself. This process has since been advanced by the previous New South Wales Government, which passed the Legal Profession Reform Act 1993, which abolished any power of the Crown to appoint persons as queen's counsel.

This ending of governmental involvement in the appointment of queen's counsel was endorsed by the Trade Practices Commission in its report on the legal profession. It recommended that all States and Territories should withdraw from the official selection and endorsement of queen's counsel. The commission summarised its assessment of the situation as follows:

While the Commission has received no evidence to suggest that the title of QC confers market power which of itself allows the holder to charge higher prices and earn higher profits, it remains the case that official government endorsement of the status of a limited class of professional service providers cannot be justified in the public interest.

The commission also stated:

Identifying certain barristers as highly experienced and skilled might reduce information difficulties of clients and their solicitors and lower their costs of finding advocates of appropriate standards and ability. However, sophisticated, well informed clients who are advised by experienced solicitors are usually the ones who require the services of senior barristers in more complex cases. Such clients can usually look

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after themselves without the need for a government endorsement of suitable barristers. Endorsement of particular advocates by the government would also appear to run counter to the barristers' stated position of maintaining independence from the influence of the state in representing the interests of individuals.

In short, Mr Speaker, the Bill will repeal those provisions of the Legal Practitioners Act 1970 relating to the appointment of queen's counsel and the precedence of legal practitioners and it will abolish any prerogative right or power of the Crown to appoint practitioners as queen's counsel or to grant precedence. The Bill also preserves the Executive's power to revoke an existing appointment of a person as a queen's counsel, whether the appointment was made under the statutory power in section 5 of the Legal Practitioners Act or the Crown's prerogative power. I would imagine that this power would be rarely, if ever, exercised. Existing appointments, other than in relation to precedence, are not affected by this Bill.

I note that since the imposition of the moratorium the Bar Association has appointed its first senior counsel. I think there are now two such people. After the passage of this Bill the according of status and precedence to particular practitioners will remain a matter for the local profession. I do not believe that it is an appropriate matter for the Supreme Court to concern itself with, other than to provide advice to the Bar Association as to the suitability of a particular practitioner for appointment as a senior counsel. I have not, however, thought it necessary to follow the New South Wales legislation which prohibits the judiciary from setting up a system of according status or precedence to legal practitioners. I certainly would not encourage such a practice. Mr Speaker, I commend the Bill to the Assembly.

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

### **REMAND CENTRES (AMENDMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General) (10.42): Mr Speaker, I present the Remand Centres (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

This Bill is the first of two Bills which will allow certain categories of convicted prisoners to be held temporarily in the Belconnen Remand Centre and will make associated amendments. Whilst the main purpose of the Belconnen Remand Centre is to hold adults in custody pending the hearing of criminal charges against them, a number of other categories of people, including certain convicted prisoners, unauthorised immigrants and juveniles who are charged with very serious offences, may be held there under existing law.

One of the important provisions in this Bill concerns the detention of mentally ill prisoners. In April 1990 a tragic incident occurred when a mentally ill prisoner from the Territory committed suicide in Goulburn gaol shortly after his reception there to serve his sentence. It appeared that reports about his mental condition, which the court had directed should accompany him, had not been drawn to the attention of the prison medical service. Consequently, no special arrangements were made for his protection and care. As a result of this incident, revised arrangements concerning mentally ill prisoners were agreed in 1990 between ACT Corrective Services, New South Wales Corrective Services and the Australian Federal Police, who are responsible for the transport of ACT prisoners.

One of the changes which were agreed between the agencies was to allow mentally ill persons who had been sentenced to imprisonment to be held at the Belconnen Remand Centre pending arrangements for their transfer to New South Wales, including the collection of medical and psychiatric reports and the organisation of suitable accommodation. The Belconnen Remand Centre, with its purpose built cells for mentally ill people, is a more suitable facility than police holding cells, which is where convicted prisoners are currently held pending transfer. This Bill gives effect to the proposal agreed with New South Wales. Similarly, the Bill allows temporary detention at the Remand Centre of those persons who have been found unfit to plead to criminal charges because of mental illness, or who have been acquitted of an offence on the grounds of mental illness, pending their transfer to New South Wales.

Other amendments to the Remand Centres Act 1976 are included in this Bill. At times the transfer of prisoners to New South Wales may be delayed; for example, because police escorts are not available, because special arrangements need to be made at the receiving facility, or occasionally because there is no room available. Delays of up to one week have occurred. Since police cells are not designed for long-term custody, it is preferable for such prisoners to be held at the Remand Centre pending transfer. Prisoners who are serving a sentence in New South Wales or any other State may also be transferred back to the Territory to be tried for further offences. Since such trials may be lengthy, it is desirable to hold those prisoners in a purpose built facility rather than in police cells. As I mentioned, Mr Speaker, unauthorised immigrants may also be detained at the Remand Centre. However, the references to the relevant Commonwealth legislation are outdated and those references are updated in the Bill.

I believe that this Bill contains some significant amendments to extend the categories of persons who may be detained for short periods at an appropriate Territory facility rather than being transferred to the New South Wales prison system or being held in police cells. The proposals are consistent with the Territory accepting greater responsibility for the welfare of those persons convicted by our courts. I commend the Bill to the Assembly.

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

## MAGISTRATES COURT (AMENDMENT) BILL 1995

**MR HUMPHRIES** (Attorney-General) (10.46): Mr Speaker, I present the Magistrates Court (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

This is the second of the two Bills which will allow certain categories of people to be detained at the Belconnen Remand Centre rather than in prison or in police custody. The Magistrates Court (Amendment) Bill 1995 includes two principal amendments.

The first amendment relates to those prisoners who have been convicted and sentenced to a term of imprisonment but who have lodged an appeal against conviction. In the past such persons were detained in the Belconnen Remand Centre while awaiting the hearing of their appeals. However, in a 1990 decision, doubt was cast on this practice by the Supreme Court. Consequently, an amendment to clarify any uncertainty has been included in the Bill. The category of prisoners who have lodged appeals does not extend to those who are appealing only against sentence, since they are not in the same position of protesting their innocence but are arguing only that the sentence imposed is too severe. Such prisoners will be detained in prison in New South Wales in the ordinary way while the matter is determined.

The Bill also provides for detention in a remand centre of a person who refuses to enter into a recognisance to be of good behaviour under subsection 547(2) of the Crimes Act 1900. That section deals with cases of apprehended breach of the peace where the person has uttered offensive or defamatory words, and it empowers a magistrate to order imprisonment either for three months or until the person agrees to enter into the required recognisance. Since the court's powers in the case of an apprehended breach of the peace are purely preventative rather than flowing from the commission of a criminal offence, I consider it appropriate that any detention should be served in a remand centre with other unconvicted persons rather than in prison. I commend the Bill to the Assembly.

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

**GUARDIANSHIP AND MANAGEMENT OF PROPERTY  
(AMENDMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General) (10.49): Mr Speaker, I present the Guardianship and Management of Property (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

The purpose of the Bill is to make a simple amendment to the Guardianship and Management of Property Act 1991 which will allow the Public Trustee the same flexibility in investing moneys as that already enjoyed by other managers appointed under the Act.

The need for the amendment may be best illustrated by outlining what happens under the existing legislation when the Public Trustee is appointed the manager of a person who is legally incompetent to enter into a transaction relating to the person's property. If that person happens to have a share portfolio the Public Trustee is obliged to sell that share portfolio and invest the moneys in a common fund. The Public Trustee must do so even though a wise investor would not, at that time, sell the shares. Thus the Public Trustee is obliged, under the legislation, to do something which may not be in the best interests of a person whose welfare the Public Trustee is expected to protect.

As I have indicated, the proposed amendment will allow the Public Trustee greater flexibility in investing moneys by removing the existing provision in the Guardianship and Management of Property Act 1991 which excludes the Public Trustee from investing trust moneys in accordance with the Trustee Act 1925-1942 or as the Guardianship and Management of Property Tribunal permits. I commend the Bill to the Assembly.

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

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**LAW REFORM (MISCELLANEOUS PROVISIONS)  
(AMENDMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General) (10.50): Mr Speaker, I present the Law Reform (Miscellaneous Provisions) (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

This is a Bill to amend the Law Reform (Miscellaneous Provisions) Act 1955 following a recommendation arising out of the law review program conducted by the Attorney-General's Department. This amendment allows the Supreme Court to make an order having regard to the merits of the case in certain types of cases where jurisdiction may presently be denied. For example, in an action for the recovery of damages for trespass to foreign land, jurisdiction may be denied even if both parties reside in the ACT and title to that land is not in issue. This amendment will cure such a problem.

The proposed amendment abrogates, in part, a law of law sometimes called the Mozambique rule. The Mozambique rule stems from the decision of the House of Lords in *British South Africa Co. Inc. v. Companhia De Mozambique*, an 1893 case. This decision is authority for two propositions. The first part of the rule affirms that ACT courts have no jurisdiction to entertain an action for the determination of title to, or the right to possession of, land or other immovables situated outside the jurisdiction of the court. This is a rule founded on commonsense and is expressly retained in proposed subsection 34(2) of the principal Act.

The second part of the rule denies jurisdiction to entertain a personal action merely because foreign land is incidentally involved. For example, jurisdiction may be denied in an action for the recovery of damages for trespass to foreign land even if title to that land is not in issue. The logic for this rule stems from the medieval period. The second part of the rule has been severely criticised. It has been said to result in anomalous and arbitrary decisions, the injustice of possibly denying a plaintiff a venue for the hearing of the case, and illogical operation. The abolition of the second part of the rule is provided for in proposed subsection 34(1) of the principal Act. This formulation is consistent with the approach of the High Court in *Voth v. Manildra Flour Mills Pty Ltd* and the decision of Justice Deane in *Oceanic Sun Line Special Shipping Co. Inc. v. Fay*. I commend the Bill to the Assembly.

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

## VOCATIONAL EDUCATION AND TRAINING BILL 1995

**MR STEFANIAK** (Minister for Education and Training) (10.54): Mr Speaker, I present the Vocational Education and Training Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR STEFANIAK:** I move:

That this Bill be agreed to in principle.

Mr Speaker, the introduction of this Bill represents a watershed in the coordination and management of the ACT system of vocational education and training. It is the first overhaul of our vocational education and training legislation since the Act to establish the Vocational Training Authority was passed by this Assembly in the very early days of self-government in 1989. There has been vast change in the national and ACT system of vocational education and training since then, change which was only just emerging at that time. As part of our response to these changes, often referred to as the training reform agenda, it is now imperative that we revise the legislative underpinning of the system to ensure its continuing relevance.

It is worth recalling some of the change which has occurred over the past five years. There has been the introduction of a competency-based system of vocational education and training, involving the establishment of the National Training Board to facilitate and endorse industry and enterprise competency standards. Such standards ensure that the training system is delivering the skills that industry needs. A new national agreement for the recognition of training has been implemented, aimed at achieving greater consistency and better quality assurance in our course accreditation and provider registration system. Our entry-level training arrangements are being reformed through the introduction of more flexible pathways under the Australian vocational training system. A new system of vocational education and training qualifications has recently been introduced. There are new processes to enable development of national common core curricula. Delivery arrangements are more flexible and accessible. Our schools are now more closely linked to the vocational training system, and the Australian National Training Authority, ANTA, has been established to bring greater focus to the strategic planning and funding of the vocational education and training system.

Each of these major policy initiatives and the detailed implementation required at the State and Territory level has impacted on the way we manage and coordinate our vocational education and training system. The current legislative framework is under severe strain. While it has coped to date, it can cope no longer. Furthermore, it is still heavily focused on regulatory and inspectorial approaches to system management. This legislation will refocus it on coordination, quality assurance and resource allocation in line with the move to a more client orientated approach. Additionally, our industries and enterprises are quite correctly demanding a greater say in the management and coordination arrangements under the new system. It is important that we do not lose sight of the fact

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that it is our industry partners who employ the work force and provide much of the training through on-the-job arrangements. We will be increasingly looking to employers to take an even greater responsibility for the on-the-job training and to continue to contribute to the resourcing of training. In this context it is important that industry play a major role in the management and coordination of the new system.

Perhaps the most significant of all the reforms was the national vocational education and training system agreement successfully concluded in July 1992 by all State and Territory governments and the Commonwealth. This agreement, which led to the passage of Commonwealth legislation forming the Australian National Training Authority, commits State and Territory governments to establish a State training agency to deal with the authority. Interim measures were taken by the previous Government to ensure that the day-to-day functions of the State training agency were undertaken by the Vocational Training Authority. A comprehensive consultation process was undertaken within the ACT education and training community, aimed at obtaining input on the shape and form of a permanent agency. The preferred option was a model based on enhancement of the Vocational Training Authority. Most respondents felt that the authority model provided a strong foundation on which to build a State training agency. This view builds on the fact that the Australian National Training Authority Act requires each State and Territory to undertake a new range of functions associated with strategic planning and funding of training which need to be built into the functions and structure of the new agency. It was in this context that the Carnell Liberal Government decided to proceed with the development of legislation which, I acknowledge, had largely been completed before the election.

The legislation has two principal objectives. First, it gives effect to the Territory's responsibilities under the national vocational education and training system agreement. Second, it modernises current arrangements for the management of vocational education and training in the ACT, resulting in the repeal of the Vocational Training Act 1989. Under the new arrangements for managing the vocational education and training system, authority staff will be stepping back from close involvement with employers and apprentices and trainees. Instead, it will be expected that employers and employees will take greater responsibility for the operation of their training agreements. Emphasis will be on the management of the vocational education and training on a system-wide basis. It gives me a great deal of satisfaction that such an approach sits well with the Government's concerns about red tape and excessive regulation. This Bill before you is, therefore, the result of extensive consultation. It provides a comprehensive framework for the future management and coordination of vocational education and training in the ACT. It will also confirm our linkages to the new nationally integrated system of vocational education and training.

In addition to the two principal objectives outlined above, the Bill provides for incorporation of the functions currently performed by the ACT Accreditation Agency. The agency was established by administrative decision in 1990 following a review of accreditation arrangements in the ACT. The Government's commitment to the agreement providing for the national framework for the recognition of training now requires that the accreditation and recognition functions be underpinned by legislation. It is also

intended that the principles embodied in the Australian National Training Authority (Territory Functions) Act 1993 be embodied in this legislation. The result will be that all functions associated with the management and coordination of vocational education and training in the ACT become consolidated in one piece of legislation. The integrity of the Canberra Institute of Technology Act will, of course, be protected by this process.

In broad terms, the legislation provides a framework and mechanisms for the strategic planning of vocational education and training in the ACT; provision of policy advice to the Government on vocational education and training; overseeing the allocation of funds for vocational education and training; management of quality assurance and recognition arrangements; and administration and regulation of the ACT system of entry-level training.

Mr Speaker, proposals leading to this draft legislation have now been in gestation for nearly two years and have been subject to a great deal of consultation within the education and training community. I can say with confidence that its broad thrust and its particular provisions are widely supported. Furthermore, we looked at similar legislation in the other States and the Northern Territory to assure ourselves that we are adopting best practice. We have also been guided by knowledge of future systemic requirements through the very close relationship we have established with ANTA. Through all these processes I am able to present to the Assembly leading edge legislation which I am sure will serve the Territory well for many years to come. I commend the Bill to the Assembly.

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

### **VOCATIONAL EDUCATION AND TRAINING (CONSEQUENTIAL PROVISIONS) BILL 1995**

**MR STEFANIAK** (Minister for Education and Training) (11.01): I present the Vocational Education and Training (Consequential Provisions) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR STEFANIAK:** I move:

That this Bill be agreed to in principle.

The introduction of this Bill follows directly from the Vocational Education and Training Bill, which I presented a few minutes ago. In comparison to that Bill, which gives effect to significant change and development in the vocational education and training sector, this Bill is entirely administrative in its scope and intent. Essentially, the Vocational Education and Training (Consequential Provisions) Bill provides for the repeal of the Vocational Training Act 1989; the repeal of the Australian National Training Authority (Territory Functions) Act 1993; a minor, single amendment to the Canberra Institute of

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Technology Act 1987; and transitional arrangements to ensure that those employers and trainees whose contracts of training have still to be completed are not disadvantaged when the Vocational Training Authority Act is repealed. The transitional arrangements are not expected to apply beyond 12 months after the repeal of the 1989 Act. I commend this Bill to the Assembly.

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

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Draft Capital Works Program**

Debate resumed from 20 September 1995, on motion by **Mr Moore**:

That the report be noted.

Debate (on motion by **Mr De Domenico**) adjourned.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Report on Watson, Section 61, Block 8 (Former Starlight Drive-In Site)**

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

That the report be noted.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.04): Mr Speaker, on 26 April this year I referred a redevelopment proposal on the old Starlight Drive-In site to the Standing Committee on Planning and Environment. This was done in the interests of keeping the committee informed about developments in the area. On 20 June 1995 the committee tabled its report in the Assembly. The committee made three recommendations specifically addressing the enforcement of lease conditions in relation to serviced apartments, the sale of units off the plan and the deferral of a decision on the development of the site until the Board of Inquiry into the Administration of ACT Leasehold has tabled its report. Mr Speaker, I would like to table the Government's response to the recommendations, and I am pleased that the Government can respond positively to all of the recommendations.

Members will be aware that the Starlight Drive-In site has been the subject of consideration by the Board of Inquiry into the Administration of ACT Leasehold. Whilst it is not clear whether the board will make any specific recommendations relating to the Starlight Drive-In site, I support the Planning and Environment Committee's view that no decision should be made on the application currently under consideration by the ACT Planning Authority and the Environment and Land Bureau until the board reports.

Mr Speaker, I should make it clear that neither the Environment and Land Bureau nor I have the power to unilaterally impose a clock stop to place on hold an application that is being processed within a statutorily prescribed timeframe. However, the lessee in this instance has acknowledged the appropriateness of deferring a decision on his application until the board reports, and so has requested a clock stop. This has been agreed to.

The Government notes the committee's comments on lease compliance in relation to this site and, in the event that the proposal is approved, will be looking to the Environment and Land Bureau to closely monitor the lessee's performance. Betterment on the development will be determined in accordance with the legislation and on advice from the Australian Valuation Office. I will make available to the Planning and Environment Committee details of that assessment if the application is approved.

Finally, Mr Speaker, the committee has raised a concern about off-the-plan sales and contracts with prospective purchasers. I have asked the Consumer Affairs Bureau to investigate this issue. From the documentation reviewed to date, it appears that those parties examined in the bureau's investigations were aware of the situation surrounding the development when they purchased the units, and contracts included a release provision when approval was not forthcoming. At this time there appears to be little need to change the current legislative arrangements. Mr Speaker, I table the Government response and I commend that response to the Assembly.

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

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

Debate resumed from 24 August 1995, on motion by **Mr Whitecross**:

That the Assembly takes note of the papers.

**MR HUMPHRIES** (Attorney-General) (11.08): Mr Speaker, I have no comments to make on these papers, although I adjourned the debate on the previous occasion.

Question resolved in the affirmative.

**SOCIAL POLICY - STANDING COMMITTEE**  
**Discussion Paper on Community Consultation**

**MS TUCKER** (11.08): Mr Speaker, pursuant to standing order 246B, I present a discussion paper by the Standing Committee on Social Policy entitled "Community Consultation on Social Policy Issues", together with extracts of the minutes of proceedings and the letters between me and the Deputy Speaker authorising the printing, circulation and publication of the discussion paper, dated 13 September 1995. I move:

That the discussion paper be noted.

Mr Speaker, communities have the potential to help formulate strategies for a sustainable future. Our view as Greens is that the principles of ecologically sustainable development should be a major focus of all policy decisions, a view now shared by most governments. Planning for sustainability must be community led and involve working together towards finding common objectives. The essential ingredient for change is will, not expertise. Community-based action is vital if we are to overcome the political, bureaucratic and psychological barriers to change, and community-led processes must be supported by government if plans are going to be implemented. Strong vertical links between community and government also have to be supplemented by horizontal links across all spectrums which cover community interest groups both within and across geographical boundaries. For example, a watershed river plan can be made only if all communities and governments work cooperatively across borders, yet we have few good examples of this sort of action in Australia.

Community consultation is an integral part of community development, which in turn is integral to better community participation. It enables members of our community to have input into decision-making if they wish. If processes which facilitate participation exist and all parties, including government, have a clear understanding of the responsibilities that go with this involvement, the concept of participatory democracy has a chance to be put into practice. While I understand the cynicism about community consultation because of previous and present less than satisfactory procedures held under that name, I believe that it is extremely important to continue the discussion and to be prepared to continue working towards what is basically a significant shift in our culture. People treat process as if it is an add-on, but process is the means by which we arrive at decisions and it should be obvious to us all that the means we use to arrive at decisions is crucial to the nature of the decisions.

The ACT, because of its size and existing community networks, is well positioned to become a model of best practice in this area. Community consultation is part of a move to strengthen community. Community, in whatever form it takes, is an important source of our sense of identity. We are not just a collection of individuals. Andrew Hopkins from the ANU argues:

The stronger the community or communities in which we are embedded, the stronger is the sense of self. Take away those communities and we disintegrate, as the experience of long-term unemployment so tragically demonstrates ... Community is (also) the source of our collective identity, our sense of we-ness, whether it be as members of the Jones family or as Australians. It is this collective identity which enables notions of social justice to emerge.

Lack of community results in alienation of individuals, which is one cause of problems our society faces. We live in a society which places great emphasis on the value of material possessions and social status which is based on power and income. Quality of life obviously depends to a certain point on material needs being met. However, individual wellbeing depends also on less tangible experiences such as having a sense of belonging and responsibility for others as well as having avenues for spiritual and creative expression. Our wellbeing now and in the future also depends on our natural environment. Therefore, sustainability must be a major focus of planning.

It is important that members of the Assembly take the issue of community development seriously. As representatives of ACT residents, we need to take responsibility for increasing our skills and knowledge of processes which will result in meaningful community consultation. Community involvement can be powerful and challenging for governments when effective, as some decision-making power is diverted away from the traditional decision-makers. Successful consultation is a two-way process - raising awareness about issues and challenging assumptions. A little understood but powerful barrier to continued progress is the gap that still exists between experts and the wider community. Obviously, it makes no sense to discourage experts from making their optimum contribution, but our task is to strengthen the ability of the community to represent the public interest.

This Government has laid down in the budget plans for developing community service obligations for services such as ACTION buses. It is essential that these community service obligations be determined by the community through a consultation process, not just by chief executives. This Government has given chief executives the task of finding financial savings, but we do not know whether the public interest will be considered equally. Successful community participation also requires a flexible approach and must be an evolving process, requiring ongoing evaluation. In this paper we have discussed barriers to effective community consultation as well as a range of methods. Consultation is not just about public meetings and submissions. Effective consultation does take time and commitment and may well reveal conflict, but it can also bring about change for the better.

Many community groups and government agencies in the ACT are developing or already have developed their own consultation strategies. The Liberal Government is at present developing its own consultation strategies, in addition to the LAPACs which are already under way. We look forward to commenting on these and receiving feedback from the community on these initiatives. I noted with interest the defensive reaction of the Government this week when we were accused of trying to destroy the LAPAC process.

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We have, I believe, offered some constructive criticism both inside and outside the Assembly, and we have said that we are prepared to work with this initiative to improve it. Suggestions such as integrating evaluative mechanisms in the process from the beginning are not an attack on the whole process. Evaluative mechanisms are basic good process in the development of any process.

Mr Humphries stated in this Assembly on Tuesday, "We have to ask people to do a job within the framework of existing research and decision-making processes". I thought the role of LAPACs was to expand and offer a different approach to the current decision-making processes, and we support it in principle as such. Mr Kaine claimed that he knows that the people who are presently on the LAPACs are representative of the community. I would agree that some sectors of the community are represented, but we suggest that we develop the process so that we can find ways of identifying which sections are and which sections are not represented on such bodies.

The resourcing we have referred to is not for replicating what the bureaucracy already does but to make sure that all sections of the community are reached and given an opportunity to participate. How this can happen successfully is the subject of this discussion paper. I hope that this paper will provide a useful base for debate around the issue of community consultation and participation in the ACT and the general issue of community development in the ACT. I encourage people to respond to the ideas put forward here, and the committee looks forward to strong community discussion.

Question resolved in the affirmative.

## **ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE**

### **Report on Airports Conference**

**MR KAINE** (11.17): I present the report of the Standing Committee on Economic Development and Tourism entitled "'The Future of Airports in Australia' Conference", together with extracts of the minutes of proceedings, and I move:

That the report be noted.

My comments will be brief. Members will remember that the previous Tourism Committee in the last Assembly submitted a report in June 1994 that made a number of recommendations about the future of the Canberra Airport. Recently a two-day seminar in Sydney dealt with the question of the future of airports in Australia. Members of the committee attended that, to keep themselves abreast of Commonwealth thinking on airports in general but the Canberra Airport in particular. Some interesting information came out of that conference, and we thought it worth while summarising some of the discussions for the interest of members.

The Government's program for the sale of airports was outlined in some detail at the conference. It indicates that the ACT Government needs to start to think very seriously about its intentions in connection with the Canberra Airport, because the Canberra Airport will be included in those offered for sale by the Commonwealth in 1997-98,

which is not very far away. If the Government intends to buy the airport itself, to be part of a consortium to purchase the airport or to be involved in any way in the future ownership and management of the airport, then time is running short. The Government needs to begin to consider very carefully what its intentions are.

There was some interesting debate on subjects such as an appropriate method for valuing airports. That, for me, was a valuable debate and raised some interesting issues about how you go about putting a valuation on an airport. One of the interesting things that came out was that the actual operations of aeroplanes at some of the major airports around the world were the least of the methods of gaining revenue at those airports, so much so that the manager of the San Francisco International Airport was moved to comment that Heathrow, under the management of the British Aviation Authority, has become, as he described it, "a runway with a large supermarket alongside it" or words to that effect. It is interesting that when you are looking at the future value of an airport the actual operations of airlines in and out of it are perhaps not the most significant feature. In considering future value, you need to look at so many other activities that go on or can go on at airports.

It was also noted that one should not rely on commitments made by aircraft operators, by airlines, as to what their future intentions are. There was an example given of an airport in a fairly small city in the United States that spent a very considerable sum of money - hundreds of millions of dollars - on developing its airport on the basis that one of the major airlines intended to make its headquarters there. They spent the money and the airline moved in, and one year later it moved somewhere else. You need to be very careful if you are relying on the airlines. They will go where the business is. That is the point to be noted. If Canberra declines in importance as an airport in Australia, then the airlines will take their operations some place else. If we are going to make major investments in Canberra Airport, we need to know what the sources of revenue are and not rely entirely on the operation of aeroplanes in and out of the airport. There were some interesting presentations, notably from the United Kingdom and from the United States. There was an emphasis on the environmental aspects of airport operations and I have summarised some of that discussion.

I think the bottom line is that, because time is running short in terms of the program for the sale of airports, the Government needs to consider some very important aspects now. I mentioned the Government's intentions about being associated with the management and ownership of Canberra Airport and how it is going to control what goes on there. How will the speedrail, the Tilt-train, the slightly slower train, or whatever it is that we are going to get, relate to the airport? What are the ramifications of that for the ownership and future revenue-earning potential of the airport? If a very fast train gets people to Sydney just as quickly as the aeroplane does, what are the ramifications? Some interesting and important issues came out of the conference, and I thought that members of the Assembly might benefit from at least a summary of the discussion that took place there. I put the report before the Assembly for their consideration.

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**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (11.24): Mr Speaker, I, for one, as a former chair of the committee that Mr Kaine chairs now, am delighted that Mr Kaine has gone to the trouble of presenting this report. Many of us have said from time to time that we really need to think about the future of the Canberra Airport. Mr Kaine is right that in 1997-98 the Federal Government will sell the Canberra Airport as part of its package. I think it is especially important, noting the role that Canberra can play in the Sydney Olympics 2000 and the centenary of Federation in 2001. Mr Kaine is right. We also need to look at the Canberra Airport in terms of what is going to happen with the high-speed train between Canberra and Sydney, which we should know a lot more about by the end of this year.

There has been some talk about the internationalisation of the Canberra Airport. It is a very easy thing to say, but Mr Kaine is right. We need to find out exactly how you value the airport and who owns what parts. It is not just as simple as some people might think. The other thing that the Government has in mind is looking at the possibility of the conversion of the Canberra Airport into an international air freight terminal, which is also talked about from time to time. In all, Mr Speaker, the Government will look closely at Mr Kaine's report. The Government at this stage has in mind the establishment of a special committee made up of various business people and others to look at the future of the Canberra Airport. A report like this one will be very interesting to read in terms of that Government priority.

Question resolved in the affirmative.

### **LEGAL AFFAIRS - STANDING COMMITTEE Report on the Future of Policing in the ACT**

**MR CONNOLLY** (11.26): Mr Speaker, I present Report No. 1 of the Standing Committee on Legal Affairs entitled "Future of Policing in the ACT", together with extracts of the minutes of proceedings, and move:

That the report be noted.

This is the first report of the Legal Affairs Committee in its reference of considerable significance to the ACT and its future. When policing responsibility was transferred to the ACT in the period 1990-91 the arrangement locked in by legislation both federally and locally was that the Australian Federal Police would provide policing for this community, that there would be a Chief Police Officer, who would be primarily responsible for that policing, and that that officer would consult with the ACT Government, through the Attorney-General, as convention has developed.

That arrangement has provided us with very high quality police services and is a result of goodwill between successive Ministers responsible for policing and successive chief police officers. Essentially, the will of the ACT Government has been conveyed to the police force and, by and large, implemented. But there has always been an enormous potential for difficulty because the Australian Federal Police in policing the ACT have, in effect,

had to serve two masters. Under their legislative arrangements they are responsible to the Minister for Justice. The Minister for Justice may direct the Federal Police on matters of policy but not operational matters. There could well arise situations where there was a difference of view between the Federal Government, which has the legal responsibility for police, and the ACT Government, which spends some \$50m a year on policing and which properly has the political responsibility for policing in this Territory.

Some situations in the period that we were in government came close to testing that responsibility. One notable example was the protests outside the Indonesian Embassy. I would hasten to add that they were peaceful protests, but the protesters had some fairly unflattering things to say about the Federal Government. There were statements from Federal Ministers that those protesters should be moved from that site, although they were occupying Territory land and not engaging in any violent act. The view of the ACT Government at the time was that so long as no violence was committed the right to peaceful protest was the fundamental issue. Fortunately, that matter was resolved through negotiation, but one could well imagine a situation arising where the Commonwealth Government, which has the final say-so, and the Territory Government, which should have, are at odds over policing arrangements. A good example occurred recently in relation to a decision to disband the Major Crime Squad. Mr Humphries says that that was a sound decision, and indeed supports it. Mr Osborne and I would beg to differ. But I think the issue that we would all agree on is that that is a policy decision and it should be a matter for the government of the day.

In the report we make the point that the committee is very concerned about media reports that the fraud and drug squads may be abolished. I note that that was the subject of a question asked yesterday by Mr Osborne of Mr Humphries. Mr Humphries gave some assurances. He said that he would not want to see that happen unless certain things were in place. Our committee has said that that is a major policy matter. Policing operations in the ACT at the moment are in a state of transition. The appointment of the commissioner, Mr Palmer, as Chief Police Officer, with operational decisions actually being controlled by Mr Allen, has been described as a transitional arrangement.

A matter of fundamental policy, like the abolition of fraud and drug squads, should be a matter that awaits proper accountability arrangements between the ACT Government and the Australian Federal Police. The committee unanimously recommends that proper accountability arrangements be put in place. That would involve legislation of this Assembly to create a statutory position of Police Commissioner for the Australian Capital Territory. The Australian Federal Police, ACT Region, would report to that officer and that officer would have a relationship with the Minister of the day that was directly comparable in position and status with that between a Minister and a police commissioner in a State.

The committee makes the point that in these matters one needs to be careful to ensure that the proper caution that Ministers should not involve themselves in operational policing matters is respected. From my observations of current arrangements, all Ministers have understood that. There has not been a situation in the ACT, nor would we hope there ever would be under any government, where Ministers have involved

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themselves in operational matters. We recommend that when the legislation is created it be clear that the Minister's ability to direct the police should be an ability to direct the police on policy matters, not operational matters, and that decisions and directions given by the Minister on policy matters should be made public.

That arrangement works well and satisfactorily in relation to the Federal Police and, after the Fitzgerald reform process, the Queensland police. Of course, the Fitzgerald reform process showed what can happen when things go wrong in that area of ministerial and political involvement with policing operations. While it is essential that the elected government of the day have a degree of policy control over police, it is very sinister if an elected government starts to think that the police force is its agency to be used for its political purposes. The Fitzgerald royal commission recommended that some of the malpractice that emerged could be remedied by limiting the ability to direct to policy matters and by making any directions public.

Mr Speaker, I would hope, and I am sure that my colleagues would agree with me, that this report could be implemented fairly rapidly. We were pleased that there was unanimity in the evidence coming before the committee that this step was essential; that there be this level of accountability. We would hope that as that view was supported by both Federal Police management and the ACT Government, in so far as the Attorney-General's Department gave evidence, it could be reflected politically as soon as possible in an agreement between the ACT Government and the Federal Government. When as responsible Minister I foreshadowed this matter with the Minister for Justice a year or so ago, the indication was that the Federal Government would look kindly upon it. The fact that this Assembly, as I hope it will be, is unanimous, as the committee has been, would convey to the Commonwealth Government that this is clearly a matter that is important for the development of the ACT and reflects the will of the entire house.

I would like to thank the secretary of the committee, Margaret Jones, and the researcher, Chris Papadopoulos, who did much of the drafting of the report. I would hope that this report could be rapidly implemented. Taking off my hat as committee chair and putting on my hat as Opposition spokesperson on policing, I can certainly assure Mr Humphries that the Labor Party will fully support the Government in moving to this next stage of accountability. We believe that it is essential that the Minister of the day, from whatever party, have proper control over policing in relation to policy matters. As a result, the community of the ACT really assumes the ownership. While we are talking here, as we must, about legislation to create a statutory commissioner who reports to the Minister, the political reality behind that is that the Minister who is responsible for the police is accountable to this place for the actions of the police and thus accountable to the community of this Territory. That is the way it should be. We would certainly support Mr Humphries in his endeavours to negotiate this rapidly with the Commonwealth Government.

I should mention the issue of a separate police force for the ACT, that is, a stand-alone body. While some support for that concept has been floated from time to time, the committee takes the view that we should not go down that path at the moment. To start with, there just is not the evidence to assess the financial aspects of creating a stand-alone police force. We would really need some years of experience with a more accountable AFP arrangement before any sensible decision could be made on that.

We were also impressed by many of the benefits that we heard of continuing to use the Australian Federal Police as the police force for this Territory. It is a national and international force. Officers who spend the bulk of their career as community police officers in this Territory may, through being members of the Australian Federal Police, spend some of their careers in national policing operations in a large Australian city and so get an insight into policing a large urban area. They may spend time in a diplomatic mission abroad. They may spend time on international narcotics or terrorism matters. They may spend time on United Nations peacekeeping operations. In recent years it has been the Australian Federal Police and this region that have really supplied the bulk of police officers engaged in those United Nations activities. That is a real benefit to this Territory, because those officers come back with a much more rounded experience in policing. Mr Speaker, I commend the report to the Assembly.

**MR OSBORNE** (11.36): I will be brief. I would like to back up what Mr Connolly said and thank him and Mr Kaine for their support and help during this inquiry. I also thank the staff. I hope that we can fast-track this matter and have our own Police Commissioner in the not too distant future.

**MR Kaine** (11.36): Mr Speaker, I confirm that I agree without qualification with the recommendations that are made in this report, but I want to make the point that, although the committee in its public hearings heard evidence on a number of issues that relate to the activities of the ACT Region of the Australian Federal Police, the gut issue, and the one that we really were convened to look at, was the question of who runs the ACT police force. Whatever you call it and whatever its organisational arrangements, the ACT Region of the Australian Federal Police is in fact the ACT police force. There is no question in my mind, and there was no question in the minds of most people who put evidence to the committee, that, that being the case, then that organisation has to be responsive to this parliament and to the needs of this community. Our concern was: How do we ensure that that is the case? I believe that the appointment of a commissioner to run the ACT police force, in whatever form it takes, is the way to achieve that. I am not being critical of the way that the Australian Federal Police has provided policing for this Territory up until now. Although ACT police officers have an insignia on their shoulders that says that they are members of the Australian Federal Police, there is little doubt in their minds as to what their job is. They are aware that their job is to serve this community. I believe that they do that to the best of their ability.

If there is a difference of opinion at the policy level between the Federal Parliament and this one as to what the police force is to do, at the moment the Federal Parliament will prevail, and the interests of this community may not be best served by that. I give an example. The committee did not look at this and I have not looked at this, and I do not know whether what was done was good or bad; but some of the structural reforms that have taken place in the Australian Federal Police recently, such as the disestablishment of certain functions that were carried on, may have been in the best interest of the ACT community or may not have been. I do not know, and I doubt whether anybody else in this place knows either. The fact is, however, that, if there is to be organisational change

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that either disestablishes a function that has been carried on presumably in the public interest or creates a new organisational entity presumably to meet some new need of the ACT community, then people in this place should be aware of what is being done and why, since we ultimately appropriate the money which funds these functions. That, to me, was the essential core issue.

I think that the recommendations of this report, if implemented by the Government - and I would hope that they would be implemented, and quickly - will achieve that situation where the police force is responsive to this place and to a Minister in this place rather than to somebody else or some other organisational body somewhere else. I think the sooner we get to that situation the better.

**MR HIRD** (11.40): Mr Speaker, I commend the committee and its report. As the report says, until 1927 New South Wales had the responsibility for policing in the ACT. In 1927 officers from all over Australia became members of the Federal Capital Territory Police Force. Until 1930 they had their hearings in a courthouse in New South Wales. In 1950 the then Department of the Interior took over control of the police force. By 1960 the ACT police force consisted of 188 men and women.

**Mr Kaine**: It was probably 188 men in those days.

**MR HIRD**: They did have women. The ACT police force was one of the first police forces to introduce women into the constabulary. Under the current arrangements the commissioner is responsible to a Federal Minister first and foremost, as Mr Kaine indicated. When structural alterations were made to the AFP, consideration should have been given to the needs of the client, the client being the ACT community. To my knowledge, no consultation was held with the Minister responsible, Mr Humphries. The question of responsibility arose in an incident that occurred between the Federal Government and the Alliance Government. The ACT Attorney-General took a stand and said that certain actions should be taken in front of an embassy. He was then overruled by the then Minister for Foreign Affairs.

I think ultimately the ACT should have its own police force. However, it will be interesting to see how the budgetary arrangements for the ACT component of the AFP stack up with the running of other police forces throughout Australia. My guess is that it is a very expensive arrangement. We are paying for services that, I submit, we are not receiving. Uniformed officers are undertaking activities for the Federal Government not only in the ACT but within the region. However, I believe that the appointment of a police commissioner by this Government would be a step in the right direction. I compliment the Government. I hope that the Government will implement these recommendations as soon as possible.

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

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

**MR OSBORNE:** Mr Speaker, I offer my apologies for not being here earlier. I had to go to the doctor with my child for immunisation shots. I present Report No. 11 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation and I ask for leave to make a brief statement on the report.

Leave granted.

**MR OSBORNE:** Report No. 11 of 1995 contains the committee's comments on one Bill. I commend the report to the Assembly.

**EXECUTIVE BUSINESS - PRECEDENCE**

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

That Executive business be called on.

**FAIR TRADING (PETROLEUM RETAIL MARKETING) BILL 1995**

Debate resumed from 19 September 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MR CONNOLLY** (11.45): This is a Bill with some very substantial effects, or at least some very substantial legal effects, that has been brought on for debate a mere two days after its introduction. I would like to indicate in advance of the arguments that, while the Labor Party is prepared to support this Bill in principle today, we are not prepared to support its full passage today. We will move to adjourn debate at the detail stage because of some concerns about some fairly substantial amendments that were circulated at the time the Bill was introduced. I acknowledge that Mr Humphries did offer the Opposition the courtesy of an advance look at the Bill on Thursday of last week. It is apparent from the drafting of the amendments that, at the time the Government showed us the Bill, they had not yet settled on the amendments, so I make no criticism for our not being shown the amendments.

To some extent we must say that there is more than a tad of politics involved in the timing of this legislation. It emerged last week, but it became clear on Tuesday that the much promised 1c a litre a year reduction in petrol tax that had been promised loud and long last year by Mr Humphries, by Mr Stefaniak and by others was to be abandoned.

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**Mr Berry:** He promised a pool, too.

**MR CONNOLLY:** He promised a pool, too. Mr Humphries promised an additional \$1m for the police, but that seems also to have gone.

Petrol pricing being an issue of more than passing interest to the long-suffering Canberra motorist, the Government obviously felt that it was necessary to be seen to be doing something about it. The Labor Government's competitive policy, which saw petrol prices drop, having been abandoned, we saw petrol prices rise again upon the change of government. The promise was still held out that they would come good on the tax cuts. That was abandoned. They said, "We had better look as though we are doing something"; thus the move against multisite franchising.

The Labor Party will not oppose the move against multisite franchising in principle, although we are very sceptical as to its effect, given the current dynamics of the ACT market. Late last year when Labor was in government and when petrol prices were ranging from 67.9c a litre to 69.9c a litre, depending on the week - there was fluctuation in petrol prices, which is the hallmark of a competitive environment, with prices generally fluctuating in the mid to high sixties - we were approached by the Motor Trades Association expressing real concern at the oil majors moving to multisite franchising; that is, refusing to renew individual site contracts and seeking to control multiple sites from one franchise. The Motor Trades Association put to us that that would have an impact on competition because it would mean that instead of there being many competitive players in the Canberra petroleum market there would be only the oil majors. At the time we had genuine, competitive dynamics in the Canberra oil market. People who live in central Canberra or who drive through Manuka may well recall that for a very long time last year the large Shell station at Manuka had a big sign outside which said, "We match Burmah". Whenever there was a price move downwards it would be matched. The majors then tended to force the price up, with a 1c or 2c increase, and then down it would come. There was genuine evidence of a competitive market.

That is not merely my rhetoric. The Industry Commission, a body which ideologically opposes government intervention in the marketplace and which, in its report, opposed what the ACT Labor Government had done in forcing competition onto a closed market, said that that is not the way they would go about the matter. They acknowledged that our actions had at least a 3c impact on the retail price of petrol. That is in the Industry Commission report on petroleum products, released in July of last year. We say that we succeeded in getting prices down. That is not merely a statement of the obvious. Anybody who looks at the price board now can see the marked jump. Everybody who looked at the price board then would know that when we announced the forced entry of competitors petrol was retailing at around 75c or 76c a litre. The day the first independent opened it was 69.9c.

**Mr Humphries:** This is the one that follows the market, is it?

**MR CONNOLLY:** This is the one that, now that the pressure is off, has gone back to the normal, monopolistic pricing practices of oil companies. Mr Speaker, keeping competition in the oil market is a bit like picking up a group of books. By imposing pressure at the ends, I can pick up three or four of those volumes of *Hansard* and lift

them over my head. They will stay there while the pressure is on. As soon as the pressure is released they will collapse. That is what has happened with this weak Liberal Government not being prepared to take on the oil industry, not being prepared to force competition in the marketplace. By a combination of pressure, of threats, of cajoling, going to the point, as we said at last year's inquiry, of making it known that we were contemplating flogging the stuff ourselves from an ACT government site, we forced competition into this market and so long as that competitive pressure was there we had prices down.

The Liberals screamed long and loudly. On a number of occasions an oil site closed, and that was usually accompanied by a Bill Stefaniak media event on the driveway. A couple of weeks later those sites reopened, and miraculously Mr Stefaniak was no longer present. The Motor Trades Association put out a newspaper with a forlorn picture of the Red Hill BP station which was "forced to close by the iniquitous actions of Connolly and the Labor Government". Unfortunately, as a result of some printing slowdowns, by the time that was published BP at Red Hill was happily pumping petrol again because ownership had changed.

Mr Speaker, as I say, we were prepared then to support the idea of a ban on multisite franchising because multisite franchising can operate to remove a competitive dynamic if it is there in the market, and last year there was a competitive dynamic. Anybody who looks at oil pricing in the ACT now would have to agree that that competitive dynamic has disappeared. It has gone. Prices are pretty much uniform across the Territory and they stay that way. Prices have been stable now, for quite some time, in the mid-seventies band. The dynamics that we saw late last year, of weekly fluctuations, which are the hallmark of a competitive market, have gone. Certainly, the numeral "6" which was present on the price boards for most of last year, as pricing fluctuated in that mid- to high-sixties band, has been well and truly thrown away and burnt. It is the "7" that is starting to fade in the sun now; but I am sure, Mr Speaker, that the "8" is about, because prices will continue to go up. We see in Canberra now, as we saw traditionally, with the exception of that period last year, all the hallmarks of a non-competitive market. Canberra has returned, essentially, to the country New South Wales pricing structure, with a substantial gap between the local price and the price in Sydney and Melbourne.

This legislation is really a bit of a stunt. It is not going to - - -

**Mr Humphries:** That is total garbage.

**MR CONNOLLY:** Mr Humphries, nobody believes you on this. People know what they are paying at the pump. Competition has gone from the marketplace and prices have risen. Banning multisite franchising does little to protect the consumer and does little to protect competition because there is no competition to protect. Nonetheless, there is a sound argument for supporting legislation which prevents a further market monopolisation and we are prepared to do that in principle.

I must say, though, that I am concerned about the potential impact of some of the amendments. We have no difficulty with retrospective legislation in principle, although I recall Mr Humphries waxing lyrical last year in saying that one should never have retrospective legislation.

**Mr Moore:** I think you ought to qualify that.

**MR CONNOLLY:** I have some concerns about ad hominem retrospective legislation designed to protect a specific individual from a specific legal action, but I am sure that no-one would ever propose such an extraordinary infringement on individuals' rights. That type of legislation, I am sure, Mr Moore, we will never have to consider in this chamber, because people may well think better of supporting such a proposal as they get to the door of the chamber. Mr Humphries, I recall, in some statements of legal policy last year, made much of how dreadful retrospective legislation is, and it is ironic that we are here debating this retrospective legislation; but, as I say, we have no difficulty with that. This was announced on 17 August.

**Mr Moore:** That is the qualification I meant before. That was what I meant by a qualification - retrospective legislation when you have made a preliminary announcement.

**MR CONNOLLY:** I see. I thought it might have been something else. Yes, we have no difficulty with that in principle. There has been an indication that we will support the Bill in principle. There are some issues about the amendments, though, that we want to look at. The concern I have is that they appear, on their face, to limit very substantially the options for the small petrol market. In those examples that I referred to earlier, Bill Stefaniak would be on the driveway loudly lamenting the forced closure of a petrol station which was closing simply as a result of ordinary market dynamics. The petroleum industry is notorious for this around Australia; people come in, people go out.

In a number of cases where sites did close I know for a fact that the sites were reopened not by the oil company, not as an oil company owned and operated site, but by franchisees who were part of a family of other franchisees. There is nothing surprising or sinister about that. There are people in the business of running petrol stations who run them well and profitably. There are plenty of those in this town. They are good business people. It is not surprising that they might seek to buy another site. If they have two sons who have been working in the business - and I think there is an example of this - the good and successful small business person might well seek to assist in establishing their two sons, or son and daughter, or two daughters, in the same type of business, and there is nothing wrong with that. That is the nature of small business. I am a little concerned that a limitation can prevent that from occurring.

**Mr Humphries:** I can grant exemptions, Terry.

**MR CONNOLLY:** Mr Humphries says that he can grant exemptions. There is a slightly peculiar situation now where the executive Government will decide who can or cannot run a small business. An analogy here would be the issue of the large shopping centre versus the small shops. There is a growing consensus that there may be some limitation on establishing a new large supermarket. If somebody wanted to create a new large supermarket in Tuggeranong I am sure that we would all say, "No, we are not going to

build another new large supermarket"; but I am not sure that people would say that if one person wants to sell a small business it should not be able to be purchased by another existing small business operator. That does seem to be a quite dramatic step. It can have an impact, I would imagine, on the market by limiting who can buy a petrol station.

By saying that a person who is an existing franchisee cannot sell even a 50 per cent interest to another franchisee, you are significantly interfering with the market dynamics of selling those small businesses, and I do caution the Government. This is not something that necessarily falls within the purview of the Scrutiny of Bills Committee, but I do caution the Government that this legislation may well be sailing very close to legal challenge on the basis of acquisition of property because of the impact on the ability of the small business person, the franchisee, to sell that business. It is one thing to say that an oil company cannot force people out of business and cannot acquire that way; but to limit the ability of the franchisee to sell that franchise to even another franchisee - in effect, to say that you cannot trade within the retail petroleum market - could well be the subject of legal challenge on the basis of impacting on a property right, and, more to the point, could well result in compensation claims if the market can be shown to be affected. They are very substantial issues that the Opposition thinks need to be looked at in relation to the amendments. I am not in a position today to guarantee Mr Humphries that we will support those amendments.

We did say last year, however, that we had no difficulty in principle with legislation to limit multisite franchises. Indeed, we said that it was something we would contemplate. Therefore, we have no difficulty with the Bill in principle and with its broad thrust. We would, however, like to hear the views of the market. We would even be interested in hearing the views of the oil companies, although it is certainly a fact that the oil majors are no particular friends of mine, or I of theirs. I think this is something that needs to be looked at.

This is very substantial legislation. It is having a marked impact in a market. One could even draw the bow a little bit long, but not very far, and say how ironic it is that Mr Humphries is coming into this chamber and nationalising the oil industry. That is not something that one would expect to see from a Liberal. In a free market where a small business person operates a petrol station, he is saying that the Government will now dictate whether or not that person can sell that business, which does seem to be something like one of Stalin's early new economic programs; but we will not labour that point. It is, however, a very substantial impact on the market.

This Assembly should be cautious about rushing this Bill through in a week, particularly given potentials for challenge. If the Assembly is minded not to pass it today, we come back in three weeks' time, which is not a long time. I cannot imagine very many parliaments in Australia where retrospective legislation would be put through in three weeks. It is common in the Federal Parliament where retrospective legislation, particularly in relation to taxation matters, is almost the norm rather than an exception. It may be many months between the announcement of the Government's policy and the final passage through the Senate. I do not think Mr Humphries can complain about our asking for a three-week delay.

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I would not be surprised, now that it is on the table and some of these issues of potential acquisition of property and potential compensation payments have come up, if the law officers feel that a few more finetunes might be appropriate. There may be some further Government amendments, and we will look at them on their merits. I would say to Independent members, assuming that they are minded to support the principle of the legislation, that a high level of caution would be appropriate about passing today a very complex piece of legislation that interferes with rights and that was introduced only on Tuesday.

**MR MOORE** (12.01): Mr Speaker, I was fortunate enough to be approached on this issue by a number of small business men in the ACT. I discussed the issue at length with the Motor Trades Association and also with principals from a number of oil companies. It seems to me that the action that Mr Humphries has taken in principle is appropriate. There are two groups of people who are going to miss out if we do not take this kind of action. Those people are, firstly, the consumers, as Mr Connolly rightly mentioned, and they are the most important group; and, secondly, the small business people in the ACT, particularly those small business people who normally employ five or six employees in their garage to serve petrol and who often employ another three or four people in their mechanical workshops. It seems to me, Mr Speaker, that the other impact in terms of the consumer will be that we will see fewer of those mechanical workshops associated with service stations, fewer of those areas being left in the middle of suburbs.

I think there is also a planning issue here. We have seen suburbs where the schools have closed. We have seen suburbs where the fuel outlet has closed. In small shopping centres this has meant that the heart has been ripped out of the centre of a neighbourhood. When any one of these things happens it undermines that general concept of a suburban centre. I know that the Leader of the Opposition has lived for a long time in Downer and has been part of the residents association there. She had to watch what happened in Downer as the schools were closed. The service station has now gone from there and there is less and less life in the centre of the suburb. There are ways in which people compensate for that, but they are issues that we do need to keep in mind while we are dealing with the overriding issue of further price control being in the hands of the oil majors. I think that is the fundamental issue that underlies this.

Mr Connolly rightly dealt with the issue of retrospectivity. When he said that he had no difficulty with retrospectivity, I presume that he meant that he had no difficulty with retrospectivity where an announcement of the Government's intention had been made previously. I fully support him on that issue and I support the Minister in this action. Mr Speaker, I indicated to Mr Humphries some time ago that I would support this type of legislation and I am delighted to rise and support it in principle today. There are the issues that Mr Connolly has raised about the construction of this piece of legislation and it is appropriate that we have time to consider it carefully and to debate those issues. I think it is sensible that over the next three weeks we have time to consider some of the issues that Mr Connolly has raised. That in no way undermines the intention of Mr Humphries or the direction in which this Bill is going. I think the message will be very clear today, when the Bill is passed in principle, that it has widespread support in the Assembly. It will be only a matter, then, of looking at the specific provisions to ensure that we are all satisfied that they do what Mr Humphries intends them to do. It is with pleasure, Mr Speaker, that I offer my support for this legislation.

**MR WHITECROSS** (12.05): Mr Speaker, I want to expand a little on one of the points that Mr Connolly made in his address which dealt with this issue of the possible acquisition of property encompassed by the Bill and perhaps more particularly by the amendment. Members will be aware that Mr Osborne has just presented a report of the Scrutiny of Bills Committee which dealt with the Bill. Because of the way the terms of reference of the committee are written, it is not open to the Scrutiny of Bills Committee to consider the terms of the amendment even though the amendment was presented at the same time as the Bill. As Mr Connolly has indicated, we are not suggesting a conspiracy in relation to that; we are just saying as a matter of fact that the Scrutiny of Bills Committee has not had the chance to consider the amendment because it falls outside the terms of reference of the committee. The committee can consider the Bill as introduced, but not amendments.

This is particularly significant in this case because it is the amendment which goes, more particularly, to the property rights of the franchisee and whom the franchisee can sell the franchise to. While there is some acquisition of property rights involved in the original Bill, it focuses more on the petroleum companies than on small business people running individual franchises. That is one of the reasons why the Labor Party is keen to have a couple of extra weeks in which to consider the implications of this. We are keen not to rush the Bill through today, so that we can clarify those issues in our minds and satisfy ourselves about them. I do not think Mr Connolly put on the public record, although I know that he has spoken to Mr Humphries about this, that the Labor Party is happy to have this brought back on in the first week of the next sittings. We are not talking about a protracted delay, just sufficient delay to enable us to consider some of those issues.

In relation to the other issue I raised, it is an issue that members should bear in mind when they are considering this legislation. It is currently not open to the Scrutiny of Bills Committee to consider amendments, but sometimes those amendments can have quite significant effects. Sometimes they are not minor technical things. Sometimes they are quite significant things. The implications of those amendments can be quite significant. It is, therefore, necessary for the parliament as a whole to take the responsibility of considering those things and not to rely on the work of the Scrutiny of Bills Committee.

**MR HUMPHRIES** (Attorney-General and Minister for Consumer Affairs) (12.09), in reply: Mr Speaker, I thank members for their general support for the legislation, qualified though it may have been in some cases, and I hope that we come around to passing it in the near future. Mr Connolly describes it as drawing a slightly long bow to say that I might be nationalising the oil industry in the ACT. To describe the strength or length of that bow, if it were a physical bow the bow shaft would be here and the bowstring would be somewhere in Cootamundra.

Mr Speaker, as I said, I do thank members for their support, but I want to put a few points on the record. Mr Connolly says that there was some political timing in this matter. I take that as a great compliment from the master of political timing on matters of petrol pricing. I thank him for that. I do want to strongly take issue with his comments about the rise in petrol prices in the ACT. Mr Connolly has said that this Government is responsible for the rise in petrol prices in the ACT. As I have said before in this place,

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this Government is a very persuasive government, a very powerful government, a government that people all over the country sit up and take notice of; but, notwithstanding that, I express great surprise that we are such an influential government that we can influence the wholesale price of petrol in Sydney. Mr Speaker, the fact is that since the beginning of this year there has been a quite marked rise in the price of petrol not just in the ACT but all over Australia. I suspect that this reflects movements in crude oil prices and rises in prices of petrol all over the world.

The wholesale price of petrol in Sydney stood at 67.59c on 1 February. On 1 June it was 68.84c a litre; on 1 July it was 69.18c a litre; on 1 August it was 69.87c a litre; and on 15 August - the last figures I have available - it was 70.25c a litre, showing a rise of almost 3c a litre. I am prepared to wear a lot of things, but I am not responsible for the rise in the price of petrol across the whole country. The critical question, Mr Speaker, is not how the price of petrol rises or falls in Canberra. The question, surely, is: What is the differential between the price of petrol in Canberra and the price of petrol in other parts of Australia? Surely that is the critical question of performance as far as this or any other government is concerned. On that question, Mr Speaker, I think our Government does particularly well. On 1 February this year the average retail price in Sydney was 69c a litre; in Canberra it was 74.5c a litre - a difference of 5.5c a litre.

**Mr Connolly:** Gary, for a couple of days. You know that this is nonsense.

**MR HUMPHRIES:** Mr Speaker, that was what it was on 1 February. That was the order of what it was on 1 February, and I can take other figures - - -

**Mr Wood:** You are the master of timing, too; pick the time.

**MR HUMPHRIES:** I can take other figures. You choose other days, Mr Connolly. We can look at other days as well. On 1 August this year the price in Sydney was 70.5c; in Canberra it was 73.9c - a differential of 3.4c a litre. On 15 August, on the latest figures available to me, the price in Sydney was 72.5c; in Canberra it was 74.9c - less than 2.5c greater in Canberra than in Sydney.

**Mr Berry:** Get away!

**MR HUMPHRIES:** Those are facts, Mr Berry. If you do not like them you find someone else to fish out your own figures.

**Mr Berry:** Nobody believes you; they never have. You have let it go too long to try to win back your credibility.

**MR HUMPHRIES:** Mr Speaker, these are facts. If Mr Berry has better facts let him find them from the Shonky and Co. petrol company; show us where they are. The critical question is the difference in retail price between Sydney and Canberra, and on that question we have done very well. Mr Speaker, I refer to the retail margins in Canberra and Sydney. On 1 February there was a much higher retail margin in Canberra than there was in Sydney - 5.5c a litre versus about 1.5c a litre in Sydney. On 15 August, the latest available figures, that had risen in the case of Sydney to about 2.5c a litre;

it had fallen in the case of Canberra to less than 3c a litre. They were the average retail margins. Those are the matters which I think we should be looking at. Does Mr Connolly seriously suggest that we should somehow bear responsibility for the rises in prices in Sydney? Is that what he is saying? Obviously not.

The other interesting comparison, Mr Speaker - I will table these figures in a minute - is the comparison between the price of petrol being pumped by Burmah in Canberra and the price of petrol being pumped by Shell, a fairly random comparison perhaps, but still between two fairly significant players in the ACT marketplace - at least that is what we were led to believe by Mr Connolly previously. On 1 February Shell was pumping its petrol at just under 71c a litre; Burmah was pumping its at just under 72c a litre. Here is the market leader at work. Since that time, on every day that has been measured, bar one, Shell's and Burmah's prices were exactly the same. What happened to the company that was supposed to be the price trendsetter and that Mr Connolly introduced into the marketplace to create competition?

**Mr Connolly:** You abandoned competition.

**MR HUMPHRIES:** Mr Connolly says that we have abandoned competition. The question I have to ask him is this: How have we abandoned competition? What have we done?

**Mr Connolly:** By just bowing out, Gary. You are no longer doing what we were doing.

**MR HUMPHRIES:** By just bowing out. How have we bowed out? What have we done that is different from what you were doing?

**Mr Connolly:** You have done nothing, absolutely nothing.

**MR HUMPHRIES:** On the contrary, Mr Speaker, this legislation is proof that we have not done nothing. The second matter is that we have not changed one iota of the previous Government's policy, except to abandon the letting of a site in Phillip, which was not selling anyway. Nobody expressed any interest in that site when you advertised it at the end of last year. Mr Speaker, nothing has changed. There is no indication of any policy change on the part of this Government.

Are you suggesting, by this sort of snide comment that the pressure is off, that we have somehow gone to the oil companies and said, "Hey, guys, you can put the prices up now. We are really in favour of higher petrol prices in Canberra. Give us a few more cents a litre for the price of petrol."? I must say that the comments of major oil companies in reply to our request for proof of their intention to pass on lower petrol prices certainly do not support that contention. The fact is, Mr Speaker, that oil companies in this country are less than happy with this Government, and I must say that I, for one, am quite proud that that is the case.

**Mr Berry:** So is everybody else.

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**MR HUMPHRIES:** Mr Speaker, I am very happy to wear the tag. I am very happy for the major oil companies to be unhappy with our performance, but I can say to you that other people are not.

**Mr Berry:** About the only people who are happy with your performance are the French.

**MR HUMPHRIES:** Quite the contrary, Mr Speaker. The Motor Trades Association of the ACT has put out a press release indicating that it is very happy about - indeed, very supportive of - the decisions taken by this Government in respect of petrol pricing in the ACT. The Australian Consumers Association - do you remember that body, Mr Consumer Affairs Minister of the Year? - is strongly supportive of the decision we have taken in this legislation to bring forward a measure to counter multisite franchising. Every other State government in this country has asked to see this legislation in order to consider similar legislation in their own jurisdictions. Mr Speaker, I would maintain that the expression "the pressure is off" is considerably out of kilter with the reality.

Mr Connolly also suggested that we would be sailing close to the wind on a legal challenge on the basis of acquisition of property. That is an issue that the Government looked at very early in the process of developing this legislation, and I am very happy to show Mr Connolly the legal advice that I have received from my department on that question. I am not prepared to table it because I do not believe that oil companies ought to have the benefit of that information. Mr Connolly is free to look at this advice when I sit down. Incidentally, the reason why we talk in our amendment about dealing with an assignment under an agreement or an assignment of an agreement in the terms of this being a new agreement is that it is a reflection of the legislation as it stands at the Commonwealth level. We are not inventing a new wheel here; we are simply picking up the reference in the Commonwealth's retail franchising legislation and putting it into our legislation. That is why it is there in those terms.

Mr Speaker, I accept that there is unease about passing this legislation today. I also want to express unease at a delay in passing the legislation today. It has the effect of extending retrospectivity. The legislation would be retrospective for a month, or thereabouts, if it were passed today. It would be retrospective for two months if it were passed in October. Mr Connolly said that the Commonwealth Parliament regularly passes retrospective legislation. This parliament does not, and it is only in exceptional circumstances that we should pass retrospective legislation. Mr Connolly said that it was ironic that I was moving this Bill. The fact is that we have never absolutely opposed retrospective legislation. Mr Connolly might recall that last year we supported government legislation which was retrospective, namely, legislation on lotteries. The then Opposition, now the Government, freely supported that position, and we continue to do so. There are occasions when retrospectivity is required. However, I think it is also important that we limit the period that that should take place. I accept that it is not the wish of the Assembly to do this today, but I would urge members to consider that retrospectivity does impose a burden, and the longer we delay passing the legislation the longer it will be for people who are uncertain of where they stand under this proposed law.

Mr Speaker, I conclude by saying that it is extremely important that we carry the spirit of what is being done here today clearly to the community, and particularly to the oil industry. Let them understand what it is that we are saying to the people of Canberra. We do not support actions which would see the collapse of one entire tier, or at least the partial collapse of one entire tier, of the petrol industry. The reduction in the number of players in the retail industry through the collapse of franchise agreements - - -

**Mr Connolly:** “We made a promise and we dumped on it, so we had better look as though we are doing something”.

**MR HUMPHRIES:** I am very sad that the Opposition does not believe that this is an important principle. It is an important principle. The loss of those players in our industry and our small business in the Territory - - -

**Mr Berry:** You should be ashamed. There is not a sign of a blush.

**MR HUMPHRIES:** Mr Berry does not think that is important. Mr Berry is not concerned about small businesses in the Territory. I am concerned about them. They deserve to be protected and this legislation is about doing that. I would urge members to support the principle of what we are trying to do here. We do not want to see those small players, those franchisees, forced out of this marketplace. They have a role there. They exercise some influence - not necessarily great influence, but some influence - on petrol prices, and we should fight very hard to make sure that that influence, for what it is worth, stays in the retail market.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1

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

**Sitting suspended from 12.22 pm to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Ministerial Staff - Travel

**MR BERRY:** My question is to Mr Stefaniak as Education Minister. Mr Stefaniak, on 24 August, in answer to a question about the expenditure of \$405 for one of your staff to attend a party political coalition advisers on education meeting, you undertook to discuss it with the Chief Minister and, if there was a problem, to ensure that it was repaid. You assured the house that this would not happen again. Was this expenditure approved? Has the money been repaid?

**MR STEFANIAK:** I thank Mr Berry for his question. Yes, I have discussed that matter with the Chief Minister. The matter in question related to a body of which I am chair, the ANTAMINCO meeting of Education Ministers or the ANTA meeting of Education Ministers.

**Mr Connolly:** That is not what it was identified as. It was identified as a coalition advisers meeting.

**MR STEFANIAK:** No, it was not very well identified. In relation to that meeting, my senior assistant was asked to organise a number of things and attend a meeting of advisers to State Ministers in Melbourne. That related to Liberal State Ministers in Melbourne, who were concerned about a number of items on the agenda. She duly attended, at an expenditure of \$405.

**Mr Berry:** Come on, come on!

**MR STEFANIAK:** If you listen, Mr Berry, I will get on to it.

**MR SPEAKER:** Order!

**MR STEFANIAK:** I was the chair of ANTAMINCO. The meeting lasted for some six hours. We have made inquiries, and all other State Ministers' assistants who attended were paid for in the normal course of events. However, I did not go; no other Ministers went. They were all advisers of State Liberal Ministers. Even though everyone else was paid for by their respective State governments, because there were only Liberal Ministers' assistants there and because it might be perceived to be party political - - -

**Mr Berry:** Perceived to be?

**MR STEFANIAK:** Mr Berry, I am pretty sure that when I dig deeper into this one I will find many precedents where Labor people were paid for. I doubt whether I will find a precedent where it was paid for by either the individual or the individual's boss. As I indicated, if there is any problem at all, I am quite happy to repay that. I do not believe that anyone else would have to in that situation, but I will repay that, Mr Berry. I have talked to the Chief Minister about that and that will be done.

But, Mr Berry, I will tell you this as well: I will be making more inquiries throughout the States, and I doubt very much whether you will see that much of that has been done. It seems to be common practice throughout the States that people in that situation are doing their job and they are paid for by their respective States. Because there might be just some slight problem there, and because of any perception which you - - -

**Mr Berry:** A slight problem?

**MR STEFANIAK:** Ha, ha, Mr Berry; but I will get back to you on that. I am happy to refund that, because I think in the circumstances that is the simplest thing to do.

**MR BERRY:** Mr Speaker, I have a supplementary question. I would be interested to hear from the Minister why it has taken so long for him to make up his mind on this issue. This was a matter that was raised some time ago, on 24 August, and the Minister said that he would do something about it. Would the Minister now agree that he has been caught out?

**MR STEFANIAK:** Hardly, Mr Berry. I think with VITAB you were the one who was caught out.

**MR SPEAKER:** Order! Inferences are out of order in questions.

**MR STEFANIAK:** Mr Berry, I try to do the job as best I possibly can. That was tendered, Mr Berry. This is a very open, consultative government. Mrs Carnell will regularly tender anything to do with ministerial travel or anything to do with the Executive, unlike you lot. We had to get that out of you. I can recall your colleague Ms McRae having to be dragged over the coals in relation to travel to Tasmania supposedly to look at the Hare-Clark system. That had to be got out of the 1992-93 estimates.

So, it is not a matter of being caught out. How can you be caught out, Mr Berry, when you actually tender a document laying out exactly what has happened? That is just straight, basic honesty, and I resent that question. I suspect that I would probably be very rare in saying that this should be paid back. It will be paid back, Mr Berry.

**Mr Berry:** And so it should be.

**MR STEFANIAK:** I do not know whether it should be or not. I think we are probably setting a precedent. Mr Berry, I am sure that my colleagues and I will use that precedent if you people do that again. I have no dramas whatsoever in paying that back, and that will be done, Mr Berry. And I resent your accusations.

### **Housing Trust - Dividend Payments**

**MS TUCKER:** Mr Speaker, my question is to the Treasurer, Mrs Carnell. I refer to page 119 of Budget Paper No. 3, where there is mention of dividend payments to be made from the Housing Trust, starting from \$750,000 in 1995-96 and going up to \$2.3m in 1997-98. Where will this money be coming from?

**MRS CARNELL:** I do not have Budget Paper No. 3 with me, I am sorry. I will certainly take that question on notice and get an answer back to you quickly.

### **Government Service - Redundancies**

**MR HIRD:** Mr Speaker, my question is to the Chief Minister. In the parliament yesterday the Leader of the Opposition referred to the slashing by the Government of 3,000 jobs. Can the Chief Minister give Ms Follett and this Assembly a history lesson and outline the use of redundancies by former ACT governments?

**MRS CARNELL:** I thank Mr Hird for the question - a very sensible question too. It certainly allows me to place before the Assembly some detailed information about the use of redundancies. This is information that was never highlighted, interestingly, by the previous Labor Government, and I understand why. Put simply, in the last three years the Follett Labor Government spent more than \$37m on redundancies, and how many people did they pay out? Was it 100, 200 or 300? No, it was a staggering 1,019 public service officers, and all with the tacit approval, supposedly, of the trade union movement. Where were the banners? Where were the protests? Where were Ms Garvan and Ms Lundy, telling us what we could do or could not do? I think they were staying low, and I wonder why. In 1992-93 Ms Follett shelled out \$8.6m to pay out 227 staff; in 1993-94 it was \$17.8m for 453 officers; last year it was \$11.2m for 339 staff.

**Mr Berry:** I raise a point of order, Mr Speaker. The Chief Minister would probably be helped by budget papers. She said that she did not have her budget papers with her. Perhaps she would like to borrow a set from Mr Stefaniak. That might be helpful in her response.

**MR SPEAKER:** Order! I do not think the Chief Minister needs any help at all, Mr Berry. There is no point of order.

**MRS CARNELL:** That is a grand total of \$37.7m for 1,019 jobs. Ms Follett's repeated attack on the \$12m we have set aside for targeted voluntary redundancies in this year's budget is nothing short of hypocritical. If she is going to have a go at me, she really has to have the guts to put her cards on the table. We on this side of the chamber have never criticised the use of specifically targeted voluntary redundancies. We have, however, criticised the traditional approach of, "Let us throw up our hands in the air all at once and see who can get those redundancies" - that untargeted approach we have seen in the past.

I want to ask Ms Follett: Why was there no noise from the Trades and Labour Council about your slashing over 1,000 people out of the public service over the last three years? There was no noise, and it really happened. Did the size of the public service over the last three years actually decrease by 1,019 people? It did not decrease by anything like that number. In fact, on the best possible information, the size of the public service was reduced by 350, not 1,000. So, it seems that we paid \$37m for 1,019 jobs, and we actually reduced the public service by 350. Why did that happen? That happened because, while they were paying out people, while they were shelling out \$37m for redundancies, there was absolutely no freeze on recruitment. There was absolutely no effort whatsoever to keep the public service numbers down while paying out substantial amounts of taxpayers' money.

**Ms Follett:** On a point of order, Mr Speaker: Mrs Carnell asked me a question in the course of her tirade. I wonder whether I am permitted to answer to it.

**MR SPEAKER:** Yes.

**MS FOLLETT:** Thank you, Mr Speaker. I would like to refer members to Mrs Carnell's press release of today, most of which she has just read out, which is headed "Redundancies - What Follett Never Told You". I would like to alert the Assembly to the fact that they have had the wool pulled over their eyes there. In every budget speech I made in the course of the last Government, redundancies were quite specifically referred to, and I will read it out. In the budget speech for 1992-93 I said:

Consultation with unions will be central to the restructuring that will be needed, and relevant awards will be adhered to. Where a reduction in positions is involved - - -

**Mr Humphries:** On a point of order, Mr Speaker: Have you given permission for a question to be answered during question time by someone other than a Minister?

**MR SPEAKER:** I was considering whether the Leader of the Opposition was in fact responsible for the trade union movement - I had a bit of trouble with that - or whether the trade union movement was responsible for the Leader of the Opposition.

**Mrs Carnell:** It is all right; let her go.

**MR SPEAKER:** I am quite happy to allow the Leader of the Opposition to speak, if the Assembly is in agreement with the decision. The Chief Minister has indicated that she has no opposition; so continue, Ms Follett.

**MS FOLLETT:** Thank you, Mr Speaker. I am referring to Mrs Carnell's statement "What Follett Never Told You", and I repeat that in the budget speech for 1992-93 I said:

Consultation with unions will be central to the restructuring that will be needed, and relevant awards will be adhered to. Where a reduction in positions is involved - - -

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**Mrs Carnell:** What restructuring? You did not restructure. You did not lose 1,000 jobs, did you?

**MS FOLLETT:** You asked the question, Mrs Carnell. Just listen and I will give you the answer. To continue:

Where a reduction in positions is involved, the emphasis will be on redeployment. There will be no involuntary redundancies and funding for voluntary redundancies will be made available where needed.

In the budget speech for 1993-94 I said:

The budget includes \$17m to fund separation payments to those who accept voluntary separation through the general offer or as a result of restructuring. This is about twice what was actually spent on redundancies in 1992-93.

In the budget speech for 1994-95 I said:

To assist in the implementation of the various efficiency measures, including continuing restructuring initiatives, funding for voluntary redundancies is continued in this budget at the level of \$17m.

On every occasion I put it in the budget speech, and, in saying "What Follett Never Told You", Mrs Carnell is not only ungrammatical but also totally incorrect.

### **Education - Aboriginal Support Services**

**MS McRAE:** Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Education. Yesterday we heard the news that the position of Aboriginal education adviser in the central office of the Education Department has been abolished. Minister, did you agree to this move, or is this an example of the decisions that will be left for the department to make?

**MR STEFANIAK:** In relation to that, Ms McRae, I note that the AEU in its press release made a number of statements, one of which related to Aboriginal studies. Aboriginal studies has not been undermined, as claimed by them, and the seven staff who provided Aboriginal support services to schools last year are still there in the department. I understand that one education officer is going back to a school. I was told that just before I came down here. I do not know which one. My advice from the department is that the seven staff who provide Aboriginal support services to schools are still there in the department and that what the AEU has said is not in fact correct.

**MS McRAE:** Mr Speaker, I ask a supplementary question. Even the movement of the officer back to the school is a downgrading of the number of officers in the office.

**Mrs Carnell:** How? They are still there.

**Mr Humphries:** How? Cannot they work in a school?

**MS McRAE:** Let me ask my supplementary question. Let us have a bit of politeness. After all, you are in government; you could lead us by example. A bit of politeness might be in order for once, you never know. You would be straining, I know.

Mr Stefaniak, the advice I received was other than from the Education Union, and we were very concerned that perhaps you were allowing the downgrading of the importance of Aboriginal programs. Would you then confirm that this officer will be replaced? If one officer has left the central office, will that person be replaced? Any movement of officers in the central office does diminish the amount of service available to schools.

**MR STEFANIAK:** Ms McRae, my information is that there are seven staff who provide Aboriginal support services and they are still there. To me, that does not sound like a downgrading.

### **Police - Budget Provision**

**MR CONNOLLY:** My question is to Mr Humphries as Police Minister. In your budget, handed out on Tuesday, we see that police expenditure for 1995-96 will remain at, in real terms, effectively what it was in Labor's 1994-95 budget. I guess that, as imitation is the highest form of flattery, I should at least thank you for your vote of confidence in Labor's police budget and Labor's police forward estimates. Do you seriously expect anybody to believe you when you try to wriggle out of your clear commitment to increase police expenditure by \$1m a year by saying that the police really do not want any more money? Can you identify for me one police officer on the beat who would agree that he or she does not actually want any more money for policing?

**MR HUMPHRIES:** I thank Mr Connolly for his question. I am sure that he conducted his budget preparation by negotiating budget claims with each police officer in the ACT - "How much would you like, officer? Would an extra hand gun be suitable? A new jacket, perhaps?"! I do not think so. Fancy the man who forgot to plug in \$452,000 to get police somewhere to sit, somewhere to do their work, somewhere to put their clothes in the city police station, saying to us, "Why have you not given the police an extra \$1m?"! What about having to find \$452,000 to refurbish the city police station, and having to find another \$360,000, I think it was, to run the Winchester Centre, which centre opened at least nine months before the election and probably longer than that? I understand that the excuse about the police station in the city was, "This would have happened in the 1995-96 financial year and therefore we did not have to worry about finding the money in 1994-95". Fair enough; we will leave that argument for one moment.

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Why then did you not factor into the budget any money at all for the running of the Winchester Centre? It was \$360,000 a year. Not a cent was put away for that purpose.

**Mr Hird:** A minor oversight.

**MR HUMPHRIES:** A minor oversight: Oops, a few noughts dropped out of the back pocket on the way through to the Cabinet room; a few noughts went missing out of the back pocket. It is quite staggering, Mr Speaker.

This Government is not going to imitate, despite Mr Connolly's suggestion, the actions of the former Government, which cut police expenditure by 2 per cent each and every year of the years that Mr Connolly was Minister for police, amounting to 9 per cent over the term of the last Government. That figure contributed to a serious rise in the rate of crime in the Territory. Crime was up by something like 20 per cent in the Territory over the space of the last Government - a problem that this Government inherits and will face up to.

I make no bones about the fact that it was not possible in that environment to provide police with an extra \$1m; but we will do what we said we would do, and that is put resources into our police system where they are needed. We have placed an extra 25 police onto the streets of Canberra - not police sitting behind desks waiting for work to come to them, but police in squad cars, police on motorbikes and bicycles, police on foot patrols, police in places where they are best able to do their job. That is the hallmark of this Government - putting resources where they are most needed. That will continue to be the way in which we conduct ourselves in this area.

**MR CONNOLLY:** I will not answer Mr Humphries's question as chair of the Legal Affairs Committee, other than to tell him that he should have learnt from his previous experience as a Minister that bids are considered as they come in. By way of a supplementary question: I take it that you have now acknowledged that your \$1m additional police expenditure was merely another broken election promise. Your reference to the 25 additional police, saying that police are now no longer sitting behind desks waiting for work to come to them and presumably otherwise less than usefully employed, is your view of the role that has previously been occupied by senior detectives from the Major Crime Squad, is it, Mr Humphries?

**MR HUMPHRIES:** Mr Speaker, if Mr Connolly wants to ask me about the Major Crime Squad or the Legal Services Branch, I am very happy to have a debate about that. I consider that the way in which we have - - -

**Mr Connolly:** Do you think Major Crime Squad detectives were just sitting around waiting for work to come to them?

**MR HUMPHRIES:** Wait for your answer, Mr Connolly. I consider that the structure of those services was not designed to meet the optimal needs of the people of Canberra. I consider that a function that was designed around a major crime coming to these people was not the appropriate way of conducting that kind of service for the people of Canberra. As far as the Major Crime Squad is concerned, in the course of the last year before the change to abolish that unit, the Major Crime Squad had to confront

two murders, I think it was, in the ACT. One of those two murders was dealt with by detectives in one of the four regions of the ACT. The other was a matter that has now gone to New South Wales. The average number of cases dealt with by each officer in that unit was, I think, four per officer for nine months. We are not dealing with Fitzgerald scales of issues here. We are dealing with relatively minor sorts of incidents on that scale.

I make no apologies for believing, and carrying through on the belief, that we should be putting resources where they are most needed. The origin of that move, by the way, was not, despite Mr Connolly's suggestion, from me as Minister. It was not even from the management of the AFP. It came from ordinary police officers who do the job in this Territory. They were asked how they wanted to see jobs restructured. They wanted to tell the management how we could best structure their jobs to achieve the best amount of job satisfaction, and their view was to give them a greater role in those things that are the core of good policing. We felt that that was an appropriate thing to do. We have endorsed that with that action in respect of those sorts of activities. That will be a continuing trend in areas that are appropriate.

### **Education - Budget Provision**

**MR MOORE:** Mr Speaker, my question is for Mr Stefaniak as Minister for Education. Mr Stefaniak earlier quoted from a press release of the Australian Education Union. If he reads down a bit further from where he was looking, he will see that they suggested a \$4.5m budget shortfall to be made up of cuts of \$1.45m from central office; \$0.25m from reducing programs; another \$1m from school maintenance; charging evening colleges, \$0.25m; Birrigai environmental education program, \$0.2m; and a further \$1.5m in an unspecified manner. Mr Stefaniak, if the education budget has been protected from cuts, why is it that you need to take these kinds of actions?

**MR STEFANIAK:** Mr Moore, I think that if you have a look at the education budget from year to year you will see that often there has been overspending and often there are demands that have to be met. In the past there have been efficiencies made, as you as an ex-teacher well and truly appreciate, Mr Moore. There are a number of inaccuracies, too, in what the Education Union has said. I will read our party policy, which says on page 3:

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

This will amount to an increase of approximately \$7m in the 1995-96 Budget.

Last year the appropriation was \$199.9m. This year, even with our new style of accounting, it is \$206.6m. This year the appropriation initially had adjustments made for the transfer of preschools to Children's, Family and Youth Services, which took the straight appropriation to education to \$192.1m. Then there was a \$2m enrolment adjustment, additional functions transferred to the department, \$4.7m, and a real terms increase of \$7.77m, making a total of \$206.6m. I think that is pretty good in anyone's language.

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I note from the media that two economists who were on the ABC on Tuesday and Thursday were pretty impressed with the budget. When David Hughes was asked by the compere, "Could I finally ask you for a score out of 10. What would you give it?", he said, "Seven". David Chessell said, "I would be more generous; I would give it a conditional nine out of 10 - conditional on coming back in three years' time and seeing that it has actually been delivered, and if they actually do it I think that it would be wonderful".

**Ms McRae:** Ask a person on the average wage what they think about the budget.

**MR STEFANIAK:** A person on the average wage would probably be out of a job if you mob were in here for another three years. Who else could get rid of the Consolidated Fund, which I think when Mr Kaine was around was about \$160m? You were down to zero. That is unbelievable. What a dreadful state to leave the Territory in. We have had a great amount of difficulty in trying to pick it up.

I think the Chief Minister and the Government generally are to be commended on what is a most sensible budget. It is not the horror budget you anticipated; it is a very good budget. The criticism, Mr Moore, has been that education should not have been quarantined as it has been. Most of the criticism I have had is on why it was quarantined. It was quarantined because of this election promise, which we have in fact maintained.

**Mrs Carnell:** How much more did we say in our policy we would spend on education?

**MR STEFANIAK:** Thank you, Chief Minister. The policy says:

This will amount to an increase of approximately \$7 million in the 1995-96 Budget.

There is \$7.77m additional given. Even if you do not take that \$7.5m, or whatever it was, that went to Children's Services, it is \$206.6m. It is more, in fact, than just the \$7.7m. It is actually a very good budget.

The previous Government did not fund the wage rise. It did not ask for any productivity gains either, which would have been really handy back in November in terms of the pay rise given to the Education Union. It did not ask for any productivity gains at all. The education budget this year and going out to 1997-98 has supplementation amounting to some \$20.3m. As well, education has not been required to meet any specific savings target, as other areas have.

**Ms McRae:** So they are just cutting for the fun of it.

**MR STEFANIAK:** As you should know, Ms McRae, if you ask a few people in education, even when you lot were in you were making some cuts and you were trying to make the department more efficient. That obviously is ongoing. We have made a commitment. We have a money cap, which we will live within. It is a generous budget. I think departmental officials realise that. Certainly the community realises that, and most of the comments in the media say that maybe it is too generous. But we have delivered on our promise.

**Mr Berry:** You are up to your hocks in broken promises.

**MR STEFANIAK:** We said that we would “guarantee to maintain current levels of ACT education funding indexed for inflation over the next three years”.

**Mr Berry:** That means pay for all the salaries, Bill.

**MR STEFANIAK:** No, it does not. That is something you should have done, Wayne. That is, from the 1994-95 figure, approximately another \$7m, and that is exactly what we have done.

**MR MOORE:** I ask a supplementary question, Mr Speaker. I see that Mr Stefaniak is quick to quote the appropriation from the budget of 1994-95. Mr Stefaniak, I wonder whether you are aware that in no other part of the budget does the Chief Minister work from last year’s appropriation but always from the outcome. If you look through this book, you will not find another example of using last year’s budget. Just as an aside, I point out that Mr Hughes and Dr Chessell might give you nine out of 10, but they do not vote on the floor of this chamber. Apart from that, is it not true to say that you have been tricked by your own Chief Minister?

**MR STEFANIAK:** Mr Moore, I really do not think anything can be plainer than this: “... guarantee to maintain current levels of ACT education funding” - current levels are \$199.9m - “indexed for inflation over the next three years. This will amount to an increase of approximately \$7m in the 1995-96 Budget”. That is exactly what the Chief Minister has done.

**MR SPEAKER:** It being 3.00 pm, pursuant to the resolution of the Assembly of 19 September 1995, question time is interrupted.

### **APPROPRIATION BILL 1995-96**

Debate resumed from 19 September 1995, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (3.00): Mr Speaker, the budget the Treasurer presented on Tuesday was long on gloss but short on substance, long on rhetoric but short on facts. It was a budget designed to ensure Mrs Carnell's political survival, but not to ensure the wellbeing of our Canberra community. It was a budget with all the wrong priorities. I have characterised this budget as a fraud on our community, and I have not used that term lightly. In this budget, what you see is most definitely not what you get. Having heard all the rhetoric for the past six months about a financial crisis and the Territory's level of debt, I had at least expected a continuation of the restraint on borrowings that has been achieved over the past several years. Instead, what did we get? We got the highest level of borrowing ever undertaken by an ACT government - \$62m. Not even Trevor Kaine, in his most troubled moments of minority government, thought of borrowing so much.

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But this budget is about more than the record level of borrowing. It is equally a fraud on the community because of the broken promises, the reduction in services to the community, and the attack on the public service. It is the inevitable outcome of the driest of all economic philosophies - that of Victoria's Jeff Kennett and the ACT Liberal Party. It is a philosophy that was well articulated by Mrs Carnell when she said, "I do not believe it is the role of government to provide services". Its priorities are completely wrong. At this level of government, it is the role of government to provide services. The ACT Government is obliged to provide services to this community - health, education, police and justice, community services, environment and conservation, planning, housing, public transport, fire and emergency services and urban services. That list is far from exhaustive.

The Canberra community has been misled about the financial position of the ACT. There has been an attempt by the Chief Minister to convince the community that the ACT's financial position is disastrous and that drastic action is required. The proof of the matter is very different. It was detailed in a media release by the international credit rating agency Standard and Poor's on 30 March this year. The ACT's AAA long-term and A1+ short-term ratings - the highest that can be awarded - were confirmed. The statement went on:

The ratings reflect the ACT's low debt burden, stable local economy, and conservative budgetary performance.

I repeat that for Mrs Carnell's benefit:

The ratings reflect the ACT's low debt burden, stable local economy, and conservative budgetary performance.

It went on:

Despite the disruption to the ACT's financial profile from successive transfers of expenditure functions in the two years following self-government in 1989, the total Territory sector has continued to generate overall surpluses -

and that is the truth of the matter. It continued:

While the net borrowing requirement of 1.6 per cent of total revenues, forecast for 1994-95, will add to debt, this will be easily absorbed by the ACT.

I repeat:

... this will be easily absorbed by the ACT.

In fact, it was 2 per cent of total revenues. Standard and Poor's went even further and said:

This low debt profile provides the ACT with a significant degree of flexibility in dealing with any future fiscal shocks.

That is the truth about the budgetary position of the ACT - not from me, not from the Labor Party, and not from the Liberal Party either; but from one of the world's most respected rating agencies, whose job it is to advise international lenders on the fiscal standing of governments around the world.

Despite all the rhetoric about our debt burden and not spending money we do not have, what have we got from Mrs Carnell? It is very clear what we have got, what the people of Canberra will very quickly learn we have got: The highest level of borrowing ever contemplated by any ACT government, a massive \$62m. If there was a massive problem, the question you would have to ask is why action was not taken to fix the problem. Perhaps because, as Standard and Poor's understood very well, it was not there in the first place. It was a fraud on the community. Now Mrs Carnell will attempt to mislead us again. She will say that the Liberals are returning the budget to surplus by the third year. But past budget papers show that, in GFS format, the ACT budget was in surplus in every year except 1994-95 and 1994-95 was fully expected to be in deficit. The forward estimates in last year's budget papers show the budget returning to surplus this year, not having to wait until 1997-98.

What this community needs is to have the community's funds managed wisely. It needs to have capital works that provide much needed community facilities, and it needs the ACT Government to provide those community facilities in a timely manner. Our community does not need a government to tell it that community facilities will not be provided and cannot be afforded, especially when that is manifestly untrue. The budget can be managed with only modest borrowings and the community can have the facilities and the services it needs. To achieve this, the Government's priorities must be appropriate, and this Government's priorities are woefully and disastrously inappropriate. It is blinkered by its ideological obsessions, and inevitably, therefore, its priorities are all wrong. It can afford a \$1m consultancy to tell it how to slash and burn in the health system, but it cannot afford \$33,000 to ensure that mentally ill women have a refuge bed to go to. It can afford a private consultant to review the salaries and redefine the jobs of senior public servants, but it cannot provide funds to community groups to feed the homeless and the poor in our community. It can afford to waste over \$8m to raze the buildings on Acton Peninsula, to tear them down, but it cannot provide an emergency services centre in Gungahlin or an indoor pool in Belconnen.

The purpose of the budget is to use the community's funds wisely to provide our community with the facilities and the services it needs. It is not the Government's role to line the pockets of private consultants and to destroy the community's assets. But that is what this Government has chosen to do. There are very many people in our community who will agree with me that, if this is the best the Liberal Party can do, it is not good enough. The view of the Labor Party is that this budget is a fraud upon the community.

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They have been misled into believing that a financial crisis exists that requires drastic action to remedy. The truth, as I have said, is that no such crisis exists. The secretary of the Australian Education Union, Clive Haggar, summed it up in one sentence when he said:

If Kate Carnell had advertised her pharmaceutical products in the way she has advertised the Education Budget, Consumer Affairs would be prosecuting her.

We believe that the slash and burn approach is not only bad for the public sector but also bad for the private sector. While the private sector representatives were outlining to the Planning and Environment Committee what action they believed should be taken on the capital works side of the budget to improve the economy and the return to the Canberra community, what does the Government do? It cuts the capital works budget. They then tried to justify that by referring to the non-existent financial crisis. Again, the Government's priorities are all wrong. At a time when the recovery is continuing throughout Australia, Canberra should be out in the marketplace attracting investment and promoting the national capital as a positive place in which to invest. Instead, the Chief Minister broadcast to the world, in words I will not repeat, that Canberra is the last place to invest in because our economy has collapsed. Even if that were true, which it is not, it is the last thing any responsible government leader should say. The tragedy is that it may well be that Mrs Carnell's words turn out to be a self-fulfilling prophecy.

It is useful, if the community is to understand the deception that is being foisted on them, that I outline some of the promises broken in this budget. Mrs Carnell started breaking the Liberals' election promises even before the election. I think that is something of a record. In her alternative budget speech last year she promised \$1½m to the School of Dance and Drama at the Canberra Institute of the Arts. That promise had been broken even before the election. It was left out completely from the election commitments. Mrs Carnell said, "We will reduce the petrol levy by one cent a year over three years". Out of her mouth, that was her promise. Mr Humphries killed that one off, after pulling the stunt of writing to the oil companies seeking an assurance from them, which he knew they could not give under the Trade Practices Act. What a stunt! It was another fraud on the community. Free school buses was another promise made to be broken. Labor said at the time that it was unachievable and inequitable. So far, no Government member has dared to come out and admit the simple truth that this is just another promise that has been broken. Instead, it has simply disappeared. In fact, it is a fraud on our schoolchildren and their parents, just as we said it was at the time.

The Liberal health policy said:

A Liberal Government will ... open 50 additional public hospital beds at Woden Valley Hospital by the end of our first year in office -

we are getting there now -

to provide a guaranteed minimum of 800 public beds in the ACT.

The Liberal Government is now paying Booz Allen and Hamilton \$1m to enable it to renege on that promise, and the report had been seriously compromised within 24 hours of being released. Yet another promise was:

- . an immediate reduction in payroll tax by one percentage point (from 7 per cent to 6 per cent);

That was the Liberals' promise. Again, there is no explanation for breaking this one. It just did not happen. In its place we see merely the implementation of an increased threshold - a decision that, of course, I support because I announced it last year. That is just another fraud, and on big business this time.

The tourism sector was told:

A Liberal Government will ... allocate an extra \$5 million in the first year to allow an expanded marketing campaign to promote Canberra as a first-rate business and tourism destination.

So, what did the Tourism Commission get from this budget? Precisely nothing. Instead, we get CanTrade, another nifty bit of jargon - you expect them all to start with K; KanTrade, the can-do culture - but, whatever CanTrade is, it got \$1m, so there is \$4m a year still not delivered. It was a fraud on the tourism sector.

In the city promoted as the cultural capital of Australia, the arts community learnt very quickly how much they could rely on this Government's word. The promise was:

The Canberra Liberals will boost funding to the Arts by \$3 million over the term of the next Assembly.

The Minister, Mr Humphries, has attempted to say that this promise is one that has been kept; but not even the *Canberra Times* arts editor, who is usually known for being somewhat on Mr Humphries's side, would buy that one. He said:

While the modest increase in arts funding is welcome, the Government has not kept its promise.

This is a refrain we are going to hear a lot of. Another election promise breaks a leg. These are some of the most obvious examples of this Government's broken promises, but in fact the budget's impact goes even deeper than broken promises. It attacks the public sector in a way that we have come to expect from Liberal governments driven by dry economics. Whether they are headed by Malcolm Fraser or John Howard, Jeff Kennett or his disciple Kate Carnell, the attitude is the same: The public sector is bad and must be reduced and the private sector is good and should be given more from the public purse. Many public service jobs will go. The *Canberra Times* has calculated about 3,000. The Government has set aside redundancy payments for about 1,200 and it is continuing its recruitment freeze, so I believe that 3,000 is about a realistic figure.

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But does the Government accept its responsibility for this decision? No. It attempts to shift the responsibility to the public servants. As the *Canberra Times* put it:

... her Budget throws the onus on Agency heads, to cut total spending on the Territory's administration by nine per cent in real terms over the next three years.

In other words, agency heads are given their dollar bottom line and told to achieve it. Just to make sure that they do, they are put on performance contracts. It takes no great intelligence to realise that services and social justice will almost always take second place to profitability in such an environment. Indeed, the agency heads have little choice, and no direction from the Government. As the *Canberra Times* rightly pointed out:

Ultimately, the allocation of resources, preferring some people and things over others is essentially a political matter. It has to be done by politicians, not bureaucrats.

As is so often the case, this Government will try to blame anyone and everyone but itself for its decisions. How many times have we heard, "It is the previous Government's fault", or "The Australian Stock Exchange did not put an offer to us", or "We did not know the Kennett Government would steal Thomson Radar."? It is always someone else's fault. One thing I can tell this Assembly with absolute conviction is that at some time in the future we will hear Mrs Carnell telling us, "It was the agency head's fault, not mine. If the head has to cut staff to manage the department's budget, that is not my fault". I can see it coming.

After the public servants have lost their jobs, who is going to employ them? In this budget, Mrs Carnell tells us that job growth in the ACT is expected to be only 1.5 per cent per year for the next three years. That is about 2,400 jobs a year. In her campaign launch speech, Mrs Carnell said:

Every year in Canberra, 4,000 new jobs are created. And every year, there are 5,000 people seeking them. That means 1,000 people each year are either leaving Canberra or joining the growing unemployment queue.

The 4,000 new jobs, of course, were created under a Labor government. What this Liberal Government is now proposing is that only half these people seeking a job will actually get one, and 2,500 people and their families will leave Canberra or join the unemployment queue. Decisions like the reduction of \$66m in the capital budget over the next three years will cause the loss of 1,000 jobs, as the Master Builders Association attempted to tell this Government; but the Government does not listen to anyone whose views it does not wish to hear. It claims to be about consultation. What a joke! Budget Paper No. 3 says about the budget process:

The process included invitations for all Members of the Assembly to participate in the Budget formulation discussions.

That is not quite true, I am afraid. The next page tells the truth. Not one Labor member was involved. The Chief Minister was not able to find the time for any Labor member to put their views. Obviously, in Mrs Carnell's opinion, and like the Master Builders Association, our advice is not considered worth listening to. But the Government cannot avoid the truth, which is that these views - ours as well as the Master Builders' - represent genuine opinions and concerns held by this community, and the community must be listened to and its views given expression.

Privatisation is not supported by the Canberra community, but this Government is proceeding anyway. Jindalee Nursing Home, Kippax and Melba health centres and ACT Fleet are all to be sold. In fact, over the next three years \$41m of the community's assets will be sold to prop up this Government's waste and mismanagement. The management of Birrigai Environmental Education Centre is to be contracted out, as is the management of our community sporting facilities. A Labor government would not have made any of those decisions.

Not content with cutting public sector jobs and privatising public assets and services, the Government is even attacking public servants' superannuation. Hidden away in the budget papers, in the fine print, not referred to anywhere by the Chief Minister, was an unannounced Government decision to cut \$19m from the Superannuation Provision Trust Account. So, while the liability for superannuation continues to rise, the provision made to meet that liability will fall, and quite drastically. The amount is significant - a total of \$57m over three years. The Labor Government put aside an increasing amount of money every year. That sort of careful planning is what earned this Territory its AAA credit rating. I would remind Mrs Carnell that the Territory's rating was upgraded during the term of the Labor Government. It was not, as she implied, inherited from the Commonwealth at the time of self-government. So, Mrs Carnell's unannounced decision may well put that rating at risk. More importantly, it puts at risk the future superannuation entitlements of the public servants who serve our community.

That community has already been forced to pay over \$680 a year per household, in the short time since the Liberals came to power, as a result of numerous increases in fees, charges and taxes imposed by this Government. Now we will have to pay more each time we visit a Canberra tip; but not Ainslie Transfer Station, because that is going to be closed - a decision previously rejected by the North Canberra community. You have to give it to the Liberals. They forget nothing and they learn nothing. The Minister for Urban Services will claim that tip fees will subsidise the provision of compost bins, but if you take your trailer to the tip just once a year - I repeat, only once a year - there is no difference between buying your compost bin from the Government and buying it from the local hardware store.

The same Minister is set to slash and burn even the ACT Library Service. If you are young or old or at home or unemployed, the ACT Library Service provides you with very cheap, very educational recreation. The excellence of our local library service is a real feature of Canberra life. This Government is cutting over \$1m from libraries. That is \$1m from a total library budget of \$7m. It is a massive cut, and we have yet to hear a single word about how that is to be achieved.

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Despite the rhetoric to the community and the promises to Mr Michael Moore, the education budget has not escaped either. The Australian Education Union has revealed that \$4.5m is to be cut from existing operations. This will reduce curriculum support, cut school maintenance, increase evening college fees, and reduce staff supplementation. I have already quoted from Mr Haggard's comments on that matter, but I cannot resist doing it again. He said:

If Kate Carnell had advertised her pharmaceutical products in the way she has advertised the Education Budget, Consumer Affairs would be prosecuting her.

The Aboriginal and Torres Strait Islander studies curriculum position has been axed. So much for a government that occasionally mouths words about social justice - but not in this budget, I notice. You would search in vain for social justice topics or words in this budget document.

The most serious problem with the budget is that it simply does not address the needs of our community. The Belconnen indoor swimming pool is nowhere to be found, Mr Hird. The residents in Gungahlin have been told to wait, for how long they do not know, for an emergency services centre. The Liberal philosophy is that these will not be provided until the money to buy them is available in the capital works budget, and under this Government that capital works budget is shrinking fast.

The Labor Party would propose an entirely different approach to the priorities for this budget. We would provide the facilities and the services the community needs. We would protect those in our community who need government services to make their daily lives meaningful and fulfilling. Our first priority would be jobs for our young people. This budget does nothing for the young people in our society who are looking for jobs in Canberra that will take them into adult life. They are left to be some of those 2,500 leaving Canberra or joining the unemployment queue. We would provide support for job creation programs. We would provide assistance to projects in the information and technology areas - areas that have shown significant job growth in Canberra in recent years - not simply support for the Gungahlin broadband project, which was a Labor initiative anyway. We would proceed with much needed community facilities. Not only do such projects provide social infrastructure, but there is a flow-on effect through all sectors of the business community. Measure this against the 1,000 jobs that will be lost as a direct result of the reduction in capital works by the Liberals.

We would have ensured protection for the most vulnerable members of our community, our children. We would have provided funds for mandatory child abuse reporting, to ensure that no longer would cases of abuse be ignored simply because the resources to investigate and deal with them are not available. It is a tragedy and a disgrace that a city that likes to pride itself on its proud record of reform lags so far behind most other States and Territories in this crucial area of justice and social reform. In another area of social reform - the integration into our schools of students with intellectual and physical disabilities - we would have provided for a further 12 places within the system.

This Liberal Government came to office on the promise of consultation. Of all the confidence tricks it has perpetrated on the community, this is the most hollow. Far from being consultative, it has shown itself to be secretive, dictatorial and duplicitous. The only people whom Mrs Carnell consulted about this budget were her own like-minded personal advisers and consultants who were paid large sums of money for their opinions - opinions the Government had selectively purchased so that it could renege on its election promises. The Canberra community deserves better than this.

Recently, Mrs Carnell and her Ministers invited the media - or some of them, I should say - to an expensive lunch to duce them into selling the Government's line. Having seen the product, I think it is going to need a lot more than Narooma oysters and fine wine to make this budget acceptable to the Canberra community. It has been misled about the financial position of the ACT. It has been the victim of an attempt to deceive it into believing that Standard and Poor's were too incompetent to understand our true financial position. Does anybody seriously believe that, under a Labor government, when this international credit rating agency awarded the ACT its highest AAA rating it was duped? The Canberra community is being told that community facilities are an extravagance that will be provided only when the money is in the bank, and it has been given no idea when that might be.

If the Greens and the Independents in this Assembly support this budget uncritically, then they too will have to share the responsibility for the pain that Canberrans experience. In 1990, Mr Kaine presented a budget that led to division and upheaval in our community. If this disastrous budget meets the same fate, the Liberals should not be surprised. They should not be surprised because the community will be seriously affected by the slashing of services brought about by the 9 per cent cut revealed in this budget. The fraud in this case is that Mrs Carnell has refused to tell the community precisely what those cuts are going to be, or anything whatsoever about those cuts. There is no need for the community to suffer as it is going to suffer under this budget. There is a better way, and the tragedy is that it was not followed.

**MS HORODNY (3.29):** This is the first budget the Greens have been involved with as members of the Legislative Assembly. While we have not had to enjoy or endure, depending on one's perspective, the task of creating a budget, the task of understanding it, especially for newly elected members like us, has been and continues to be a very steep learning curve. What looked bad yesterday in terms of budget numbers appears okay today when other measures are factored in, and vice versa. It is becoming increasingly clear to us that only with intense scrutiny will anybody really know what this budget is all about and exactly how different it is from budgets previously handed down by the Labor Party. Whether we agree or disagree with the contents and rationale of Mrs Carnell's budget or its economic rationalist perspective, we do acknowledge and respect the enormous amount of work that you and your staff and the rest of the Government have put into these documents.

There is a view held by many conservative political theorists that government budgets are sacrosanct, that governments ought to be allowed to govern, and that oppositions and crossbenchers should stand on their principles and oppose, but at the end of the day pass the Bill with minor amendments, if any, and certainly no amendments to the bottom line.

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The Greens do not support this view. Four people out of 17 formulated this budget, which belongs to a government that has a little over 40 per cent of the members of the whole Assembly. Should this very small group of people produce a budget that has had, and will have, if precedent is allowed to continue, virtually no input from any other members of this place? The Greens do not believe that the budget formulation method used by this Government and previous governments is a method that is suitable for this Assembly, with its minority government. We believe that all members of this place should have the opportunity to have much greater input into the budget process.

We note with interest the Government's comments on consultation, which appear in the front of this year's budget. If the Government believes that "invitations for all members of the Assembly to participate in the budget formulation discussions" was a truly consultative process, then we urge the Government to think again. At best, this process was an opportunity to present a wish list. At worst, this process was an attempt at deception. It was disappointing that, after the promises made at election time by the Chief Minister on open and consultative-style government, there has been little attempt to implement these promises for this year's budget, potentially the most important budget in this term as it theoretically locks us into a bottom line for the next three years. These promises were highlighted in an article in the *Canberra Times* of Thursday, 2 March this year, which said:

In a plan which would cast aside traditional budget secrecy, Mrs Carnell said she wanted the formulation of the budget to be "as open as humanly possible" to the rest of the Assembly. "My style is different - inclusion is better than exclusion", she said. "... it would be preferable for as much as possible to be on the table. It is worth a go in a small Assembly".

She went on to say:

All talent does not reside in the Liberal Party.

Another remark in the budget statement on consultation states:

... consultations and discussions were held with all major areas of the community. This included peak community and union groups, the business sector and environment groups.

It is unfortunate, then, that the major environment group in the ACT, the Conservation Council, was not included in these discussions. Real participation is about giving people the opportunity to input at all stages in the process, keeping them fully informed, asking them for their ideas and their opinions, and finally allowing them to take and express a different view. However, we also note that there are many people who sincerely believe that your Government is far more consultative than the previous one. If this is the case, the previous Government must have been appalling.

The Greens are criticised quite a lot for talking about process as if it is way off the main game. What is process? Process is the means by which we achieve the ends. How we arrive at decisions plays a fundamental role in the types of decisions we ultimately make and the success or failure of implementing those decisions, so we want to change the process. We do not want to be presented with a black box budget one day and two days later be expected to endorse it in principle.

Mrs Carnell claims that this budget is about management and not politics. We believe that this is a rather naive and dangerous statement. This budget is loaded with ideology, and that is hardly surprising. We all have ideology. The politics behind this budget are similar to the politics behind nearly every budget brought down in this country in the last 10 years. Whether they are Labor budgets or Liberal budgets, they always look much the same. These are not two radically different parties that tout radically different policies. Rather, they are two very similar parties that shout radically different rhetoric.

Throughout the 1980s Australia internationalised most of its economy, reduced protection to local industry and deregulated most of the financial system. In pursuit of competition, we have lost control of vast chunks of our local and national economies to outside interests. The Greens are not opposed to internationalism. The Greens are opposed to an internationalism that ignores our environment and social justice and leaves us at the mercy of international markets. To switch our economy around to serve people and not some abstract economic machine will require long-term coherent planning for industry, for jobs, for social policy, and for the environment. Michael Kirby, in "Trash Fights Back", sums it up well as follows:

We may, according to some, be ready to throw off the old Empire from our flag, but we seem to have become colonies of a new imperialism. It is an imperialism of international economists who have disdained Keynes and Galbraith and delivered a very poor social substitute. These economists rule. Their governors are at Moody's, their merest edict is uttered in eerie monosyllabic injunctions - AAA and the colonies smile. Take away the merest A, and the colonies tremble.

It is these underlying market philosophies that have created the national benchmarking systems, and it is these national benchmarks that both major parties use in formulating their budgets. It is the Commonwealth Grants Commission report on general relativities that we so heavily rely on when we talk about making changes. How many of the people in this Assembly, the members of the media, the public servants preparing the budget and other interested parties have studied, understood and debated these benchmarks? We all appear to accept blindly these so-called relativities for fear of looking as though we do not know what we are talking about. We say, "Mm, yes, it says so in the Commonwealth Grants Commission report". It is the Commonwealth that believes that we are spending too much money in the areas of health and education; yet in education, for example, it appears that it is because of our above-average expenditure that we have such a high Years 11 and 12 retention rate.

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This budget is predicated on a market that performs the way the market analyst says that it will perform; but we all know that markets fail, and fail regularly. Even the blandest, driest of economic textbooks will have at least one chapter devoted to market failure. Even the driest of economists, when pushed, will have to admit that so-called perfect competition is only an ideal. Market failure is the norm, not an exception. Market failure is caused by externalities such as environmental pollution, unequal distribution of power, unequal information and undersupply of public goods. Many of the services that will be deemed to be uncompetitive in a market system may well provide important public services. Because the market system tabulates only individual wants, collective needs or wants are not catered for. This budget talks a lot about efficiency and service delivery. What does "efficiency" mean? Does it mean that we are efficient at polluting, efficient at getting people in and out of hospital but not too good at stopping them getting there in the first place, efficient at working 20 per cent of the population until they drop but not having enough jobs to go around?

No-one in this Assembly or any other parliament in Australia has stood up in support of French nuclear tests in the Pacific. We have shown real solidarity with our island neighbours in Tahiti about the nuclear threat. When are we going to take action to show the same level of solidarity when it comes to the effect our daily lives have on the world's environment? What are we doing to the environment on this globe? Recent reports in the media have shown the popularity of oxygen bars in larger polluted cities in China, where people go to buy fresh air. Recently, 1,230 litres of cyanide was spilt in a major river in Guyana. Within the last 12 months, Europe has experienced severe droughts and record floods. Over the last 100 years, we have destroyed millions of species on this planet. Then there is Chernobyl, rapidly disappearing rainforests, the growing ozone hole, desertification, food shortages, global warming, toxic waste - the list goes on and on.

Closer to home, a recent study states that nearly 60 per cent of New South Wales is affected by soil erosion, while the Murray-Darling river system is facing an ever-increasing salinity crisis. Greens, and I include myself here, do not lead perfect lives; nor do we pretend to have all the answers. What binds us together is a view that collectively we can change. We can stop the massive environmental degradation that is occurring right around the world. We can wind back the rampant spread of materialism. Together we can challenge the narrow economic view of the system we all live in.

What is Mrs Carnell proposing for the budget? Page 3 of *The 1995-96 Budget at a glance* identifies the key budget strategies as reducing debt and returning to surplus; holding taxes and charges to no more than New South Wales levels; maintaining and improving services through efficiency gains; maintaining the Territory's high credit rating; and setting aside real provisions for future liabilities such as superannuation. These are all quite worthy economic objectives, but only part of the story of responsible government. What we do not hear about is how this Government is linking financial objectives to policy and planning. Longer-term budgetary planning is good, but where is the longer-term social and environmental plan? Where is the vision for where we will be after the next three years? We do not think this Government can be expected to have done all the work before the budget; they have not had the time. So why is this Government seeking to lock the Territory into a longer-term financial strategy before this work has been done?

We have heard that, for the first time, the forward estimates in this budget are not rubbery. But what if the housing market does not pick up enough to produce the estimated 6 per cent increase in stamp duty from property transactions? What if the predicted increase in revenue gained from the tax on cigarettes does not happen? What if people respond to the intention of the tax and start giving up smoking en masse? (*Extension of time granted*) It will not be until after the estimates process that we will have a clear indication of whether or not the increases in some areas will translate into increased service provision and where the cuts will really impact. Maybe after the estimates process we will also have a clearer idea of just how managers are supposed to meet their efficiency targets.

The purchaser-provider model is a key element in the Government's budget strategy of achieving efficiency objectives. As far as the Greens are concerned, it has not received the vigorous debate it deserves. To compensate for non-commercial obligations of a service - cheap bus fares for schoolchildren, for example - the Government will develop community service obligations in order to determine the amount of money that should be allocated to fulfil the social and environmental objectives. Like any model, it has pros and cons, and obviously the underlying objective is very important. At best, with community service obligations developed by the community, it may create greater transparency in government. At worst, it can be used Kennett-style as a cost-cutting exercise or as a precursor to wholesale privatisation. To reflect social needs and environmental objectives, the identification, methods of provision and funding of CSOs need to be determined through a process of extensive consultation with community, consumer, and environmental groups, as well as with service providers.

I would now like to talk briefly about some of the key areas in this budget, starting with health. There has been a lot of hype in recent weeks about the Booz Allen and Hamilton report and operational efficiency in the health system. The Greens are concerned that some elements of the report that have been incorporated in the budget may undermine the integrity of enterprise bargaining agreements. The Greens believe that there should be much more emphasis on the critical end of health care - primary health. Yet in this budget there appears to be very little change in focus from a hospital-based curative system to a community-based preventative system. While the Greens support a clinical school in the long term, we believe that at this stage more of our health dollars should be spent outside of Woden Valley Hospital. They should be spent in the community. But community health centres have been targeted for savings. For example, Kippax and Melba health centres are being privatised, which it appears will result in a significant loss of service, while other on-the-ground services such as counselling and refuges have also taken a cut. We welcome a commitment to increased funding in areas where there has been a real need in the ACT for some time, such as discharge planning and respite care.

In education, Mrs Carnell appears to have pulled a big swiftie. Not only is she commercialising Birrigai, but the promise that there would be no real reductions in expenditure has not been realised. As in many other areas, central office support staff will go and school maintenance will be cut. We are also not totally reassured that there has not been a downgrading of resources allocated to Aboriginal concerns in education. The commercialisation of Birrigai is symbolic of the whole approach of this budget.

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Why does our economic system not have some capacity to put a value on the special qualities of Birrigai? All it says is that it is losing money and needs to be more cost-effective. There is nothing wrong with efficiency, but it must be balanced with other goals. The current management have a proposal to cut costs by 30 per cent. Why not give them a go?

In housing, there are a lot of questions that need to be answered. For example, how will the Housing Trust fund the dividend that starts at \$750,000 this year and goes up to \$2.1m in 1997-98? Will the rents go up? Will services be reduced? In the community sector more generally, there appears to be no money to train community organisations to meet the ever-increasing management demands and no assistance for community groups in the transition to the social and community sector award.

We are very unhappy with the business, employment and tourism budget. Both Labor and Liberal have plans to slash ACT labour market programs. Bad luck for the long-term unemployed. We are told that the Commonwealth is in charge of this area, so the ACT need not worry; but DEET programs do not necessarily meet the needs of local residents. ACT programs have proven to be more flexible, on-the-ground programs, while Commonwealth programs are often flavour-of-the-month stuff, more designed to shift statistics than meet local needs. The jobs compact is a good example. What about the argument that more money in tourism and marketing will lead to employment growth? The problem with this argument is that people without skills, the long-term unemployed, the most disadvantaged groups in our society, will still not be able to get jobs. As a community, we have a responsibility to help people who want to work but are not necessarily able, in a world of multiskilling and efficiency drives, to meet the demands of a highly competitive labour market.

There are also real concerns in this budget about cutting jobs. Cutting jobs throughout the public sector, paying redundancy packages to people, and then shifting their costs to the Commonwealth as people go onto the dole will not ultimately save money. While these costs may not appear on the financial statements of the ACT, in the long run they will show up in increased social security spending, increased Medicare payments, increased social welfare problems, and therefore either greater debt or increased taxes.

The basic starting point for the Greens is that if we want a sustainable community we need a sustainable economy. Business must be part of this. We are told that we have to reduce taxes for business to be competitive, but business will keep demanding more and more subsidies and consuming more and more resources. This Assembly should not condone this short-sighted competition between the States and Territories, which can only be bad for us all in the end and give priorities to nationals and multinationals over our own home grown. Why do we not do something different and creative, be open for business that meets social, environmental and cultural objectives, and strive to protect and strengthen our local small businesses? This is a budget that maintains the culture where business, social welfare and environment groups will have conflicting priorities. It does not set a course for the development of a common vision.

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

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

That Ms Horodny be granted an extension of time to conclude her speech.

**MS HORODNY:** As to the environment: Half of global warming can be attributed to carbon dioxide emissions. Of this, fossil fuel burning accounts for more than three-quarters and deforestation for the remainder. Each local community has a responsibility to do its best to reduce the amount of greenhouse gases it consumes. More than half of all energy consumed in the ACT is used for the purpose of transport. One of the principal targets for cost cutting in this budget is public transport. The ACT Greens have clearly stated to the Government that we will agree to changes to the public transport system only where it can be demonstrated that the primary purpose of change is to improve the service to the community, thereby reducing private car use.

Even the Government recognises that public transport is of significant environmental benefit to the community. At its current level of patronage, ACTION saves 68,000 tonnes of carbon dioxide, 2,645 tonnes of carbon monoxide and 549 tonnes of nitrous oxide emissions each year. Unless there is a concerted program to make public transport a priority above private transport in the planning of Canberra's urban structure, public transport will continue not to be used as much as it should. By increasing patronage of public transport services, we would naturally reduce the need for subsidies and enable more services to be introduced.

Earlier this week, I raised a concern that the Government has a proposal to commit \$435,000 in the capital works program for revenue-raising infrastructure in Namadgi National Park, but no detail was provided during the capital works hearings. The primary purpose of national parks is to protect and promote the inherent natural and cultural values within them. These values must not be compromised. We have a responsibility to see them protected for future generations. The Greens will not support any tourism infrastructure inside the national park. Despite projections for increased numbers of visitors to Namadgi and Tidbinbilla and higher use of other nature parks, the Government is cutting its overall environment budget by 9 per cent.

On the positive side, there is an increase in the budget allocation for the Waterwatch and Save the Bush programs. But it is not much use increasing the budget allocation that would go to assist Landcare and other volunteer-based groups if there is not the commitment to training and coordination. Landcare groups perform a job that would cost the Government a fortune. A commitment to environmentally sustainable development means, among other things, a commitment to take action to repair and enhance the environment. Where, then, are the elements in the ACT budget that would display such a commitment? Best environmental practice is not about just paper recycling and remembering to turn the lights off. Where is the funding that would enable the eco-office to advise, not only the public sector but also all this business we are supposed to be attracting, on best environmental practice in upgrading office equipment, buildings, paints, furniture, et cetera?

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It is encouraging to see that some funds have been set aside to deal with the problem of weeds in the ACT, but it really needs a much greater commitment than is currently budgeted for. There are all sorts of areas where money could be spent to protect and enhance our environment, but instead this Government has engaged itself in such initiatives as spending over \$8m on tearing down perfectly good buildings at Acton Peninsula. What a ridiculous waste of resources! The Government has not even come up with the money to build a museum.

So, what about the revenue side of the budget? Are taxes an unequivocal social ill? The Greens do not think so. Taxation, like all other economic policies, should be used to meet broader social and environmental objectives. The ACT has the highest per capita income in Australia. In the main, it is a well-off community that has the opportunity to provide first-class services and a good safety net. There are some good revenue measures in this budget, such as tip fees and increased gambling taxes. It is a pity that the increased revenue from gambling is being used to fund elite sports programs. If this revenue must be tied, we believe that it would be much more appropriate to use the revenue for counselling, greater support for families of gambling addicts, and education programs. We welcome moves to reduce taxes on employment but believe that this should be at least partly financed with increased resource taxes. As well as increasing the petrol franchise levy, we believe that the ACT should introduce an energy tax for the non-transport sector. There are strong economic and environmental grounds for an energy efficiency levy. Apart from providing a small price incentive to improve energy efficiency, at least part of the revenue raised could be used to finance energy efficiency programs or alternative finance schemes especially for lower income households.

The agenda this Government is setting for the ACT means that even after the Estimates Committee there will probably still be unanswered questions. One of the key questions is: How will managers manage over the next three years? How will they make the hard decisions about where to allocate shrinking resources? Without comprehensive longer-term policy objectives, the task of managers is going to be even harder. Our managers are being given the task of determining social, environmental and economic priorities to meet our financial objectives, without a clear vision in any of these areas. Maybe our economy will look good in three years; maybe it will not.

The Greens will be scrutinising this budget to see not just what our economy will look like but also what our environment and our community will look like. Human or environmental considerations should not and need not be subordinate to the supposed greater good of the economy. There is not going to be a disaster today or tomorrow or in the next three years; but we cannot go on the way we are going, and it is no use fiddling around the edges. We need a different type of economy, an economy where business and commercial interests serve the people, not the managers at credit rating agencies and not the multinationals. Finally, we need an economy that enhances and protects our environment.

**MR OSBORNE (4.01):** The pressure is on today, Mr Speaker. I will try not to put you to sleep; I know that the last two speakers have. You will be pleased to know that my speech goes for only eight pages and it is in big writing. I have to say from the outset that I am a little disappointed that the Government is not here to listen to me. I will try to be here on time when the budget is voted on.

I have already said that this budget shows courage in cutting expenditure rather than raising taxes, and I give credit to the Chief Minister that in her first budget she has grabbed the ball, she has run with it, and she has scored a good try. Whether she can kick the goal remains to be seen. It is also my first budget. It is the first time I have been faced with a full set of budget papers and all the boring press releases and speeches that seem to go with them. So, while I am looking at the general thrust, I am still looking at the fine detail of the Government's play, and I will be surprised if they got it all right. Already I can see a few things that could have been done differently and better, and I will be drawing attention to them when the Assembly debates the budget in detail. I might add that while I, and all Canberra, are relieved that this is not a horror budget and not a slash and burn budget, to steal a phrase from Mr Berry, I have my suspicions about next year's. Even if the Chief Minister kicks a beauty this time, as I am sure she thinks she has, even if all the cost cutting actually happens this year, I reckon that she will have to use tougher tactics next year if she is to bring the deficit back.

The more I look at this budget, the more it looks as though, while the Chief Minister has shown some courage, she is really calling on the ACT Government Service executives and managers to be courageous. They have been left with the job of deciding how and where to make the many cuts. She has delivered them one-line numbers and said, "You make it work". I ask: Where is the political decision-making and toughness in that? Making administrative decisions, whether it is about the options that go to the Government or deciding how or when to administer the Government's policies, is just as political as anything Cabinet does. For that matter, so is simply deferring doing anything about what the Cabinet decides and the Assembly enacts.

Politics is about making choices. It is about giving to some and not to others. It is about taking from some and not from others. There are not many situations where everyone can win, and that brings me to my own patch. I cannot say that I am delighted for Tuggeranong and for Brindabella. A few capital works in this budget are mainly already in train. They were decisions of the last Government, not this one. I cannot see much money for additional services for our families and community. I shudder to think what the cuts to ACTION, the public transport system, will do. Bus services in the valley are already inadequate, particularly for young families at the southern end of the valley, eight kilometres or more away from the major services.

There is another very sore point: Tuggeranong desperately needs a new police station. It is not getting it in this budget, but I am serving notice that I will be pushing long and hard for it next year.

**Mr Berry:** It is not about kicking beauties; it is about telling beauties.

**MR OSBORNE:** That is a good one. We will note that in *Hansard*.

We are getting five of the additional police recruits and six experienced police from squads that have been disbanded. That is good, but still not good enough. Much of the time of the experienced men will be taken up with training and there will not be one extra car on the road. The police at Tuggeranong are working in a cramped, antiquated building that has no charging or lock-up facilities. Every time a car crew arrests and

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charges somebody, they have to travel to Woden, Civic or Belconnen, taking a much needed resource off the road for anything up to three hours. This is not good enough, considering that at times there is only one car in the valley, with its population of 90,000 people.

**Mr Berry:** The Labor Party promised a new one.

**MR OSBORNE:** Yes, the Labor Party did promise a new police station. The budget makes a big deal about not cutting education spending, which my colleague Mr Moore claims is not the truth. I would agree, but perhaps in a different area, that being the proposed savings at Birrigai. In my view, privatising the management of that magnificent nature education centre inevitably means that courses will be reduced and, as it becomes full user pays for schools and students, inevitably some families will not be able to afford it. Some kids will miss out. I will return to education spending later in our budget process, but I am giving notice now that I will take some convincing that hacking into Birrigai is the right option.

I am glad for Gungahlin and what it is getting. It is growing and it needs more resources, but so does the valley. I am pleased for the larger businesses of the ACT, and I hope that more jobs will actually be produced now that payroll tax is being wound back. However, I pose the question: Who is paying for it? With this budget, I cannot see more jobs being offered in the valley, as the majority of employers down there do not employ enough people to gain any benefit from this move. I sincerely hope that it is not done just to look after the Liberal Party's mates.

**Mr Berry:** I think you hope in vain.

**Mr Connolly:** I think you are onto something there.

**Mr Hird:** Do not listen to that lot across there.

**MR OSBORNE:** I will listen to you, Harold. Mr Speaker, the Chief Minister called this a budget producing a can-do culture so that Canberra can live within its means. That is about right, and it is a view that I hope she keeps. However, I would have been much happier if she had been doing the doing herself instead of leaving the majority to the Government Service executives and managers.

**MR KAINE (4.08):** Mr Speaker, the last four years or so in the Territory have been a quite depressing experience for anybody who has been observing what has passed for economic and financial management. This is not the first time that I have had occasion to comment on the poor performance of the Labor Government. In fact, reference to the *Hansard* will show time and time again where I have made mention of failings on the part of the Labor Government to manage this economy and to manage our financial affairs.

If we sit and think back over the last four years or so, we see a total consumption progressively of all reserve money that the Territory possessed five years ago. We see a progressive fall in the Consolidated Fund from a balance of \$180m in 1990 to zero in 1995. We see from year to year, starting in 1991-92, a downward slide in

surpluses on our budget until two years ago, when we went into deficit. The overall picture of economic and financial management is one of a downhill slide. Every indicator, financial and economic, has shown a gradual downhill slide to the point where we are at zero or below zero economically and financially.

While this was all going on, what was the Labor Government doing? I have accused them before of not managing their budget, of allowing it to run riot. Year after year we have seen blow-outs, we have seen revenue targets either grossly overachieved as a result of pure serendipity or underachieved, and we have seen expenditure programs not achieved. Two years ago the Chief Minister and Treasurer of the day claimed a \$60m surplus on her budget at the end of the year. Of that, \$30m was unexpected and unplanned revenue from land sales, and the other \$30m was money not spent on capital works projects. The Chief Minister claimed this as some sort of managerial legerdemain, as if she had pulled these great achievements out of the hat.

What have we seen in the year that has just finished? We have seen another \$33m worth of capital projects approved a year ago not even started at 30 June this year. Where is the management in that? The answer, Mr Speaker, is that there was none. First of all, the Labor Government was not very good at producing budgets. Secondly, it had zero skills in managing the budgets after they had been approved by this place. Not only was there a lack of skills in management but we have now discovered that there was a deliberate decision to throw money around on projects earlier this year, knowing the financial situation that the Territory was in, knowing that we were in a deficit situation, knowing that we had consumed all of our reserves, knowing that the Consolidated Fund had hit zero. We now learn that the Labor Government spent money that it was not authorised to spend. One has to wonder whether, if the government had not changed, all of those things would have just been obscured again in another muddy budget.

I have to ask a question of the former Chief Minister and Treasurer. The downward slide was not news. Charts on pages 34 and 35 of her budget overview paper last year showed it in terms of deficit budgeting. But that paper was very optimistic about the downward slide in budget surpluses and deficits, because it said that by next year, not this year, we would be back in surplus. I have to ask the former Chief Minister and Treasurer: When we had had a downhill slide for five years, what was going to put us suddenly back into surplus on our budget, mysteriously generate funds in our Consolidated Fund and put us back into a strong financial and economic position? The answer is that nothing was going to happen. If the government had not changed, all that would have happened is that the present Leader of the Opposition would have been sitting over here presenting a budget with \$60m worth of borrowing in it, but hidden amongst that would have been all of the mismanagement and muddying of the waters that had been going on for five years. We would not have known about it. I do not believe that that was financially responsible management. It was not economically responsible management. It was a total disregard for the community interest.

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What happened? Fortunately for this community, the government changed in February and we got a government that really looked at the situation, analysed it and asked itself what it must do to keep its head above water economically and financially - not to have surpluses, but to keep its head above water. The budget that we have before us today is the product of that. It is a responsible budget that took the problems head on and identified priorities, despite the Greens' assertion that the Government did not do any prioritising. The Government has agonised at great length over its priorities, and it has made substantive judgments about how the money that we have available to us has to be spent over the next three years to get us back into a surplus on our budget in three years' time. Not this year, not next year, as the former Chief Minister was projecting, although on what basis I cannot imagine, but in two years from now, hopefully, we will be back in a surplus position on our budget.

I cannot understand why it is that we have a debate here in which person after person stands up and criticises what the Government has done and criticises its budget. In my view, what the Government has done has been extremely responsible and extremely responsive to the need. You can argue the toss. Mr Osborne said that some people get some and some people do not, and some people have to pay and some people do not. That is the way things are. That is life. The Government has the difficult responsibility of deciding who pays and who receives. I think that this budget represents a responsible solution to those problems, given the financial and economic circumstances we find ourselves in. If members in the Opposition know where we can get \$60m to fund the program without borrowing, I would love to hear from them. They had 4½ years. They did not constrain the expenditure side of the budget. They built the revenues up as far as they could whack them, to the point where - - -

**Mr Connolly:** That is nonsense. You had the largest increase in taxes when you were Treasurer.

**MR KAINE:** I am sure that Mr Connolly is an expert economist! I would like him to tell me where he would get the \$60m that is required to balance this year's budget. The answer, Mr Connolly, is that you would have borrowed it. Because you would have borrowed it, the AAA rating that the former Chief Minister is so proud of would have been looking a bit shaky. It would have happened; had you stayed in office, you would have had to contend with it.

**Mr Connolly:** This is an acknowledgment that it is going to come down, is it? "Kaine admits AAA rating under threat".

**MR KAINE:** The AAA rating - and I have to remind them because they obviously do not understand what it is for - is merely a reflection of our level of borrowing. It says nothing about the way we managed our budget. Hidden behind this AAA rating, which reflects our level of borrowing, is all the muddy management that I talked about whereby all of our money went down the gurgler and our Consolidated Fund was reduced to zero. Our budget has been reduced to the point where we are in deficit and likely to stay there for another two years. Behind that was all this - I was going to say "shonky", but perhaps I had better not say that - absolute failure to manage the budget.

We now have a budget which is a bold budget. It is a very bold budget because it has the courage to say that this is what we are going to do not just this year but for three years. The difference between this Government and the one that we have just seen the last of after 4½ years is that this Government will be managing its budget. It is not going to wait until the end of the year, as the former Government did, and then say, "Gee whiz, we had a blow-out. Gee whiz, we did not start \$33m worth of capital works". I will guarantee that the Chief Minister - - -

**Mr Connolly:** The Chief Minister will resign if she does not deliver the budget.

**MR KAINE:** Listen to what I am going to say, and bear it deeply in mind. I will guarantee that at different times during the year the Chief Minister is going to have her agency heads come into her office and she is going to say to them, "How are you managing against your budget?". The first time one of them says, "I am \$30m overexpended", I think that guy or that woman had better start looking for another job. Not only will the Chief Minister be looking for blow-outs in the budget, but she will be looking to see whether expenditure programs are actually being achieved. She will be saying to the agencies, "You asked for \$30m for your capital works program. Are you spending it? If not, why not?".

That is the sort of management that people should have been exercising over the budget for the last 4½ years, instead of letting it run riot, letting it go berserk. Apart from the political decisions that were behind the series of budgets that led to the dire economic and financial straits we are in now, had it not been for a total lack of understanding of the economy and finance they could not possibly have taken the decisions that they did to put us in this big black hole. Totally apart from the political ineptitude that put those budgets in place, there was no management of them after they were in place.

It is obvious. You have only to read the figures. You have only to read the outcomes from year to year to know that no management of the budget was being exercised. Nobody knew whether a department or an agency was meeting its commitments, whether it was spending its money on the things for which the money was appropriated, whether it was even spending it at all or whether it was overexpending. The only one that we know for sure overexpended was the health organisation. They have done it so consistently that Mr Connolly had to check every week to find out how they were going. He knew that it was a dead certainty that they were overexpending. Having got, by about the third or fourth month in the fiscal year, the information that they were already beginning to overexpend, what did he do about it? Nothing. He just let them continue to overexpend. By the end of the year the budget had totally blown out.

Mr Speaker, there are a couple of major differences between the budget that this Government has brought down and the ones that the Labor Government has brought down over the years. This is a responsible budget. The Government knows where it is going. It has confronted the problems that we should have been confronting for the last five years to get our economic and financial affairs in order. The budget will be managed to make sure that the outcomes are those that were designed into the system in the first place. That is the difference between a responsible Liberal government and a totally irresponsible and incompetent Labor government.

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**MR MOORE** (4.22): Mr Speaker, since it seems to be the thing to do, I draw attention to the fact that I have only one page. I think you will find that with one page I will be able to deal with what some people seem to require eight pages or more to deal with.

**MR SPEAKER:** You meet with great favour from the Chair, Mr Moore.

**MR MOORE:** Thank you, Mr Speaker. Mr Speaker, I will try to ensure that nobody in this chamber is tempted to nod off. I will use a little bit of flamboyance. Mr Speaker, let us leave the rhetoric of the black hole and dire economic straits that nobody would believe. When I sat in this chamber, in this very seat, for the budget a year ago, I heard all the dire predictions that we would see the Territory crumbling around us.

Mr Speaker, this is a budget for the big end of town. There is no question about that. It is not a budget for small business. There is no doubt that this Government has looked after its own constituency. Mr Osborne and Mr Kaine drew attention to the notion of the winners and the losers. The winners are the big end of town but not small business, as the Liberal Party would like to present the picture. By "small business" I mean businesses with five or six employees. They are the people who have missed out. Those with 25 or more employees are the winners. They are the winners through at least \$13m in payroll tax and an extra \$10m thrown into the general business and tourism area. Who pays for this? It will be the small businesses, the people with four or five employees. They are going to pay. Of course, ordinary wage earners will also pay.

Mr Speaker, I shall come back to the notion that there has been only a 5 per cent increase in revenue, taking into account the CPI; but, first of all, let us deal with a little issue that was raised in question time today. Mr Stefaniak, in response to a question of mine, pointed out that they had made no cuts in education beyond the 1994-95 appropriation plus the \$7m. In an interjection that I managed to get past you, Mr Speaker, I pointed out that he had been tricked. Indeed, he has been tricked, Mr Speaker, and there are other tricks in this budget. You cannot put out a whole budget and say that every single budgetary unit is going to have a bottom line starting from the expenditure last year, other than in the case of education, which goes back to what was appropriated in 1994-95, and do your comparisons. That is treating one specific area differently from every other area.

That might be good enough for the Liberals to fulfil the promises that they made at the last election. I am sure that that would satisfy you that you were keeping your promise. That is not the issue. The issue is whether education has had a cut or not. There is no doubt in my mind, Mr Speaker, that there has been a cut. Where did it come from? We know that the previous Government granted to teachers a wage rise for which the full costing is \$6.9m per year. The normal process is to take such money from Consolidated Revenue so that it becomes part of the bottom line. That is how it has been done everywhere, except in education.

**Mrs Carnell:** Not in health.

**MR MOORE:** There is an interjection from Mrs Carnell, "Not in health". We know that in health Mrs Carnell has room to play. Incredible cuts are going on in health. That needs to happen. If we look back over the last 15 years, we see that in every single year Health has blown out its budget, and when it has blown out its budget that blow-out has become the new bottom line. The starting point was not what was appropriated the previous year plus the CPI increase; the starting point was what they had spent. That being so, the logical thing to do was to blow it out. I do not accept what Mrs Carnell is saying - that it does not apply in health - because there is room to move and to juggle the figures there.

A lot of what is happening here is a little bit of juggling of the figures, and that is why I say that Mr Stefaniak has been tricked. I think that in the initial response to the budget a lot of other people have been tricked as well. But I believe that when this Assembly as a whole looks at things it will realise that there has been a specific cut to education and that the Assembly as a whole should do something about it. It would be far better if the Chief Minister herself recognised how the trick has been done and how whoever in her department advises her on these things managed to manipulate the figures and convince her that it was not a trick.

The Liberal Party went into the election advocating open government, open processes, open political decision-making and so on. The situation was set out very clearly the other day when I asked Mrs Carnell a question and a supplementary question. I asked: What happens if the new heads of departments do not deliver on accrual accounting? The reply was that it will be in their contracts and that they must live up to their contracts, the implication being that if they do not live up to their contracts they are out. Now that you have given that responsibility and taken such a hard line, which I must say I think is appropriate, the question is: Will you take the same hard line with your Ministers? If they do not deliver what they are effectively contracted to do, if they do not deliver on their budgets and so forth, what kind of a hard line will you take with them? I think it is effectively the same question.

In looking at this budget it is important to take an overview of what has happened in the ACT. Let me say - and perhaps this overlaps a little bit with my point about open government and open processes - that there is no doubt that Budget Paper No. 2 is by far the single most significant improvement in communicating the message of the budget to the people of the ACT. The way it is presented makes it a particularly easy paper for people to read to get an overview and a general understanding of what is happening in the budget. I am not talking now about how the presentation juggled the figures; I am talking about the visual presentation and getting an overview of the message across. If you want an overview of the budget, it is the easiest document to read that I have seen. It is a significant improvement, and the Government certainly deserves to be congratulated.

Mr Speaker, in the budget papers - and I cannot remember now where I found it, but I am sure that we will find it again - the Government presents the overview of a decrease in private investment of 7.9 per cent compared to a 12.8 per cent growth nationally and uses this, I guess, as the basis of an argument that we ought to increase investment in business.

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Rather than do that, it is very important for us to search out and target the sorts of businesses we need to give us the increase that we want. I suspect that the vast majority of the decrease is related to the construction industry. In economic terms, the construction industry should be following productivity, not leading a positive surge.

Since 1989 the Grants Commission money for the ACT has dropped by 49 per cent. We have heard the rhetoric of everybody who has been Chief Minister. There is a handful of them here. They point to each other, saying what a good job they have done and what a lousy job the other one has done. It is important to note that we are not in economic dire straits at all, in spite of the fact that the Commonwealth have already halved the funding that they provide to the ACT. I think it is very important that we keep that in perspective. It is also important that we recognise what has happened with our State relativity. Supposedly, we are going to be put on a State-like funding base. In fact, we are put in a very bad position compared to the States. Historically, the Federal Government has delivered the lowest per capita share of general revenue assistance to New South Wales and Victoria, the bigger States. On the basis of 1 being an equal share, New South Wales receives 0.87 and Victoria 0.85. The only other jurisdiction that is below 1 is the ACT, at 0.89. Thanks to the Labor Federal Government and thanks to the Grants Commission process, apart from the very large States, we have the lowest per capita contribution from the Commonwealth. There is some irony in that, considering that we make by far the highest per capita contribution in taxes. When we talk about dire straits, it is worth keeping those issues in mind.

Mr Speaker, I mentioned earlier that this is a budget for the big end of town, and I defined what I meant by that. The \$13m reduction in payroll tax is really going to ACT big businesses - those with 25 or more employees - as is the \$10m tourism and marketing money. One has to ask: How much of that will reach genuine small businesses? Whom was the Labor Government really trying to assist in this area? Mr Osborne used the term "mates". I think he used it in a very generic sense. We have to be careful how we use that term here, because it has more implications than the meaning I believe Mr Osborne intended. He was referring to the people you associate with generally rather than people you associate with specifically.

Where should the money be going? If we talk about real wealth, we can do as Mr Stefaniak did and quote Chessell and Hughes, who count dollars and cents, or we can look at the general changing discourse on this subject. The World Bank, as set out in a recent report, found that the real wealth of nations can be measured by how they deal with such areas as health care and education. If we look at such reports and then look at some of the fancy fiscal fiddling of the figures in this budget, we realise that things have not been presented as well as they might have been.

Mr Speaker, the Health Promotion Fund is a particularly good example. The Chief Minister, in her speech this morning introducing the Bill to separate the Health Promotion Fund, and in a press release that followed, said that an extra million or so dollars is going into the Health Promotion Fund. On page 26 of the easy-to-read Budget Paper No. 2 we see that the funding of \$2.1m is up \$1.25m on the 1994-95 outcome. I emphasise that it is outcome as opposed to appropriation.

That is a 150 per cent increase. On the next page, under the heading "Budget Highlights", we see \$865,000 for cultural activities from the Health Promotion Fund. Either that is - - -

**Mr Humphries:** A misprint.

**MR MOORE:** With a smirk on his face, Mr Humphries interjects to say that that must be a misprint. I think the only misprint is that it should not have been there, because it makes it a bit too obvious. It certainly was a misprint putting it on the opposite page, which is a bit of a nuisance. The arts and heritage budget is already down \$800,000, and then you have to add the Health Promotion Fund money to that. Effectively, I presume, it would be down \$1.665m, depending on where you want to put this money from the Health Promotion Fund. The reality is that you cannot have it in both spots. Either it is in one or it is in the other, but it certainly cannot be in both spots.

Mr Speaker, I now draw your attention to taxation revenue on page 104 of Budget Paper No. 3.

**Mr Kaine:** Have you been getting lessons in accounting from Lucy?

**MR MOORE:** I would be very interested to hear the response, Mr Speaker. Mr Kaine interjects to ask whether I have been getting financial advice from Ms Horodny. In fact, he called her Lucy. I would never use a first name in this chamber. It is quite clear that the Government could use some training themselves. I have already drawn attention to the \$6.9m cut in education which they are trying to convince us is not a cut at all. If anybody needs lessons in accounting, I would be looking at your benches, Mr Kaine. You might do well to give your members a few lessons, as I know you are certainly capable of doing. (*Extension of time granted*)

**Mr Humphries:** You told us that you had only one page.

**MR MOORE:** I do have only one page. I am still going. I am about three-quarters of the way through it. Page 104 of Budget Paper No. 3 sets out taxation revenue. It points out, as the Chief Minister did in her speech, that we actually get a 5 per cent increase. If you take the CPI increase out of that, it is effectively a one per cent increase in revenue. But in reality, for ordinary wage earners and for genuine small business, it is a much greater increase because from that 5 per cent you have to deduct the \$13m reduction in payroll tax.

We should look at revenues and see what the real picture is. Tobacco revenue is increasing by \$12m; vehicle registrations, \$3m; FID, \$1m; petrol, \$1.5m. It is interesting that revenue from petrol is going up \$1.5m this year. I thought I heard the Liberals at some stage talking about a \$6m reduction in that area. Of course, it was not worth keeping that promise! I see Mr Humphries sitting here. I am reminded of something that he said back in 1992-93 when we were in the other building. He said, "I can be honest now that I am in opposition". We note, Mr Speaker, that Mr Humphries is back in government and presenting the pictures. No doubt he will be seeking to influence his colleagues.

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Just before I go on to give you a couple of positives - I like to mention positives - I refer to Tip Fee Tony. I have used a first name, but in a special sense.

**Mr De Domenico:** Tipper Dipper.

**MR MOORE:** The fee being imposed by Tipper Dipper makes us realise that the promise the Liberals made not to reduce services was really just hot air. In the Estimates Committee we will be looking for other service reductions.

I will now mention a couple of positives, Mr Speaker, because they belong here. First of all, I have stood up in this house six years running to talk about governments failing to set their priorities. At least this Government has set its priorities. I disagree with them, but it has set them. Unfortunately, those priorities are directed not at education but at looking after the big end of town. Unfortunately, they are not directed at small business either. This is how I give my positives. I also note, Mr Speaker, that under Children's, Family and Youth Services there is appropriate funding for mandatory reporting. It is something that has been coming for a long time and is a particularly positive move. The same applies to the extra funding - we will see how appropriate it is - for mental health. There is no doubt that a long-term strategy to contain the ACT debt is something that the people of the ACT expected of this Liberal Government. It is something that they are looking for the Government to deliver on. We will have to wait to see whether it is done. But, on those issues, I think a positive is appropriate. I did actually find another page under my pad, Mr Speaker, but fortunately it is blank.

**MR HUMPHRIES** (Attorney-General) (4.42): Mr Speaker, I have only one page too, but it is only an A5 page. I am going to be even shorter in time than Mr Moore took, which would not be hard. Mr Speaker, I want only to cover a few points in a brief style on this budget. I do not think that the quality of budget debate in this place gets any better each year, and the Opposition's contribution is pretty much par for the course. Ms Follett in previous years, in criticising the budget of Mr Kaine, made some rather extraordinary statements, and I will come back to those in a minute. The kind of knee-jerk populist reaction that we got from Ms Follett back in 1990 is repeated here. It seems to me that everything she had to say about the budget was along these lines: "You are not spending as much in this area" or, "You are cutting back in that area" or, "You have not kept a promise in this area" and, "This is bad".

**Ms McRae:** Of course it is. It is your budget.

**MR HUMPHRIES:** Ms McRae says that it is bad. Ms McRae says that it is bad that we are spending \$12m on redundancies. I want to quote what Ms Follett had to say back in 1990 about redundancies when Mr Kaine audaciously decided to spend \$6m on redundancies. Ms Follett said this:

In 1990-91 over \$6m is going to be spent in paying people out of the public service. This is a disaster for Canberra at a time when the employment outlook is very gloomy. There is some bad news hidden very deep in Mr Kaine's budget.

Then she went on, Mr Speaker, to spend \$17m in her own next budget, the 1991-92 budget, on redundancies. It does not get any better in this budget speech either, Mr Speaker. Ms Follett says that all these things are bad. I was very surprised not to hear in Ms Horodny's speech some comment about tip fees.

**Ms McRae:** She made a comment.

**MR HUMPHRIES:** She did, did she? All right. She praised the tip fee decision, I assume?

**Ms McRae:** Yes.

**MR HUMPHRIES:** Good. I will withdraw any inference against Ms Horodny. Mr Speaker, Ms Follett did not have the same courtesy. Ms Follett did not have the courtesy to acknowledge, or the grace to acknowledge, that the decision to impose tip fees is a sound decision in the interests of the ACT economy.

**Mr Berry:** Especially when you are paying off the business sector.

**MR HUMPHRIES:** I beg your pardon - the ACT environment. It is a decision in the interests of the ACT environment.

**Mr Berry:** "ACT economy", you said, Gary. You cannot withdraw that one, matey.

**MR HUMPHRIES:** Right, Mr Berry. People across the way know that we throw away far too much in this Territory each year. We are the only community for probably hundreds of miles around which does not impose tip fees and put some disincentive on people to throw rubbish away. We have done that now. Do we get, "Well done; that is a good environmental decision."? No, we do not. We get, "Oh, this nasty Government is imposing tip fees". You know that you would have done it if you had had the chance. You did not have the guts to admit in advance that you think it is a good idea. The Opposition says that this Government has already cost, before the budget, \$680 per household. I challenge you to table those figures. If you are serious, put them on the table. So much for that policy.

Ms Follett says that there is nothing for young people in the budget. She also says, "We would not have cut the outlays for unemployment programs". Let me remind Ms Follett that the \$1.6m we are spending on programs for the unemployed is precisely the amount that she projected in her own forward estimates for unemployment programs. People should bear in mind that this is not a vicious little government slashing into unemployed people. We have projected the same figures that Ms Follett was projecting, but we have made a decision to stimulate job growth in what we know is the only area where that job growth can occur, in the private sector. There is a \$13.5m decision to support private enterprise job growth in this town - \$13.5m which we believe will impact most heavily on young people who, up until now, under the previous Government, have not been able to get jobs.

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Mr Speaker, we are told that we consulted over the budget only with people who were our business mates. Let me read the list of people who were consulted over this budget: The Association of Parents and Friends of ACT Schools, the ACT Council of P and C Associations - they are mates of the Government?; ACT Sports House; the Canberra Police and Citizens Youth Club; the Australian Conservation Foundation; Greening Australia, ACT and South-East New South Wales; the Trades and Labour Council of the ACT - mates of the Government?; the Canberra Rates Association - certainly not mates of the Government; the Council on the Ageing; the ACT Council of Social Service - mates of the Government?; the Community Information and Referral Service of the ACT; the Belconnen Community Council; the Gungahlin Community Council; the Weston Creek Community Council; the Tuggeranong Community Council; the North Canberra Community Council - all mates of the Government? We have a lot of mates out there! That is all I can say.

Mr Speaker, I want to make two points about arts funding. This may be more a misunderstanding than anything else. We have not funded the school of dance and drama at the Institute of the Arts because they have decided not to have a school of dance and drama. We would love to have pushed money into their pockets, but they did not want any money. They are not going ahead with the school of dance and drama. They decided to abandon the school of dance for the foreseeable future, and any school of drama will occur, if at all, in the school of general studies, not in the Institute of the Arts.

As far as arts funding is concerned, Mr Macklin is wrong when he says that the funding we are providing for things like public art and for the Health Promotion Fund are not recurrent. The only element of the Health Promotion Fund about which there is any doubt is the question of how much tobacco consumption there is in the ACT. If people continue to consume at the rate we expect, then that is the amount of money we expect to achieve into that fund. If they stop using tobacco, I suppose we will get less than we expect; but we all know that that is not particularly likely. Mr Speaker, the public art program funding is in association with the capital works program, but it is not for capital works types of issues, like architects' plans or quantity surveying. It is for public art, commissions for public art, in association with the capital works program.

Mr Speaker, I want to conclude by asking a question, and those opposite can jump up and answer it if they wish. It is up to them to do so. Ms Follett has said that if we had had an ALP budget at this time, if the people of the ACT had not given her her marching orders on 18 February, she would not have made any of the cuts which have been referred to in this budget.

**Mrs Carnell:** And she would not have borrowed.

**MR HUMPHRIES:** And she would not have borrowed. Presumably, because she has not announced any, she would not have imposed any new taxes, but she still would have had to face the \$30m deficit that we ended up with in her last year of office. She still would have had all the unfunded promises that she did not put any money aside for, such as the Clinical School, the police station and all that sort of thing.

She still would have had over \$35m worth of Commonwealth funds less than she had for the previous financial year. So, Mr Speaker, how would she do it? How would she have done this? It is pure, unadulterated, straight out of the tap snake-oil to tell the people of this Territory that it would not have been like this under the Labor Party. That is pure, utter garbage. You people know it, and you do not have the honesty to tell people that that is the case.

Mr Speaker, in this budget we have made a series of decisions which are tough, and I think the reaction to this budget indicates that the people in this Territory believe that we are on the right track.

**Mr Berry:** Two dry economists in the business sector. You kid yourself.

**MR HUMPHRIES:** No, it is not just those people. It is the people in the *Canberra Times* who have said that this is not the horror budget that everyone was expecting. Thanks very much, Wayne Berry: No fire sale of assets; no wholesale slashing of the bureaucracy; very little privatisation; no selling off of the major public assets; no privatising of the Canberra Theatre; no selling of the Street Theatre; no selling of the Nolan Gallery; no privatising of Namadgi National Park; no savage decrease in the sports budget; no abandonment of our promise to the Tuggeranong indoor sports centre. How many times do you have to get it wrong? I would have thought, Mr Speaker, that in the course of shooting out those little distortions of lies Mr Berry would sometimes have hit the right target. It is like being in a room full of people, getting a gun and shooting all over the place. You would think you would hit somebody sooner or later. Hardly a soul fell. The room was left standing and his gun was smoking away. All these bullets have been - - -

**Mr De Domenico:** I think Ms Follett went away on purpose to embarrass him; I really do. She said, "I will go away. Wayne is acting leader, and we will let him embarrass himself".

**MR HUMPHRIES:** I think Mr De Domenico is right. I think Ms Follett went away on purpose. Mr Speaker, I remember well the picture of the faces of those opposite as Mrs Carnell was reading out the budget speech on Tuesday. This was not the budget they were expecting. They were horrified that the budget we delivered was a budget that will put the ACT on the right track. They know that, and they are damn worried about it.

**MRS CARNELL** (Chief Minister and Treasurer) (4.53), in reply: It has been a very interesting debate. I am still not sure what the Assembly is telling us we should have done. We have heard that it is a slash and burn approach; that it is Kate Kennett Carnell. We have also heard that we are borrowing too much; we are spending too little, or we are spending too much; we are spending too much on business and tourism, or we are not spending enough because we should be spending \$5m a year, so that is no good either; we are not spending enough on education, although we are spending \$20m more over the next three years, and it is the only area of expenditure that maintains funding in real terms in the whole of the government arena. It seems to me that there has been very little direction from the Assembly in general.

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**Mr Moore:** What about business and marketing, Kate? You cannot say that education it is the only area that maintains funding, you know. What about business and marketing?

**MRS CARNELL:** It is the only area that maintains funding over three years. Have a look at the budget. What we have here from the Assembly is a very mixed message. As Mr Humphries just said, it appears that what we were supposed to do, according to Ms Follett, is not put up any taxes; not borrow any money, which we would have loved not to have done; not reduce any programs; not have any voluntary redundancies; not look at any changes in the public service whatsoever. What you would be talking about under those circumstances is just more of the same. The fact is that more of the same is not an option. It is not an option for the ACT, and it certainly is not an option for this Government.

We will not accept the situation where, over the last three years, waiting lists have more than doubled. We will not accept a situation where there are no extra patients treated for an extra \$20m. We will be spending more money on things like extra patients and more operations in our health system. We will be spending \$20m more on education over the next three years. We will be spending more money on marketing this city and getting business moving again. We will be spending money in areas where it should be spent, but we also will be becoming much more efficient in our government arena. We will be producing services at a much better cost. We will be looking at every service we provide to determine whether taxpayers are getting the best value for their dollar. We will be ensuring that they do. We will not end up with the situation that Ms Follett finished with.

I quote very briefly from the capital works program in the 1994-95 budget. Ms Follett took a lot of pleasure, it seemed, in suggesting that there were a few things in our budget that she thought were not in line with our election commitments. Here we have Ms Follett's own capital works program. It says, "New capital works to be undertaken in 1994-95 include: Nicholls Primary and Preschool". Wrong. "Upgrading of science and technology areas in Canberra schools" - that still seems to be on the capital works program. "Tuggeranong Child Care Centre" - that did not happen. "Nicholls Child Care Centre" - no, we did not get to that. "Cultural and Heritage Centre in Civic - - -

**Mr Berry:** What about election promises?

**MRS CARNELL:** These are yours. "Cultural and Heritage Centre in Civic, \$7m" - that did not happen. The Playhouse theatre upgrade did not happen. What about the Tuggeranong enclosed oval? Have we one of those? On it goes. That is last year's capital works program. You could not even achieve your capital works program.

Question resolved in the affirmative.

Bill agreed to in principle.

**MRS CARNELL** (Chief Minister and Treasurer) (4.57): Pursuant to standing order 174, I move:

That the Appropriation Bill 1995-96 be referred to the Select Committee on Estimates 1995-96 and Budget Review.

Question resolved in the affirmative.

### **PAPERS**

**MR SPEAKER:** I present, for the information of members, the following papers:

Study trip - report by Mr Moore, MLA - Melbourne and Adelaide between 14 and 17 September 1995.

Superannuation (Legislative Assembly Members) Act - Legislative Assembly Members Superannuation Board, Annual Report for 1994-95.

### **AUDITOR-GENERAL - REPORT NO. 6 OF 1995 Contract for Collection of Domestic Garbage : Non-Salary Entitlements of Senior Government Officers**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 6 of 1995, "Contract for Collection of Domestic Garbage : Non-Salary Entitlements of Senior Government Officers".

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

That the Assembly authorises the publication of the Auditor-General's Report No. 6 of 1995.

## PAPERS

**MR HUMPHRIES** (Attorney-General): For the information of members, I present annual reports and other papers in accordance with the list which will be circulated in my name.

*The list read as follows:*

### **Annual Reports**

ACT Vocational Training Authority - Annual Report 1993-94, pursuant to section 12 of the *Vocational Training Act 1989*.

ACT Electricity and Water Authority - Final Annual Report 1994-95, including financial statements and the Auditor-General's report, pursuant to section 79A of the *Electricity and Water Act 1988*.

Australian Federal Police - Annual Report 1994-95 on policing in the Australian Capital Territory, including financial statements and the Commonwealth Auditor-General's report.

Canberra Theatre Trust - Annual Report 1994-95, including financial statements and the Auditor-General's report, pursuant to the *Audit Act 1989*.

Chief Minister's Department - Annual Report 1994-95 (2 volumes), including financial statements and the Auditor-General's report, and together with annual reports, financial statements and the Auditor-General's reports for the Agents Board of the Australian Capital Territory and the Australian Capital Territory Casino Surveillance Authority.

Commissioner for the Environment - Annual Report 1994-95.

Department of Public Administration - Annual Report 1994-95, including financial statements and the Auditor-General's report.

Department of Urban Services - Annual Report 1994-95 (3 volumes) and audited unitary financial statements for the Department, the Housing and Family Services Bureau and the Emergency Services Bureau and annual reports for:

- . Commissioner of the ACT Fire Brigade,
- . Chief Inspector, Dangerous Goods,
- . Architects Board of the ACT,

- . Canberra Public Cemeteries Trust,
- . Plumbers, Drainers and Gasfitters Board,
- . Essential Services Review Committee, and
- . Children's Services Council.

Milk Authority of the Australian Capital Territory - Annual Report 1994-95, including financial statements and the Auditor-General's report, pursuant to subsection 93(1) of the *Audit Act 1989*.

National Exhibition Centre Trust - Annual Report 1994-95 for Exhibition Park in Canberra, including financial statements and the Auditor-General's report, pursuant to the *Audit Act 1989*.

Registrar of Financial Institutions - Annual Report 1994-95, including financial statements and the Auditor-General's report.

Treasury Annual Report 1994-95, including financial statements and the Auditor-General's report and annual reports for:

- . the Commissioner for Revenue, pursuant to section 11 of the *Taxation (Administration) Act 1987*,
- . the Registrar of Co-operative Societies, pursuant to section 12 of the *Co-operative Societies Act 1939*, and
- . the Bookmakers Licensing Committee, pursuant to section 54 of the *Bookmakers Act 1985*.

### **Other Papers**

Pursuant to standing order 83A, a petition which does not conform with standing orders, concerning staffing of the Kaleen Youth Shelter, from 49 residents, lodged by Ms McRae.

Department of Health and Community Care - Activity report for June Quarter 1995.

## **QUESTIONS WITHOUT NOTICE**

### **Health Assets**

**MRS CARNELL:** I table a document that I promised in question time yesterday with regard to asset sales in the Department of Health and Community Care over the next three years.

### **Housing Trust - Dividend Payments**

**MRS CARNELL:** In question time today I took on notice a question with regard to payments from the Housing Trust. I would like to answer that question now. The level of payments from the budget to the Housing Trust is determined by Commonwealth-State arrangements, particularly the Commonwealth-State Housing Agreement. Under the Commonwealth-State Housing Agreement, the Government is entitled to recover from housing authorities normal State and local government taxes and charges. At present all such taxes and charges are collected from ACT Housing, with the exception of land tax. This payment is a partial tax equivalent which will increase progressively over time from \$750,000 in 1995-96 to \$2.1m in 1998-99. Full application of land tax to ACT Housing would cost the budget over \$6.5m, so we will not be moving to full tax equivalent at this stage.

### **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.

### **PUBLIC ACCOUNTS - STANDING COMMITTEE Report on Review of Auditor-General's Report No. 3 of 1994 - Government Response**

**MR STEFANIAK** (Minister for Education and Training and Minister for Housing and Family Services) (5.01): Mr Speaker, for the information of members, I present the Government's response to the Standing Committee on Public Accounts Report No.17 of the Second Assembly, which was entitled "Review of Auditor-General's Report No. 3, 1994 - Public Housing Maintenance", and I move:

That the Assembly takes note of the paper.

Mr Speaker, in June 1994 the Auditor-General presented to the Legislative Assembly Report No. 3 of 1994 on public housing maintenance. The report presents the results of a review of the economy with which the then ACT Housing Trust procured maintenance services for the residences it owns. I am advised that the Public Accounts Committee invited comment from the then Minister for Housing and Community Services. The committee also sought additional comment from the Auditor-General and officers of ACT Housing and the Assets Management Section of ACT Public Works and Services.

Following further consideration, the PAC report on the review of the Auditor-General's report was tabled in November last year. It made two recommendations and four requests. ACT Housing has noted the recommendations made by the Standing Committee on Public Accounts. It has implemented them or is currently taking action to implement them. ACT Housing has also prepared responses to the requests of the committee included in the report. The committee's recommendations and requests have assisted the process of continued improvement in the efficient management of maintenance within ACT Housing.

Question resolved in the affirmative.

## QUESTIONS WITHOUT NOTICE

### Student Assessment

**MR STEFANIAK:** Mr Speaker, on 24 August this year Ms McRae requested me to table assessment guidelines. I now table the ACT Board of Senior Secondary Studies Policy Manual, which covers procedures and guidelines relating to the accreditation and registration of courses and the certification of secondary college students.

## ADJOURNMENT

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

That the Assembly do now adjourn.

**Assembly adjourned at 5.03 pm until Tuesday, 17 October 1995, at 10.30 am**

*21 September 1995*

## ANSWERS TO QUESTIONS

### CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION Question No. 68

#### Government Service - Accommodation and Staff Statistics

#### MS FOLLETT - Asked the Chief Minister upon notice on 22 August 1995:

- (1) How many different physical locations (ie. buildings) are occupied by each of the new departments, including the ACT Planning Authority.
- (2) How many staff work in each of these locations.

#### MRS CARNELL - The answer to the Member's question is as follows:

- (1) Excluding depots, educational, health and other facilities of an operational nature, there are 33 office buildings currently occupied by the new departments.
- (2) The buildings and staff numbers are provided below. It should be noted that the numbers of staff who occupy the buildings will vary at times due to departmental management imperatives, operations and other factors. Accordingly, the figures provided are to be taken as being indicative only and, as they include part time staff, are not necessarily full time equivalents.

BUILDING	ADDRESS	STAFF No.
ACTAC	London Circuit	City 272
Allara House	Allara Street	City 46
AMP	Darwin Place	City 69
Belconnen Shopfront	Swanson Court	Belconnen 36
Braddon Central	Mort Street	Braddon 10
Callam Offices	Easty Street	Phillip 302
CBS Tower	Bunda Street	City 97
Centrepont	Anketell Street	Greenway 117
Family Law Courts	Childers Street	City 59
Colbee Court	Colbee Court	Phillip 17
Cosmopolitan	Bowes Street	Phillip 30
FAI House	London Circuit	City 207
Flax House	Cowlshaw Street	Greenway 5
Gas Industry House	Cnr Moore and Rudd Streets	City 35
GIO House	City Walk	City 152
Homeworld	Cnr Anketell and Reed Streets	Greenway 162
John Overall Offices	Northbourne Avenue	Braddon 422

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<b>BUILDING</b>	<b>ADDRESS</b>		<b>STAFF No.</b>
MacarthurHouse	Wattle Street	Lyneham	449
Manning Clark House	Reed Street	Greenway	310
Mitchell Business Centre	Hoskins Street	Mitchell	22
MLC	Hobart Place	City	24
Moore Street	Cnr Moore and Alinga Streets	City	392
MTIA	Northbourne Avenue	Braddon	59
National Mutual	Darwin Place	City	80
North Building	London Circuit	City	213
North Curtin	Carruthers Street	Curtin	77
Reserve Bank	Knowles Place	City	39
Royal Insurance	London Circuit	City	7
Saraton	East Row	City	80
Scala House	Torrens Street	Braddon	16
South Building	London Circuit	City	104
Swanson Plaza	Swanson Court	Belconnen	27
Tuggeranong Shopfront	Soward Street	Greenway	7

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO. 69**

**Roadworks - Monaro Highway**

**Mr Kaine** - Asked the Minister for Urban Services - In relation to the resurfacing of the Monaro Highway between Isabella Drive and Johnson Drive -

- (1) For what engineering reason was such extensive work undertaken .
- (2) What (a) was the estimated cost of the project; (b) is the cost to date and (c) is the latest estimated cost.

**Mr De Domenico** - The answer to the Member's question is as follows:

- (1) Extensive sections of the Monaro Highway, between Isabella and Johnson Drives, were rutted and cracked. The pavement was deteriorating and required rehabilitation works to prevent extensive road pavement failure.
- (2) (a) The original estimated cost of the project was \$2,420,000.  
(b) Accounts received and paid as at 23 August 1995 total \$740,448.82.  
(c) The current estimated cost is \$2,630,000. The increase in cost is due to the unanticipated need to replace the subgrade and its stabilisation in isolated areas. This need was discovered after work had commenced.

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**MINISTER FOR HOUSING AND FAMILY SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 75**

**Housing Trust - Eviction Orders**

**MS McRAE** - asked the Minister for Housing - In relation to ACT Housing properties -

How many residents who were evicted between January 1993 and August 1995 have had their eviction orders overturned by a court order.

**MR STEFANIAK** - The answer to the Member's question is as follows -

None.

**APPENDIX 1:** Incorporated in Hansard on 20 September 1995 at page 1569.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION TAKEN ON NOTICE 23 AUGUST 1995**

**Films and Videos in Schools**

**MR OSBORNE** - asked the Minister for Education and Training:

Recently my office received a complaint from the parent of a Year 3 child that was forced by their teacher to sit through an M-rated entertainment video that the child knew their parent would disapprove of. What is the Government's policy for schools showing entertaining videos during class time? Is it a common practice to do so and why? And, most importantly, who chooses the videos and should not our schools at least offer parents lists of available films for their approval, or else provide an alternative activity?

**MR STEFANIAK** - the answer to Mr Osborne's question is:

The Department of Education and Training has issued instructions to schools on the use of films and videos in class time.

Films and videos can provide a valuable and challenging educational experience in the context of the curriculum. However, excursions to films, or the screening of videos at school, also involve decisions about the suitability of material. Teachers are expected to take reasonable care to ensure that material screened is suitable for the age group concerned and is not likely to disturb or offend the students or their parents.

It is expected that teachers pay attention to censorship ratings. Films and videos should be previewed if there is any reason to be unsure whether students or their parents may be disturbed or offended. If necessary a permission note is sent home explaining the nature of the material and giving parents the option to indicate whether their child should view the film or video.