



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

29 June 2000

Thursday, 29 June 2000

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The Assembly met at 10.30 am.

(Quorum formed.)

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

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Ms Tucker**, from 130 residents, requesting the Assembly to seek the assurance of the Treasurer and the Minister for Urban Services that the proposed new Griffin Centre development will have additional space to meet the needs of community-based organisations and be safe and accessible to all persons with particular access needs.

By **Ms Tucker**, from 165 residents, requesting the Assembly to support the purchase of the long-stay caravan park by the present caretaker and security offered to residents by his written guarantee.

The terms of these petitions will be recorded in *Hansard* and a copy referred to the appropriate minister.

Section 56, Civic—Development

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that

1. Queensland Investment Corporation, the proposed developers of Section 56 Project, in particular the new Griffin Centre, may provide less space for community organizations than that which is currently available;
2. many community-based organizations tenanted in the Griffin Centre require additional space to provide improved services and facilities for their constituents; and
3. other community services and facilities may be required in the Canberra city area.

Your petitioners therefore request the Assembly to:

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Seek the Treasurer and the Minister for Urban Services assurance that

- a) the proposed new Griffin Centre development will have additional space to meet the needs of community-based organizations; and
- b) the proposed new Griffin Centre development will be safe and accessible to all persons with particular access needs.

Long-stay Caravan Park

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the Longstay Caravan Park Symonston is to be Privatised without sufficient security to all residents.

Your petitioners therefore request the Assembly to:

Support the purchase of the Longstay Caravan Park by our present long serving caretaker and the security offered to residents by his written guarantee.

Petitions received.

DUTIES AMENDMENT BILL 2000 (NO 3)

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.33): Mr Speaker, I present the Duties Amendment Bill 2000 (No 3), together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, the Duties Act 1999 and the Duties (Consequential and Transitional Provisions) Act 1999 commenced on 1 March 1999. This legislation was developed under the Stamp Duties Rewrite Project, undertaken by NSW, Victoria, South Australia, Tasmania and the ACT. Since the introduction of the new legislation, both NSW and ACT (the first

jurisdictions to introduce the uniform legislation) have encountered difficulties with its operation.

This Bill amends the Duties Act to address a number of issues that have arisen within the ACT and, where desirable, adopt changes made in NSW legislation.

Mr Speaker, the current Duties Act provides relief from ad valorem duty on certain transfers of property when managed funds are converted to a “managed investment scheme” in accordance with the Commonwealth’s Managed Investments Act 1998. However, representatives of the managed funds industry identified further circumstances where the legislation does not adequately apply. This is due to the possible combinations of transfers between trustees, managers, responsible entities and custodians, and the possible need to create new agreements, documents and arrangements to convert to a managed investments scheme.

Amendments included in this Bill will overcome these difficulties and bring the ACT into line with similar concessions provided under the NSW legislation.

The Duties Act also imposes duty on certain share transactions involving land-rich companies and unit trusts as if they were transactions over the land. These provisions apply when a majority interest in a company is acquired by one or more specified means, including the variation of rights attaching to shares and the redemption of shares.

A decision of the Queensland Supreme Court in December 1998 (*MIM Holdings Limited v Commissioner of Stamp Duties*), Mr Speaker, indicated that a potential loophole exists in the various jurisdictions’ Duties legislation, where a majority interest is acquired by paying a call on partially paid shares. In this case, the Court held that the rights of the shareholders were varied, rather than the rights attaching to the shares, and that this was not a dutiable transaction. Amendments in the Bill remove this avoidance mechanism, making such changes liable to duty and bringing the ACT into line with changes made to the NSW legislation.

Mr Speaker, the redemption of shares in public companies is liable to duty under Part III of Chapter 3 of the Duties Act. No similar provision exists, however, for the redemption of shares in private companies. It is therefore quite possible for private companies to acquire property ownership through the redemption of shares, without payment of duty. Amendments in the Bill overcome this anomaly.

Mr Speaker, provisions in the Duties Act exempt from duty a transfer of marketable securities from a beneficial owner to a trustee or nominee, to hold for the beneficial owner, or from a trustee or nominee to the person from whom the securities were transferred, providing there has been no change in beneficial ownership. There is a range of situations, however, where the transaction does not directly involve the beneficial owner, but involves a nominee, trustee or custodian. As some of these transfers are technically liable to ad valorem duty, despite there being no change in beneficial ownership, the Bill provides for such transactions to also be exempted.

Currently under section 74 of the Duties Act, Mr Speaker, provision is made to exempt a transaction involving the use of a mortgage to secure a debt. However, because of the definition of mortgage, the exemption applies only to transactions involving land. This was an unintended result of the Stamp Duties Rewrite, as an exemption was previously provided in Schedule 4(ma) of the Stamp Duties and Taxes Act 1987 for a wider range of dutiable property. A broader definition of mortgage has been included in section 74 to provide an exemption where marketable securities or other dutiable property are used merely for securing a debt.

Mr Speaker, last financial year the NSW Government introduced a special payment arrangement for off-the-plan property buyers. The scheme allowed payment of 5% of duty within 60 days of the acquisition of the property, with the remainder of the duty being payable on completion of the agreement, on assignment of the property or at the expiration of 12 months, whichever came first. The scheme was introduced to reduce criticism that full payment of stamp duty on a building that cannot be occupied until some months later, is unfair as the purchaser could be making better use of the money until the property can be occupied.

While the special payment arrangement was a success, the double handling of the documents caused administrative problems and the scheme was changed to remove the need to pay the 5% duty up front and submit documents twice.

Amendments contained in this Bill, Mr Speaker, introduce a similar scheme in the ACT for off-the-plan property purchases.

Mr Speaker, Chapter 6 of the Duties Act, through the operation of section 16(a) of the Duties (Consequential and Transitional Provisions) Act 1999, unintentionally applies to hiring arrangements entered into prior to 1 October 1996 (the date when hiring duty was introduced in the ACT). The problem arises because a number of continuing hiring arrangements predating 1 October 1996 involve the payment of a fixed monthly rental for a specified amount, that does not include a stamp duty component. Also the previous exemption from duty provided in the Stamp Duties and Taxes Act 1987 was inadvertently not carried forward into the Duties Act. An amendment in the Bill overcomes this anomaly.

Mr Speaker, section 34 of the Duties (Consequential and Transitional) Provisions Act 1999, provided for the making of Regulations to amend the Duties Act (and other Acts) in relation to any matter arising from, connected with or consequential to the introduction of the Duties Act. Such amendments could be made within 12 months of the date of its commencement (1 March 1999). The intention of this provision was to allow easy amendment of the Duties Act to overcome any legislative difficulties that might arise in its first year of operation.

This provision was used to amend the Duties Act, from 28 February 2000, to provide concessional treatment for transactions involving the surrender and regrant of Crown leases, Foreign Government and Foreign Government Missions' motor vehicle registrations, and Motor Vehicle Dealers' vehicle registrations. The amendments have been included in this Bill to ensure the Legislative Assembly is given every opportunity to consider them. These amendments are to have retrospective application from the date of the

introduction of the Regulations, and the Regulations are to be repealed with the passage of the Bill.

I will now deal with these amendments, Mr Speaker. The Duties Act provides for nominal duty of \$20 to be imposed on the surrender and regrant of a Crown lease or to change the purpose clause of the lease, as long as the land in the new Crown lease is identical to that of the old Crown lease. However, often on the surrender and regrant of a Crown lease, a change may involve an increase in the size of the land, a change in the proportional ownership of the land, or an extension of the lease's term. This makes the transaction liable to ad valorem duty on the full value of the property, a result that was never intended. Changes in this Bill, therefore, provide that where the size of the land increases in a regranted lease, proportional ownership changes, or the lease term is extended (and there is no change in beneficial ownership), duty is only to be imposed on the value of the additional land, or on the proportional change of ownership, not on the full value of the new lease. The extension of the lease term will attract nominal duty of \$20. These changes confirm and implement practices under the old stamp duty legislation.

Mr Speaker, the Duties Act provides an exemption from duty on the registration of a motor vehicle for persons not liable to duty by virtue of the Diplomatic Privileges and Immunities Act 1967. However, the exemption has proven too narrow in practice. While it provides an exemption where the vehicle is purchased in the name of the Head of the Mission or a Diplomatic Agent no exemption is available where the vehicle is purchased in the name of the Foreign Government or the Mission itself. Changes in this Bill, therefore, extend the current exemption to cover such purchases.

Also, under the Duties Act, Mr Speaker, a motor vehicle dealer may register a vehicle, which either forms part of trading stock or is used for the purposes of demonstration, and utilise an exemption from duty. However, if the vehicle is held for more than 12 months, a "retrospective" liability to duty arises on the initial application for registration. This exemption limitation disadvantages some dealers who trade in rare and prestige vehicles, which may be held as demonstrators or in trading stock for more than 12 months, compared to their ACT and NSW competitors.

To address this issue, a provision has been included in this Bill which vests in the Commissioner the power to issue an annual authority to licensed motor vehicle dealers, in accordance with guidelines determined by the Minister. This authority will allow the dealer to continue the exemption on any vehicle where the purchase price is \$35,000 or more, travels less than 10,000 kilometres in a year and remains registered. In addition, the dealer must continue to comply with the determined guidelines and any conditions imposed by the Commissioner. The guidelines require dealers to pay an administrative charge of \$250 for the annual authorisation.

If the dealer does not dispose of the vehicle before the period expires in which its registration may be renewed under the authorisation, or the authorisation is revoked, "retrospective" liability to duty arises resulting in duty being payable on the initial application for registration in the dealer's name.

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The instrument containing the guidelines determined by the Minister is a disallowable instrument for the purposes of the Subordinate Laws Act 1989.

In conclusion, Mr Speaker, the changes brought about by this Bill will help the ACT maintain consistency with the corresponding NSW legislation, and where practicable ensure ACT taxpayers are not disadvantaged compared to their NSW counterparts. They will also provide benefits to certain industry groups adversely affected by the introduction of the Duties Act and maintain equity in the imposition of duty.

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

GAMING MACHINE AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.34): Mr Speaker, I present the Gaming Machine Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, the Gaming Machine (Amendment) Bill 2000 replaces a previous Bill introduced into the Assembly on 22 April 1999 by the Chief Minister. At that time the Government proposed to take a small but significant step towards making the ACT club industry more accountable by requiring clubs to make a minimum level of community contributions from net gaming machine revenue.

Since that time the Government has decided that it should require additional measures to further increase the accountability of the club industry. This bill, which replaces the previously tabled amending bill, includes additional reforms that address these accountability issues.

However, the basic objectives of the original Amendment Bill have not changed. The Government remains committed to ensuring this legislation provides a guarantee that the majority of ACT clubs will make minimum community contributions from their net gaming machine revenue. This Bill proposes that contributions commence at 5% and rise to 7% by the third year.

Net gaming machine revenue excludes the following:

- Winnings;
- any amount set aside for the payment of linked jackpots;
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-
- gaming machine tax; and
- 15% of gross revenue for overheads.

The club industry has maintained that legislation is not required to ensure that clubs meet their obligation to contribute to charity, welfare and volunteer organisations, and other worthwhile causes.

Mr Speaker, the Government recognises and applauds the contribution of those clubs which have made significant community contributions in the past.

However, despite the industry's assurances, many clubs have fallen short of acceptable levels of community contributions and the Government believes that legislation is necessary to redress this state of affairs.

The new requirements will ensure that all clubs pull their weight in achieving the aim of this legislation, namely that the club industry provides guaranteed minimum contributions towards specified community activities.

This new bill also simplifies the previously proposed two categories of acceptable expenditure for the minimum contribution by rolling that requirement into one category.

Under the legislation I am introducing today, contributions must have the effect of developing or supporting the social fabric of the Territory or another community. Contributions may also include assistance to sport or other recreational activities conducted in the Territory or with participants predominantly based within the Territory.

Mr Speaker, to ensure compliance with the new legislation, the amendments also provide that the AC Gambling and Racing Commission must approve the community contributions for the purposes of the Gaming Machine Act.

Licensed clubs will still be required to report to the Commission at the end of each financial year on revenue received and contributions made. The Commission will report to the Treasurer who is required to table that report.

Mr Speaker, clubs that do not comply voluntarily with the minimum requirements will be taxed at 100% of their shortfall. This tax will be paid to the Community Services Grants Program Fund for allocation to community projects.

As I have mentioned, this bill also provides for several very important issues regarding the regulatory and accountability aspects of club operations.

The first of these will provide that all clubs with a gaming machine licence that have a gross annual revenue of more than \$500,000 must be a registered company under the Commonwealth Corporations Law.

The amendments provide that clubs be given six months from the date of enactment to comply with the new requirement. Provision is made for the Gambling and Racing Commission to allow up to two years for a club to comply.

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Mr Speaker, these amendments address the Legislative Assembly's concern about whether current legislation provides for an appropriate level of accountability for clubs.

Many of the larger clubs are currently registered as a company under the Corporations Law and therefore already face the more stringent rules on the business operation and the conduct of directors and other influential persons.

This government is of the view that, as a matter of principle, all significant club organisations should be under the control of the Australian Securities and Investments Commission (ASIC). The ASIC is better resourced to undertake the scrutiny of these organisations to protect the general community.

I expect that some opposition may be received from existing clubs due to the greater scrutiny and the costs involved to become a company. However, these fees are not considered excessive and, while there may also be some legal costs involved, I consider the benefits to the community far out weigh these costs.

This bill also contains amendments that will ensure that all clubs have provision in their Constitution or Articles of Association to allow all voting members to have an opportunity to vote in the election of at least 51 per cent of club directors.

This addresses an anomaly which currently allows for an associated organisation of a licensed club to have the power to appoint a majority of the directors—it places control of the licensed club in the hands of its voting members and not with an associated organisation.

Finally, Mr Speaker, this Bill proposes to remove what is considered to be a severe and unreasonable penalty if a club fails to pay its monthly gaming machine tax or the annual community contribution shortfall tax by the due dates.

At the moment, if the tax is not paid by the due date, the licence immediately ceases to be in force, ie. the licence is suspended. This is a non-negotiable legislative provision which can have a very serious financial impact on a club's operations even if they are only half a day late with their tax payment.

Mr Speaker, there is also an extremely onerous administrative procedure involved for both the club and the Commission if a club's gaming machine licence is suspended or cancelled even for a short period of time.

To overcome this situation, this bill proposes to replace the licence cessation provision with a late payment penalty charge at the rate specified in the Taxation Administration Act. However, the Commission may still suspend or cancel the licence for late payment or non payment of tax if it considers that course of action appropriate.

In conclusion, Mr Speaker, the Bill affirms the Government's commitment to ensuring that all clubs fulfil their obligation to the community; observe an appropriate level of accountability; and provide their voting members with the appropriate powers to appoint a majority of directors.

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

GAS SAFETY BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.35): Mr Speaker, I present the Gas Safety Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

This Bill meets commitments I made when tabling the Utilities Bill 2000 in February. At that time I referred to the need to improve the regulatory environment for associated activities outside the scope of the utility regulation package. This included electricity, gas, water and sewerage activities at the householder's premises.

In March I tabled the Electricity Amendment Bill and the Water and Sewerage Bill. This Gas Safety Bill is the remaining legislative instrument required to complete the ancillary legislation package.

The Utilities Bill consolidates the regulation of all utility services into one piece of legislation. Therefore the provisions in the Gas Supply Act 1998 relating to utility network operations become obsolete and the Gas Supply Act is to be repealed under the Utilities Bill. The remaining provisions relating to consumer piping systems have been carried over to the Gas Safety Bill. Additionally, this Bill seeks to introduce an enhanced regulatory scheme for gas appliances that is similar to arrangements in other jurisdictions.

This Bill establishes a framework to ensure the safety of gas appliances and consumer piping systems in the Territory. Quite rightly, the objective of this legislation is public safety.

Mr Speaker, this Bill places obligations on consumers, gasfitters and other accredited workers, and industry for safety.

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Consumers are to have responsibility for the safety of their gas systems and appliances. They must take reasonable steps to ensure they are in good condition and repair and that they are used in a safe manner.

Gasfitters and other accredited persons have responsibility to ensure the systems and appliances they work on are safe. The Bill provides that only qualified people may do the work and that such work must comply with standards specified through regulations and codes of practice.

Safety of gas appliances is to be regulated through a cooperative effort between the Chief Executive of Urban Services, industry and appliance retailers. Each participant is to have some responsibilities.

While the purpose of this Bill is to mitigate serious gas accidents, the Bill quite rightly establishes a framework for dealing with them. There are reporting requirements, and provisions designed to prevent interference at accident sites.

As has been mentioned in passing, the Chief Executive of Urban Services is to assume the regulatory role under this Bill. This arrangement is consistent with that for electricity, water and sewerage. Some of the Chief Executive's functions include the ability to test gas appliances, to cancel approvals of unsafe appliances and to ensure traders only sell approved appliances.

The enforcement provisions in this Bill parallel those in the Utilities Bill and the Bills regulating similar activities.

Mr Speaker, the Government intends to consult with industry participants prior to the debate on this Bill. I am aware of the need to especially consult with the Australian Gas Association and gas appliance retailers about the enhanced role for Government in the regulation of gas appliances.

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

TAXATION ADMINISTRATION AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.36): Mr Speaker, I present the Taxation Administration Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker, this Bill amends the interest and penalty provisions of the *Taxation Administration Act 1999* (which I shall refer to hereafter simply as “the Act”).

Mr Speaker, under the Act, interest charged on tax defaults is the sum of an 8% premium component and a market rate component (the market rate). Currently the market rate may either be set by order of the Minister published in the Gazette or, if no order is in force, taken from the Commonwealth’s *Income Tax Assessment Act 1936*. However, the Commonwealth has repealed the relevant provision cited in the Act, making this amendment necessary. This Bill effects that amendment and substitutes the Treasury Note yield rate as the source of the market rate, in line with amended Commonwealth and most State legislation.

While the Taxation Administration Acts of the States provide for annual review of the market rate, the ACT’s current policy is for a six monthly review to ensure the relevance of the interest rate. To carry this policy into legislation, the Bill makes provision for six monthly revisions to occur automatically and to take effect on 1 January and 1 July of each year. This amendment will facilitate the Government’s response to changing market place interest rates by obviating the current necessity for the preparation and publication of an order every six months, and will therefore be administratively more efficient.

This amendment will also provide certainty for taxpayers and transparency of the method used to set interest rates.

Mr Speaker, the application of the Act since March 1999 has revealed several other issues which require addressing.

Current interest and penalty tax provisions preclude liability where the amount of the interest or penalty tax is less than \$20. These provisions are a disincentive for taxpayers to pay small debts on time and may result in an increase in the level of debt. The Bill therefore removes these provisions from the Act. Nevertheless, for administrative efficiency the original policy will be applied where appropriate.

Section 31 of the Act currently imposes two levels of penalty for tax defaults, namely, a basic 25% penalty for failure to take reasonable care, but with no intentional disregard for the law, or a basic 75% penalty for intentional disregard of the law.

Mr Speaker, there have already been several objections to the application of the 75% penalty tax. Should a taxpayer appeal the imposition of the 75% penalty, the absence of any mechanism in the Act to prove intent creates significant legal challenges. Proof of intent in administrative law usually relies on precedents. For one-off transactions under ACT taxation law, it is difficult and costly to establish such precedents.

Reform of the penalty requirements is necessary to alleviate the potential threat to Territory revenue of successful challenges to the imposition of 75% penalties. This Bill therefore inserts an additional level of basic penalty of 50%, to be applied in instances where a taxpayer does not have a reasonable

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excuse for a tax default. Where the taxpayer does have a reasonable excuse the base penalty of 25% applies.

Mr Speaker, this amendment will result in a fairer and more moderate penalty regime for defaulting taxpayers than at present, and provide a “fall back” position, which is acceptable to taxpayers and the government, where it is too costly to try to prove intent. Additionally, it complements Government policy on minimising the effects of legislation on taxpayers’ rights.

As in the existing legislation, there is provision for a reduction in the 50% penalty rate. Where, prior to an investigation into a taxpayer’s affairs, the taxpayer voluntarily discloses sufficient information to enable the nature and extent of the tax default to be determined, the rate is reduced to 10% or 40%, depending on when the taxpayer makes the disclosure.

Mr Speaker, the amendment to the penalty tax regime will bring the ACT more into line with the penalty tax scale found in Commonwealth legislation. Although this will be out of line with the States, it is necessary that the ACT, with its smaller tax base, has a stronger, effective penalty regime to maximise its tax compliance.

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

CRIMES (FORENSIC PROCEDURES) BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.37): Mr Speaker, I present the Crimes (Forensic Procedures) Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*, and I thank members for their indulgence in allowing this to happen this morning.

Leave granted.

The speech read as follows:

Mr Speaker

I present the Crimes (Forensic Procedures) Bill 2000.

At the turn of the last century, the discovery that a person’s fingerprints are a unique identifier led to revolution in techniques to identify the perpetrators of crimes. It was also discovered that a large proportion of the total volume of crime is committed by a small group of offenders. For many years, law enforcement authorities around the world have routinely collected

fingerprints from known offenders and compared them with prints found at new crime scenes. In Australia, a nationally-accessible computer database of fingerprints from suspects and known offenders has been used for comparison with fingerprints left at crime scenes for years.

The exponential increase in scientific understanding of genetics since the 1960's and technological improvements in extrapolating viable samples of DNA from the most minute particles of bodily materials has the potential to create a similar revolution in forensic investigation techniques.

For some years now, police and prosecution authorities have made use of DNA evidence to establish in the Courts a link between a known suspect and a crime scene. The use of DNA evidence, however, has generally been limited to cases where there is a known suspect from whom a sample has been taken and compared with the relevant crime scene. The recent rapid expansion in the capacity of information technology to process large volumes of data within seconds and the development of cheaper, faster and more accurate sampling and analysis processes has now made it possible to use DNA profiles more widely as an investigative tool.

National DNA databases analogous to fingerprint databases have been established in several overseas jurisdictions including the United Kingdom and the United States of America. These databases have been used to compare DNA profiles from scenes with DNA profiles from known offenders and suspects. In those countries, DNA databases have produced a very significant number of matches, resulting in improved clear-up rates for a range of offences, including murder, sexual assault, serious robberies and burglaries. DNA evidence has also been vital in clearing many innocent people wrongly suspected, and in some cases wrongly convicted, of committing violent crimes.

In 1995, in recognition of the very promising results from overseas experience with DNA databases, the Standing Committee of Attorneys General requested the Model Criminal Code Officers Committee to consider the development of model legislation for the establishment and operation in Australia of a national DNA database, when such a database became logistically possible. In 1998, the Standing Committee decided to ask the Model Criminal Code Officers Committee to prepare a discussion paper on the proposed legislation for public consultation.

This decision by the Standing Committee coincided with significant progress in national policing initiatives resulting from the Commonwealth Government's commitment to the establishment of CrimTrac, a national law enforcement intelligence database system. The national DNA database is to form a major component of the CrimTrac system, which will also include the national fingerprint database as well as firearms, protection order and warrants registries.

The discussion paper on the Model Forensic Procedures Bill DNA database provisions was released in May 1999. Following revisions to the proposed legislation to take account of comments received, a revised Model Forensic Procedures Bill was released earlier this year. A number of jurisdictions, including the ACT, have signalled their intention to enact legislation to

facilitate the establishment of the national DNA database envisaged by the revised Model Forensic Procedures Bill.

Mr Speaker, the Crimes (Forensic Procedures) Bill will enable the ACT to participate in the proposed national DNA database to be established as part of the CrimTrac initiative. Its provisions are very substantially based on those in the Model Forensic Procedures Bill. To ensure that the benefits of the DNA database system can be maximised, the Bill goes further than the Model Bill in certain key respects, by making it easier to collect certain samples of DNA by buccal swab and by widening the pool of convicted offenders who can be tested.

There are over three hundred DNA samples from unsolved crime scenes in the ACT which may identify the perpetrators of those offences. Some of those unsolved crimes are extremely serious and their resolution is a major priority. The Government intends to debate this Bill in August this year to ensure the ACT's participation in the national DNA database as quickly as possible. Once the Bill is passed, the DNA profiles derived from existing unsolved crime scenes in the ACT will be included on the national DNA database and will be available for comparison with DNA profiles from other crime scenes, known offenders and suspects from around Australia. Overseas experience suggests that there is a strong possibility that, as the national DNA database grows in size, the perpetrators of some of these unsolved crimes will be identified.

Although a dominant purpose of the Bill is the establishment of a DNA database system, the Bill also establishes a new legislative framework for taking a wide range of forensic samples for the purposes of criminal investigations. The range of forensic samples to which it applies includes the taking of fingerprints and other prints from body parts, dental casts, photographs, wound impressions and swabs. The Bill does not apply to taking samples solely to establish the identity of a person—the taking of identification material will continue to be carried out in accordance with Part 10 of the Crimes Act 1900.

The Bill contains key concepts which are central to understanding the operation of its provisions. Perhaps the most significant concepts are that of “intimate forensic procedure” and “non-intimate forensic procedure”. Different rules apply to the circumstances in which these two types of forensic procedure may be carried out.

The Government has decided that it is appropriate to categorise the taking of a buccal swab as a non-intimate forensic procedure and in this way the Government's Bill departs from the Model Bill. As Members may be aware, a buccal swab is a simple procedure in which cells from the inside of the cheek are collected using a swab similar to a large cotton bud. It is a simple and basically painless procedure which can be performed by the person being tested if that person wishes—none of the persons clothing needs to be removed. The Government believes that it would be needlessly time consuming and expensive to obtain a court order to authorise the carrying out of the procedure should consent to the procedure be refused.

Other non-intimate forensic procedures which can be authorised by the Bill include the taking of a hair sample from a non-pubic region and the taking of

fingerprints and other procedures that do not involve the anal or genital areas, the buttocks or the breast of women and transgender persons identifying as women.

The Bill contains specific provisions dealing with the taking of forensic samples from different categories of persons. Parts 2.2 to 2.5 deal with the way in which samples may be taken from suspects. These parts do not apply to suspects who are children or who are incapable of either giving consent or understanding the nature and purpose of a proposed forensic procedure.

The first step in the process is to request the suspect to give consent to the forensic procedure. The Bill requires that a suspect may only be requested to provide a forensic sample after the police officer making the request has considered specified matters and reached the view that the proposed is justified. The suspect must also be given information about the procedure itself and the potential use of any information generated by analysis of the sample. If the suspect refuses consent and is in custody, a police officer may order the carrying out of a non-intimate forensic procedure on that suspect. The police officer must, however, be satisfied about specified matters before making the order.

If the suspect refuses consent to an intimate forensic procedure, or the suspect is not in custody and the procedure is either an intimate or a non-intimate forensic procedure, it will be necessary for a magistrate's order to be obtained before the forensic procedure may lawfully be carried out. The Bill details the procedure for obtaining an order from a magistrate for a forensic procedure, including the matters about which a magistrate must be satisfied before making the order. There are provisions for obtaining interim orders in cases where there is a danger that a forensic sample may be irretrievably damaged or destroyed before a full hearing of the application can be held. The Bill also contains provisions to ensure that if an interim order is later set aside, any information obtained from a forensic sample obtained under that interim order is destroyed.

Part 2.6 explains in detail the way in which a forensic procedure is to be carried out. The provisions in this part are intended to ensure that, as far as practicable, the privacy and dignity of the person who is subject to the forensic procedure are respected. For example, proposed section 51 specifies that a forensic procedure is not to be carried out in a cruel, inhuman or degrading way. Proposed section 52 requires that where the forensic procedure involves taking hair, the person taking the sample must do so using the least painful technique available to that person. There are restrictions on the numbers of persons who may be present and requirements that, where practicable, procedures be carried out by a person of the same sex as the person on whom the forensic procedure is carried out.

The proposed national DNA database is to include an index consisting of DNA profiles derived from persons convicted of serious offences. The establishment of this index necessitates the inclusion of provisions to enable such samples to be taken from serious offenders. In the ACT, a serious offender is a person convicted of an indictable offence. The Bill will enable a wider range of serious offenders to be tested than would the Model Bill. The Government's view is that, given the comparatively high levels of repeat offending for certain indictable offences carrying sentences at the lower end

of the range, it makes sense to include on the DNA database the DNA profiles of offenders who are convicted of these “volume crimes”. In practice, the Bill will enable samples to be collected from all ACT offenders who are convicted of offences for which the maximum penalty is imprisonment for 2 or more years.

Part 2.7 details the circumstances in which forensic samples may be taken from serious offenders. As the purpose of obtaining the samples is to include the results in the national DNA database and the national fingerprint database, this part only applies to certain types of forensic procedures. These are the taking of a blood sample, a non-pubic hair sample, a buccal swab and fingerprints—in essence, samples of material suitable for DNA analysis and fingerprinting.

The offender must be given an opportunity to give informed consent to the proposed procedure and the police officer requesting consent must be satisfied that the request for consent is justified. If the serious offender refuses consent to a non-intimate forensic procedure a police officer may order that the procedure be carried out. A magistrate’s order will be necessary to authorise the carrying out of an intimate forensic procedure on a serious offender who refuses consent to that procedure. Clause 116 of the Bill enables persons convicted prior to the commencement of the Bill to be tested under Part 2.7.

The Bill envisages that during the course of an investigation, persons may wish to volunteer to give a forensic sample. The Bill therefore contains provisions dealing with the way in which samples may be taken from volunteers. It should be noted that there are no provisions in the Bill which allow the police to ask a person to volunteer a sample—the offer to be tested must be genuinely voluntary. Before the sample can be taken, the volunteer must be advised of certain matters so that it can be established that their consent to the procedure is fully informed. The volunteer can specify the purposes for which the sample may be used and once analysed, the results of the sample must be included only in the relevant index of the DNA database system. A volunteer may withdraw consent at any time, however, in certain limited circumstances an application may be made by law enforcement authorities to the court to permit the retention and use of a sample from a volunteer where consent was withdrawn.

The Bill enables the taking of forensic samples from children and people who are categorised under the Bill as “incapable persons” but only in very limited circumstances. In brief, the child or incapable person’s parent or guardian may give consent on behalf of the child or incapable person. Nevertheless, if the child or incapable person objects or resists, the procedure cannot lawfully be carried out. Where the parent or guardian refuses to give consent on behalf of the child or incapable person, an application may be made to a magistrate for an order that the forensic be carried out.

Having briefly outlined the processes for taking forensic samples, I will briefly outline the provisions in the Bill which explain how material and information generated from forensic samples is to be used and protected. There are strict penalties for unlawful use or disclosure of material or information derived from forensic procedures.

Part 2.9 deals with the admissibility of evidence relating to forensic procedures carried out under the Bill. It contains provisions which safeguard the integrity of the processes set down in the Bill by rendering inadmissible improperly collected or improperly retained information. The intention is to ensure that law enforcement authorities are made aware that improperly obtained evidence is not used to prejudice the interests of the person from whom it was obtained.

The destruction of forensic material obtained under the Bill is required in certain circumstances which are set out in Part 2.10. The purpose of these provisions is to ensure that information obtained from forensic procedures cannot be used inappropriately. Destruction is required if a court order for a forensic procedure is overturned and if the conviction of a serious offender is overturned or quashed.

For suspects, the forensic material must be destroyed if they are acquitted or if no proceedings are instituted against them within 1 year or no warrant for apprehension of the suspect is issued within 1 year. There is a limited capacity to obtain an extension of the retention period by court order.

Forensic material must also be destroyed if a court rules that evidence relating to that material is inadmissible. There are strict penalties for failing to destroy forensic material which is required to be destroyed by law.

The Bill enables the establishment of the DNA database system under Part 2.11. The database system is to comprise a number of indexes, in which DNA profiles derived from DNA samples will be recorded.

The indexes reflect the sources from which the DNA profiles were obtained. The indexes will include a crime scene index, a suspects index and a statistical index. There will be two indexes for volunteers—one will contain profiles from samples provided for limited purposes only, while the other will contain profiles from samples provided for unlimited purposes.

Members should note that a DNA profile does not consist of the whole DNA sequence for a person—the profile is a computer-gene rated sequence based on certain loci of the DNA within a cell and relates only to what is known as “junk DNA”.

The database will enable the profiles contained in an index to be compared with the profiles in other indexes, subject to the rules about “permissible matching” set out in proposed section 97. Impermissible matching is an offence.

The remaining provisions of the Bill deal with technical and operational matters, many of which are intended to resolve disputes between the persons being tested and law enforcement agencies and to ensure that the rights of those persons are protected from abuse or coercion.

The safeguards in the Bill include extensive requirements for recording the giving of information, the giving of informed consent and the carrying out of procedures. The Bill makes it clear that if the police are required to do something “where practicable”, the prosecution bears the responsibility of establishing that it was not practicable to do that thing. There are also rights

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to have a lawyer or other person present at various stages of the process and rights to be given a portion or copy of a sample taken by a forensic procedure, which could be used for independent analysis.

Mr Speaker, the Bill is a complex and at times highly technical document which deserves careful consideration by Members. The issue of DNA testing and the DNA database has received considerable publicity in recent months which has led to a number of misconceptions as to what is actually being proposed.

Many opponents of the concept of the DNA database are unaware of the numerous safeguards which have been incorporated to protect the privacy of the data it will contain. Similarly, there are misconceptions that the proposed legislation will compel large numbers of innocent members of the community to be tested and to have their genetic information recorded for all time. A detailed examination of the Bill reveals that those fears are unfounded. What the Bill does offer the community is a valuable investigative tool which will greatly assist police in clearing the innocent and bringing the perpetrators of violent crimes such as murder and sexual assault to justice.

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

SURVEYORS BILL 2000

MR SMYTH (Minister for Urban Services) (10.38): Mr Speaker, I present the Surveyors Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: Mr Speaker, I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

The speech read as follows:

Mr Speaker

The Surveyors Bill 2000 will replace the Surveyors Act 1967. It reflects changes necessary to modernise the legislation and to take account of recommendations resulting from a legislative review under National Competition Policy principles.

The current Act is very prescriptive and lacks flexibility to take advantage of modern technology and practices. This Bill reduces regulation and restrictions to a minimum whilst safeguarding the ACT's valuable land titling system.

The Bill provides for the appointment of a Commissioner for Surveys as a part time statutory officer, reporting directly to me. The appointment will be under contractual arrangements. This position replaces the current Chief Surveyor position. It offers greater flexibility than the current arrangement and enables the Commissioner to concentrate on his or her statutory responsibilities.

The Commissioners main duties will be to;

- Ensure that the integrity of the ACT cadastre and the survey infrastructure is maintained
- develop survey practice standards
- consult with organisations and individuals and develop major policies that affect the practice of surveying in the ACT
- register surveyors and oversee the practice of surveying
- enter into reciprocal arrangements with other jurisdictions for recognition of qualifications and for other matters

The Surveyors Board of the ACT will be abolished and its responsibilities transferred to the Commissioner. To ensure proper community and industry input to policy and standards, the Commissioner will be required to formally consult with affected groups and individuals and report the results of that consultation.

Registration of surveyors has been retained because of the pivotal role they play in the Government's guarantee of land title, which in turn underpins our economy. Postgraduate practical training for surveyors prior to registration has also been retained to maintain parity with other jurisdictions. If, after their National Competition Policy reviews, other jurisdictions drop the requirement for post graduate training, we will review our decision. Only registered surveyors will be able to undertake cadastral (that is land or boundary) surveys.

Disciplinary procedures have been streamlined and made less adversarial. In any disciplinary case, the Commissioner will first inquire into the matter and talk with the offending surveyor to gain a full appreciation of the case. This stage of the process will be done without legal or other representation for the parties involved. The Commissioner will then take what he or she considers is appropriate action. Application may be made to the Administrative Appeals Tribunal for a review of the Commissioner's decision. Of course further appeals are then available through the courts.

The grounds for disciplinary action are detailed in the Bill and are confined to survey matters.

Under the new legislation, I will issue Survey Practice Directions, previously issued by the Surveyors Board, on advice from the Commissioner. Before providing such advice, the Commissioner will be required to consult with various people and groups of people who have a relevant interest. The Directions will allow the Commissioner, under certain circumstances, to

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grant exemption to compliance with particular requirements where unnecessary delay or cost is evident and provided the integrity of the cadastre is not compromised. This change to the existing directions will help to streamline processes and increase flexibility and service.

The Bill provides for power of entry for the purposes of making a survey. If entry to an adjoining building is required for the purposes of the survey but is denied by the occupant, the surveyor may apply to a magistrate for an order. The Bill also provides for protection of survey marks.

This Bill provides the foundation for modern, efficient and effective survey practice in the ACT.

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

SURVEYORS (CONSEQUENTIAL AMENDMENTS) BILL 2000

MR SMYTH (Minister for Urban Services) (10.39): Mr Speaker, I present the Surveyors (Consequential Amendments) Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: Mr Speaker, I move:

That this bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

The speech read as follows:

Mr Speaker, I now table the *Surveyors (Consequential Amendments) Bill 2000*.

Further to the *Surveyors Bill 2000* which I have just tabled, this Bill repeals the *Surveyors Act 1967* and the *Surveyors (Examination and Registration) Regulations*.

The Bill also makes consequential amendments to other legislation, for example the *Building Act 1972*, by removing references to the *Surveyors Act 1967* and omitting the term 'Chief Surveyor' and substituting 'Commissioner for Surveys'.

Together, this Bill and the *Surveyors Bill 2000* enable the implementation of legislation that is efficient and streamlined.

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

PLANNING AND URBAN SERVICES—STANDING COMMITTEE
Inquiry into Allegations of Possible Improper Influence of a Witness—
Alteration to Reporting Date

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

That the resolution of the Assembly of the 25 May 2000 which referred to the Standing Committee on Planning and Urban Services allegations of the possible improper influence of a witness, Mr Gower, for examination and report be amended by omitting “by the last sitting day of June 2000” and substituting the words “by the last sitting day of September 2000”.

FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE
Printing, Circulation and Publication of Report

MR QUINLAN (10.41): Mr Speaker, I move:

That:

- (1) if the Assembly is not sitting when the Standing Committee on Finance and Public Administration (Incorporating the Public Accounts Committee) has completed its inquiry into the proposed ACTEW/AGL partnership arrangement, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, circulation and publication; and
- (2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the Standing Orders.

The purpose of this motion is obvious. The proposal is self-evident. The project continues whether we sit or not. The motion facilitates a process whereby Assembly members will be informed as the joint venture is consummated. I commend the motion to the house.

MS CARNELL (Chief Minister) (10.42): I table for the information of members the probity auditor's report. The day before yesterday, when Mr Quinlan initially spoke about the committee's interim report on AGL/ACTEW, my advice was that the probity auditor was not comfortable about having his report put on the table. Mr Kaine said that the probity auditor had said that he was happy. I went back to Mr Mackay and Mr Marks to determine what their position was. As there seemed to be some differences of opinion amongst officials and in this Assembly. My understanding from Mr Mackay and Mr Marks is that they had not told the committee that they thought it should be tabled. They had suggested that it was a matter for government. We asked the probity auditor whether he was comfortable with his report being tabled. His view was that he was comfortable, so I am tabling it now for the information of members.

There is no reason for the government to want any of these documents not to be on the public record. Obviously, as the committee has acknowledged, there are some that do hold or could hold some commercial information pending the final agreement being signed. The committee has recognised that, so I am putting the probity auditor's report on the table for the information of members.

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MR QUINLAN (10.44), in reply: I close the debate by responding to the Chief Minister. Let me assure the Assembly that this matter was discussed between the committee, representatives of ACTEW and the probity auditor. As Mr Kaine said yesterday, the probity auditor indicated that he was quite happy for his report to be delivered to the Assembly, and expected that it would be delivered at the same time as we delivered our interim report. It is a bit disturbing to see that the government's reflex action is to tell the Assembly nothing.

What is more important, though, is that a comprehensive report is being prepared by ACTEW which, by their word, contains probably one page that they would want suppressed, and that relates to arrangements for energy trading, which they consider should remain confidential and would not want competitors to see. That is eminently logical. What was discussed between ACTEW and the committee was virtually the distribution to Assembly members of the remainder of that report, which informs on the progress in all of the areas that make up this particular project.

I think it is appalling that the most important financial business decision made in this territory since local government is being implemented and the Assembly is effectively not being informed on it. We as a committee conducted our role and attempted to inform the Assembly, as is our duty, on what we had done and gave assurances where necessary to the Assembly, which we are obliged to do. This project has ramifications. The end product that we will get out of this project is not exactly the product that was touted when the Assembly made that decision. There are arrangements that leave the ACT open to some forms of risk. There are arrangements that will leave the new ACT utility subject to a related party arrangement whereby their shareholder will also be their sole supplier in gas and electricity.

If the government is not prepared to inform this Assembly, then I would expect members of this Assembly to react strongly against that. If they do not, if members of this Assembly do not care about how this arrangement is being implemented and what its impact is going to be, that is a very sad commentary on the way this Assembly operates. I think the government is obliged to table all of that report except the areas that should be commercial-in-confidence, which boil down to a column on a page in a quite comprehensive report. Don't you know what is going on?

I commend my motion to the Assembly, satisfied in the knowledge that at least the Finance and Public Administration Committee is doing its job in relation to informing the Assembly.

Question resolved in the affirmative.

**EPIDEMIOLOGICAL STUDIES (CONFIDENTIALITY) ACT—SUBORDINATE LAW
2000 NO 19
Motion for Disallowance**

MR OSBORNE (10.49): Pursuant to standing order 128, I fix the next sitting Thursday for moving the motion to disallow Subordinate Law 2000 No 19 made under the Epidemiological Studies (Confidentiality) Act 1992, relating to a prescribed study for the supervised injecting place trial.

FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE
Report on the Operations of the Financial Management Act 1996

MR QUINLAN (10.50): I present the following report:

Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Finance Committee Report No. 6—The Operation of the Financial Management Act 1996, dated June 2000, together with a copy of the extract of minutes of proceedings.

I move:

That the report be noted.

Effectively, this report tells the Assembly that our committee has decided that the inquiry given to the committee be curtailed. We wish to provide the Assembly with the opportunity to refer the matter to the committee at a future time, once the government's proposed amendments to the Financial Management Act are brought to this Assembly.

We were given this inquiry to undertake, and we commenced it. Immediately, we did the obvious and had senior public servants into the committee and had discussions. We were informed at that point that a comprehensive review was being conducted within the administration in relation to the Financial Management Act and that Treasury officials—or officials of the Chief Minister's Department, as they were then—intended to bring forward draft legislation.

Given that we have a whole public service and that reportedly a comprehensive and detailed inquiry was being conducted within the administration, the committee did the obvious thing and said, "We are not going to try to match that. We are not going to try to reinvent the wheel. We will hold off what we are doing until that draft legislation and the findings of that comprehensive inquiry are brought forward."

We have since been advised, to put the kindest construction on it, that the internal review of the Financial Management Act indicated that emerging issues were complex and required extensive consultation within government. Hence, it was not possible to provide the committee with amendments to the Financial Management Act in the foreseeable future.

I presume the review is continuing, with little hiccups within the administration, I am sure, handling a draft budget, a budget and the GST. I think it is quite reasonable that this inquiry within the Finance and Public Administration Committee be curtailed.

Question resolved in the affirmative.

Ms Carnell: It has taken a long time to get to this stage.

Mr Quinlan: We did not get advice from the Treasurer until recently that they are not going to stuff up.

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MR SPEAKER: Mr Quinlan I think you have another report to present.

Ms Carnell: That was two years ago.

Mr Quinlan: Two years, my foot! The delay is over there.

MR SPEAKER: Order, please! Let us get on with it, please.

Mr Quinlan: Mr Speaker, I resent that sort of comment. That is just cheap.

FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE
Report on Review of Auditor-General's Report No 4 of 1999

MR QUINLAN (10.54): Mr Speaker, I present the following report:

Finance and Public Administration—Standing Committee (incorporating the Public Accounts Committee)—Public Accounts Committee Report No. 24—Review of Auditor-General's Report No. 4 of 1999—Financial audits with years ending 30 June 1999, dated June 2000, together with extracts of the minutes of proceedings.

I move:

That the report be noted.

Mr Speaker, this report is on the omnibus standard report of the Auditor-General. It contains our comments and observations. I recommend that members at least thumb through it and see whether there are particular items that tickle their fancy or prompt their interest. For example, I draw attention to the InTACT consultancy involving one individual who cost the best part of \$1 million. That is a matter in which we expect that the government will be closing out and maybe advising the Assembly further. On the whole, I commend the report to the Assembly.

Question resolved in the affirmative.

EXECUTIVE BUSINESS—PRECEDENCE

Ordered that executive business be called on.

APPROPRIATION BILL 2000-2001
Detail Stage

Schedule 1—Appropriations

Proposed expenditure—Part 3—Chief Minister's, \$68,275,000 (net cost of outputs), \$10,392,000 (capital injection) and \$4,637,000 (payments on behalf of the territory), totalling \$83,304,000.

Debate resumed from 28 June 2000.

MR SPEAKER: Standing order 180 sets down the order in which this bill will be considered; that is, in the detail stage, any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown. I remind members that we have previously agreed to consider schedule 1 by part, appropriation unit and departmental totals, then the clauses prior to schedule 2 and the title.

MS TUCKER (10.57): I will be speaking to Chief Minister's and also Treasury and Infrastructure. Chief Minister's objectives are supposedly to represent the corporate leadership or key policy platform of this government. As a Greens member, I have a responsibility to examine whether the social and environmental issues are integrated adequately into the economic policies of this government. In my time in this Assembly, particularly through committee work, I have had the opportunity to work with the community sector on issues related to those who are less well off in our community. I have, of course, also closely monitored the government's environmental programs and policy.

Looking at the objectives of Chief Minister's, it is clear that there is a problem. The key result areas listed refer to online transactions, a more contestable public sector, civic pride and strengthening the economy by attracting business and tourism and making Canberra an IT leader. The key result areas in the government plan go a bit wider, but the overall impression one gets is that the areas chosen have been the result of a random and reactive process. The result is pedestrian and minimalist. Of course, we do see in the highlights a reference to enhancing Canberra's social capital, although we do not see a description or detail of a cohesive policy approach as to how this will be achieved. We see a commitment to a more focused approach to policy development and outcome assessment of government performance, an admission that a less than focused approach has been a feature of past years, something I am in total agreement with and have pointed out many times.

Yesterday the Chief Minister explained how essential it is to have a central policy focus, something else I have been suggesting every year I have been here. However, despite its existence now, I see very little improvement in cross-department collaboration or cross-portfolio collaboration at the ministerial level. This is a problem for all governments, but I think it is most likely because none of them have an overarching framework which embodies the principles of good governance. Such principles surely, as a minimum, should include issues of process, such as inclusion and participation of the community, as well as principles to ecological sustainability and equity. This government has this

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approach only when it comes to economic management. The overall focus is very clear there, and of course it is a very narrow definition of “economic” at that.

The budget detail is financial only, and we are told by this government that that is the way it should be. Quality indicators are minimalist. It is all a bit too hard once you get past the big glossy documents and statements. Take, for example, the publication launched last week, *Towards a Society for All Ages: Forward Plan for Older People in the ACT 2000/2003*. There are lots of commitments. In many of these documents we have sections called “commitments”—commitments to develop, implement, assist, update, progressively increase, maintain, establish, strengthen, work with, and so on. But where is the accountability of this document and the other documents like it? Where are the targets and where are the time lines? Where is the reference to poverty and equity? It was a glaring omission from that particular document.

Where government does provide targets in the budget papers, they have not been determined after analysis of the social and environmental condition. They are not presented so as to explain how well they will meet the need. For example, the amount government claims to be spending on social capital is not explained in terms of specifically how this amount will meet the overall objectives but in response to crises or to fit in with set budget limits.

There is still no overall analysis, and there is little credibility in this government’s whole approach, for the same reason. The financial targets are set with no reference to the analysis of social need or long-term planning. The objectives of Treasury and Infrastructure are clearly wholly financial. The highlights are reactive, mostly just responding to the GST and supporting business. Asset management responsibilities clearly are not thought to include social or human or environmental assets, and there is nowhere else to find these assets properly considered, with objectives.

The accountancy or economic frame is only useful to the extent that it provides a partial analysis of the resources available to the community and the proposed means of utilising these in order, one assumes, to meet identified need and expectations with respect to the community’s rights and entitlements. Our role as a legislature is to balance and reconcile these needs, rights and expectations with analysis of available resources. The success of a budget cannot be determined by some economics firm. It must be assessed in terms of how well it contributes to overall wellbeing of the community and environment now and into the future.

A low debt-equity ratio or AAA credit rating or a surplus is little consolation for one in five families in our community who are struggling to manage things as basic as heating and giving their children reasonable access to opportunities in our public education system. In the social capital document the government produced I noticed that a highlight was the Learning for Life program from the Smith Family. I am very familiar with that program. I think it is a terrible indictment of government that we have to have such a program to assist children to survive in our public school system.

The Smith Family has been running that program for some time. I was interested to see it highlighted as a government/community partnership. I checked with the Smith Family to see whether there had suddenly been an injection of funding from the government to get behind this program helping children from impoverished families survive in our so-

called public school system. No, there had not been any additional injection of funds. The government gives some money to the Smith Family, so chose to bolster its social capital document by saying that this is a fantastic government/community partnership. This was a program that came out of the Smith Family's understanding of the dire need that ACT families are in.

This budget fails to properly account for the social and economic costs of increasing income polarisation—

MR SPEAKER: Excuse me, Ms Tucker, but we are discussing part 3, which is the Chief Minister's Department.

MS TUCKER: I understand that the whole social policy is seated in Chief Minister's. This is my speech on the budget, and I think it is totally relevant. There is a social policy unit, Mrs Carnell told us yesterday, although it is hard to notice in practice.

This budget fails to properly account for the social and economic costs of increasing income polarisation, changing social care and support needs, increased regressivity in the revenue base, especially and as well the federal government's approach, diminishing confidence in public systems of support, and environmental sustainability. That is the analysis the Greens are interested in.

The government has told us that now they have the budget in order they will look at the social issues. This is a shocking admission of the neglect of community concerns which some of us have been pointing out each year. With this admission, there is not an acknowledgment that this neglect would obviously have had consequences for the community; that damage would have been done. The concept of accrual accounting is based on the understanding that it is wise to look at more than the current cash flow; that an assessment of the current situation should include assessment of accruing liabilities. Unfortunately, this concept has not been extended to anything other than superannuation and depreciation.

However, in government it is imperative and a basic responsibility to look more broadly than this. We must acknowledge the social and environmental implications of all our policy decisions for now and into the future. Good governance is about more than accounting. It is about developing a policy framework which facilitates strengthening of the community condition to enable social development for a sustainable and fair society.

Social development can be measured by looking at issues such as participation, inclusion, equity and rights. Processes of good governance include consultation, needs analysis, discussion and debate. In this city this week these principles have been highlighted in the conference on healthy cities. I spoke at that conference on the subject of how global financial regulation can impact on the ability of local communities to find appropriate local solutions.

I examined the processes of the WTO, to test them against the fundamental principles of empowerment which are necessary for social and community development, whether on a global scale or whether on a local scale. Of course, the WTO does not rate at all well.

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The parallels are clear through all levels of government currently in most developing countries, and it is becoming more and more of a concern to communities all around the world.

If as a community in Canberra we are to proceed into the future in a way which will increase social equity and environmental sustainability, we have to move away from the superficial and inadequate approach to governance which is exemplified by this government.

There is stark contrast between the statements in the government's media releases, budget speech and supplementary paper, *Building Social Capital*, and what is happening. Social capital as a concept has been around for a number of years now. Mr Humphries interpreted my objection to his government's focus on social capital as being motivated by a churlish resentment at being gazumped.

MR SPEAKER: Order! The member's time has expired. You have two periods.

MS TUCKER: I obviously need to explain that the Greens would not mind at all being gazumped on this matter if the government moved away from its narrow and unsustainable approach rather than just grabbing a line that sounds good. If it moved from a crisis response and reactive mode to a considered approach based on a model of governance which acknowledges the redistributive function of government and the importance of ecological sustainability, the Greens would be happy to be gazumped.

Social capital is a concept which it appears is likely to repeat the experience of other useful and interesting social science concepts in the past, where intellectual insight is taken over by spin doctors and goes on to oblivion. Eva Cox is one of Australia's most prominent advocates of the concept. However, her understanding of what social capital means is different from this government's. This government's commitment to increasing competition and free market principles is in contrast to the principle of collaboration. The use of the concept looks like little more than a tawdry attempt to present an image of social responsibility. The reality as shown in this budget is not consistent with this claim.

Eva Cox, speaking in the Boyer Lectures in 1995, drew heavily on the concept of social capital to explain her argument for a truly civil society. She said:

I have serious concerns about the current dominant fashion of macho, competition-driven 'progress' and the intensity with which these economic frameworks are promoted. These frameworks are particularly dangerous because alternate views are denied, ridiculed or ignored ...

The dominant ideas of competition and deregulation of markets, and the attacks on the redistributive roles of government are ... dysfunctional ... part of an oversimplified dogma which can destroy a truly civil society in pursuit of the cashed-up individual.

I will deal in more detail with specific issues during the later debate on the various lines in the budget, but a few examples raised show the inadequacy of government response, a response which I will cover now. Several significant undertakings made last year have not been delivered. The community sector is funded by a combination of funding

through the budget grants administered separately by the community grants program and by service purchasing contracts, also decided separately to the budget process, and through other miscellaneous trust fund arrangements and so on which the government has levels of oversight over.

The government, in 1999, committed to undertake an audit of community services which would have made clear where the gaps in unmet need existed. The government also promised to consider the implications of the SACS award. This has not been done. The SACS award is not mentioned in the budget. There is still no overall community services framework, no strategic understanding of the interplay between community services, community safety and justice. The key result areas of the budget papers do not list social outcomes. These basic understandings are the kinds of things you might expect to be in place if you read what has been said about social capital by this government.

Community services facilities, in particular information technology assets, are reported by the sector to be becoming obsolete. The government has allocated \$50,000 to help peak community organisations establish sites on the Internet but has not allocated any funding to assist with upgrading the equipment to follow through on sites created.

This pattern has been followed in other areas. The government has allocated \$50,000 for the Year of the Volunteer, but none of this is described as going toward ongoing training. GST is assumed to be dealt with by increasing the grant by 10 per cent. There is no mention of the compliance costs, even though its own statement on estimated outcomes for 1999-2000 includes costs associated with GST administration of \$3.5 million.

Overall, priorities are skewed away from any real concern with social capital towards business—Impulse Airlines \$8 million; social capital, \$0.5 million; wine/tourism, \$400,000 odd; V8 car race, \$3 million, but we know \$7 million. Last year it was \$17 million in the long run, if not more. Basically, we are seeing a large amount of funding going to support business.

Revenue and the regressivity of federal government taxes, as I said, are not taken into account by this government. One of our local revenue raisers is the gambling tax. I remind members that problem gamblers constitute 15 per cent of regular non-lottery gamblers and account for about \$3.5 billion across Australian expenditure annually, and about one-third of the gambling industry's market. They lose, on average, about \$12,000 each per year, compared with just under \$650 for other gamblers.

Revenue streams are regressive and unfair, and we need to remember that one in five families in the ACT are economically disadvantaged. The *State of the Territory Report* made that quite clear. It is extremely offensive in this environment to then see a government happily commit \$17 million of taxpayers' money to a car race. This government is well and truly immersed in the corporate welfare sector, claiming that this form of welfare will lead to better outcomes for all the community. However, they do not even pretend to analyse the real impact of this approach on our society. They do not look at where the benefit falls from the subsidy to business. They are not able to present an analysis which supports their claim that their approach to government is going to support the community now and into the future and protect our environment. For that reason, on behalf of the Greens, I am not able to support this budget.

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MR SPEAKER: Members, I will have to take that as an in-principle speech on the Appropriation Bill. But I would now remind you that we are looking at the appropriation for the Chief Minister's Department.

MR BERRY (11.14): Yesterday I heard the Chief Minister's shrill comments and pleadings for support for her budget. The Chief Minister demonstrated a clear lack of understanding of what this was all about. This is a debate about the future of governance in the ACT and the standing of government in the ACT. It is a test for the crossbenchers and the opposition in this place to impose upon the government each year there is a budget.

It is not just good enough to look at the bottom line when looking at a budget. You have to look at the performance of the government. We saw the rhetoric spun around the language of the budget this year and in particular the reference to building social capital. One of the first things that struck me about accrual accounting when talking to the advisers we were able to prevail upon for advice in the lead-up to the introduction of the government's agenda on this score was that the comments of those advisers were very clear that there was no measure for social outcomes in accrual accounting; it was just about money. That has been one of the major failings of this government. It has never really been about people. It has always been about the bottom line.

This time around we have seen the policies of the Chief Minister inflicted upon the community. There is a claim that we are much better off as a result of it. Ask the 2,800 public servants who lost their jobs. Ask the people who have been waiting in this government's hospital system for treatment what they think of building social capital and what they think of accrual accounting. I reckon they would give them the thumbs down, particularly with the way this government handles them.

This government does not deserve to be in office. It does not deserve to have its budget passed. The building of social capital is not something that you try on in the approach to an election just to try to rebuild your failing stocks amongst your constituents. It will not work. They will not believe you, and neither should they.

Some of the other disasters we have had to cope with through the management of this Chief Minister and the Chief Minister's Department are legend and monuments to the incompetence of the government that will be there for a long time. I referred yesterday to the Bruce Stadium. More will be said about that as we go through this debate, but what a monument to incompetence that structure has turned out to be for this government. It will be there for aeons to remind us of the incompetence of this government and how they mismanaged the territory's Treasury.

The Kate and Gary show have delivered us many of these monuments. They delivered us the futsal slab. We need to be reminded of some of the events that led to that. There was a government subsidy to Futsal Australia, or whatever their title is. Some of the government subsidy was returned to pay for a trip to Brazil which the Chief Minister went on. They paid for it. One suspects the subsidy money was used. Shortly thereafter we saw \$200,000 or \$300,000 being spent on the slab, the outdoor field for an indoor game. This was proven in the first carnival that was held there. One of the finals games was washed out, as I recall.

Because it is a concrete slab and it is built in the open, the surface has to comply with safety standards for normal footpaths. This means it has to be non-slip. This means that if you are playing an indoor game on an outdoor slab and you slide, as you do in indoor soccer, you leave lots of skin on the slab. So the government had to buy a little toupee for the baldy pate of the slab and had to put in a mat. That cost \$30,000, on my recollection of it. And it just goes on and on. (*Quorum formed.*) How many games have been played since? More of them have been played indoors than outdoors, for good reasons. The surfaces indoors are more suited for the game. Downpours of rain do not stop play.

Ms Carnell: I take a point of order, Mr Speaker. I would be interested in the relevance of this. The futsal slab, from my memory, was built in 1996. We are not debating that budget.

MR BERRY: This is more about style, Mr Speaker.

MR SPEAKER: If you can direct it to that point—

MR BERRY: I know it is stinging. It must hurt, Mrs Carnell, but the community deserve to be reminded about these things. It is, after all, the community who will decide next time who will run this place. I might return, for a moment—

Mr Moore: Like they did last time. This is the same thing you said last time.

MR BERRY: Mr Moore interjects. Mr Moore tells us publicly that he has not made up his mind yet whether he will run at the next election or not. I hope he does, because I want to watch it.

MR SPEAKER: Order! Let us get back to some relevance to the Chief Minister's Department.

MR BERRY: I would like to deal also with how this government got there. They claim that they got there because they were elected. They never got there because of that at all. They got there because the crossbenchers put them there. It is the crossbenchers who will decide their future.

Mr Moore: They got there because you led Labor to the lowest vote ever.

MR BERRY: Commit yourself to running now, Michael. I want to watch it. There are other issues that have to be dealt with as well. One is the Floriade fee. Floriade this year, we are told, will have an entrance fee of \$5. This is closer to the fee that should have been established in the first place, and we would not have seen this fantastic festival brought to its knees by the mismanagement of this government. Floriade may well redeem itself as a result of the position that has been taken in relation to the fee this time round. But it is yet to be explained to those people who over many years built Floriade—that is, the Canberra taxpayers—why it is they have to pay twice. If Canberrans had been treated with respect in the first place, that festival would not have found itself in the state that it did because of this government's administration.

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There was no excuse for what occurred to Floriade. For years and years it was a free festival, and then it was treated to a display of adhocery that I have never seen before by an events manager who was serious about the future of an event. If you did not belong to this place and hope that you knew better, you would think that somebody was trying to destroy the festival. Part of the great festival atmosphere of that event has always been the myriads of Canberra people who turn up to join with interstate visitors.

MR SPEAKER: Order! The member's time has expired. You may take your second period, Mr Berry.

MR BERRY: Those myriads may not appear again. That is a sad thing for Floriade, which I think depended on the atmosphere that was created by the tens of thousands of Canberrans who visited the festival and gave it an ambience which was valued by interstate visitors. Keeping Canberrans out of the festival or charging them exorbitant fees diminished the attraction of the festival. That is a measure of the style of this government which people are reminded about too often.

I will not go into the Feel the Power campaign. I searched the car yard for Feel the Power numberplates recently. They do not seem to be so prominent any more. I could not find one.

Mr Quinlan: Not even on a sports car?

MR BERRY: Not even on a low-slung, two-door coupe. I heard the praises of those numberplates sung in chorus over there when it was a matter for discussion in this place. People paraded them around the car park outside with gay abandon. It seems that Feel the Power is bit on the nose these days and we will not see any more of that. Mind you, I did see the plane fly overhead one day, but it was flying too high and too fast for me to see what was written on the side of it. I am not sure what it had written on the side of it. I could not get any value from that either.

We are yet to deal with the Olympics issue. I hope fervently that the territory does well out of the Olympics, but I rather suspect that the Olympic committee may well have "gospere" us and we will have to pay again. These are important public events for the future of Canberra, but it has been the flashy style of this government that has got us into trouble on these issues.

It was the Chief Minister's Department which was associated with the tragic scar on our past—the hospital implosion. Any of us who drive along Flynn Drive will be reminded of that forever. There are many people in my constituency who still say to me that this government has not paid the price for that and they ought to have paid the price; that nowhere else in a democracy would a government survive this sort of tragedy. They are right.

There are a couple of other issues I should refer to, but whilst on the flashy and showy style of this government I want to talk about the V8 car race for a moment. I visited it for a short time. As far as street car races go, I think it was a pretty good effort. It ought to have been, because it had money thrown at it. But I see that commentators in other places are not so enthused about the V8 car race. Peter McKay, a noted commentator on things motoring, had some scathing things to say in the Sydney *Sun-Herald* of 18 June

about the race. He criticised the events that might have been organised surrounding the V8 car race. He criticised the time and the coolness of the weather and all those sorts of things, which you would expect. He had a shot at the organiser. I think that might have been a bit of a personal shot.

One thing he did say was that the official race day crowd figure was 50,000, which you may or may not believe; that is, two Bruce Stadiums chockers at the V8 car race. Just think about that for a moment. The V8 supercars governing body, AVESCO, has been caught telling porkies about spectator figures at other events. These are the sorts of people we are apparently dealing with in relation to the arrangements for these car races. One thing we did discover was that the race was \$600,000 behind and that that was being carried forward to be repaid out of profits from the next year. I see that AVESCO already have a bid in. They want more money spent on the streets and the roads widened, because the event ended up being a bit of a fender bender event for many people. I go back to what Peter McKay said:

Few, if any, cars emerged unscathed, with many teams facing substantial repair bills.
This was a very expensive few days for the competitors.

I cannot comment about that, other than to say that I watched a few cars bouncing around. It looked a little bit bouncy to me but they seemed to be out there enjoying themselves bashing their cars up. I could not understand it. People who drive around in historic cars would have been a bit nervous. What troubles me about this entire thing is that it sounds to me as though there is a bid in for more money to widen the streets, rip out more median strips and fix up the road surfaces. I can hear the cash register running. Do you think AVESCO are going to come forward and say, "We will pay for that"? No, of course they are not. They are going to say, "We want you to pay for it." I have been wrong before, rarely, but I predict that they will come forward and say, "We need to spend money on the surface. We need to widen the roads. Too much damage is being done, and you should pay for it." I reckon it will be millions; it will not be peanuts. I do not know what is in the contract that might tie us in to doing those sorts of things, but I will be watching it more closely as time passes.

Again, this is an issue which has not been properly thought through. It was brought to this place quickly, with the demand that we had to pass it or it would not go ahead. Again, the Assembly has been stuck with another signal of the flashy style of this government, and in particular the Chief Minister's Department, which has created so much hurt, tragedy in one circumstance, and anguish in the community over the management of the territory and its presentation to the rest of the country.

One last matter relates to industrial relations. Much was said early in this term of the Carnell conservative government about what they wanted from workers. The old Liberal ideology that you hear so often is about productivity in return for wages. That is all they can think about. They cannot think about wage justice. They cannot think about industrial democracy or all those issues which are important to the workplace. They can only think about productivity in return for wages. Over the periods of this government several thousand workers have lost their jobs, and the government has profited from that. They have profited from the pain and suffering of others. Of course it has had a lucky year this year in its budget. It is not much about good management. It is mostly about good luck and cruelty in many respects.

A debate about wages went on for some time, culminating in an agreement to give teachers a wage increase which was supplemented. The Chief Minister's own department had their wage increase supplemented, but many others have not and many others are still waiting. This is more wreckage that somebody else is going to have to clean up to make sure that industrial harmony pervades the ACT public sector in the future. It is more wreckage for a future Labor government, I trust, to tidy

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up. There are many pieces of wreckage in our community which have been created by this Chief Minister and her department. Labor will not be voting for this budget or this particular line as a result.

MR CORBELL (11.34): In speaking to the Chief Minister's Department appropriation, I want to draw the Assembly's attention to the particular item of e-service delivery. Much has been made by the government in this year's budget in relation to these services for Canberrans. A total of approximately \$18 million is being provided in this budget in the year 2000-01 to develop online delivery of government services. This initiative, on its own standing, is welcome. It is important that government make its services available to the Canberra community through new technologies. But again with the e-services line item we see a focus on the gloss and the attractiveness of new technology without taking account of the broader circumstances and the need for an integrated policy approach on electronic service delivery.

There is no doubt that Canberra as a city has a very high percentage of people who have access to the Internet, one of the highest in Australia. However, still the great majority of Canberrans do not have access to the Internet. Access for those who cannot afford or are unable to use this type of technology should be taken into account when the government is setting up its e-services strategy. What is known in debates in Australia and around the world as the growing e-divide is an issue that this government has failed to address in this initiative. There is no point in providing for e-service delivery if at the same time you are not dealing with the issue of those who are unable to access that new technology.

The concern is that the delivery of government services on line comes to be seen by the government as the paramount service delivery option, and other options such as shopfront services, public library services and other face-to-face services are seen as secondary to the e-service delivery option. The reason for that is that the delivery of services electronically is often cheaper than the provision of face-to-face service delivery and it is also quicker.

Those who have access to electronic services benefit greatly from the provision of e-service delivery, but those people who do not have access go backwards, and as more and more information and more and more services are delivered electronically or made available electronically those who do not have that access are left behind. It is a deficit in terms of knowledge, in terms of access and in terms of ability to participate.

Ms Carnell: What about Austouch?

MR CORBELL: I will respond to the Chief Minister's comment. She says, "What about Austouch?" Let me give a very good example. I cannot see someone who is interested, say, in finding out about something in the budget standing at an Austouch terminal at Civic interchange or somewhere like that going through the ACT government's web site in an attempt to find a particular item in relation to the budget. Clearly, that is not an

acceptable option. The real issue that the government has to address is making that type of technology available to those people who currently do not have access to it. It is not just about providing Austouch kiosks. It is not just about having a computer or two in the library. It is about making that technology accessible in the way that most people would utilise that technology. Most people would utilise that technology in their own home. That is the place where the technology is used and where it is most effective. This government should be looking at initiatives to encourage or enable people to have access to that technology in their own homes.

The only organisation in Australia that I know is seriously addressing this question is the ACTU. The Australian Council of Trade Unions has put together an initiative whereby anyone who is a union member is able to get a subsidised computer package and subsidised access to the Internet. That is a very strong commitment for working people, lower income people, to have access to the new technology and to the information it provides. I say in passing that there is another very good reason to belong to a union, but it demonstrates that that is the only way to properly address the growing e-divide in our community.

Whilst all of us who have access to information technology, who are provided with laptops and all the technology we would wish to have, may think that we are an electronic community, the reality is that a very large number of people in our community do not have access to that type of service. For that reason the government's e-services program only addresses half of the picture. Until it addresses the other half, it is not an adequate program.

MS CARNELL (Chief Minister) (11.40): Mr Speaker, I will address a couple of the issues that were raised during the debate. Ms Tucker indicated in her speech that she believed that the government's budget had no targets, particularly social targets, or methods of measuring social targets or the government's policy approach. That does not say much for Ms Tucker's reading of the documents that have been made available. Mr Speaker, you would be very well aware of Budget Paper No 4 and the purchase agreement that was tabled in this place. These agreements are about targets. They compare targets this year with targets next year in each output class and have methods of measuring those targets. They give estimated outcomes for whether those targets were met for the current financial year. I am not suggesting that Ms Tucker will always agree with our targets or our measuring approach. The reality is that the targets are very definitely there. They are not only financial targets.

When you look at the Chief Minister's part of the budget, the first highlight for 2000-01 is enhancing Canberra's social capital by implementing initiatives which support community life. That is No 1. Ms Tucker chose to jump over that and mention the ones to do with business development, which we believe are also very important.

Other highlights include ensuring that community consultation is carried out effectively, with appropriate feedback mechanisms in place, and continuing to achieve a more focused approach to policy development and outcome assessment for government function, for government performance. The list goes on, Mr Speaker.

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We believe very strongly that financial outcomes are not the end in themselves. They are a means to an end. There is no doubt about that. But when the government produced its *State of the Territory Report* earlier this year, we made it very clear that this is something we will do annually, setting out targets, predominantly social targets, with action statements on how we will be achieving an improvement on action targets.

So right the way through this document, and in a number of areas—whether it be people, the community or the economy—we have identified areas of interest to the community. We have looked at whether we are doing well, what the target should be and what the results were, but then going on in most cases to an action plan on how we will attempt to improve our outcomes in the future.

No other government in Australia is going down this path, or has gone down this path, in reporting on outcomes in the community and setting approaches for the future. We have been willing to say that we need to improve in a number of areas, in many cases setting action plans on how to achieve those improvements. The targets are very clear. The targets are in the *State of the Territory Report*. The targets are in the purchase agreement. The targets are in Budget Paper No 4, with reporting on last year's targets so that people in this Assembly and in the community can get a feel for whether we have succeeded in targets we set last year.

Ms Tucker raised the difference between the rich and the poor. She indicated that this had somehow got significantly worse under this government. That does not appear to be the case at all. I am sure members were interested to read in the *Weekend Australian* recently a number of articles with regard to the ACT. I will read into *Hansard* what one article in the special feature "Advance Australia Where" said:

NSW is the most divided state in terms of income. The most egalitarian is the ACT, followed by Tasmania. But Tasmania's equality is a sign of a rut. The ACT's is something else again.

What will surprise most is that Canberra is the nation's only true middle-class city, a monument to the ideals of old protected Australia. It is a paradox because the rest of us had tarred the capital as the town of the out-of-touch. But the Canberra elite do not match the high-fliers in Sydney, Melbourne, Brisbane or Perth.

The Australian Taxation Office says that the top ACT postcode declared \$52,182 as the average taxable income in 1997-98. It was the bottom that fared better than most, earning \$34,319. The national average was \$28,258.

This shows very clearly that the difference between the rich and the poor in the ACT is significantly less than is the case in other places. There is absolutely no indication in the ACT that it is getting worse. Why is this so? I believe very strongly that the reason is that this government has continued to spend significantly more on education. Why is the gap between the rich and the poor less in the ACT? It is less, quite simply, because our levels of education are significantly higher, which means that significantly more women in the ACT work, our participation rates are higher and more people are in the work force.

Mr Quinlan: As there has always been.

MS CARNELL: Mr Quinlan says, “As has always been the case.” I agree it has always been the case. The point Ms Tucker made, though, is that this was getting significantly worse under this government. There is not one shred of evidence to indicate that that is the case. There is a lot of evidence to indicate that the difference between the rich and the poor in the ACT is the lowest in Australia and that Canberra is the middle-class ideal of Australia. That is something we should be extremely proud of.

That does not mean that there are not people who are doing it tough. There is no doubt that there are, which is the reason that this government has as a core theme in the budget the building of social capital. It focuses on targeting those people who are doing it tough and falling through the cracks—those people who need support in early education and those people who need health support and early intervention.

Yesterday Mr Berry made some comments about autism—I think Mr Stefaniak will back me up here—suggesting that, shock, horror, this government was going to downgrade staffing levels. We found out yesterday that that was not the case, but Mr Berry forgot to tell everybody that there were no autism units when they were in government. These have all been set up since we came to government. The number of them is higher in the ACT, but in percentage terms the ACT is doing significantly better than the Labor state that surrounds us, New South Wales.

Mr Stefaniak: In real terms and in actual numbers as well.

MS CARNELL: In actual numbers as well. There you are. I am sure that Mr Stefaniak will speak about this again. Mr Berry brought up a really good example about social capital in action. This government believe very strongly, and believed right from the beginning, that people with disabilities should have things like autism units for early intervention to help children with autism and hopefully reintegrate them in the school system over time but at least give them the best possible opportunities for education. That is a real example, and there are so many others.

Since we came to government in 1995, we have not just maintained education funding in real terms but have significantly exceeded that. Up until this year it was real terms plus \$26 million. This year again it is real terms plus—

Mr Stefaniak: It is close to \$40 million.

MS CARNELL: We are about \$40 million above real terms now. That is pretty exciting stuff. Can I have a short extension of time, Mr Speaker?

MR SPEAKER: You can take a second period, Chief Minister.

MS CARNELL: I do not plan to take another period because we have an agreement that we will keep our speeches as brief as possible. (*Extension of time granted.*)

Mr Berry brought up issues with regard to the performance of the government. I think I have covered those, as I have Ms Tucker’s comments. Mr Berry went on to talk about the downsizing of the ACT government. Yes, that is very true. Guess what happened under the previous Labor government. Huge amounts of taxpayers’ money were spent on voluntary redundancies under the Follett government when Mr Berry was deputy.

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Sometimes the level of hypocrisy in this place is a little hard to handle. From memory, under Ms Follett, something like \$31 million was spent on voluntary redundancies. What does Mr Berry think they were for? Were they for maintaining people in the public service or for giving people voluntary redundancies?

That is exactly what has happened under this government. The difference is that at the same time this government has been working very hard to encourage the private sector and to increase the number of jobs available in the private sector so that those people who have been given voluntary redundancies from the ACT public service are able to pick up jobs elsewhere, and it has worked. There are 13,000 more jobs in Canberra now than when we came to government. The federal government downsized by some 7,000 and the ACT by some 2,800. On top of creating 9,800 equivalent jobs we have created an additional 13,000. There is a significantly greater number of jobs now.

Mr Berry mentioned industrial issues. He has not looked at his figures lately. On the last set of figures I saw, the ACT had the lowest level of industrial disputation in Australia. That does not indicate industrial turmoil as Mr Berry was trying to say. We have managed to reach EBAs with just about everybody—there is a small group left—with very little industrial disputation. With the teachers, there was none. Compare that to New South Wales, a Labor state, where a huge amount of time was lost, with a huge amount of disruption for children and for parents. I do not think what Mr Berry says stacks up.

Mr Corbell mentioned e-services and an integrated approach. That is exactly the reason that e-services have been driven from within the Chief Minister's Department—to get an integrated approach. There will be some significant announcements in the very near future with regard to the approach we will take in spending the \$18 million to ensure that there is an integrated approach focused in the Chief Minister's Department.

Mr Corbell also mentioned a digital divide. I agree that that is a very real issue for all governments. That is the reason that in the ACT we have ensured that all teachers have Pentium computers. Other states are talking about it but have not achieved it yet. We have made money available to schools to ensure that the number of computers per student is the best in Australia. We have put computers into libraries. We have 22 Austouch terminals in the community. The Council on the Ageing has computers and training. I agree with Mr Corbell that it is essential that computers be made available and accessible to all members of the community. We will certainly be working very hard to achieve that in the future.

Yesterday a *Yellow Pages* survey revealed that small to medium-sized businesses in Canberra had a much higher rate of desktop computer usage, Internet connection, e-mail usage, home page presence and electronic transactions than the national average. In four out of six categories, ACT companies were ahead of those in other states and territories and second in the other two categories.

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

MS CARNELL: I seek a very short extension.

Mr Corbell: You should have just taken your second 10 minutes.

MS CARNELL: I am happy to finish if everyone wants to make sure that they do not go past that, if everyone else is happy with that. I am happy to finish, Mr Speaker, on the basis that that is an agreement.

Mr Quinlan: Whatever you talk to anybody can talk to, but not beyond? Is that the rule?

MS CARNELL: I do not know. I thought you were saying you did not want to give me an extension.

Mr Corbell: No, we are not saying that

MR SPEAKER: Continue, Chief Minister.

Mr Corbell: All we are saying is that every member has two lots of 10 minutes if they want to take them. It is that simple.

MS CARNELL: I am happy not to have an extension.

MR SPEAKER: You have not taken the second block of 10 minutes.

MS CARNELL: I know. Thank you. Importantly, 72 per cent of firms in Canberra are connected to the Internet, compared with an average of only 60 per cent across the nation, while 69 per cent regularly use e-mails in their businesses. That also is backed up outside the business area by the Bureau of Statistics, which revealed that 35 per cent of Canberra households now had access to the Internet and 68 per cent had home computer access, the highest in Australia.

Mr Corbell: Sixty-eight per cent of 35 per cent?

MS CARNELL: No, 68 per cent had computers. We will not have an argument across the chamber on this. I agree with Mr Corbell very strongly that it is important to make computers as available and as affordable as is possible to people on low incomes or people who are socially disadvantaged. The government is currently speaking to a number of groups, looking at how we can facilitate this in the future. The future, not just of Canberra but of the whole of Australia, is as a knowledge-based society, and the ACT wants to maintain its position at the forefront.

That is the reason we have supported TransACT. TransACT, without doubt, is one of the most exciting projects we have seen for a long time in the ACT. TransACT will provide high-speed Internet broadband connection to 95 per cent of Canberra's households and businesses over the next 18 months. This will give local people a real opportunity to play a part in knowledge industries and the knowledge-based society of the future.

Mr Speaker, I thank members for their comments on the Chief Minister's Department.

Proposed expenditure agreed to.

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Proposed expenditure—Part 4—ACT Executive, \$2,987,000 (payments on behalf of the territory).

MR QUINLAN (11.58): I make the brief comment that this figure of a little less than \$3 million sits in stark contrast with the previous line of \$83.3 million for the Chief Minister's Department, equating to something around \$800 per household in the ACT.

MR KAINE (11.59): At this stage I want to draw attention to the total cost of running the executive. We have a budget for what is called the ACT Executive of \$2.987 million. I think the community needs to be aware of what the total cost of this executive is. That cost does not stop at \$2.9 odd million that is quoted as the executive budget.

If you go through the budget papers department by department, you discover there is a great deal more money spent on supporting this executive than just that which presumably is sufficient to run only their offices. The 12 non-executive members of this place cost the public \$7.1 million and the five executive members cost \$2.987 million. There seems to be a rather significant per capita cost of maintaining members in this place.

That is not the only point I want to make. If you go through the budget, you in fact discover that there is close to \$20 million embedded in the departmental budgets, the sole purpose of which is to provide ministerial support and policy advice. So the cost of maintaining the executive is not \$2.987 million; it is about \$22 million to \$23 million. I think that it is time for somebody to stop and have a look at the costs of this executive. I think it is starting to reach almost scandalous proportions.

Let me refer to some specific figures in the budget paper. At page 35, under the Chief Minister's Department, the cost of strategic policy activities is shown at approximately \$6.5 million. Reference is made to the health department on three different pages—pages 107, 109 and 111. The three figures for ministerial and cabinet advice are \$1.008 million, \$970,000 and \$800,000. So that is about \$2.8 million for Health and Community Care.

At page 147 we find that under the Department of Urban Services the figure for policy advice and ministerial support—this is very explicit—is \$2.846 million. At page 219, the figure for policy advice in respect of the justice department—this is a specific section of the minister's budget—is \$4.657 million. At page 282, under the education department, the figure for, again, policy advice—and this is quite explicit—is \$2.551 million.

So, not only does it cost us \$2.987 million, just on \$3 million, to maintain five ministers in this building, it costs the public nearly \$20 million for activities within the five major departments that are explicitly devoted to ministerial support. That is what those budget figures imply.

I do not know whether any minister, the executive as a whole, the cabinet or anybody else has ever stopped to look at what it is costing to keep these five people on the second floor of this building informed as to what departments are doing. I do not know whether anybody has stopped to analyse it. I have taken these raw figures out of the budget. For example, we know that there is expenditure that does not appear in the budget. We know, for example, that when the Chief Minister goes overseas on a trip, that charge is not

made to her departmental budget or to her executive budget. It comes out of another fund altogether.

If we were to ask the Auditor-General to go through all the books and all of the activities of the government and tally up what it actually costs to maintain these five ministers and their executive suits, I wonder what the total sum would be. I wonder if the community would agree that this is an acceptable figure to pay for the services of these five people. I think this deserves to be reviewed. I am not suggesting that the Auditor-General should do it. Perhaps the Assembly or the executive itself ought to be looking at what it is costing. Or do they not care? You just put another \$2 million or \$3 million in the budget and nobody will notice and nobody cares.

The question of what these five people are costing us needs to be brought to the attention of the community. I pose the question again: are they worth that total amount of expenditure? And I suspect not.

MS CARNELL (Chief Minister) (12.05): It is unfortunate that Mr Kaine has misinterpreted the output relating to ministerial advice. It is important for the record that I run through what that advice encompasses.

The provision of policy advice to government represents far more than just providing advice to ministers on various things. It includes a range of other strategic policy areas—major policy projects such as the very fast train and Bishop Austrans? Negotiation of all agreements with the Commonwealth are in that bucket, as are the management and administration of over a hundred purchaser/provider contracts for Health and Community Care. Development and introduction of legislation is in there as well. Things like answering questions for those opposite—for Mr Kaine and others—is in there. Things like providing advice to committees—this is not to do with the executive at all—and the quite significant number of committee inquiries are in that bucket as well.

From an education perspective, as members would be aware, a review of the current Education Act and the Schools Authority Act will be conducted in 2000-2001. The cost of that review is in that particular bucket. And the list goes on. So advice to ministers directly is a very small part of this whole area. Members opposite and on the cross benches put questions—often complicated questions—on notice. It is very hard to work out why some of them are asked at all, but for all of that members have a right to do so. Where do those opposite think the resources come from? I have to say they come from the public service, and those resources are part of this particular line.

So you can see that the provision of policy advice to the government represents far more than providing advice on activities that are of an on-going nature. Specific advice is provided on strategic policy areas—things that I would have assumed were of great importance to this Assembly. In fact, in most cases this relates to areas in which this Assembly has asked for input and for work to be done.

Mr Kaine also made the point that he thought that this appropriation line of \$2 million was just to support our offices. That is not the case. It also supports what we call the Civic Hospitality Fund, which is used for events such as welcoming delegations that come to Canberra and celebrations for teams such as the Brumbies and the Capitals when they win. Just recently we had a South African group in town. If these events are not in

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your area, Mr Speaker, that expenditure is picked up from the executive budget. Mr Speaker, you are acutely aware of the number of people who visit the ACT and, as such, you would know that this expenditure is not an insignificant amount of the executive budget. So, as well as our staff, as well as the actual on-going costs of running the offices, there are significant other things that are covered out of the executive budget.

MR KAINE (12.09): Mr Speaker, the Chief Minister's response is as usual designed as nothing but a smokescreen. I will quote some figures from the sport and education department vote. I pointed out that some \$2.5 million was allocated to this minister for policy advice and services. The Chief Minister mentioned the cost of dealing with questions that are placed on notice, as though somehow that was a significant part of the costs incurred by these departments. I would like to cite a few statistics to put that into perspective.

In the education department there were 472 items of cabinet business. There were answers to 280 possible Assembly questions—that is, the minister was given advice to enable him to answer questions which might have been asked. There were 300 ministerial briefs; 2,800 pieces of ministerial correspondence—this minister signs 2,800 pieces of correspondence a year that are drafted in his department, not in his office; and 400 speeches. The minister uses his policy organisation to write 400 speeches a year. There were 20 questions without notice. What is the significance of the questions without notice in terms of the whole volume of “business” carried out by this policy organisation in the department of education? As usual, the minister's response contained a lot of fluff, smokescreens and mirrors but did not acknowledge the real facts.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.11): Mr Speaker, I am sorry but I would have to agree with the Chief Minister that Mr Kaine has misunderstood what has been said.

Mr Kaine: I will get to yours in a minute, if you keep talking.

MR HUMPHRIES: I hope you do, Mr Kaine, because I think that what has been put on the table is entirely defensible.

The Chief Minister did not say that there was a large cost associated with answering questions on notice. She said, “Large costs associated with answering questions in this place.” There are questions other than those asked on notice. There are questions asked without notice at question time. That, in fact, consumes a much greater percentage of the resources available to the government than do questions on notice because, within reason, every possible question needs to be covered with some degree of certainty. I have been advised that it costs the ACT taxpayer several hundred thousand dollars a year to provide the large folders which ministers bring down here every day to question time.

Why do we have those advices? The answer is that the people opposite and on the cross-benches get very upset if we cannot answer a question and we do not have the information. If this happens there are oohs and aahs. Members say, “Tut-tut, minister, you cannot answer the question.” You cannot make that comment when occasionally the minister does not have the answer and then complain that we are spending several hundred thousand dollars a year ensuring that the information is available to ministers when they come down to the chamber.

There has also been an expansion in the number of questions asked in places such as Assembly committees and in the amount of correspondence between ministers' offices and other members' offices. Those matters also consume extraordinary amounts of dollars in resources every year. The other point to make is that these amounts are almost entirely generated outside the minister's office—that is, they are generated by factors outside the minister's control. If Mr Stefaniak has to sign 2,800 letters every year, it is not because he is writing himself letters or he is putting an ad in the lonely hearts column along the lines of: "Please send me a letter, I want to hear from somebody." I can assure members that we do not solicit this correspondence; it comes to us anyway.

The minister has not had 400 speeches written for him so that he can burst through the doors of P & C meetings or invade local scout halls just to spruik on some subject. These are speeches that he is asked to give in his capacity as minister. Mr Kaine well knows that because he had the same kind of volume of correspondence and requests for speeches and so on when he was in office, and I think he will find that the figures in those areas were not greatly different. I think he will find, if he goes back and checks the figures, that the level of support that was provided to him when he was Minister for Urban Services was not greatly different to what is being provided today to the present Minister for Urban Services.

MR KAINE: Mr Speaker, I seek the indulgence of the house to speak again very briefly.

Leave granted.

MR KAINE: It is no wonder that the minister for justice defends this issue because reference is made at page 219 of the budget paper to the minister's policy advice under the heading "Output Class 1: Policy Advice" at \$4.657 million a year.

Proposed expenditure agreed to.

MR SPEAKER: Order! Before we proceed further, I would like to welcome, and acknowledge the presence in the gallery of, members of the South African Parliamentary Portfolio Committee on Education led, I understand, by Professor Mayalula. Welcome to the ACT Assembly and indeed welcome to Canberra.

Proposed expenditure—Part 5—Treasury and Infrastructure, \$19,715,000 (net cost of outputs), \$14,891,000 (capital injection), \$44,665,000 (payments on behalf of the territory), totalling \$79,271,000.

MR QUINLAN (12.16): This is the area in the budget through which a lot more money travels. The revenue line is considerably higher because it incorporates a collection of fees and taxes, and also funds from the Commonwealth. It is in fact a core line in the budget.

The government has made a number of claims in the presentation of this budget and I want to refer to a couple of them. They claim that they inherited a loss of \$349 million—I think that is the latest figure. There are two aspects to that figure. One is that it is a figure that occurred halfway through the first Carnell government and the other is that it is inflated. Because of what happened in the debate yesterday, one has to

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choose one's words carefully. I have to say that the persistent use of this figure is misleading in the extreme. It is implied that this event took place during the course of a previous government. If this government were honest it would not have made that claim.

I have a bit of a complaint to make in relation to the persistent regurgitation of this number within the media, given that the full detail of where this number came from is available. The number is an overstatement purely because of the retrospective adjustment of an abnormal item. All of the papers were sent at least to our major newspaper and I would have expected better in terms of the way this has been reported. I would have expected more of a government in terms of pure straight "honesty" in government. Can you say that?

Mr Humphries: You can say that about us, if you want to.

MR QUINLAN: There is not much chance of me saying that in relation to this particular item, Mr Humphries. This is the closest I can come to using, but not actually saying, the word "dishonest".

Mr Humphries: Well, you have actually said it.

MR QUINLAN: Sorry, I withdraw. In presenting the budget this government declared that taxpayers are significantly better off than those in New South Wales. A day or so ago the Treasurer made a pitiful bumbling effort to try to justify that claim, which is incorporated in the budget papers and has been made publicly. Again, it is misinformation because the simplistic averages that are taken give quite an incorrect indication of the relative position of the average family in the ACT versus the average family in Sydney or Melbourne.

The government makes great claim about their management of expenditures. The facts are that over the course of the Carnell government's rule, expenditures within the general government sector—that sector over which the government has direct control—have increased by more than the CPI. Yet a day or so after the budget was brought down our Chief Minister was saying they had not increased by more than the CPI. She dragged government trading enterprises into her figures even though this category is subject to considerable volatility and its complement may have changed over time. This claim was made on national television in a Press Club address.

This government makes great claim in relation to the increase in Commonwealth funding, which is really at the core of budget improvement in the ACT. But any thinking adult knows that the Grants Commission, which looks at the whole nation and is an independent commission, is hardly likely to be swayed by the personal persuasiveness of the leaders of our government at the moment. The Grants Commission conducted an objective study. We were limited to providing them with facts and figures, and I would expect nothing less of any government of any colour. The rest of the calculation is a function of the Grants Commission and their revision of the standards that they wish to apply not only to us but to the nation as a whole.

The government has claimed that it has a proud record of shifting Canberra from being a public sector town to a private sector town. Again, this is totally misleading. All we have seen in this town is a federal government, and to a much lesser extent a local government, outsourcing some of their services. What has not changed is that the source of payment, the source of economic activity in relation to those services, is still the public purse. The core ABS figures demonstrate that we are still dependent upon the public purse in about the same ratio as we were in 1989 before self-government.

The Treasurer and the Chief Minister have been known and been seen to run laps of honour when the subject of unemployment figures comes up. Our unemployment figures are better than the national unemployment figures; our unemployment figures have always been better than the national figures. In fact, the margin between our latest unemployment figures and the national average has shrunk or is somewhat less than it was in 1995.

Mr Humphries: Unemployment shrunk in 1995—that is why. It is much lower overall.

MR QUINLAN: It has not a lot then to do with what this government has done. In fact, we have heard the Chief Minister, in attempting to rebut some of the statements that were made by Ms Tucker, conceding, “Yes, we are a middle-class town. Yes, we are better educated. Yes, we have always been.” It is a function of those things that gives us our unemployment rate; let me assure you that it is not a function of the clever and caring work of a Liberal government.

The capacity of this government to claim credit, undue credit, knows no bounds. Let me give you a short quote from a real treasurer, one Michael Egan. When bringing down the 2000-01 New South Wales budget, Mr Egan said:

On the economic front, we do not seek to take all or even most of the credit.

He went on, as a politician would, to claim some of the credit. All states and territories are enjoying, to some degree, the fact that the national economy is buoyant. The New South Wales treasurer is honest enough to say, “On the economic front, we do not seek to take all or even most of the credit.” I contend that the conditions that apply in New South Wales, the conditions that led the New South Wales treasurer to make that honest statement, prevail in the ACT as well.

I have to say that the ACT budget is not quite a balanced budget. We have had a significant change in accounting. Going back to that \$349 million, we have had a retrospective adjustment for superannuation that was included below the line as an abnormal item of \$91 million. This government has taken the latest review, adopted a whole different standard and incorporated it above the line. The figures for the actual operating performance for the coming year are probably flattered by that retrospective adjustment by about \$25 million. Had we been back on the original accounting system we probably would have been announcing a deficit of about \$24 million to \$25 million—do not hold me precisely to the figure.

I have mentioned that expenditures have increased under a Carnell government. What has increased significantly is the taxation level. There have been quite substantial increases in tax. We had the Chief Minister saying yesterday, “Oh yes, but you objected

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to us increasing taxes.” In the main, what the Labor Party has objected to is how you have administered taxes and not necessarily the taxation level at all. It is not unusual for Mr Humphries or Ms Carnell to misquote this side of the house, to build a straw man and then attack it with great vigour.

Mr Humphries: What is the true story?

MR QUINLAN: I will give you an example. One of the taxes that we objected to was the emergency services levy. This tax has been an outstanding embarrassment to this government. It is a tax that was vigorously defended for 12 months by this government; a tax that was called a levy but is actually a tax because the funds were not immediately applied to increasing emergency services within the territory. It is simply a tax. As a tax it has caused significant embarrassment and as a tax it is now intended to be withdrawn. It is those sorts of taxes that we have objected to. The pressure that we apply from this side of the house brings about some commonsense to government from time to time, Mr Humphries.

Mr Humphries: So it is your responsibility that we have had to—

MR QUINLAN: Absolutely. This is the area that sits at the centre of the budget. Labor is very pleased to see the ACT economy improve. But in the main the ACT economy has improved while this government has been stuffing up other things like the Bruce Stadium and CanDeliver. Most of the things that this government has its direct fingerprints on are failures. It is hard to remember an enterprise that this government has got its fingerprints on that has not been something of a disaster, and this is a commentary on the performance of this government.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.32 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Elective Surgery

MR STANHOPE: My question is to the Minister for Health and Community Care. On 5 May, the minister announced that the government would issue tenders for the provision of additional elective surgery in an attempt to address burgeoning waiting lists at Canberra’s public hospitals. The minister said that the government would consider bids from the private sector as well as from public hospitals and that up to \$7 million would be available, money held over from bonus payments made to the territory when it signed up early to the Medicare agreement in 1998. In the event, on Tuesday of this week the minister announced that tenders worth \$3 million had been let.

Can the minister say what happened to the other \$4 million? Why has it taken him 2½ years to spend the windfall from the Commonwealth on what is one of the most pressing problems in the health system? Are the new contracts written in such a way that

doctors will get more for performing this additional surgery in private hospitals than they would in the public system?

MR MOORE: Mr Stanhope, there are a couple of problems with the premise upon which you based your question. The first is that the original \$8 million has been made available and we have spent that money. The \$8 million that we are currently putting out for tender has come to us recently and we are beginning the process of spending that money.

The tender process does mean that there will be another \$5 million; that part is correct. There will be another \$5 million for us to spend and we will seek to spend it in two ways, as I have sought always to spend the CUT money—that is, the critical/urgent treatment money—that we are talking about. That is, on the one hand, to directly spend money on having surgery done, as is the case with this tender, and, on the other, on trying to make sure that we have change built into our system so that our waiting times are set up in a sustainable way, by which I mean that people can have their treatment within the times that the specialists say are appropriate; in other words, category 1 patients are done within their timeframes, category 2 within their timeframes and category 3 within their timeframes. Indeed, contrary to what was happening under Labor, we have a situation where our waiting lists are coming down and we are building in constant improvement.

With regard specifically to your question on the tenders, the tenders were done at arms length from me. We take the pragmatic approach that, if we can have operations done, we should have them done. Calvary Hospital was prepared for that and showed they could spend the money if they had the money. They have been allocated a bit over \$2 million. There are some private hospitals—namely, the Lidia Perin Memorial Hospital and the Canberra Eye Hospital—which are prepared to do some of the operations.

Mr Stanhope, if you were waiting for an operation on your eyes to have them fixed, would you be worried about where that operation is done, provided the hospital is fully accredited and the operation is to be done by specialists who are qualified to do the task? I think not.

Mr Berry: Yes, I am.

MR MOORE: Mr Berry indicates that he is worried by that. I have to say, Mr Berry, that people in your circumstances will still have that operation done in the public hospital if that is where they want it to be done. If they want it to be done more quickly than that, then they would have this other option. We have been able to have another 800 operations done through this tendering process. I think that, in itself, is a very important step forward. There is more money.

I would hope that, after the theatre utilisation review has taken place, the Canberra Hospital will be able to come back to us and say, “We have now put into place the things that Dr King, Dr Kerridge and Ms Cohen have recommended and we can now handle more operations. Can we have more funds to do those operations for people on the waiting list?” to which I will say, “Certainly.”

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MR STANHOPE: I have a supplementary question. Minister, I know that it was a long question that I asked, but I wonder whether you might like to pick up the point that I asked about whether doctors will actually get more for performing surgery in the private hospitals than they would get in the public hospital, if that is all right.

Mr Moore: Yes, I will pick that up.

MR STANHOPE: My supplementary question is: can the minister tell the Assembly the extent of the bid from Canberra Hospital in the tendering process, which areas it was not successful in and why? Is the report in this morning's *Canberra Times* that the hospital had not decided whether it will take up the \$200,000 offered by the government correct? If it is, what is the perceived problem?

MR MOORE: Let me answer first the part of the question that I missed last time. The reason I do not know and am unlikely to know what the doctors will get paid in a private capacity rather than in a public hospital is that a tender was put in by the hospitals and they, in turn, negotiated with the specialists, so I would not have any idea whether they get paid more. It was a tender that went to the hospitals themselves and that would then be a private arrangement within a private hospital. Such contracts are not a matter of our business, Mr Stanhope. If you wrote to the Perin hospital and the Canberra Eye Hospital for that information, they may give it to you. I doubt that they would. Indeed, I doubt very much that they would give it to me, and I am not asking for it.

Could you refresh my memory on the supplementary part of the question?

Mr Stanhope: Yes, how much did the Canberra Hospital bid?

MR MOORE: Sorry, the \$200,000. I have to tell you that the first piece of information I have had on how much the Canberra Hospital bid was what was in the paper this morning, because this tender has been done totally at arms length from me. That having been said, there is no reason why I ought not know. Therefore, I will take that part of the question on notice.

Bruce Stadium Redevelopment

MR QUINLAN: My question is to the Chief Minister. Yesterday you were good enough to confide in us in this place that the matter of the 1997-98 financing of the Bruce Stadium redevelopment and the overnight loan arrangement had been referred to cabinet. You also stated that the actual decision to expend funds was taken by a middle-level public servant whom, quite rightly, you did not name. Chief Minister, under what form of authority did the middle-level public servant make those payments and undertake a loan in such unusual circumstances, that is, an overnight loan?

MS CARNELL: Mr Speaker, I think that I answered this question fully yesterday. I made the point that cabinet has every right to expect that decisions it has made are conducted within the bounds of the Financial Management Act and other laws of the territory. Cabinet certainly made a decision on this issue and had a right to believe that the approach that was taken was in line with legislation.

The reality was that the way the transaction was carried out was not in line with legislation. We do not in any way support that approach. When it came to our attention that it was not the case, we immediately instituted a review of not just that area but all areas that handle these sorts of matters to ensure that they were operating in line with appropriate administrative approaches. It is that simple.

MR QUINLAN: I have a supplementary question. Chief Minister, I am still at a bit of a loss. Can a middle-level public servant spend the best part of \$10 million in lumps of up to \$3 million without a higher authority and can a middle-level public servant negotiate an overnight loan, a daylight loan, without higher authority in your administration?

MS CARNELL: Mr Speaker, I have already made it really clear on this one that cabinet made a decision.

Mr Quinlan: Usually, when you say that you have not.

MS CARNELL: Okay, I will try to be really simple for you. Cabinet made a decision. Cabinet had a right to believe that decision would be implemented inside legislation, and it could have been. The reality is that the public servant who handles these sorts of transactions every day did so without the benefit of a guideline that was required under the piece of legislation that he or she was operating under.

He or she managed these sorts of transactions regularly and believed that he or she was doing so in line with legislation. As I said yesterday, there is no indication that the person involved did so with any malice or any view that the person was not doing the right thing because he or she followed the same sort of approach as he or she had done previously. The reality was that the guideline had not been issued, was not on file, and therefore the transaction was not in line with the appropriate piece of legislation.

Mr Quinlan: Does this include the overnight loan?

MS CARNELL: This is exactly what I am talking about here. The reality is that it was not in line with legislation. When it was determined that it was not in line with legislation, the government put in place a full review of the area to ensure that these sorts of approaches were not—

Mr Quinlan: A middle-level public servant takes out a \$10 million loan.

MR SPEAKER: Order! You have asked your question. Stop interjecting.

MS CARNELL: Mr Speaker, I am trying really hard here to be very simple for Mr Quinlan. The fact is that this issue did come to cabinet, cabinet did make a decision, and cabinet has a right to believe its decisions will be carried out in line with the law.

Budget 2000-01

MR HIRD: My question is to the Treasurer, Mr Humphries, and relates to the 2000-01 budget, which is a good budget. I refer the Treasurer to the following comment by the Leader of the Opposition, Mr Stanhope, on ABC radio:

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This budget is basically underscored by a windfall of \$80 million or so through pre-GST payments, additional Commonwealth grants, et cetera.

Treasurer, are you aware of the comment and similar comments, and are they correct?

MR HUMPHRIES: I thank Mr Hird for that question. I listened to the interview on radio this morning and was astonished by the number of errors that were made in the course of just a few short minutes by Mr Stanhope.

Ms Carnell: He did not mislead the public, did he?

MR HUMPHRIES: I would not want to comment in an unparliamentary way in this place, but I was surprised. I would have thought that a person who has been the Leader of the Opposition for a couple of years would have found it a little easier to strike the truth just occasionally in the course of his remarks.

It was also surprising how often what he had to say diverged from what others in the opposition have been saying in the last few days. We had, first of all, the statement that this budget is basically underscored by a windfall of \$80 million or so through pre-GST payments. I emphasise the words "pre-GST payments". What are pre-GST payments?

Mr Moore: Can I have my share of nothing? I would like my share for health.

MR HUMPHRIES: Your share of nothing, Mr Moore, is nothing. What are these pre-GST payments, Mr Speaker? I do not know. It is particularly odd, given that only two days ago the Estimates Committee, chaired by Mr Corbell, issued a report in which it said, inter alia:

The first point that needs to be made is that the GST will cost money from the bottom line, unlike the claims made by the Treasurer to the contrary in the Draft Budget process.

The Estimates Committee says that the GST is going to cost us money in the coming financial year, and then on radio this morning Mr Stanhope says that some pre-GST payments that will be coming down to the ACT will help our bottom line.

Mr Moore: Patently false.

MR HUMPHRIES: Patently false, I would have thought. It is not surprising that Mr Stanhope finds some urgent issue to discuss with Mr Berry so that he can avoid having to face up to these uncomfortable facts. The fact of the matter is that there will be no pre-GST payments. The GST, as we have made perfectly clear, will not begin to assist the ACT until the 2003-04 financial year. We have said that time and again. It is very hard to see how we can contend simultaneously with the assertion that there will be money available in excess of the GST in the first year and that the GST will cost us lots of money in the first year. Which is it? Make up your mind. Mr Speaker, if members of the opposition have finished discussing their laundry, what they are having for dinner tonight how we have had a lot of rain lately, et cetera—

MR SPEAKER: I do not know, but they have been very loud. They can go outside, if they want to talk.

MR HUMPHRIES: It is funny how they find all these things to talk about to avoid having to listen to the truth, the painful truth. Mr Speaker, another wild assertion prompts a question I pose to Mr Stanhope across the chamber to see whether he can give me an answer. Mr Stanhope said on ABC radio this morning in talking about passing budgets:

They, the Liberals, might have passed a couple, but they also opposed a few.

Really? Mr Speaker, I have been here for every budget brought down since self-government and I have voted on every budget since self-government, and I can tell you that I have never opposed a budget in my life.

Ms Carnell: Ever.

MR HUMPHRIES: Ever. I have supported every budget brought down in this territory, including the five brought down by the Australian Labor Party. Which budget did we oppose, Mr Stanhope—1989, 1991, 1992 perhaps? I am trying to prompt you here. This is multiple choice; you can actually choose 1989, 1991 or 1992.

Mr Berry: Mr Speaker, I rise to a point of order. I think that Mr Humphries is getting “never opposed” and “never called a vote” confused.

MR SPEAKER: There is no point of order, Mr Berry.

MR HUMPHRIES: Now we come to the crunch. Mr Berry says we never called a vote.

Mr Moore: You have been Gary-ed and you have been exposed at the same time, Mr Berry.

MR HUMPHRIES: Yes, I think so. I want to put on the record what it was that we said back in 1991, what we actually defined as our policy about the budget.

Mr Stanhope: Who is “we”?

MR HUMPHRIES: The Liberal Party.

Mr Moore: Which included Mr Kaine.

MR HUMPHRIES: Yes, that is right. We had this comment made by—

Mr Stanhope: Was this with Independents or without Independents?

MR HUMPHRIES: If you listen, Mr Stanhope, you might hear something that enlightens you.

Mr Stanhope: The Liberal Party with Independents or without Independents?

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MR HUMPHRIES: The Liberal Party. This is what we said. In fact, Mr Stefaniak made this comment on 26 November 1991 in debating the 1991-92 budget.

It is fairly obvious that, although the Opposition in its various forms has problems with some parts of this budget, it is the Government's budget and it is going to have to live with it...I can see that there is a convention there. The bottom line is that this Government is going to have to live with its budget ...

Mr Stefaniak: That was when you were cutting police numbers.

MR HUMPHRIES: That is when you were cutting police numbers and we did not like it. You were cutting police numbers and we complained about that, but we said that we would support your budget.

Mr Stanhope: What is the burglary rate today, Mr Humphries?

MR HUMPHRIES: You can interject all you want, Mr Stanhope, but you told—

MR SPEAKER: Order! It is just a little lower than the interjection rate, Mr Stanhope, and that will be dealt with if you are not careful.

MR HUMPHRIES: You told the people of Canberra today on the radio that we had opposed budgets.

Mr Berry: You have.

MR HUMPHRIES: Which ones, Mr Berry?

Mr Berry: You have. You have never called a vote.

MR HUMPHRIES: Which ones?

MR SPEAKER: Mr Humphries, stop encouraging them to respond.

MR HUMPHRIES: How can we oppose without calling a vote, Mr Berry?

Mr Berry: I have never seen you go outside and say that there has been a great budget from Labor.

MR SPEAKER: Sit down, Mr Berry. You cannot both be standing at once.

MR HUMPHRIES: We can run outside waving our hands in the air and say, "Yes, we oppose this government's budget," if we want to.

MR SPEAKER: Order! I can see holidays are coming.

MR HUMPHRIES: Mr Speaker, we have not come onto the floor of this place and put a government in the position of not having its budget passed or perhaps of giving power to the crossbenchers of this place by opposing a budget at any time in the 11 years that

we have sat in this place, not once. If I am wrong, you can come back and show me where we did it.

Mr Wood: You amended the budget.

MR HUMPHRIES: We amended the budget one year—in 1993—in a decision which afterwards we indicated that we believed was a mistake. We agreed in 1995 in this place on a motion by, I think, by Mr Connolly of the opposition that the financial prerogatives of the crown dictated that governments not have their budgets amended, that they be accepted or rejected in total. We have agreed on that, Mr Speaker, but we have never opposed a budget.

I also heard Mr Stanhope say on the radio this morning:

I think there's a lot of us who do have a concern that members of the crossbench, the so-called Independents, do not toy with the parliamentary process and do not toy with the parliament to this extent.

That may be good advice, Mr Speaker, but there is a very important parliamentary process with which this opposition has interfered for the last five years.

Mr Stanhope: What's that?

MR HUMPHRIES: That is the proposition that you do not block supply. Back in 1975, a quarter of a century ago, this country was plunged into crisis because the Senate of the day chose to block supply.

Mr Stanhope: Because of ratbagery by the Liberals.

MR HUMPHRIES: Absolutely. I agree with you on that. Since that time, to its credit, the federal coalition has not blocked any Labor government's budget in the federal parliament.

Mr Stanhope: In the Senate.

MR HUMPHRIES: In the Senate, that is right. It has never blocked a budget in the Senate or the House of Representatives for that matter. It has never blocked a budget, Mr Speaker. Yet every year since they have been in opposition, every single year since 1995, members of this opposition have blocked supply, the very thing that they condemned back in 1975. They have blocked supply, Mr Speaker, yet they have the nerve to accuse the crossbenchers in this place of flouting parliamentary tradition. Mr Speaker, the fact of the matter is that those opposite are the ones who are flouting tradition.

Mr Speaker, we also heard this morning the extraordinary claim that the government contributed nothing from the bottom line to superannuation. The fact of the matter is that that claim can only be made, very conveniently, by ignoring the fact that the government has put in \$300 million—

Opposition members: Oh!

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MR HUMPHRIES: Yes, 300 million big ones—

Mr Stanhope: That is not from the bottom line.

MR HUMPHRIES: It still comes out of the government's pocket, does it not? Where does it come from?

Mr Stanhope: You have got nothing for super and you know it.

MR SPEAKER: Order! Settle down.

MR HUMPHRIES: Do we print the money?

Mr Stanhope: It's a disgrace, an absolute disgrace.

MR SPEAKER: You have asked your question, Mr Stanhope.

MR HUMPHRIES: We have also funded emerging liability at a much higher level than the Labor Party did when they were in government. I will produce the figures on that in the budget debate later today. Also, we have in place a plan to be able to fund extra payments for superannuation from a surplus, something that you people were never able to achieve. Anybody listening to ABC radio this morning would have been severely misled by the things that they heard from Mr Stanhope.

Mr Hird: It took my breath away.

MR HUMPHRIES: It is quite breathtaking that they should hear extraordinary claims of that kind coming from the Leader of the Opposition at that time.

Mr Stanhope: To complete that answer, Mr Speaker, I would like—

MR SPEAKER: Sit down; this is question time.

Mr Stanhope: I would like to conclude that anybody who read the *Canberra Times* would have been misled, too, if they thought Stanhope may save Carnell.

MR SPEAKER: Sit down, Mr Stanhope, otherwise I will deal with you. The next interjection, Mr Stanhope, and you will be warned.

Hospital Waiting Lists

MR WOOD: My question is to Mr Moore and is about waiting lists. Minister, I note that you have announced contracts for more surgery. I hope that they will help the man whose case I raise and you know about, although one-off additional funding in the past has not helped. You will be aware of recent press reports of a man with a knee injury who, after waiting four years for an operation, has twice this month had a scheduled operation cancelled. He is booked in again, I understand, but he cannot be sure that it will not be cancelled a third time.

He was diagnosed with that knee injury in 1996. That is a fair while ago. He could not afford to pay for private treatment. He was placed on the public waiting list in April of that year, 1996, and he has waited ever since. Until June this year, his only contact with the hospital was an annual review form. He has a wife and two young children. Because of the injury, he had to give up his work as a linesman, where he had solid possibilities of promotion, for an office job for which he had no previous experience. The injury to his knee affects his back, he cannot play sport and there is consistent pain in that knee. What kind of public health system can treat a person like that?

MR MOORE: The question is: what kind of public health system can treat a person like that? That gives me an opportunity to talk about what kind of public health system we have after I have responded specifically to that question.

Mr Wood, this sort of approach has been a matter of concern for me from the time I became minister, so I have taken a series of actions. First of all, I have worked very hard to ensure that our hospital waiting lists and waiting times have come down. You have heard about that any number of times. More importantly in this case, before any other minister had done so that I am aware of, I started publishing with the GPs a list of medical practitioners and the number of people on their waiting lists. As members will recall, I also sent copies to each member of this place.

Why did I do that? It is because there are some doctors with very long waiting lists and it may well be that this public patient—by the way, I do not know the particular name—is on the waiting list of one of the very popular orthopaedic surgeons who have very long waiting lists. Had he gone back to his GP and said, “I’d be happy for my knee to be done by somebody else,” then he would have had it done more quickly, or had the orthopaedic surgeons taken the same approach as the gynaecologists have just taken, which I announced yesterday, of saying that they will share their lists.

Why have they said that they will share their lists? The reason is to solve this very problem, to make sure that some people do not get a particular advantage because they are going to a new orthopaedic surgeon or a new gynaecologist. What happens instead is that people are dealt with in priority order and we do not wind up with these unacceptable circumstances.

What kind of public hospital system would have this kind of approach? If you were to believe what Mr Stanhope said this morning on radio, you would believe that we have a health system or a hospital—I think he said a hospital—in crisis. Of course, that is patently false. Let me explain why.

Mr Stanhope: I said that we had a hopeless health minister.

MR MOORE: I will also illustrate why that is patently false, too. The person he refers to as a hopeless health minister is one who has been bringing down waiting lists, making sure that the hospital is improving and improving management, the very opposite of what happened when Mr Wayne Berry was the health minister; so do a comparison.

The Australian Council on Healthcare Standards has been through the process of accrediting the Canberra Hospital—the hospital that this man says is in crisis. What did it look at? Let us look at a couple of the areas where people would argue that you would

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have most reason for believing that there was a crisis. Let us look at the emergency department and the intensive care unit, comparing the national average with the one for the Canberra Hospital.

For category 1 patients in emergency, the national average for resuscitation cases seen immediately is 95.1 per cent. For Canberra Hospital it is 98.8 per cent, much better than the national average. For category 2, which relates to emergency cases seen within 10 minutes, the national average is 78.7 per cent. For the Canberra Hospital it is 88.5 per cent; it is leading again. For category 3, urgent cases seen within 30 minutes, the national average is 61.1 per cent. For the Canberra Hospital it is 88.2 per cent, well ahead of the national average.

For category 4, semi-urgent cases seen within 60 minutes, the national average is 67.6 per cent. For the Canberra Hospital it is 70.1 per cent; it is still well above the national average. For category 5, non-urgent cases seen within 120 minutes, the national average is 80.5 per cent. For the Canberra Hospital it is 84.7 per cent. In every single category it is well ahead of the national average. This hospital is not a hospital in crisis in the emergency area; it is a hospital that is doing very well according to an independent survey by the Australian Council on Healthcare Standards, which assesses these things.

What happens in terms of outcomes, which is much more important? We are interested in patient care; so what happens in terms of patient care? For patients with head injuries undergoing craniotomy within four hours of presentation to emergency the national average for hospitals with more than 500 beds, so we are comparing like with like, is 16.9 per cent. For the Canberra Hospital it is 24 per cent, once again getting well ahead. For patients admitted with cervical spine injury which was not the recorded diagnosis of the emergency department—that is, undiagnosed—the national average is 8.6 per cent. In every case at the Canberra Hospital such a patient has been recognised; in other words, zero per cent, which is a big improvement on the national average.

That is just the emergency area. I will give one more example because I think it is really important to do so. I refer to the intensive care unit. Anybody who says that the Canberra Hospital has been in crisis recently would have to point to an area and the area you would have to point to would be the intensive care unit. The indicator for the comparison by the independent Australian Council on Healthcare Standards is of the appropriate patients referred to the ICU who were not admitted because of inadequate resources, for example, not having adequate nursing staff at the time and so forth. What was the national average? It was 5.6 per cent. What was the result for the Canberra Hospital? It was more than 10 times better at 0.5 per cent. Good on you Canberra Hospital! Good on you emergency! It is a great hospital. It is not in crisis and we have a great public health system.

That does not mean, Mr Wood, that we cannot do better. The situation you have raised is totally unacceptable and we are working on it. We are bringing the waiting lists down and we are bringing waiting times down. That is why we put these issues out to tender and we are going to keep improving on it so that we do not get the sorts of circumstances that you have raised.

MR WOOD: I have a supplementary question. Mr Moore was going to address the particular case, which raises the point for me that I do not think the hopeful patient that I was talking about would be impressed by that. How many other people on these waiting lists are of that order?

MR MOORE: Mr Wood, after question time, I will table for you the sort of information that you want, as I table constantly information on waiting times, so that you can see how people in category 1, category 2 and category 3 get taken care of.

Let me contrast the way that you approached the hospitals and the way that a former colleague of yours approached the hospitals. Many of you will remember Ms Annette Ellis when she was here in this chamber. One of the things that she did not do was just take a totally negative approach. In fact, when she chaired the Committee on Social Policy—Mrs Carnell was on the same one—she took a broad view and moved in a positive way to see what she could achieve as a member and was very successful in doing so. She wrote the following letter to me recently on behalf of a constituent whom many of you will know:

I recently received a letter from ... who advised that his friend...was taken suddenly ill and consequently hospitalised in Canberra during January/February of this year.

Ms Ellis attached a good news letter about how fantastic the Canberra Hospital is. Her letter continued:

...who is elderly required extensive treatment and nursing care while hospitalised—

the friend—

has asked me to pass on his praises to you and the medical and hospital staff who provided “first class” care and treatment to ...

I understand that...has since made a speedy recovery and is reunited with her family and friends in Victoria.

Ms Ellis was gracious enough to pass that on. She recognises that we have a fantastic hospital that is delivering extraordinary service.

I wish that those opposite who are so negative would sometimes recognise the extremely good things that go on in the 500,000-odd occasions of service that occur each year in the public health system in Canberra. Mr Wood, there is that example. As I said, we will work to improve on that and make sure that it does not happen, but when you have 500,000 occasions of care in a system like this one there are going to be mistakes made and there are going to be problems occurring.

In the past, the approach has been to cover them up. One of the very first things I did as minister was to appoint Ms Fiona Tito to make sure that we did not take that approach. Both the Chief Minister and I have been vigorously ensuring that privilege is available to doctors committees to make sure that they also do not take that approach, that what they

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do is say that a particular mistake has occurred and ask themselves what they can do to improve the situation and make sure that that sort of thing does not happen again.

MR SPEAKER: Before I call Mr Corbell, I would like first of all to recognise the presence in the gallery of some students from MacKillop Catholic College who are conducting a youth parliament workshop catch-up. Welcome to your Assembly. Secondly, I draw attention to the fact that we have had so far four questions in 35 minutes. I would ask members on both sides of the house to be aware of that.

Housing—Red Hill

MR CORBELL: My question is to the Minister for Urban Services and only requires a simple answer, Mr Speaker. Minister, yesterday a majority of the Assembly passed a motion recommending that you direct the Planning and Land Management Group to review the Territory Plan as it relates to variation No 114 to provide a development intensity of no more than one dwelling on any block in the old Red Hill housing precinct. Minister, will you now outline to the Assembly how you intend to comply with this recommendation of the Assembly on eliminating dual occupancy in the old Red Hill area?

MR SMYTH: Mr Speaker, the motion that was passed asked me to review that decision, and we will review that decision.

MR CORBELL: I have a supplementary question. Can the minister explain to the Assembly the timetable for the review and when he expects to report to the Assembly on this matter?

MR SMYTH: Mr Speaker, as the motion was passed only yesterday, I have yet to inform PALM of that decision. They are aware of it informally. I will inform them formally. When the review is done, I will report to the Assembly.

Australia-Israel Chamber of Commerce Trade Mission

MR KAINE: Mr Speaker, my question, through you, is to the Chief Minister and is a follow-up to the question I asked yesterday about some documents that were placed on the table by the Chief Minister, which she claimed to be a report from a staffer on overseas travel that cost nearly \$13,000. As part of her response yesterday, Mrs Carnell, amongst other things, referred to the fact that Senator Kate Lundy was also on this trip. I am not too sure what relevance that had to the expenditure of nearly \$13,000 of ACT taxpayers' money, but she did make that reference.

Given that she noted that, I am sure that she is aware that there is a genuine report, an acceptable report, by Senator Lundy on her trip which is available for all to see on Senator Lundy's website. I am sure that the Chief Minister would be aware of that. Since the Chief Minister would be aware of it, would she agree that, in contrast to the stack of photocopied rubbish cobbled together by her staffer to try to justify his end-of-job junket, that which she tabled in the Assembly, Senator Lundy's report is a serious attempt to inform the community about high-tech innovations overseas and what she gained in the taxpayers' interest from her trip overseas?

MS CARNELL: Mr Speaker, I make the point clear again: I am very happy with Mr Harris' report. It achieved the outcomes that I wanted. Also, I am very pleased with the verbal briefings that he has given and the input that he has already had to some very important announcements that I will be making on the future of electronic service delivery of government in the very near future.

MR KAINE: I note the Chief Minister's continued defence of this document. It follows from the fact that she said also on Tuesday, "Whether my staffer's report is appropriate or lives up to my expectations"—her expectations—"surely, Mr Speaker, is a decision for me."

Ms Carnell: Yes.

MR KAINE: Yes. But it says something about the Chief Minister's standards, does it not? Mr Speaker, as a supplementary question to the Chief Minister, I ask: if I table a copy of Senator Lundy's report, which I doubt that the Chief Minister has taken the trouble to read, will she take it as a sample of a high-quality overseas travel report that she might refer to her staffers in future as a model when they put in their reports to justify the expenditure of considerable amounts of public money? I seek leave to table the report for the Chief Minister's education, Mr Speaker.

Leave granted.

MS CARNELL: Kate Lundy and I have had many discussions on this issue because it is something in which we are both very interested. I am more than happy to look at Kate's report. In fact, I regularly look at her website because it is a very good one, I would have to say. It is one of the best parliamentary websites in Australia. I think a couple are better, but it is really in the top few. I am sure that we all spend a lot of time making sure that we keep up to speed on these things.

Mr Speaker, I come back to the view here that Mr Harris is a very competent staff member. His input to government and to policy development in this area has been exemplary. I make the point for Mr Kaine's benefit that I think that attacking staff members in this place is terribly inappropriate.

Mr Kaine: I'm attacking you, Chief Minister. It's your standards that I'm attacking.

MS CARNELL: I am very happy for you to attack me, but I think that it is unacceptable to attack staff members in this place. I believe very strongly, as do other members of the government, that our staff are part of the team. They are not lackeys who just do the work and we get on with the trips. They are very much part of the team. Their input to policy and other sorts of areas is incredibly important to our government. I know that all of our staff have played that role.

Mr Harris is certainly not the only staff member who has travelled overseas or travelled interstate on behalf of the government. My chief of staff regularly goes to conferences round Australia on financial reform and outputs-based budgeting. In fact, he regularly speaks at those conferences because he is regarded as one of the leading experts in that area. Mr Speaker, I am proud of my staff, very proud of my staff. They would not be

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doing what they are doing if I was not. They are part of the team and I have to say that we are all as good as each other.

Palliative Care

MR OSBORNE: I have a tear in my eye after hearing that. My question is to the Minister for Health and Community Care, Mr Moore, and relates to after-hours palliative care. Minister, could you inform the Assembly of the services currently available for after-hours palliative care for people in their homes? Do you intend to continue a commitment to a discrete palliative care evening service? If so, will it be staffed with trained specialists, as it is now?

MR MOORE: I thank Mr Osborne for that series of questions. I had a brief come across my desk this morning on this very matter. In fact, I showed it to the Chief Minister because the brief dealt with a series of assertions that had been made by Mr Stanhope on WIN Television with regard to this matter. It pointed out to me the errors in what Mr Stanhope had said. I can only describe what he said in a very short statement, I must say, as being patently false.

Let me give some details about the integrated health care program's home-based palliative care service. Any changes being made to the home-based palliative care service are purely administrative and are driven by organisational change. No client will be disadvantaged by these changes.

The integrated health care program recently moved into a three-region management structure which brought the palliative care team under the central team. Home-based palliative care services are currently being reviewed to examine work practices and the staff skills mix in light of recent staffing changes which have occurred in the service.

The review is to ensure that the services provided by the home-based palliative care team are consistent in their quality with other services operated and offered to members of the ACT public by the integrated health care program. Mr Osborne will recall that when I tabled *Setting the agenda* I was seeking to improve integration all the way through, and that is what I am continuing to seek to do.

The clinical nurse consultant of the home-based palliative care team is on extended leave and the position has been backfilled. The duties have been changed in order to make this position consistent with that of the other clinical nurse consultants in the program. Indeed, the person on leave wrote to me personally about some of these issues and I have responded to her. I have told her that I will monitor the situation carefully and seek briefings from the department to ensure that the best palliative care services are delivered to as many people as possible within the ACT. I am continuing to do that, which is why the brief was on my table this morning.

The consultants that I am talking to are registered nurses, level 3, and have responsibility for staff education, staff training and a small clinical load. These positions are clinical positions; they are not management positions. The nurse coordinator and the manager of the central team have adequate managerial skills and experience to oversee the delivery of all nursing and multidisciplinary services to clients in the region.

Rotation of other integrated health care staff through the home-based program will ensure that the specialist skills and knowledge held by the nurses within the home-based program can be shared with other community nurses. This is to ensure that clients requiring long-term palliative care services who do not wish to avail themselves of the specific home-based service can be cared for at home and will not require a transfer to acute care facilities for ongoing support.

MR OSBORNE: Mr Speaker, I will probably need to look at that answer in *Hansard*. It is an issue that I have been following. I do not know whether Mr Moore was the minister when I raised it first; it might have been Mrs Carnell. Minister, you said early in that prepared piece that no client would be disadvantaged. Could you tell me who actually said that? Have you consulted patients under the current system or their families about what they actually wanted?

MR MOORE: What we are doing is ensuring always that patient care is priority one. When I have checked with Community Care and asked for a briefing as I have expected a question of this nature, the information provided to me has been that no client would be disadvantaged by these changes. I am, in turn, passing that on to you in good faith. No doubt you know the particular officer involved and I would be very happy to provide a further briefing on any detail to you, Mr Osborne.

Not only is it a case of no patient being disadvantaged, but also the reason we are going through management changes is to ensure that we can reach out to many more patients than were being reached by the home-based palliative care service. There is no doubt that the home-based palliative care service was providing an excellent service. The question, though, was whether that service was being delivered in an optimal way to as many people as possible. Of course, we are always trying to ensure that that is the case.

Let me reiterate for Mr Osborne or any other member of the Assembly that I would be very happy for the manager of this area of Community Care to provide a briefing and answer questions, especially since we are going into a long period of recess. If there is a situation where a client appears to be disadvantaged, we will deal with that.

Finally, Mr Osborne asked me whether there was consultation with the community on that. This is about a management restructure. Normally, there would not be the involvement of the community in what is simply a restructuring of the way something is managed.

Belconnen Milk Depot

MR RUGENDYKE: My question is to the Treasurer, Mr Humphries. Minister, could you please give the Assembly an update on the Belconnen milk depot land? I understand that the sale of this property was to fund payouts to milk vendors who decided to relinquish their home delivery runs in the deregulated milk industry. Was it the intention of the government to sell that block before 30 June? When is it planned to go to auction? What return do you expect to receive from the sale of that block?

MR HUMPHRIES: I thank Mr Rugendyke for that question. It certainly was intended that the proceeds of the sale of that site, or at least the value of that site, would be used to be able to fund the scheme to pay out or buy out milk vendors who wish to exit the

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industry. However, as Mr Rugendyke and other members will know, the auction where the milk runs were being sold occurred something like six weeks or two months ago and it was not possible to sell the Belconnen depot before the point at which the auction took place.

What has happened is that the infrastructure and asset management area of my department has effectively internally purchased the site from the Milk Authority and paid the Milk Authority the money for the value of that site, which the authority has then used to pay for the buyout packages for those vendors who wish to get out of the industry. The sale from the point of view of the vendors has already occurred, but the actual sale of the site in the sense of on the open market will not take place until September, and there will be advertising of the property and so forth before September.

The reserve set on the site will not be released before the auction, as is the usual case. In a sense, the vendors have already had the benefit of the value of that site, but for the depot land itself, which, as I understand it, is going to be amalgamated with some other government land next to it to get a better value for the whole site, that particular part of the process will not occur until September.

MR RUGENDYKE: I have a supplementary question. Minister, has the government received expressions of interest or offers for the land? If so, what is the nature of these approaches?

MR HUMPHRIES: I am not aware of the nature of any offers or expressions of interest, but I will undertake to find out and get back. Given the nature of the recess we are about to enter, I might get back to Mr Rugendyke directly on that question.

Northbourne Avenue Roadworks

MR BERRY: My question is to the Minister for Urban Services and relates to a constituent's complaint about noise from government works, on my understanding of it. Minister, over recent weeks there have been some disruptive roadworks on Northbourne Avenue. Most people accept the need for these works and cooperate with construction teams, as required. However, last weekend, I am informed, work started at 7.30 am on Saturday and continued all day and through the night until 10.00 am on Sunday. This work included the use of heavy and loud machinery, which made sleep nearly impossible for those living along Northbourne Avenue. Some of them are public housing tenants, of course.

Why was this allowed to happen? Did it conform with the environmental laws at the time? Normally, people are not allowed to make this sort of noise in the middle of the night. The real issue here is that, whilst residents like to help out and be as cooperative as possible, it would have been nice for them to have been notified. Will you guarantee that notification will be given to these residents or any other residents, for that matter, that are affected by government works? Will you at some time advise this Assembly how you intend to make sure that there is no recurrence of this sort of disruption?

MR SMYTH: Mr Speaker, I will have to take the bulk of that question on notice and check the details as relayed by Mr Berry. When we do roadworks we endeavour to keep the impact on the community to a minimum. For instance, in the resealing program

earlier this year, we put out flyers saying that the roadworks were coming, how long they would take and what was the expected timeframe.

With regard to Northbourne Avenue, it is easier on some of the major roads to do the work across weekends so as to reduce the impact on the workday traffic; but, by the same token, we should not be disadvantaging residents. I will have to check the details of that.

Crime Rates

MR HARGREAVES: Mr Speaker, my question is to the Attorney-General. Minister, yesterday your office issued a press release attacking my claims that crime has increased. In your press release you said that in 15 categories of crime identified by the ABS, the ACT came under the national rate in 11 areas. However, when you consider the size of the ACT compared with the states, those statistics are alarming. Minister, on page 108 of the crime report, in 10 of the 14 categories the ACT has had an increase. There has been an increase in 10 of the 14 categories.

I am not sure which planet you are on, but in the ACT assault, property theft, motor vehicle theft and unarmed robbery are just a few of the areas that have increased under your stewardship. Indeed, on that same page, according to the national rate, which is what you were comparing it against, property theft is significantly higher than the national average and motor vehicle theft is again significantly higher than the national average. Minister, looking at these statistics, do you not agree that the ACT does have a significant crime problem and that your press release is nothing but spin doctoring and a misrepresentation of the truth?

MR HUMPHRIES: I made it quite clear in my media release and in the comments that I made on the radio that I was not for one instant trying to dress up or excuse the figures from the ABS which were released yesterday. I said then, and I say again now, that the figures on crime are unacceptable and that this government is determined to make sure that we do something about those figures. I should point out that the figures are not a surprise to us, because the figures represent a snapshot of the 1999 calendar year; they are the figures available for that year.

Obviously, week-to-week crime figures from the Australian Federal Police have already alerted us for some time to increasing crime in those property-related areas of car theft and home burglary. That is why members will have heard about the efforts that have been made by the Australian Federal Police, under the aegis of Operation Chronicle, followed by Operation Dilute, to address crime in those two areas, particularly in the area of home burglary. We are about to launch Operation Strike Back and Operation Handbrake to deal respectively with home burglary and car theft. Most importantly, of course, we have additional resources available in the budget to be debated this very afternoon to address those issues.

That is why that money is there, Mr Speaker; to address these very issues. I would have thought that it provided very considerable incentivisation for those opposite to consider breaking with the habit of the last five years and supporting this budget. Mr Speaker, you might think that of all the things in this budget, if Mr Hargreaves is truly concerned about crime, he will make sure that there is money there for that.

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I heard him say that the increase in crime in 10 categories was of concern considering the size of the ACT. What does the size of the ACT have to do with it? These are not raw figures; these are not just total numbers of crimes. These are crimes per 100,000 head of population. So what has the size got to do with it? Size is immaterial to the question. The rate of crime in the community is the relevant comparison.

There is no reason our rate should be any different necessarily because of our size. In fact, if anything, size is an explanation for why we are experiencing increasing crime rates. In fact, it is a reason that Mr Hargreaves drew attention to on the radio yesterday. He said that crime in New South Wales is being tackled effectively, which is forcing people to come to Canberra to engage in certain crimes, particularly, incidentally, car theft and home burglary.

You would have thought that was a reason, an explanation, as to why we have experienced an increase in those four categories of crime and why we are at the highest end of the league table, if you like, nationally in that respect. It is not, as Mr Hargreaves put it in his very erroneous press release, because the government has been sleeping and not paying attention to these issues, but rather for the very reason that he volunteered in his remarks yesterday—that people are coming to the ACT from interstate, particularly from Sydney, and are targeting the ACT.

We need to harden that target. That is why we have certain measures in this budget including, I might point out, the crime prevention matters which members opposite have had some problem with. You need to spend money in those areas because that is going to provide a real hardening of the target in this town for people like car thieves and burglars. The fact remains, however, that Mr Hargreaves' press release was sheer hysteria, comparing—

Mr Hargreaves: Ha, ha!

MR HUMPHRIES: I will put this to the people in this place to consider: Mr Hargreaves compared Canberra with New York. I am sorry, if that is not scaremongering and if that is not hysteria, what is? Canberra with New York! Please! A study of national capitals released only last year, I think, by the British Home Office found that Canberra was the safest city of all that they surveyed all round the world. Mr Speaker, that is still true. I have no doubt that that is still true.

To compare Canberra with New York is to do a grave disservice to this community and is the sort of thing that no member of this place ought to engage in. The fact is that, of the 15 categories of crime referred to in that ABS report, in only four were we above the national average. In 11 of the 15 categories we were below the national average for the rate of crime. We were the lowest in Australia in a number of categories, including sexual assault. Mr Speaker, in the area of property crime you can see why there has been an increase. It is because of the targeting of the ACT by interstate thieves in particular. I am going to do something about that situation, Mr Speaker.

Mr Stanhope: When?

MR HUMPHRIES: Today, this very day. At about 8.30 this evening—it may be about 1 o'clock tomorrow morning—or whenever it may be—

Opposition members interjecting—

MR SPEAKER: Order, please! I would hope that all of you would like to be here to vote on the budget. Do not push your luck.

MR HUMPHRIES: Thank you, Mr Speaker. At about 1 o'clock this morning or something like that—

Mr Berry: That is the only way they are going to get it passed.

MR SPEAKER: I warn you, Mr Berry.

MR HUMPHRIES: I will be putting up my hand then and voting for this budget, to put another \$10 million into policing in this territory. What are you mob going to be doing at that time?

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

MR HARGREAVES: Yes, thank you, Mr Speaker. I will not take four minutes to ask the supplementary question and I would ask you to enforce that on the response, please. My supplementary question to the minister is: given that in 1995 there were 1,389 assaults in the ACT and that they had risen in 1999 to 1,672, what do you say to the little old lady who was knocked to the ground and had her handbag stolen in broad daylight in Furzer Street, Phillip, the other day, or the single mother who had her car stolen from her front lawn in Page, or those people who only recently have been assaulted in their own homes by burglars? Minister, what do you say to them?

MR HUMPHRIES: We are now on the law and order bandwagon, are we? I seem to recall Mr Hargreaves making comments a few months ago about how we should be throwing these hardened criminals in jail and throwing away the key at the same time or comments to that effect.

Mr Hargreaves: I have been Gary-ed again.

MR HUMPHRIES: No, I quoted you in the house at the time, Mr Hargreaves. Go back and check the record and you will see what you had to say. If you want to go into that sort of hysteria about Canberra being something like New York, go right ahead and do it. You know that Canberra is nothing—

Mr Hargreaves: While you slept.

MR HUMPHRIES: If you listen to the answer, instead of interjecting, you might learn something, Mr Hargreaves. You know that what you have had to say is about scaremongering.

Mr Hargreaves: You have done nothing.

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MR HUMPHRIES: It is about frightening those little old ladies into thinking that if they go out of their house they are going to get knocked over in the street.

Mr Hargreaves: You have done nothing.

MR HUMPHRIES: The fact is that they are safer in Canberra than they would be in virtually any other capital city in this country. They are safer here than they would be in any other place and you are doing a considerable disservice to your community by running around in that way, making those comments.

Mr Hargreaves: You have done nothing.

MR HUMPHRIES: Mr Hargreaves has spoken throughout my remarks and has not listened to a word I have had to say, apparently. All I can say is that it is a very sad day. I suggest to Mr Hargreaves that he go back and read what Mr Connolly, my predecessor as Attorney-General, had to say about using crime figures in this town. Look at what he had to say about that.

Mr Stanhope: To whom did he say it?

MR HUMPHRIES: It was advice which was very sensible and advice which, I have to say, I took.

Mr Stanhope: Oh, you took it?

MR HUMPHRIES : Yes, I did. I suggest that Mr Hargreaves go back and read what Mr Connolly had to say about that, because he had very salutary words to say about the way in which those figures can be twisted and distorted.

Incidentally, I suggest that if you examine the rate of increase of crime between 1991 and 1995 and between then and now you will find that the comparisons are not necessarily very favourable to your former government.

Mr Hargreaves: I don't think so.

MR HUMPHRIES: Go back and check those out and then come back and see whether you really want to run around holding up figures.

Mr Hargreaves: Just have a look at them.

MR HUMPHRIES: Those figures do not go back to 1991. Go and check the 1991 figures and make a comparison of how they work out, Mr Hargreaves, and you might be very surprised.

Narrabundah Long-stay Caravan Park

MS TUCKER: My question is to Mr Smyth as the Minister for Urban Services. Mr Smyth, you may recall the petition presented to the Assembly this morning calling on the Assembly to support the purchase of the long-stay caravan park by the present longstanding caretaker. I understand from discussions with that caretaker that he

understands the ACT government's initial intent was to have Koomarri purchase the park and that the government has indicated that it wants the best outcome for residents, including Koomarri's clients. In the meantime, the caretaker has pursued the option of purchasing the park himself and in March of this year the caretaker put a proposal of cooperation to Koomarri. More recently, he proposed the development of a memorandum of understanding with Koomarri. Can the minister advise the Assembly what stage has been reached in the government's negotiations on this matter?

MR SMYTH: Mr Speaker, discussions with Koomarri are still progressing. I am not aware of the discussions that Mr Eskrigge has had with Koomarri. As soon as we have reached a position, which will not be far away, I will be making an announcement on the caravan park.

MS TUCKER: I have a supplementary question. I did not understand from your answer whether you have actually met with Mr Eskrigge. Could you clarify that?

MR SMYTH: I have, yes.

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

Canberra Hospital—Intensive Care Nurses

MR MOORE: Mr Speaker, yesterday Mr Corbell asked me a question with regard to nursing and double shifts at the Canberra Hospital. I am delighted to be able to bring an answer to the Assembly. The question was about how many double shifts nurses have worked in the last four weeks and how many of them were done in the ICU. Remember the good news I told you about the ICU; just keep that in perspective.

Between 25 May 2000 and 27 June 2000, 97 double shifts were worked by nurses at the whole of the Canberra Hospital. Of this total, 39 or 40.2 per cent were worked in the ICU. However, to put it into context, since 25 May 2000 there has been a total of 11,563 nursing shifts worked at the Canberra Hospital. The total amount of double shifts there accounts for less than one per cent—0.84 per cent—of the total nursing shifts worked in that time.

Contact with other major teaching hospitals has indicated that, for this time of year, this level is not aberrant. Another factor to consider is that if the patients require nursing care and other nursing staff or casuals, et cetera, are unavailable for the roster, the use of double shifts becomes necessary in the interest of patient care. Mr Corbell, we put patient care number one, as do the nurses who are working there and who are prepared to do these double shifts because they are about patient care.

PERSONAL EXPLANATIONS

MR BERRY: Mr Speaker, I would like to make a personal explanation pursuant to standing order 46.

MR SPEAKER: Proceed.

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MR BERRY: During question time Mr Moore reflected adversely on my period as health minister and misrepresented my position entirely.

Mr Moore: That is a matter of opinion and he is debating the matter, Mr Speaker. You can't debate the matter.

MR BERRY: I am not debating the matter.

MR SPEAKER: Not yet, you aren't, but I am watching.

MR BERRY: Mr Speaker, when Mr Moore reflects adversely on me again in future, I hope he lists these achievements and then compares himself to me.

Mr Moore: Mr Speaker, this is clearly debating the matter. If he is going to list his achievements, it is just debating the matter.

MR SPEAKER: Get on with it. Yes, you are now pushing your luck, Mr Berry. Be careful. This is a personal explanation.

MR BERRY: This is. I was misrepresented, Mr Speaker. He compared his period as health minister with mine, and he misrepresented the position. If you do not want me to put it on now, I will put it on later.

Mr Moore: Mr Speaker, on a point of order: standing order 46 is very clear. Such matters may not be debated.

MR SPEAKER: No, Mr Berry, you can do that on the adjournment if you wish.

MR BERRY: I can do it now, Mr Speaker.

MR SPEAKER: It is not a personal explanation.

Mr Moore: You know that Mr Berry always pushes the standing orders. It is quite clear. Sit him down, Mr Speaker. Sit him down.

MR SPEAKER: I know. He certainly does, and he likes pushing this one.

MR BERRY: What, when you are attacked personally you can't respond—

MR SPEAKER: You may explain matters of a personal nature.

MR BERRY: This is very personal. It is very personal. I was the one who was under attack.

Mr Moore: Even if he was he can't debate it.

MR BERRY: I was the one who was under attack. So, Mr Speaker, I will go on with the list of achievements.

MR SPEAKER: No, you will not. You will sit down. You may explain matters of a personal nature.

MR BERRY: I thought it was pretty personal.

MR SPEAKER: Not a litany of so-called successes.

MR BERRY: I thought it was a personal and vindictive attack. I will address it later.

MR SPEAKER: You are entitled to that opinion, of course.

MR STANHOPE (Leader of the Opposition): I seek leave to make a personal explanation, Mr Speaker, pursuant to standing orders.

MR SPEAKER: Very well.

MR STANHOPE: Mr Speaker, this morning the *Canberra Times* ran an article on the front page with a banner headline saying "Stanhope may save Carnell". Mr Speaker, that is an outrageous defamation of me. I have been shunned in the street. My colleagues have threatened to lock me out of the caucus room. I can't show my face in public, Mr Speaker.

MR SPEAKER: Order! Put that sign down, Chief Minister.

MR STANHOPE: I cannot show my face in public, Mr Speaker

MR SPEAKER: I spoke to you, Mr Stanhope.

Mr Corbell: I raise a point of order, Mr Speaker. I ask you to remind the Chief Minister of the standing order about signs in the chamber.

MR SPEAKER: Thank you. I have drawn attention to that.

Mr Humphries: Is there a standing order about signs? I don't know any standing order about signs, Mr Speaker.

Mr Corbell: There is a ruling, Mr Humphries, as you are well aware.

Mr Humphries: Is there? All right.

QUESTIONS WITHOUT NOTICE

Belconnen Milk Depot

MR HUMPHRIES: Mr Speaker, I took a question from Mr Rugendyke in question time and I want to add to my reply. I said that there have been two inquiries about purchasing the milk depot. Neither inquiry has resulted in a change of heart on the part of the department that we ought to auction the site in September or possibly November, depending on how the market is read. I have also been advised that the valuations of the

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depot have suggested now that it is best to sell the depot alone rather than amalgamate it with the adjacent site.

**AUTHORITY TO BROADCAST PROCEEDINGS
Paper**

Mr Speaker presented the following paper:

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8—
Authority to broadcast proceedings concerning the debate on the Appropriation Bill
2000-2001 for Thursday 29 June 2000, dated 29 June 2000.

**PUBLIC SECTOR MANAGEMENT AMENDMENT LEGISLATION—EXPOSURE
DRAFT
Paper**

MS CARNELL (Chief Minister) (3.41): Mr Speaker, for the information of members, I present the following paper:

Public Sector Management Amendment Bill 2000—Exposure draft—Public Sector
Management Amendment Bill 2000 and explanatory notes to the Bill.

I move:

That the Assembly takes note of the paper.

Mr Speaker, I ask that my tabling statement be incorporated in *Hansard*.

Leave granted.

The tabling statement read as follows:

Mister Speaker, I am pleased to table an exposure draft of the Public Sector Management Amendment Bill 2000, which proposes a new legislative framework for discipline, inefficiency and review arrangements in the A.C.T. Public Service.

Mr Speaker, since the creation of the separate A.C.T. Public Service, the *Public Sector Management Act 1994* has tied the A.C.T. Public Service to a system of review of employment related decisions under the Commonwealth *Merit Protection (Australian Government Employees) Act 1984*. Similar links existed for staff employed under the *Fire Brigade (Administration) Act 1974*. Last year the Commonwealth repealed the Merit Protection Act and introduced a new system of review as part of the introduction of its new Public Service Legislation.

Last year, I introduced amendments to the Public Sector Management Act and the Fire Brigade (Administration) Act to preserve the existing review systems notwithstanding the repeal of the Merit Protection Act. However, as

I made clear at the time, these were interim arrangements that would operate only until 31 December 2000. It is time for procedures that reflect our own public sector environment.

Mr Speaker, at the time I introduced the interim arrangements I said further amendments would be needed to achieve an A.C.T. Public Service framework for the review of employment decisions. The proposed legislation would deliver on that commitment.

Mr Speaker, the proposed Bill will provide a system of fair and open review arrangements that both maintains public service standards and provides staff with appropriate review rights. Staff will have the right of review of employment-related decisions by Chief Executives, with a second tier review right on procedural grounds to the Commissioner for Public Administration.

When the A.C.T. Public Service was established, the Public Sector Management Act carried over the old Commonwealth system of handling disciplinary and inefficiency problems. This system had evolved through the 78-year history of the Australian Public Service. While this was a good transitional arrangement as staff moved from one public service to another, it has outlived its usefulness. It is outdated, overly legalistic, complex and entirely inappropriate for a modern workplace. The fact that the Commonwealth itself has introduced a new framework must tell us something.

In the current round of enterprise bargaining, our own public service staff have also voted with their feet. They have indicated that they prefer systems that they can understand. As a result, streamlined discipline, inefficiency and review processes have been incorporated into Certified Agreements that displace the Public Sector Management Act provisions.

Mr Speaker this proposed legislation would replace the old discipline and inefficiency arrangements with a new system that is simpler, less legalistic and focuses on the practical resolution of issues at the workplace level. The proposed changes reflect the principal elements of the arrangements that have been agreed with staff and unions under enterprise bargaining across the A.C.T. Public Service.

The agency Certified Agreements that deal with these issues would continue to apply where they are inconsistent with the proposed new legislative provisions.

Therefore, the proposed arrangements would apply only where an agency has not specifically inserted new discipline and inefficiency arrangements in Certified Agreements.

In future rounds of bargaining, staff may prefer to fall back to the provisions in the Act. While there should be capacity to build in local variations to reflect local operational and industrial conditions, it is hard to accept that such arrangements should necessarily apply across the Service.

Mr Speaker, the legislation would also amend the Fire Brigade (Administration) Act to apply the proposed new A.C.T. Public Service arrangements for discipline, inefficiency and review of employment related

decisions to staff of the Fire Brigade. The historical arrangements where Fire Brigade staff have different discipline and review arrangements to the rest of the A.C.T. Public Service is no longer necessary. Local operational issues can be dealt with under enterprise bargaining arrangements as has occurred in other agencies.

Mr Speaker, in summary, the main objectives of the proposed legislation are:

- to put in place an effective right of review that does not rely on repealed Commonwealth laws, and to do this before the interim arrangements expire on 31 December 2000;
- to ensure a balance of employees' rights and the public interest in achieving a fair and more responsive system for the handling of disciplinary and inefficiency cases;
- to introduce a simplified two tiered review process, with a greater focus on departmental responsibility for ensuring fair decisions but also establish a procedural review role for the Commissioner for Public Administration;
- to streamline review mechanisms for termination decisions so that review is sought only under the Federal Workplace Relations Act;
- to specify arrangements to ensure a smooth transition in regard to disciplinary or inefficiency cases already on foot; and
- to apply the amended discipline, inefficiency and review framework under the Public Sector Management Act to staff employed under the Fire Brigade (Administration) Act.

The proposed legislation would set out the responsibilities and authority of Chief Executives as well as the rights of A.C.T. Public Service employees. Procedural and administrative arrangements would be kept to a minimum. Further procedural guidance would be provided through the Management Standards under existing provisions in section 251 of the Public Sector Management Act.

Mr Speaker, the proposed legislation would also deal with some necessary technical changes to the temporary employment provisions under the Public Sector Management Act.

Under the Act, Chief Executives cannot engage temporary employees for a fixed period longer than five years. A recent decision in the Australian Industrial Relations Commission included provision for part-time apprenticeships of up to six years. The changes proposed would bring the Act into line with the new Award provisions.

There is also a current restriction on the capacity to re-employ or extend the employment of temporary employees. This inhibits implementing a rehabilitation program under the *Safety, Rehabilitation and Compensation Act 1989*. Agencies are currently left with little option but to fund a rehabilitation program outside the A.C.T. Public Service. Therefore, the proposed legislation would amend the Public Sector Management Act to allow a Chief Executive to re-engage a former temporary employee for the specific purpose of undertaking a compensation rehabilitation program. The dispensation would not be extended to any other employment group. I think that Members will see the sense in these proposals.

Mr Speaker, provisions dealing with discipline, inefficiency and review systems currently take up about 40 prescriptive and legalistic pages of the Public Sector Management Act. Under the proposed legislation, the provisions would be dealt with in 16 pages of plain English.

Mr Speaker, while there has already been substantial consultation with staff on the issues covered in this Bill through enterprise bargaining negotiations, I am sure that Members, A.C.T. Public Service staff and unions will have views on the proposed legislation. That is why the Government has chosen to table an exposure draft before introducing the Bill during the Spring sittings.

However, it is important to remember that the existing provisions were carried over from the Commonwealth and that the Commonwealth and the majority of A.C.T. Public Service employees have now replaced them. The proposed legislation provides a safety net of rights and obligations in relation to discipline, inefficiency and review of decisions that is modern and relevant. Certified Agreements across the Service show that this style of procedure is acceptable to the majority of staff and unions.

Mr Speaker, I ask the Assembly to note the exposure draft of the Public Sector Management Amendment Bill 2000 and the Explanatory Notes to the draft.

Question resolved in the affirmative.

PRESENTATION OF PAPER

The following paper was presented by **Mr Humphries**:

1999-2000 Capital Works Program—Progress report—March quarter.

LAND RELEASES Paper and Ministerial Statement

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) :
Mr Speaker, for the information of members, I present the following paper:

Residential, Commercial and Community Land Releases in the ACT—2000-01—2004-05, dated June 2000, prepared by the Department of Treasury and Infrastructure.

I ask for leave to make a statement.

Leave granted.

MR HUMPHRIES: Mr Speaker, I am pleased to table details of the government's land release program for the financial years 2000-01 to 2004-05. The program covers residential, commercial and community land releases. For the next financial year blocks for 1,717 residential dwellings and 27 commercial sites are being prepared for release.

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Three community sites will also be sold. The program for next year gives significant emphasis to expanding the Gungahlin Town Centre. Four hundred additional residential dwellings will be released, as well as a second retail site and a site for a possible veterinary surgery/hospital.

A key milestone will also be achieved at the Kingston foreshore. The first land release on the site, for approximately 150 residential dwellings, is to be sold along Wentworth Avenue. This is the start of a 10-year program of land releases which, when completed, will see up to 1,900 new dwellings on the foreshore.

As a general principle, land will be released through open competitive processes. This is consistent with the ACT Property Advisory Council's advice in this regard. Open and restricted auctions will be used, although tenders may also be used for significant developments. The timing and number of releases will be determined by market conditions and market demands for additional land. Releases will be made in close consultation with the residential and commercial advisory groups. The work of these groups is essential in having the best possible market information across Canberra and Queanbeyan.

The document tabled today will be circulated to all community councils and LAPACs, and officers from treasury and infrastructure will also offer to consult with them on the program.

**ELECTORAL ACT—AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE
ASSEMBLY ELECTORAL BOUNDARIES REDISTRIBUTION 2000
Paper and Ministerial Statement**

MR HUMPHRIES: (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, I present the following paper:

Electoral Act, pursuant to section 54—Australian Capital Territory Legislative Assembly
Electoral Boundaries Redistribution 2000, dated 22 June 2000—Report by the
Augmented ACT Electoral Commission, dated 22 June 2000.

I ask for leave to make a statement.

Leave granted.

MR HUMPHRIES: I have received from the Augmented ACT Electoral Commission a report on the 2000 redistribution of the Legislative Assembly's electoral boundaries, pursuant to section 53 of the Electoral Act 1992. I am required to present a copy of the report to the Assembly under section 54 of the Electoral Act. Members will be interested to note that the augmented commission has determined that the major change to the boundaries is the transfer of Nicholls from Molonglo to Ginninderra.

PRESENTATION OF PAPERS

The following papers were presented by **Mr Moore**:

Health Regulation (Maternal Health Information) Act—Quarterly reports from approved facilities—January to March 2000 quarter.

Calvary Public Hospital—Information Bulletin—Patient Activity Data—April 2000.

The Canberra Hospital—Information Bulletin—Patient Activity Data—April 2000.

Health Services—Activity report comprising The Canberra Hospital, Calvary Public Hospital and ACT Community Care—Third quarter 1999-2000.

CANBERRA HOSPITAL Papers

MR MOORE (Minister for Health and Community Care) (3.45): Mr Speaker, I present the following papers:

Department of Health and Community Care—2000-01 ACT Budget—Government Payments for outputs for output classes 3.1, 3.2 and 3.3, June 2000.

The Canberra Hospital—Quarterly performance indicators—Copy of letter from Chief Executive, The Canberra Hospital to Minister for Health and Community Care, dated 29 June 2000, enclosing a report on quality indicators for The Canberra Hospital drawn from statistics provided by the Australian Council on Healthcare Standards.

Nursing Workforce Report—Department of Health and Community Care, dated 29 June 2000.

Steering Committee on Financial Management Reform Opportunities for The Canberra Hospital—Final Report prepared by Stephen Anderson Consulting Pty Ltd, dated 6 June 2000.

The Canberra Hospital—Public Funding for the Canberra Hospital—Department of Health and Community Care—2000-01.

I move:

That the Assembly takes note of the papers.

My purpose in tabling these papers is to begin to address what I see as an unfortunately low level of debate regarding the safety of the hospital. It is plainly an excellent hospital despite the destructive entertainment which some in this place and in the media take at the hospital's expense. The success stories largely outweigh the problem cases.

The performance indicator document relates to a number of important quality indicators which were measured during the course of the Canberra Hospital being accredited by the Australian Council on Healthcare Standards. This accreditation took place recently, using data from the July to December 1999 period. Mr Speaker, I referred to a number of those during question time. Do these indicators show, as Mr Stanhope has asserted, a hospital in crisis? Of course they do not. They show a high-quality hospital.

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I would like to mention two areas that are traditionally cited as concerns. In fact, I will not repeat these because I used those examples at question time. I will save time, but I suggest that members look at the answer at question time and look at the results that I have tabled.

The second document attempts to address the very false impression peddled by some commentators that this government has cut funding to the hospital. As the paper shows, the base budget for the hospitals shows 2.9 per cent of growth in public funding in 2000-2001. In addition, other services sought by the government are yet to be factored into the finances of the Canberra Hospital and other providers. These services, including the growth in needs funding increases and further funds for public elective surgery, are to be distributed during negotiations for purchase agreements.

Members will be aware that since January 1999 the hospital has been grappling with a significant problem of above budget expenditure. There have also been some revenue setbacks, with a decline in the number of patients using their private insurance. I have required, and also assisted, the hospital to bring this situation back under control. At the same time I have, in one important sense, limited their ability to repair the expenditure problem by applying one overriding requirement—that patient care must not be diminished. This government will, reluctantly, accept a delay in financial correction rather than let services be affected.

The third document I am tabling is the final report of Mr Stephen Anderson on financial reform opportunities in the hospital. Members will recall that in January 1999 I initiated a wide-ranging review of financial management at the Canberra Hospital. A key element of this review was the engagement of an external consultant, Mr Anderson, to provide expertise on reform opportunities in the hospital's financial systems. Quite clearly, in this area too, I have not been sitting on my hands.

A steering committee was established to oversee this process, consisting of a number of senior Canberra Hospital managers and representatives of the Department of Health and Community Care and ACT Community Care. For over a year this steering committee has examined the current management processes for both the expenditure and revenues within the Canberra Hospital and proposed directions to be taken over the short, medium and long term to address the practices and processes where improvements could be made.

Another key purpose of this process was to ensure that all managers at all levels within the Canberra Hospital became more aware of and responsible for the financial circumstances underlying their managerial decisions. The steering committee has recently had its final meeting, and Mr Anderson has provided a report on the outcomes of the matters discussed.

Overall, this has been a very important exercise. It has assisted the Canberra Hospital and the government greatly in the area of reforming the management of the hospital, and between the hospital and the government.

The final document is concerned with the nursing work force in the ACT. I have recently tasked the department and the hospitals to provide information on this work force, and I attached a draft set of questions in my letter to members. It has proved difficult to answer these questions in the time available, but the preliminary paper I tabled today should assist members to understand the issues. I plan to produce a more extensive analysis as soon as possible.

Mr Speaker, members will be aware that I have planned to host a summit on the topic of hospital funding on 20 July. Together with the AMA, I will be attempting to gather stakeholders together to exchange perspectives and, hopefully, find common cause in the advancement of our hospitals rather than see continuing public wrangling.

This government has adopted as one of its guiding ideas the concept of social capital, and I would like to briefly reflect on how this idea applies to the hospital. We all know that trust, cooperation and understanding, together with a willingness to set aside sectoral interests and prejudices, can contribute to achieving a greater outcome for all.

The history of the Canberra Hospital is, unfortunately, that in the past it has been plagued by an attitude of division into tribes, with all too little loyalty to the collective success of the institution. Each tribe—unions, doctors, administrators and clinical areas—in the past has often only seen the needs of their immediate area or direct interests. It is this culture which the current CEO, Mr Rayment, has set out to change, with my encouragement and with my support. Mr Speaker, I invite members to come with me in my efforts to improve this hospital rather than choose the opposition way of scoring points and damaging reputations.

I ask members this question: knowing my political background and my beliefs, is there anyone who does not believe that I really want the best possible public hospital system for the ACT? I subscribe to the view that a health system is much more than a hospital system. However, acute care hospitals will always be a necessary part of any health system, and, at least for the foreseeable future, they will represent the bulk of its expenditure. We need to place this system on a sensible basis, work to avoid needless disputation, and strive to maintain public confidence in these crucial public institutions.

Mr Speaker, some have suggested that I have been sitting on my hands. It is quite clear from the papers that I have tabled here that just the opposite is true. We have an extraordinarily good hospital. We are working to make sure that it is even better. I hope that the information that I am providing today helps in that task.

MR BERRY (3.53): Mr Speaker, there is just one matter I would like to refer to. I do not want to go into all the details. I have heard those speeches before. In fact, they could be a carbon copy of many. One of the issues that concern me is this call by Mr Moore for peace and tranquillity and goodwill between all for the betterment of the community. It is hard to accept that that is really what Mr Moore wants when you see the bumptious, arrogant attack on a doctor who criticised Mr Moore in relation to his hospital.

Mr Humphries: You have attacked a few doctors in your time too, Wayne, in case you have forgotten.

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MR BERRY: Mr Humphries interjects that I have attacked a few doctors in my time. Mr Humphries might want to reflect on this. When I revolutionised the way that negotiations could occur with the visiting medical officers there was a bitter dispute; but it was a bitter dispute that had to be had, and you people have profited from it because you can now negotiate on a better base when it comes to the visiting medical officers' contracts.

Mr Humphries: So sometimes you need to take on a doctor or two, don't you.

MR BERRY: Mr Humphries, you never took the heat when you were in government. It was a job that had to be done. It was an unpleasant job and it resulted in higher waiting lists, which Mr Moore attempts to reflect adversely on these days.

Mr Speaker, it was mentioned yesterday that I had defamed or had a shot at the doctors with the protection of this place. As a result, booking fees in the ACT were stamped out. Booking fees were an extraordinary imposition on ordinary working people in the community, so do not have a crack at me about the times that I have had a shot at doctors.

This is about Mr Moore's approach to hospitals and his attacks on doctors and so on. All of a sudden he has been drawn back to this peace and tranquillity argument because he is back on his heels now because a few people have risen up and criticised his management of the hospital system. Mr Moore was once a left-of-centre politician in the ACT who really wanted to give the appearance that he was concerned about the public interest. That has evaporated.

You can no longer make those claims, Mr Moore. You have joined the conservatives and you have moved with them to push people from the public hospital system into the private sector. There is no question about that. You moan today about declining incomes to the hospital from people with private insurance, yet people who come to your hospital with compensable injuries are taken away to the private hospitals. They are encouraged to go there. If I am not mistaken, there is still a position within your hospital where people with compensable injuries are encouraged to go into the private hospital system next door—the private hospital that Mrs Carnell built to encourage people with private insurance to receive treatment here. So don't give me any of that.

Mr Speaker, the area of health has always been troublesome for every minister who has ever handled it. There have been lots of claims on both sides about what is going on in the hospital, but do not get up in this place, Mr Moore, and say that you, all of a sudden, want peace and tranquillity. The only reason you want it is because you have been knocked back on your heels by criticism out in the community. It is a troublesome portfolio, but you have got a long way to go, Mr Moore, before you equal the achievements of others in this place. Before you boast about your own position, at least have the honesty to reflect accurately on the achievements of others. I will not go any further than that.

Mr Humphries: Oh, dear, Wayne! Please. I ate only two hours ago.

MR BERRY: I will go further than that, now that I have been provoked.

MR SPEAKER: We have a long evening ahead of us, gentlemen.

MR BERRY: Mr Speaker, when Mr Moore had a shot at me in question time he was quite smug in his attack, but when he can equal these achievements he will be able to be a little more smug. When Labor was in government and I was the minister we had taken over from Mr Humphries who had doubled the waiting list and had set the hospital system for the closure of one hospital.

One of the major achievements, as I mentioned earlier, was when I revolutionised the contracts for visiting medical officers. That caused the waiting list to go up. There is no doubt about that. It was a bitter struggle and it was not very pleasant, but it had to happen. The establishment of smoke-free areas legislation? Who did that? Yours truly. The establishment of the clinical medical school? Who did that? Yours truly. The establishment of the Mental Health Advisory Council, and then the re-establishment after that was dismantled by Mr Humphries? Yours truly. The implementation of then sorely needed mental health treatment and care legislation? The then Labor Attorney-General and I. The establishment of the hospice on Acton? Yours truly. That was wasted by this government without proper compensation from the federal government and three or four million dollars went down the gurgler.

There was provision for a clinic for pregnancy terminations in the ACT. That will not keep everybody happy in this place, but it keeps me happy, and a lot of my constituents. The abortion law reform in the ACT. That does not keep a lot of people happy, but it keeps my constituents happy and me happy.

Mr Corbell: And the majority of women in the ACT.

MR BERRY: Yes, and a majority of people as well. There was the establishment of the Health Complaints Commission. I will not bore you with any more, but when you can rack up a list like that you can come in here and criticise me.

MR MOORE (Minister for Health and Community Care) (4.00), in reply: It seems to me, Mr Speaker, that Mr Berry suggests that the reason why I have some problems is because I am feeling some pressure from a particular doctor who named himself, finally, under pressure, of course. He tried to be reported anonymously in the *Canberra Times* until such time as he realised that the *Canberra Times* knew who he was and that he would be named, which is when he identified himself.

That contrasts greatly with Mr Berry who, on 25 November in 1993, was busily naming visiting medical officers. He was talking about the visiting medical officers dispute. He was using the word “parasitic”, and a whole series of other words questioning their ethics and so on.

Mr Berry: Yes, yes.

MR MOORE: He says, “Yes, yes.” He does not even recognise the hypocrisy of what he is doing because he is quite proud of what he has done. I came into this place and tabled a report done by Dr Jeans’ colleagues. Then I drew the conclusion from that. In my opinion Dr Jeans’ colleagues demonstrated very clearly—I reiterate this, and I will reiterate it again and again—that the allegations made by Dr Jeans were patently false.

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Mr Speaker, the reason why I tabled these documents that you have before you is to demonstrate clearly to you that we have a hospital that is running extraordinarily well. Yes, there was a problem a couple of weeks ago because the hospital was under pressure, just the same as every other hospital in Australia comes under pressure sometimes. I have just tabled for you documents that show that in the intensive care unit area this intensive care unit is 10 times more successful than the Australian average in making sure they can take people when they are required to take people.

There is a whole series of these. I just use these as examples. The emergency area of the hospital, and every single category, is significantly better than equivalent hospitals in Australia. I am not talking about the range of hospitals, I am talking about equivalent hospitals. I am talking about hospitals with over 500 beds. I am talking about teaching hospitals. Mr Speaker, we have a fantastic hospital.

It is a good thing for Mr Berry to stand up there and say, "Look, I achieved all of these things." In respect of some of the things that he claims that he achieved, I agree; he did. I have always given him credit for bringing the smoke-free areas legislation into this Assembly. I sought, along with others, to modify it a little, and we may debate whether that was the best thing to do or not. I think it has allowed it, as I predicted it would, to go into pubs and clubs and also into restaurants, but that was at the fringe. Mr Berry did achieve that. Nobody can ever take that away from him, and it was a fantastic achievement because it led Australia in smoke-free areas. Mr Berry, I have to say, to your credit, that the AMA recently said that it is still the best legislation in Australia for smoke-free areas. It was through Mr Berry's efforts, my effort and the effort of the Assembly.

When the Royal Canberra Hospital and the Woden Valley Hospital were amalgamated, two different sets of nursing systems were put side by side instead of being integrated, and I think that started a cultural problem in that combined hospital. Now, with the wisdom of hindsight, we can look back and say what went wrong. I would have to argue that what went wrong there was that we missed an opportunity to start a brand new culture, to work carefully together to make sure that the nursing service understood where it was going, shared a vision of where it was going and established a brand new culture. It should have been obvious at the time that you could never do that by allowing some nurses to still identify themselves as Royal Canberra nurses and other nurses to identify themselves as Woden Valley Hospital nurses and put them in wards next to each other and so on.

That was an absolute disaster, Mr Berry, and that was one of your contributions that we are now trying to correct. The papers that are tabled before you will help you understand how we are trying to go about that. I think Mr Ted Rayment is being absolutely brilliant in going about the processes involved in changing the culture of the hospital.

I have to add one more thing on that. When I asked Mr Trevor Boucher to come onto the board and to help us bring about the change in culture in the hospital—that was approved by the Assembly—he said to me, "Michael, you have to understand that this is not going to happen instantly. Changing culture like this goes layer by layer and takes a long time. You have to understand that it is going to be maybe four or five years before you can implement that change in culture." Of course, my response was that we had better get

started. That is what Mr Boucher, the other members of the board and the chair of the board, Mr Peter McPhillips, are working on, along with the management of the hospital.

I would like to say in conclusion, Mr Speaker, that I have never used phrases like “those militant, greedy elements within the AMA”, as Mr Berry did on 24 November 1993, so do not talk to me about attacking people.

Mr Corbell: It is true.

MR MOORE: Mr Corbell now says that is true. And on ABC radio on 22 November Mr Berry said, “they are only interested in lining their pockets; they don’t care about the discomfort of patients. I mean, we are dealing with a different breed of people here.” There were many of those statements. Mr Speaker, when Mr Berry says to me that I have taken some unprincipled stands with regard to Dr Jeans, that is simply not the case. I presented the evidence of his colleagues and then I drew the conclusion, which I still stand by, that the evidence that his colleagues presented and the report that they did showed that the allegations that he made were patently false. The debate has concluded.

MR CORBELL: Mr Speaker, I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MR CORBELL: Mr Speaker, the minister just claimed that I indicated that I agreed with him when he said that he had never made such comments. My comment, “It is true,” referred to my agreeing to the quote of Mr Berry that he read out.

Mr Moore: I withdraw any imputation, Mr Speaker.

Question resolved in the affirmative.

APPROPRIATION BILL 2000-2001 **Detail Stage**

Schedule 1—Appropriations

Proposed expenditure—Part 5—Treasury and Infrastructure.

Debate resumed.

MR SPEAKER: Standing order 180 sets out the order in which this bill will be considered, that is, in the detail stage any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown. I remind members that we have previously agreed to consider schedule 1 by part, appropriation unit and departmental totals, then the clauses, prior to schedule 2 and the title. We are dealing with part 5—Treasury and Infrastructure.

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MR SMYTH (Minister for Urban Services) (4:09): Mr Speaker, before the luncheon recess we heard the usual glib lines from Mr Quinlan that we have not done well, we have not contributed anything to the success of the city, we have not contributed anything to the turn-around of the mess that the Labor Party left, that it is a good year to be Treasurer yet again, we have sort of fallen into this, and it is just good luck.

It is interesting that not everybody shares Mr Quinlan's opinion. I would like to read from parts of an article in the *Business Review Weekly* of 23 June of this year by Tom Skotnicki. It is curious what he says. The article reads:

Strolling along the streets of Canberra's premier cafe district of Manuka, it is hard to believe that just four years ago this was a city in deep trouble. Prosperous young professionals fill the restaurants, flowing out to the tables on the pavement, despite the notorious winter chill.

It is a transformation that has surprised many long-term Canberra residents. And the emergence of a brash new information technology (IT) sector, spurred by the Federal Government's outsourcing program, has created unparalleled opportunities.

Access Economics associate director Graham Matthews says the latest boom is helping the city grow. It now boasts a healthier combination of private sector and government employment and the population of more than 300,000 is once again growing. Unlike previous booms, this one is almost certainly more sustainable as a result of its reduced reliance on direct government employment. The classic measures of economic activity and prosperity are all improving, with retail sales rising, strong increases in residential and commercial building, low vacancy rates and the lowest unemployment rate in the country.

It is a far cry from late 1996, when Public Service cuts brought Canberra's development to a virtual halt, pushing unemployment above eight per cent and causing real estate prices to fall by up to 30 per cent. Yet the cuts have been responsible for the city's new prosperity, according to Matthews.

The article quotes examples of some of the IT firms that have come here. One of the commentators, Protocom's marketing manager, Maureen Holton, is reported in the article as saying:

It is quite unique in that it is more than just a government city. It really has a strong base in IT, with large numbers of skilled IT professionals in the private sector, government and education. With the encouragement of the Australian Capital Territory Government and Austrade, it has become a focus for the IT industry.

The article goes on to say:

The ACT Government, led by Kate Carnell, has certainly helped the revival by promoting a string of events that have attracted interest in the national capital. The decision of Impulse Airlines to base itself in Canberra, admittedly enticed by about \$10 million of concessions, was a coup. But Canberra will also host Olympic soccer in the revamped Bruce Stadium, and

early this month a round of the V8 car racing series in the parliamentary triangle attracted more than 100,000 spectators.

The city has also been helped by a revitalised National Gallery, the highly successful spring flower show, Floriade, and a newly established multicultural festival. The changing face of Canberra can be seen in the composition of its workforce: a decade ago it was 60 per cent government and now it is slightly more than 40 per cent.

It goes onto say:

In March, the ACT decided to promote its virtues in a one-day exhibition, to which it attracted 81 business leaders from around Australia. The key speakers were the Brazilian business guru Ricardo Semler and the president of the University of Limerick, Roger Downer. ACT business development manager Peter Gordon admits that few private-sector executives see Canberra as a real business destination. But, he says, there is too little appreciation of the strength of knowledge industries and the growing size of the consumer market. Incomes in Canberra are higher than the national average and there is a higher level of disposable income. He says the seminar showed that it is possible to change attitudes.

Mr Deputy Speaker, there are many articles like that. What we hear from the Labor Party is nothing but glib rhetoric. The reality is that the leadership of the Chief Minister, Kate Carnell, and the good fiscal management of this government have contributed to making Canberra the successful city that it is today and to the Treasurer being able to deliver a balanced budget.

MR CORBELL (4:13): Before I get to the substance of my speech, I should mention that I do not know what Mr Smyth said has to do with the Department of Treasury and Infrastructure. Nevertheless, I am sure that—

Mr Quinlan: It is the best speech he has ever delivered in the place.

MR CORBELL: Indeed, and he did not even write it. I thought that was a very good effort. Mr Deputy Speaker, in addressing the proposed expenditure of the Department of Treasury and Infrastructure I would like to focus on the changes to the Civic revitalisation program and in particular the policy to extend the waiver on stamp duty for residential units in the Civic area.

Members would be aware that the Civic revitalisation policy has been in place for a number of years and it currently provides for a stamp duty waiver on units of up to a quarter of a million dollars in value. However, the government has announced in this year's budget that it will be extending that waiver on a partial basis to units valued between \$250,000 and \$350,000. The government has indicated that this change applies to new and existing developments, but only to contracts for sale of residential property entered into on or after 20 December 1999.

I have a couple of concerns about this and I think other members in this place should also be concerned. My first concern is that this measure relates to properties purchased in the middle of this financial year. It relates to properties potentially purchased six months

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ago. Why are we retrospectively allowing someone who made a purchase decision as late as December 20 last year on a unit worth over a quarter of a million dollars to have their stamp duty waived? I would be interested in the Treasurer's response on this issue.

The Treasurer did provide some information during the budget examination, the estimates process, but I would be interested to hear his justification. I hope the Treasurer will take note of this point; I hope he will acknowledge this in his speech. I hope he will tell why we are retrospectively allowing people who purchased inner-city townhouses and units worth up to a quarter of a million dollars to have this stamp duty waived. Why are we doing that when the purchase has already occurred? It is not as though we are encouraging more sales, because this relates to contracts of sale entered into as late as 20 December last year. So we are not exactly providing an incentive for people to purchase, because they have already done that. So why on earth extend the waiver?

I would have thought that if you are going to use a waiver you would use it to encourage a sale or encourage economic activity in a particular area. But this is actually a waiver for people who have already purchased. It would be interesting to know just how many units are affected in that regard.

The other issue, which is just as important, relates to whether we should be providing an extension of the stamp duty waiver at all. This brings us to the broader question of the Civic revitalisation program. We certainly have not raised any significant concern about the exemption from the change of use charge for the Civic revitalisation program. Exemption from the change in use charge has enabled those buildings to be refurbished in order to bring activity back into areas of the city which were suffering. That is a sensible use of the waiver of CUC in a specific policy initiative aimed at achieving a particular outcome, and it is the only example I can think of where this government has used waiver, reduction or exemption from a CUC in a sensible way.

Generally this government's approach to the application of a change of use charge has been to say, "We will provide an exemption or a reduced rate at 75 per cent, and then one at 50 per cent, across the board. It does not matter where the development or redevelopment activity is occurring, we are going to give you an exemption. It does not matter about the quality of development, or the policy outcome, we are going to give you an exemption or we are going to give you a reduced rate." That is not the way you use a change of use charge. Indeed, it is important to acknowledge that the Civic revitalisation program is an example of the way we should be using a waiver or a reduced rate of change of use charge.

Stamp duty is another issue. There are many Canberrans who struggle to get together the \$10,000, \$15,000 or \$20,000 that they need to pay for the deposit on the property they are purchasing and the stamp duty. Stamp duty is one of the largest obstacles to purchasing a property. By and large, these people are not purchasing properties that are worth a quarter of a million dollars, let alone \$350,000.

I would argue that if someone is prepared to pay a quarter of a million dollars or more for an inner-city unit, they are quite capable of paying the relatively small extra amount in stamp duty. This is not the sort of concession that is needed as part of the Civic revitalisation program. Exemption from change of use charge, yes; stamp duty waiver, no. This does not seem appropriate and it does not seem particularly equitable because it

is not a direct subsidy to the developer—it is a direct subsidy to the person purchasing the property. That does not seem to me to be a fair policy.

I would like the Treasurer to explain, perhaps when he responds in this section of the appropriation debate, why are we extending a waiver to people who have already purchased properties. If the waiver is meant to be an incentive, why are we providing an incentive to people who have already made a decision to purchase, and who have entered into a contract of sale to do so? It does not seem to make sense. It does not seem in any way to fit into the framework of providing an incentive for purchase. I believe that it is targeted in a way that benefits only those relatively wealthy people who are capable of purchasing an inner-city unit worth more than a quarter of a million dollars.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.21): Mr Deputy Speaker, I want to address some of the comments that have been made in the debate on this line of appropriation. First of all, I refer to the comments made by Mr Quinlan on a number of aspects of the budget. Mr Quinlan has again returned to this issue of the \$349 million operating loss that we inherited on coming into government. Mr Quinlan returns to that issue very frequently. The issue seems to be a bit of burr under the saddle for Mr Quinlan and he seems to want to keep coming back to scratch it.

Mr Quinlan: Because it is an untruth.

MR HUMPHRIES: No it is not an untruth. The Auditor-General made it perfectly clear, without qualification, that this was the operating loss for the 1995-96 financial year. What Mr Quinlan seems to be suggesting—he is not quite articulating it fully—is that some unspecified much better operating result was occurring in the ACT fiscus before the Liberal Party came to power in 1995.

Mr Quinlan: It is \$200 million worse than your own budget for that year.

MR HUMPHRIES: Come on, just listen to what I am saying. The suggestion is that there was going to be some terribly good result in the time before the Liberal Party came to office. When we take a snap shot of the first full financial year of the Carnell government, what do we find? We find a \$349 million operating loss—a lack of this amount of money; whatever you want to call it. The suggestion that Mr Quinlan is making, without being very specific about it, is that the Labor government was operating on a very good basis. Something happened, something went wrong between March 1995 and the 1995-96 financial year to generate this worse result. He says, “That was your result, not our result. That was the Liberal Party’s work, not the Labor Party’s work.”

I ask members who are in the chamber and perhaps interested observing citizens of the ACT who are in the public gallery to cast their minds back to the first budget of the Carnell government which was delivered in the middle of 1995. That budget contained measures to reduce the size of the ACT public sector. Labor objected to that. It introduced measures to increase revenue in the ACT. It introduced new taxes, and increases in taxation. Labor objected to that, too. It contained a number of social measures, but principally it was concerned overall with improving the bottom line for the territory, about improving the operating loss.

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Mr Quinlan: Free school buses. What else did it contain?

MR HUMPHRIES: Do not change the subject. Just listen to what this is all about. Labor got stuck into the Carnell government in a big way about those things. It severely attacked the measures that we were taking that reduced expenditure and increased revenue.

Mr Quinlan: As you do.

MR HUMPHRIES: As you do. But the effect of the measures we were taking, whatever else you might say about it, was to improve the bottom line. You do not cut expenditure and increase revenue without improving your bottom line, unless you have some ghastly problem with the overall economic situation. And, of course, this was the year before the federal government began to make heavy cuts in the size of its public service. The economy was doing okay at that time. So, the economy is doing all right, we are reducing expenditure, we are increasing revenue, we are doing everything to improve the bottom line and Labor is complaining about the improvements in the bottom line.

Logically, how could it be that in the midst of all of this we somehow caused a massive deterioration in the balance sheet from when we took office until when the first full financial years figures were available, as audited by the Auditor-General, for 1995-96? How could that be? Clearly it could not be. Clearly it just does not make sense. Clearly we inherited a substantial operating loss from Labor. There is no alternative—

Mr Quinlan: That is not what you have said. You have given a number out of your own performance.

MR HUMPHRIES: I will come back to that point.

Mr Quinlan: You have given a number that includes an abnormal \$90 million.

MR HUMPHRIES: Let me get to it. You will have a chance to make your point, Mr Quinlan. So we have worked out that there must have been an operating loss inherited from Labor, and a pretty substantial one. What we now appear to differ on is the size of the loss.

Mr Quinlan: Very important.

MR HUMPHRIES: Very important. Mr Quinlan is touting the figure of \$200 million around the place.

Mr Quinlan: That is the difference between the bottom line and your original budget.

MR HUMPHRIES: Well, let us call the operating loss \$200 million rather than \$349 million.

Mr Quinlan: No, that is the difference between—

MR HUMPHRIES: Let us call it that amount. The Auditor-General made no qualification to his findings in 1995-96. Let us split the difference and call it \$175 million.

Mr Quinlan: Read the estimates *Hansard*. He did not audit those figures.

MR HUMPHRIES: Let us be reasonable. Come on, Ted, you can go that far. Meet me halfway. I will give you \$175 million if you give me the other \$175 million. How about that?

Mr Quinlan: Okay.

MR HUMPHRIES: Okay, we have got a loss of \$175 million inherited when we came to government. Does anybody here imagine how difficult it would have been to pare expenditure of even \$175 million in a town with a total budget outlay at that stage of only about \$1.6 billion? Out of \$1,600 million we had to make up a difference—

Mr Quinlan: Of \$150 million.

MR HUMPHRIES: Mr Deputy Speaker, I have hardly been able to get a single sentence out without being interrupted and I seek some support from you.

MR DEPUTY SPEAKER: With respect, Mr Humphries, you have been engaging in a two-way conversation. If you want to direct your remarks to me and ignore interjections, go ahead.

MR HUMPHRIES: I shall try, Mr Deputy Speaker. So we have a figure of \$175 million—or whatever figure you want to take; it is a big figure, whatever it is—and the government had to find money, savings, extra revenue, whatever, to bridge that gap, and we have done that.

Mr Quinlan: You got that much from the Commonwealth.

MR HUMPHRIES: We have not got that much from the Commonwealth.

Mr Quinlan: You got \$150 million.

MR HUMPHRIES: We have not.

Mr Quinlan: That is how much it has increased since 1995.

MR HUMPHRIES: Read all the accounts. Every independent observer, from Access Economics to all of the others before them, has conceded that the ACT government has achieved the result of this bottom line in large part through hard work and difficult decision making. The evidence of that, the proof of that, is the consistent attacks that have been made on us over the last five years for the decisions we have made to reduce expenditure and increase revenue. You cannot sit there and say, “You guys are bastards for knocking off expenditure. You guys are ratbags for increasing revenue, for putting on these new taxes. You guys are doing all these terrible things to the ACT community” and then turn around and say, “Oh, none of that made any difference to get to this \$4 million

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surplus in 2000-2001. It was all irrelevant. It made no difference whatsoever. It was just activity in the background and the real work was going on in the Grants Commission.” I am sorry but it does not compute. It does not make any sense.

Mr Quinlan also made the comment that our budget is not really in surplus, that the surplus is in fact an illusion because of a change in accounting treatment. He said that the reality is that we are actually \$25 million worse off than we are, so really it is a \$20 million loss rather than a \$4 million or \$5 million surplus. That is his view. I stand by my figures. But, of course, there is an arbiter to tell us which of us is right, and his name is Mr Parkinson—he is the Auditor-General of the ACT and he will have to audit and give a verdict on the ACT’s accounts.

Mr Deputy Speaker, I am quite willing to come back to this place and offer humble apologies to Mr Quinlan if it turns out that Mr Quinlan is right and the ACT in fact does not have an operating surplus. I hope Mr Quinlan will make the same concession to me if it turns out the Auditor-General takes a different view about the surplus.

Mr Smyth: Mr Quinlan said, “Ditto.”

MR HUMPHRIES: He said, “Ditto,” did he? That is very good; I am very pleased. I am looking forward to reading the Auditor-General’s comments on the ACT budget.

Mr Quinlan made a number of other comments in the course of his remarks. He was basically revisiting old debates here but I will just touch on a few of the things he said. He said the ACT is always better off compared with the rest of Australia, that our unemployment rate has always been lower than in other parts of Australia and so on. That is true up to a point but it is also true to say that other economic indicators such as growth rates and car purchases do not necessarily follow the rest of the Australian trend. In particular, the ACT has shown a habit of being countercyclical in respect of many of those indicators. At times when Australia as a whole has been booming, growth rates have been down in the ACT and vice versa. That has happened on several occasions in the last 20 years. In fact, it could well be true to say that it is more than often the case.

But the fact is that at the moment the ACT unemployment rate is well below the national average and all of the other economic indicators are also considerably better than the national average. They are all consistently better and that is an indication, if any were needed, that the work of the Carnell government has made some difference to the economic position.

Back in 1996 when the present federal government came into office big cuts were made to the federal public service. The opposition screamed, “You people have got to do something about this problem. You people are seeing massive numbers of jobs cut out of the ACT workforce, including the federal workforce, and you’ve got to do something about that.” We did. We went away and we stimulated jobs growth principally through a range of concessions and incentives to the private sector. We created jobs in the ACT that simply were not there before—as members have heard, 13,000 jobs in the space of the last five years.

Having been told to go out and do that and having actually produced the jobs growth at the same time that the federal government was cutting back on employment, why is it that we do not get any credit? We were told by those opposite that unemployment was going to decimate the ACT community. Why do we not get some credit for the good unemployment figures in the ACT? Why do we not get some credit for the positive economic figures in the ACT today?

Again, Mr Deputy Speaker, it does not compute; it just does not add up. It is inconceivable that all of the things we have done—the reductions in expenditure, the employment creating opportunities we have created, the revenue-based measures we have taken—have had no impact on the bottom line. It defies, it beggars, belief.

Mr Quinlan also repeated the old shibboleth that, in his view anyway, the ACT government is misleading people when it suggests that it has contained expenditure increases to below CPI; that, in fact, it has been a profiteer government and has spent much more than it has actually earned. I am not quite sure how we can be in that position and get a surplus budget, but that is another point.

Mr Quinlan seeks to establish that position by quoting the general government sector. Conspicuously, he does not quote the total territory position. The fact is that between 1995-1996 and 2000-2001 total territory expenses have risen by 5 per cent. But the figure for 1995-1996 indexed for inflation over that same period shows a total rise of 6 per cent. So the total territory position is that we have contained expenditure increases below CPI. I am happy to table that material for the quizzically expressed Mr Quinlan to peruse.

Mr Quinlan: I will have to have a look at that one, Gary. But it's not 2 per cent as the Chief Minister said on national television, is it? It's not the 2 per cent that Ms Carnell said in her delivery at the Press Club, is it?

MR HUMPHRIES: Well, it is fact, I am afraid, Mr Quinlan. Even in the general government sector, where expenses have increased by 12 per cent over that same period, revenue has increased by 41 per cent at the same time.

Again we come back to the line about the ACT being a high taxing regime. The opposition reluctantly admits, "Okay, you guys have bridged the gap somehow but you have done so by increasing taxes. You are now a high taxing jurisdiction and you should be ashamed of yourselves in those circumstances."

Mr Quinlan: We didn't say you were a high taxing jurisdiction. We haven't said that.

MR HUMPHRIES: Well, what are you saying then, Mr Quinlan?

Mr Quinlan: What I am saying is that over 10 years of local government we have in the ACT ramped up our taxes to a normal level. We have had a transition, we had transitional funding, we spent the transitional funding and we have done—

MR HUMPHRIES: And so have other jurisdictions.

Mr Quinlan: All governments have done that.

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MR HUMPHRIES: Exactly.

Mr Quinlan: But it isn't a big deal here.

MR HUMPHRIES: Exactly. But the point is the ACT has maintained its position relative to other parts of Australia.

Yesterday or on Tuesday Mr Quinlan said to me, "It's not true to say that the ACT is a low-taxing jurisdiction or at least below the national average because you haven't taken into account local government taxes." Well, I can report with pleasure to the Assembly that I have some figures which include local government taxes and charges. These figures are set out in a recently published report prepared by the Australian Bureau of Statistics entitled *Taxation Revenue*, which I table.

The report contains a summary of impact across jurisdictions of state and local taxes on the population—the total amount of taxation per head of resident population. It shows that the national average of state and local taxes paid by each resident of Australia is \$2,150. The ACT figure of \$1,973 is significantly below that—a difference of \$177. The ACT figure is below that of Victoria and Western Australia. Most importantly, it is well below that of New South Wales, which at \$2,555 per head of population for local and state government taxes is a clear \$582 a year heavier in taxing than the ACT.

Mr Quinlan: Do you actually believe that?

MR HUMPHRIES: Well, I actually do. I know I am a sucker for a good line, Mr Deputy Speaker. I know those charlatans at the Australian Bureau of Statistics are always trying to con us—"Oh boy, they are pretty sharp over there. The twists and turns they go through to get their figures out of here is really amazing." But, Mr Deputy Speaker, it is true. I do believe them when they tell me that the Australian average is \$2,150 and we in the ACT are \$177 a year below that level.

So, Mr Deputy Speaker, I have to say once again that the figures show that what we have been saying is true. We said that we were lower taxing than other parts of Australia, and it is true. Whether you take into account just state taxes or state and local government taxes, it is true. Despite the so-called huge increases in taxation that the opposition have decried and generally attacked in this place—

Mr Quinlan: Sorry lad, it is not that simple.

MR HUMPHRIES: Mr Deputy Speaker, I am trying to get a word in edgeways here.

MR DEPUTY SPEAKER: Mr Humphries, I would dearly like to defend your interests but first you have to direct your remarks to me and ignore the interjections.

MR HUMPHRIES: I shall try but it is very hard when you are being spoken over, Mr Deputy Speaker.

MR DEPUTY SPEAKER: You are encouraging it, Mr Humphries.

MR HUMPHRIES: I promise not to respond to interjections ever again, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Well, not for the next 10 minutes at any rate.

MR HUMPHRIES: Okay, 10 minutes—that is a fair compromise. Mr Deputy Speaker, we have been told that we tax heavily. We do not tax heavily: we tax relatively lightly. We have been told that we have increased expenditure above the rate of inflation. We have not increased expenditure above the rate of inflation. We have been told that we generated the operating loss ourselves. We have not generated that loss ourselves. We have been told that we are not really a private sector town. Mr Smyth has demonstrated we are, in fact, moving fast to becoming a private sector town.

Mr Deputy Speaker, in those circumstances it would seem to me to be foolish to change the economic settings this government has put in place over the last five years. I therefore commend the measures in the budget as a way of continuing this sound economic management.

MS TUCKER (4.42): I covered this area before when I spoke to the appropriations of the Chief Minister's Department. However, I would like to respond to a couple of things that have been said.

I am delighted to hear that we can all relax. All we have to do, Mr Smyth tells us, is walk through Manuka. If we walk through Manuka we can see that the ACT is doing really well. Ms Carnell explained to us that we are better off than anywhere else because an article in the *Australian* newspaper says so. The article said that the ACT is very equitable. Ms Carnell challenged my questions about how her government addresses issues of poverty and equity. She quoted figures from an article relating to income distribution of \$34,000 to \$53,000, which were averaged by postcode.

I assume that Ms Carnell and Mr Humphries remember the poverty project that is in place in the ACT. We have a document which tells the story. During the consultation phase responses were received from people who are living on less than \$6,000 per year. Also, 60 per cent of the respondents reported that their incomes were between \$6,240 and \$26,000 per year. This is not nearly as comfortable a statistic as the postcode average incomes which Ms Carnell quoted.

What quoting these figures does is illustrate very nicely the way that the level of poverty in the ACT is hidden. The hidden nature of poverty in the ACT is one of the key features which came out of the poverty task group. Poverty is being hidden partly because of the efforts of our city's early planners to aim for a mix of public housing and higher income houses across the city.

The *State of the Territory Report*, when you dig beneath the shiny conclusions, reveals some other hidden figures. Over half—51 per cent—of one-parent families rely on government support for their main source of income. Income support from the federal government to ACT people has increased over the last three years. What this means is that we have had an increase in the number of people within our community who are living on very low incomes. This gives us a different understanding than the report's

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emphasis on the position of the ACT relative to the other states. But this has nothing to do with what the ACT government has done.

I would like to remind members of some of the conclusions of the poverty task group. When asked to respond to whether or not poverty was an issue in the ACT, respondents of the survey overwhelmingly agreed that it was a major issue, with 90 per cent indicating that poverty was a big issue in the ACT—a very different view to the one we just heard from the Chief Minister.

Respondents were asked to identify what they felt were the major impacts of poverty. A range of options were provided and they spanned impacts identified in other consultation activities such as access to resources, effects on personal wellbeing and participation in the community. The responses to this issue, which are referred to later in the report, demonstrate strong agreement on the major impacts of poverty in the ACT. Eighty-four per cent of respondents identified an inability to afford basic items; 80 per cent referred to the effects on health; and 70 per cent spoke about an inability to afford housing. Access to resources, equity of access to resources, personal wellbeing and participation in the community were all needs which were identified.

One of the participants said:

Poverty means when you get a pension, it doesn't cover costs such as heating, food, clothing.

Participants spoke of low income earners as an emerging group of people affected by poverty. Issues that were raised in discussions included work instability, the casualisation of working and inability to plan due to unpredictability of the work environment.

Participants also expressed the view that the relative affluence of the ACT means that it is more difficult to survive on a low income. Many participants felt that the cost of living was higher in the ACT than elsewhere and they stated that this meant that poverty is hidden in the ACT.

Consultation participants also suggested that services designed to provide resources and support individuals were under so much pressure that individuals and families had to reach a crisis point prior to being able to get assistance. Further, there was a feeling that this predominantly reactive response is a more costly way to manage crisis and less effective in assisting individuals in a meaningful way.

It is also interesting to look at the groups identified as having specific issues surrounding equity of access. They included: local indigenous communities; people with disabilities; people with chronic illnesses or a mental illness; single parent families—most often women; young people; and people from cultural and linguistically diverse backgrounds.

Basically, I want to make it clear that Ms Carnell has not responded to my concerns about the level of analysis from this government in respect of the Chief Minister's Department. I expressed my concern that the targets that this government produces are inadequate. She claimed that this was not the case. She said that we have targets in the purchase agreement, in the budget and in the *State of the Territory Report*. I am glad that Ms Carnell reminded me of this because I have looked at it again and it reminded me

how inadequate the targets are. In fact, it is acknowledged at the beginning of the *State of the Territory Report* that the targets are inadequate. The report states:

Future reports may include quantitative targets as it becomes clearer what improvements need to be made.

So there is an admission in the *State of the Territory Report* that the targets were very general. That is exactly the complaint that is coming loud and clear from people in this community. If this government is really serious about being a caring government and looking at issues of equity in our community, their targets have to be able to be tied down. Their targets have to have time lines, their targets have to have quantities, and that is not evident in the documentation that comes from this government, whether it is in their purchase agreement or their budget, which are basically the same anyway.

Targets are meaningless unless they are set in the context of social need and an analysis which shows what we need. These targets are seemingly set according to what happened last year. We are still asking for a comprehensive social analysis of need and equity in this town and we have not got it.

MR STANHOPE (Leader of the Opposition) (4.49): I want to respond briefly to this item and refer to a couple of aspects relating to the operations of Totalcare Industries. I think, in the context of discussing the budget, it is appropriate that we draw attention to the fact that Totalcare is still actively involved in the aftermath of its role and responsibilities in relation to the hospital implosion. I do not have the actual legal costs with me at the moment but we are all aware of the significant cost to the Totalcare organisation of the hospital implosion. We are aware, of course, of the stringent criticisms which Totalcare faced in the coroner's report as a result of what the coroner identified as Totalcare's failings in relation to the contracting, the tendering and the lead-up to that fatal event.

Totalcare has expended some very significant sums of money in the context of the legal ramifications. I have a feeling—and I am sorry that I do not have the figures with me—that Totalcare's expenditures alone amount to some hundreds of thousands of dollars. The interesting thing, and the thing I want to reflect on as we discuss this budget, is that Totalcare's legal costs continue. Members would be aware that Totalcare has indicated that its response to the legal action instituted by the Bender family against the ACT government and Totalcare is to vigorously defend that action.

Totalcare has resolved that it will not negotiate a compensation package with the Bender family, which is its right, of course, but rather will pursue the matter to the point of vigorously defending the action—I use the words “vigorously defend” advisedly because they were the words of the head of Totalcare in evidence to a committee of this place; he felt that it was appropriate for Totalcare to take that attitude. I do not have a comment on that. That is a matter for the organisation and not something on which I would wish to comment other than to say that there are significant continuing cost implications for Totalcare, and as a result of that the ACT ratepayers as the owners of Totalcare, in regard to the implosion. I think it is relevant that we note in the context of this budget that ACT ratepayers will continue to pay significant and continuing costs as a result of the fatal hospital implosion.

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We continue to pay in other ways, as members would be aware. Totalcare, as part of its response to the coroner's report and the stringent criticisms of the coroner, initiated an external review of its actions, its role and its responsibilities. Totalcare commissioned a Mr Harmer to review its role in relation to the hospital implosion. We understand that Mr Harmer has prepared an extensive report on the actions, role and responsibility of Totalcare, particularly in relation to the tendering and the contracting, in relation to the implosion.

Members will recall that the coroner described the tendering process engaged in by Totalcare as a sham. "It was not so much a process but a process designed to disguise the fact that there was no process." I believe those to be the precise words of the coroner—that the contracts in relation to the hospital implosion were actually, in the first instance, let on the basis of a sham arrangement; an arrangement that was designed to disguise the fact that there was no process.

The interesting thing about the Harmer report into Totalcare's written response to the coroner's report is that Totalcare told us as late as last December that the Harmer report was on the verge of being completed, that their expectation was that it would be provided to the board of Totalcare within the first week of January, that the board would consider it at its first meeting thereafter and that the board would take a decision, hopefully at that meeting—namely, before the end of January—on whether or not to release the report. We are now in the last week of June and Totalcare remain determined, it appears, not to release the contents of that very significant report.

Totalcare was the organisation charged by the ACT government with the responsibility for the management of the process that led to the demolition of the hospital, which of course led to Katie Bender's death. Totalcare was the organisation at the heart of the arrangements that set off the chain that led to that fateful day, and that organisation is refusing to provide to this place, and through this place to the people of Canberra, an explanation of its actions. It is refusing to give members of this place and the people of Canberra an explanation of its role in those events. I regret most severely that this most traumatic event in recent ACT history, an event that did have a devastating impact, particularly through the death of Katie Bender and on the ACT people more generally, cannot really be brought to an appropriate conclusion until these loose ends are tied up.

We have now put the coronial inquiry behind us, but there do remain some significant other aspects of the hospital implosion saga, or disaster, that need to be concluded in order that the matter may appropriately be brought to some finality. Totalcare is an organisation that falls within the purview of the item we are discussing at the moment. We have running in tandem the fact that Totalcare will be vigorously defending the action by the Bender family against it and the fact that the Harmer report, which is an external review of Totalcare's role in the disaster—I think it is vitally important that we see it—has to this point not been released.

Proposed expenditure agreed to.

Proposed expenditure—Part 6—Central Financing Unit, \$13,093,000 (capital injection) and \$19,029,00 (payments on behalf of the territory), totalling \$32,122,000.

Proposed expenditure agreed to.

Proposed expenditure—Part 7—Superannuation Unit, \$5,000,000 (capital injection) and \$27,139,000 (payments on behalf of the territory), totalling \$32,139,000.

MR QUINLAN (4.58): I want to restate a position which I think the government was attempting to muddy as recently as question time. Under previous governments some funds were invested and set aside to address a growing superannuation liability. This \$5 million, which is totally inadequate of course, is the first operating revenue that the Carnell government has set aside since 1995. They certainly have taken \$300 million out of ACTEW and placed that against the superannuation liability.

Mr Stanhope: And who recommended that, Mr Quinlan?

MR QUINLAN: I have to say that in the past I can claim to have had a bit to do with ACTEW's capacity to pay that \$300 million. I did not imagine when I was working there that we would get to the point where the work of that organisation would be propping up the Carnell government.

I am pleased to see that within the Central Financing Unit and the Superannuation Unit the government is setting up an advisory board for investments. We are very rapidly getting to the point where we will be running our own modest merchant bank. We have hundreds of millions of dollars already now set aside. We have the probability of an equalisation payment arising out of the joint venture between ACTEW and AGL of maybe \$140 million or \$150 million and, as I think I predicted in this place, there will be almost irresistible pressure within that new joint venture for a capital restructure, freeing up—

At 5.00 pm the debate was interrupted in accordance with standing order 34; the motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR QUINLAN: There is a distinct possibility that once the ACTEW/AGL joint venture is up and running there will be quite irresistible pressure for a capital restructure of that venture, with that venture taking on a considerable amount of debt and repatriating an equal amount of cash to the shareholders, AGL and ACTEW. So ACTEW will be then sitting on a bundle of cash and I am sure that any government would like to be involved in the future of that bundle of cash. It is distinctly possible that that would become a further part of investment against the superannuation liability and would go a long way, I guess, to backing with cash the very large liability that is on the balance sheet. It is unfortunate that the price of that is going to be the inevitable total loss of control over our electricity supply assets in the territory. But small though it may be, it is pleasing to see the Carnell government put their first dollar of operating funds towards the superannuation liability.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.02): Mr Deputy Speaker, I will make just a couple of quick comments. I concede that this is the first money that we have put into what might be called excess funding or a topping up of a superannuation account from operating funds that has not been necessary since we came to office.

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Having said that, there are a few points that need to be made. The first is that it is a bit rough to look at where the money has come from but fail to look at the total figure that has been put in. The fact is that the total amount put into superannuation since we have been in office has vastly exceeded the amount put in in the equivalent period before we came to office. That is the case. Secondly, although we have not contributed to excess funding—

Mr Berry: The first term of office you put none in.

MR HUMPHRIES: That is also not quite true.

Mr Berry: You put it in emerging liabilities.

MR HUMPHRIES: I will table a table in a moment to demonstrate what the situation is. It is true no money went into the excess funding column—there were zeros in that column. But in the emerging costs column the figure is very different. What is more, it is much more generously funded in that column than it ever was under the Labor government. For example, under emerging costs you had \$7.9 million or so in 1994-1995, you had \$6.2 million in 1993-1994 under Labor, and you had \$1.6 million in 1992-1993 under Labor. Under the Liberal Party those figures improved dramatically: \$10.2 million in 1995-1996; \$13.3 million in 1996-1997; \$16.5 million in 1997-1998; and \$20 million in 1998-1999. Dramatic improvements in emerging costs were funded by this government.

So on one column of the document that I will table we have not done as well as the previous government and on the other column we have done much better than the previous government. The bottom line of \$300 million also needs to be taken into account.

Let me make another point. You have to ask where the excess funding that Labor was putting in between 1991 and 1994 came from. Where did the money come from? It came from cash reserves. Members have seen previously the figures on cash reserves under the Labor government, starting with \$220 million in August 1991 down to zero in April 1995. That is where the super contributions came from. That is why under the Liberal government money was not taken from cash reserves to fund superannuation. But we now have a surplus, and the existence of a surplus is the reason today that we are able to fund that superannuation.

MR BERRY (5.07): I still recall sitting in the Estimates Committee—this was, I think, three estimates committees ago—and discovering by accident that \$80 million was being taken from departments for superannuation contributions and only \$40 million was going to be put into the superannuation funds. When questioned, officials said, “There’s been a bit of leakage.” It was more like a flood. In the end, none of the \$80 million went in so it was really a dam burst.

Mr Humphries: No. None of the \$80 million—

MR BERRY: That is true, all right. So, let us not kid ourselves about your performance on superannuation. You have to reflect on those issues as well when you are trying to paint a picture, otherwise these little gaps will not be filled in properly, and that is one of the gaps that you failed to fill in.

In respect of the money that was contributed in earlier years, you talked boastfully about having contributed more to the emerging liability. That was when you were unloading a whole heap of public servants, and I suspect that had something to do with redundancy packages and there were no options for you because you had to pay out superannuation in any event. If superannuation is due to public servants you have to pay it no matter which government is in office. So I would suggest that this is a nonsense. You dropped off when it came to the optional area—this is where you put nothing in. So you cannot boast that you have done better than anybody else.

Proposed expenditure agreed to.

Proposed expenditure—Part 8—Health and Community Care, \$336,949,000 (net cost of outputs), \$31,721,000 (capital injection) and \$11,541,000 (payments on behalf of the territory), totalling \$380,211,000.

MR STANHOPE (Leader of the Opposition) (5.10): Elements of the budget pertaining to health and community care are a particular concern to many Canberrans. Concern about the health budget has been very much heightened by recent developments at the Canberra Hospital, and residents of Canberra have every right to be concerned. Last Wednesday, for instance, in an article in the *Canberra Times* entitled “Staff stress puts patients at risk: nurse”, a former Canberra Hospital nurse told how stress and overwork had forced her to quit after 10 years of working at the Canberra Hospital. The former nurse stated that the lack of funding and staff training at the hospital was putting patients at risk.

Mr Moore: An anonymous nurse who left 18 months ago.

Mr Berry: She wanted to be an ALP candidate.

MR STANHOPE: On Thursday of last week another article in the *Canberra Times* entitled “Report into hospital death completed” revealed that nine cases of elective surgery scheduled for that day had been cancelled because the hospital was full.

Mr Berry: They wanted to be ALP candidates too.

MR STANHOPE: Yes. Two of the patients were children. An accompanying article, entitled “Surgery delayed after four years on waiting list”, told the story which my colleague Mr Wood repeated today in question time about a Canberra man who has been waiting four years for a knee reconstruction after a sporting accident back in 1996. Really, that man’s crime, in effect, was that he was a public patient.

Despite this obvious crisis within the ACT hospital system, the Minister for Health and Community Care still managed, as we know, to secure what is now the infamous \$8.8 million discretionary slush fund for himself in this year’s budget. I imagine that

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many Canberrans would have liked to have seen that money spent on more nurses and funding for our hospitals.

The budget papers reveal that in 1999-2000 the percentage of patients waiting longer than clinically desirable for treatment was 35 per cent, which exceeded targets set by the minister and his portfolio. The budget papers also state that actual expenditure on hospital services in the ACT is 34 per cent higher than the standardised expenditure levels. That is a debate that we still need to have, of course. It is interesting, though, that the budget papers go on to say that it is the department's intention to lower costs, and this will be achieved through a process of continuous improvement to bring about efficiencies in service delivery costs.

The minister revealed some figures in question time today. I cannot quite recall the figures, but I think he said that since May this year there have been 89 double shifts worked by nurses at the hospital, a majority of which were in either emergency or intensive care. One wonders whether the nurses in emergency or intensive care have had enough of the continuous improvement that the minister is determined to foist on them. I must say it is quite frightening to reflect on this. If one had been one of those patients who had gone in to emergency or intensive care at the end of one of those double shifts, one wonders whether one would have gone there with the degree of sanguinity that one should be able to take when admitted to the hospital.

Despite funding shortages, staff walkouts and the cancellation of elective surgery at the Canberra Hospital, the government has failed to spend \$8.4 million of Commonwealth money set aside 30 months ago for urgent and critical surgery. The minister has given some indication in the last couple of days of some arrangements he has made with other hospitals to deal with this intractable problem of waiting lists and waiting times.

At a budget estimates hearing this year, Mr Lee Koo from the Canberra Hospital stated:

We have not been in the position this year to date, to be able to guarantee to the department that we will meet our targets for this year and we are unable to access additional throughput dollars until we can give that assurance.

In other words, the hospital cannot have any more money until it meets its current targets. However, it is highly likely that without additional funding those targets will become increasingly difficult to reach. In essence, the longer the waiting list gets the less likely it is that there will be any funding relief from the government in terms of the \$8.4 million set aside for urgent critical surgery. Mr Rayment, during those same estimates, said this:

Even though the cost-weighted separations are in excess of last year and our raw separations are in excess of last year, we have been struggling to meet our current targets.

Action taken by the Australian Nursing Federation last week indicates that resources are already being pushed to the limit in Canberra hospitals. This budget alludes to further cost cutting that can only exacerbate the detrimental impact on a hospital system already under siege.

The health and community care initiatives contained in this budget leave gaping holes of unmet need in the delivery of services to the ACT community. Alcohol and other drug services have been particularly neglected in this year's budget process.

The Ted Noffs youth rehabilitation facility in Watson, launched in October last year, is yet to open. Despite this government's rhetoric about its commitment to health and youth with alcohol and drug problems, bureaucratic red tape at both the Commonwealth and territory levels has stalled the process for over six months. The Ted Noffs Foundation has revealed that it will be unable to open its doors for at least another two or three months. Meanwhile, it has been inundated with calls from people desperate to use the service.

Even when the Ted Noffs program gets off the ground, a huge gap in service delivery will still exist because of the absence of a youth detoxification facility. Young people entering the Ted Noffs youth rehabilitation program will be expected to be fully detoxified on entry, but at the moment there is no youth-specific detoxification program in the ACT. Ms Barry, from the department, conceded in budget estimates this year that the existing detox services are not entirely appropriate for under-18s.

Currently, the Canberra Hospital and Arcadia House are the only available options for in-patient detoxification in Canberra. Both facilities have waiting lists and struggle to cope with the existing demand for their services. These programs do a wonderful job, of course, catering to a diverse client group, but are not designed to cater specifically to the needs of young people.

Mainstream detoxification facilities can actually be significantly detrimental environments for young people with alcohol and other drug problems. They create an opportunity to meet up with people who have more entrenched drug problems and who may become contacts for future drug use. Mainstream detoxification facilities enable young people to create linkages and build relationships with older drug users whose habits may be much worse than their own. For these reasons, the provision of youth-specific detoxification services should have been a priority in this year's budget.

The great need for youth detoxification facilities in the ACT has been highlighted by staff at Quamby who currently detox young offenders as best they can on the premises when they arrive because there are simply no appropriate facilities to refer them to. The staff at Quamby should be commended for their efforts, but it is simply unacceptable that they should be expected to provide such a service with no special training or assistance. Clearly, the absence of these services constitutes a serious unmet need.

The alcohol and other drugs sector has also suffered a blow-out in the waiting list for methadone treatment in the ACT. The upper waiting period for an appointment is eight weeks, and currently 47 people are registered on the waiting list. I cannot remember the quote but I recall Mr Moore saying, when he occupied that wonderful position that he held on the crossbench so well, that as far as he was concerned a week was too long to wait for the methadone program, and the upper wait for an appointment at the moment, under Mr Moore, is eight weeks.

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It is simply unacceptable that people are being asked to wait up to eight weeks in order to access the methadone program. These are people who have reached that stage in their addiction where they do say, "I need help." They put out their hand and are told, "Come back in eight weeks." It is simply outrageous, if we are to seriously attack the vicious cycle of drug abuse and drug misuse, that we cannot manage our rehabilitation services, or that we cannot create across the spectrum the range of services that we need to deal with people suffering drug abuse in the community.

The Minister for Health and Community Care has heralded that 100 new methadone places will be delivered in this year's budget. What he has not told people is that these new places will be created by doubling the cost of treatment for clients in the so-called third stream of methadone treatment. The old third stream contained subsidised treatment places costing clients \$15 per week. The new third stream, created by the budget, will cost full fee paying clients \$30 a week. The cost to the clients entering the third stream of methadone treatment will therefore double because of this budget initiative.

The first stream of methadone treatment, in contrast, provides fully funded treatment to clients for the first six months, with clients paying \$15 per week thereafter. The amount of places in the fully funded first stream, on this analysis, will be cut from 292 to 270 under the budget. It seems that even the methadone program cannot escape the user-pays principle that this government is bent on applying to all aspects of community life. (*Extension of time granted.*)

An initiative in the budget papers under the heading "Disability Services" refers to providing a range of respite for carers of people with disabilities. However, when you read the fine print, it becomes apparent that only carers over 65 who have cared for their child or ward for 30 years or more will be eligible for the assistance. Surely adequate respite care should be available to all carers of people with disabilities, not just those over 65.

It seems to be quite an extreme application of social capital to restrict that assistance to people who have been caring for their children for 30 years or more. This is a truly unique definition of this bastardised expression of social capital that we are meant to accept characterises this government and these initiatives. If you have cared for your child for 30 years you can access this range of care.

Another huge area of unmet need exists in the area of accommodation services for people with disabilities. The ACT Division of the Australian Council for the Rehabilitation of the Disabled advised the Estimates Committee that an inter-jurisdictional comparison shows that the ACT spends well below other state and territory governments in the community sector for accommodation services for people with disabilities. The committee has recommended that the government review the basis upon which funds are provided to the community sector for accommodation services for people with disabilities, taking into account an inter-jurisdictional perspective and the level of funding currently provided for government places.

Indigenous health constitutes another neglected area in this year's budget. If the government is committed to achieving real and improved health outcomes for indigenous people in the ACT, why has it allocated only \$100,000 to its indigenous health budget initiative for the next financial year? Surely the government is not suggesting that the

vast discrepancies between standards of indigenous and non-indigenous health can be redressed with a mere \$100,000. The Winnunga Nimmityjah Aboriginal Health Service stated earlier this week that there is a 28-year discrepancy between the life expectancy of indigenous and non-indigenous Canberrans.

We do need, in this affluent town in which we live, to ponder on some of the indigenous health statistics that are continually repeated. Here in Canberra we have the same appalling health discrepancies existing between indigenous and non-indigenous Canberrans, and the most stark of those, of course, is that health standard relating to life expectancy. It is sobering always to reflect, if one goes to just that health indicator, life expectancy, that here in Canberra, the nation's capital, this town that we are all so proud to call home, the discrepancy between the average life expectancy of an indigenous person is 28 years less than that of a non-indigenous person. These are Canberra statistics. This is our home. This is our town—a town in which the difference between the life expectancy of an Aboriginal person and a non-Aboriginal person is 28 years. We are no different from the rest of the nation in the extent to which we deal with the health needs of indigenous people in this community. They are as woefully met here as they are in places around the nation. The \$100,000 allocated for an indigenous health initiative is a drop in the ocean in terms of addressing the extent of the unmet need of the indigenous people in this town.

I think it is worth focusing on the issue of life expectancy, but there is a range of other indicators that really are a cause for enormous concern. One of those that are changing so dramatically at the moment, and perhaps most dramatically in terms of the speed of change within the indigenous community, is the extent to which young indigenous Canberrans are becoming subject to heroin addiction and heroin use. The fastest uptake by any group within the community of heroin and subsequent heroin addiction is amongst young indigenous men. I spoke with an indigenous family within the last two weeks who advised me of five children under the age of 25 in the one family, each of whom, along with their parents, are addicts to heroin and other substances.

MR DEPUTY SPEAKER: Do you require a further extension of time?

MR STANHOPE: I do, thank you, Mr Deputy Speaker. We have a major issue here—

Mr Moore: The normal thing is to give him his two turns at the clause, but the extension is granted.

MR DEPUTY SPEAKER: This is an extraordinarily flexible approach to standing orders.

Mr Moore: Leave is granted.

MR STANHOPE: I beg your pardon, Mr Moore. I must say that I was not focusing on that convention. I am happy to treat this as the second—

Mr Moore: Just keep going. It does not matter how you do it. We will give you leave.

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MR STANHOPE: I am suggesting to you that I had overlooked that convention and I beg your pardon. (*Further extension of time granted.*) The 2000-2001 budget has also failed to deliver much needed public convalescent facilities for older people in the ACT community. The Older Women's Network has recently highlighted the ongoing need for convalescent facilities in Canberra. According to the network, there is a significant gap in current service delivery that can only be filled by the provision of additional convalescent facilities and a slow-stream rehabilitation facility. Neither additional convalescent facilities nor a slow-stream rehabilitation facility have been funded in this budget. Older people in our community are another group that has been forgotten despite the supposedly inclusive draft budget process.

The ACT dental program has suffered significantly under this government. During recent budget estimates hearings the committee was informed that there is currently a wait of 120 weeks for restorative dental treatment and 62 weeks for accessing dentures. The report of the Select Committee on Estimates notes that without additional staff it seems unlikely that any significant reductions in waiting times will be achieved. So, 120 weeks for restorative dental treatment and 62 weeks for accessing dentures. What is that? A bit over a year without your false teeth.

The report also notes that the committee is of the view that the dental program is in desperate need of additional funding for extra staff to decrease waiting times and open up access to this important community service. The committee has recommended that the government allocate additional funds to the dental program in an effort to drastically reduce the waiting times experienced by people requiring dental treatment. The fact that this government thinks it is acceptable that people wait 120 weeks for dental treatment is quite revealing in terms of assessing their commitment to ensuring the accessibility of health services for Canberrans. To some extent, if one can suggest, without appearing ageist, that it is probably the older members of our community who are in need of dentures, that is another area of significant discrimination against the older people within the community, and I apologise to any older person still with their teeth who might be slighted by that suggestion.

The ACT government's commitment to public health is highly questionable, as demonstrated by the delays in finalising claims under the hepatitis C financial assistance scheme. This initiative was designed to help those Canberrans who were infected with hepatitis C by a blood transfusion before the latest blood screening techniques were brought into use. This is an issue which I have been pursuing, but I will not go into the details now.

I remain most concerned that it was discovered in late 1994 by health officials around Australia, including health officials who serve this community, that there was a very reasonable chance that Canberrans, amongst other people around the nation, had been infected with the hepatitis C virus through blood transfusions, and we did not do a thing to trace those people until late 1998. We waited four years without lifting a finger to identify who amongst our citizens may have been infected, through our blood transfusion service, with hepatitis C.

We now discover that a number of people were so infected. We now discover that a number of people who were infected are now dead. We will never know whether or not the fact that those people were infected with hepatitis C had anything to do with their

deaths. We will never be able to say with certainty, “Yes, it did have an impact,” or, “No, it did not.” It is simply now a question that can never be answered. The fact remains that it took four years for anybody to begin the search for those people that we knew, at least statistically, had been infected with hepatitis C virus. It remains for me one of the great mysteries of public health administration in this town, certainly over the last five years and perhaps ever, that we could have been presented with such a significant public health issue, namely, the infection of Canberra citizens presenting at our hospitals with hepatitis C, and we simply forgot to try to identify them.

The explanation from departmental officials, as much as I can understand it, is that we forgot to look. That seems to me to be what the latest of the explanations is—we just did not get around to it. We now have people living with hepatitis C as a result of those transfusions. We have people who through that period engaged in unsafe activities. We have people throughout that period who perhaps continued to drink to excess if they were drinking to excess at the time. We have people who engaged in unprotected sex with partners throughout that time. This is a most significant public health issue.

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

MR STANHOPE: I did have a stirring conclusion of condemnation, Mr Deputy Speaker. You could just take my stirring condemnation as given.

MR KAINE (5.31): I suppose that every budget is controversial in one way or another. Each of them over the years has its own characteristics. Some of them slip through without too much debate. Some of them become the subject of very heated debate. I suppose this year’s budget is almost going to go down in history as the one where the health minister felt the blowtorch on his stomach. That may be because the health minister is a controversial minister, and I think that is true for one reason or another, or it may be because his budget is a controversial budget, or it may be a combination of both.

I only found his budget exceptionable in one circumstance. I made it clear that I took great exception to the proposition that a minister should ask the legislature to give him some \$60 million odd to spend over the next five years on unexplained purposes, undefined purposes. As far as I am aware from 10 years of public life, much of which has been associated with budgeting, the only minister who gets discretion of that kind is the Treasurer when the Treasurer is given a treasurer’s advance, and that is to cover unforeseen occurrences, expenditure that was unforeseen at the time that the budget was prepared. Yet in this year’s budget we were asked to give a minister something of the order of \$64 million over a four-year period, which the minister, at the time, could give us no idea what he wanted to expend it on.

I would not buy that. I would not buy it regardless of whether the minister was controversial or not. So I took exception to it, and I have done so publicly. I think I need to put my reasoning behind that not only on the public record but also on the *Hansard* for this place.

I do not think I was entirely alone, incidentally, in asking that the minister tell us what he planned to do with it. I do not claim to be the sole author of this demand, but it paid off because the minister this year, at the last minute during the Estimates Committee process, decided it might be worthwhile to bring forward a document to tell us just what

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he proposed to spend this year's money on. It's about \$8.5 million in round figures. The minister did that during the Estimates Committee and he tabled a copy of that document today.

I accept that the minister satisfied my requirement to about 95 per cent. I accept that I have enough information now to be able to track this over the next year and hold the minister accountable for what he spends the money on. That is, I think, the basic purpose of this statement in a budget of what the minister wants to spend and what he proposes to spend it on—so that we can hold the minister and the government accountable.

I say 95 per cent because there are still some items in here that do not fully explain. For example, there is just over a million dollars in three different packets. It adds up to \$1,050,000, I think, and is described as “increase in price paid for outputs for significant pressures not covered by indexation”. Now, I do not know what they are. I have no idea what “outputs for significant pressures not covered by indexation” are. Of the \$8.84 million, there is about a million dollars in that category. The minister has not fully explained, but at least he has focused it down a bit so that we can hold him accountable later.

The other element is \$1.2 million in output class 3.1 for “performance incentives targeting day surgery, day of surgery admissions, increased organ donation, identification of ATSI patients, reduction in nursing home-type patients, service delivery targets in emergency and reduction in surgery waiting times”. That is a long shopping list on which the minister proposes to spend \$1.2 million, but he only proposes to spend it in those areas in terms of performance incentives. I do not know what the performance incentives are.

Mr Moore: Yes. I will explain.

MR KAINE: Your explanation does not tell us just what you have planned to do with that \$1.2 million either. So there is \$2.2 million there where you give us a general idea of what you are proposing to do, but it is still quite non-specific. However, as I say, it provides me with enough information, I think, further downstream, maybe in three months, six months or 12 months time, to ask you to account for it. From my viewpoint, that deficiency in the minister's budget has been rectified, and for that reason I will now support it.

The other matter of controversy, of course, is the shooting gallery. I have had any number of telephone calls, emails, and faxes over the last few days exhorting me to vote the budget down because I oppose the shooting gallery. Well, I wonder what people would want me to do as a general principle in this place, having lost a debate in the Assembly on whatever subject you care to choose. In some cases in the future the subject that I loose might be dear to the hearts of some people who now think I should change my mind, but in future they may think I should not change my mind because it might be detrimental to their interests.

I have stated publicly that I do not believe, in conscience, that I can vote the budget down because I do not believe in a shooting gallery when I have already participated in a debate in this place and a vote has been taken and the vote went against me. I have to accept that. I cannot change the vote. The interesting thing about this proposition is that

even if tonight I vote against the budget and I bring down the government, in company with others, and the government changes and becomes a Labor government tomorrow, we are still going to get the shooting gallery because it is the policy of the Labor Party that we should have it too. So I am not to sure of what people are trying to say to me when they say that I should vote this budget down. There is either a democratic process that you subscribe to or there is not

So, I am not dissuaded by the argument that because I do not like the shooting gallery I should now set aside the fact that we had a debate, the democratic process has been satisfied, we had a vote and I lost, and I should now exercise my prerogative a second time in order to destroy a budget when the amount of money that is involved with that project is \$800,000 out of a budget of \$1.6 billion. It is not a significant sum. Now, I understand that some people are very concerned about that, but I believe that my role from here on in, having lost the argument, having lost the debate about a shooting gallery, is to make sure that this trial is conducted on an open and objective basis so that at the end of the time we can be satisfied that it has been properly and fairly conducted and whatever conclusions are drawn from it are properly sustainable on the basis of reasonable scientific study and the compilation of appropriate evidence.

As part of that, I have told the minister that I believe he should be now stating what his criteria for assessment are. He should have his base data on the table so we know what our starting point is and what we are comparing against in 12 months or two years time. We should have set up a proper process of data collection, analysis, and review so that at the end of the day we know what the trial has done. I do not believe in warm and fuzzy evaluation criteria that has to do, in this particular case, with customer satisfaction. I do not know how you measure it and I do not know what it means in terms of an objective scientific analysis of a subject like this anyway. So that is where I see my responsibility now—to make sure that there is a properly conducted scientifically based evaluation, and at the end of the day we get something out of it that allows us to make a judgment in the future about whether the trial produced anything that we can really base future decisions on or not.

I do not accept the proposition that I should vote against this budget on this issue. I know that others have a different view, but I have stated mine. Although there are a couple of bases for conjecture and controversy about this budget, I am satisfied that I cannot, in conscience, vote down either this element of the budget or the budget as a whole on this issue. So, minister, you are just lucky this year. I will support you.

MR RUGENDYKE (5:41): Mr Speaker, my position is quite clear and unambiguous on this line of the budget. It has been well canvassed in the media over the last few weeks. This is a situation that has been brought about by the Chief Minister's warning at the National Press Club, following the presentation of the budget, where she declared that this was an all or nothing budget. Well, Mr Speaker, I accept that challenge.

As we know, the issue surrounds the shooting gallery. Members will recall that when the shooting gallery proposal was debated some time ago the Liberal Party government gave its members a conscience vote. I too voted according to my conscience on that occasion. I am quite passionate about the tragedy of drug addicts and drug abuse. It concerns me greatly that there are so many people addicted to this terrible scourge. So, Mr Speaker, I voted on that occasion according to my conscience.

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Two members of the government also took a conscience vote and crossed the floor to support the Labor Party and get the shooting gallery bundled through. The numbers are there, Mr Speaker. All I say now is that the members who voted for that in the first place ought to vote for it again to show the courage of their convictions, to show that they really want this thing. But, Mr Speaker, do not expect me to abandon my conscience and allow something through that I am so totally opposed to. The members who voted for this thing in the first place still have the opportunity to vote for it now. I realise that a lot of people are way out of their comfort zone; that some people will have to think; that some people will have to carefully consider how they vote, if they really want this thing through. I do not believe it is my position to meet the conditions of what happened in the first place while other members who voted for it may well refuse to do so.

Mr Speaker, it is my view that it would be negligent and irresponsible for this government to concede government over such a small amount, \$800,000 or so out of a \$1.6 billion budget, when this is not party policy. It is not party policy. I believe the majority of the Liberal Party membership are outraged at the stance taken by two members of the parliamentary arm of the government. I cannot believe that a government would hand over a surplus budget to an opposition, 15 months out from an election, for that opposition to squander in the lead-up to the next election.

Mr Speaker, each member in this chamber has one vote. Each member will use their vote as they see fit, and I do that too, Mr Speaker. My vote is valid, whichever way I see fit to use it, and this is the way I see fit. I am concerned, Mr Speaker, that different weight is placed upon the principles that people have. The high and mighty believe they have a greater principle than I do. I reject that outright. It is outrageous that the commentator in today's *Canberra Times* thinks that my principles are not worth as much as someone else's principles. How dare he!

Mr Stanhope outlined very eloquently the unmet need in our health system. I could not have done better, Mr Stanhope. I thank Mr Stanhope for outlining so eloquently the unmet need in our health care system. The basics are not being met, yet we wish to dance off and do the fancy stuff, the trendy stuff, the stuff that the community is so strongly opposed to. It is a quantum leap that I am not prepared to take. I am not prepared to pass this and allow it to happen. The members who voted for this thing should usher this through the chamber if they believe they really want it. The courage of their convictions ought to be there to show that they really want this thing.

It was suggested some time ago that a referendum ought to be used to settle this dispute and to see what people really thought of this shooting gallery proposal. But no, Mr Speaker, the health minister's opinion was that some things are too important for the community to have a say in. Mr Speaker, I think I am speaking for the silent majority, the people who are ringing my office congratulating me for a stand that I am taking. The best referendum we could have would be to take this thing to an election. That may well happen within the next six months at the rate we are going. Let's bring it on. Let's take it to a referendum. Let the people decide whether or not they want this thing. I am ready.

Mr Moore's drugs agenda has concerned me greatly. How long will it take for it to creep into health policy? Mr Speaker, we see it happening. We see it happening with this proposal. I think it is not appropriate. I do not like it. I oppose it. I would like to see it stopped.

Mr Speaker, the Labor Party has always opposed budgets. Surely there is a double standard there. It is all right for you to oppose a budget but it is not okay for me.

Mr Stanhope: No, that's fine, mate. But attack that mob over there, mate. We are the opposition. Keep them accountable.

MR RUGENDYKE: Thank you. If the Labor Party wins office after tonight somehow and they put up their shooting gallery, I will oppose it too. We do not know what will happen tonight. The budget might get through. Who knows what the dynamics will be over the next few months, subject to the outcome of this debate tonight. Mr Speaker, \$800,000 out of a \$1.6 billion budget is a very measly amount for a government to fall. If that happens, they ought to be ashamed of themselves—to fall on an issue that is not even their party's policy.

Mr Speaker, I am opposed to shooting galleries. I cannot say that louder or clearer. I will not support this issue, in whichever form it is offered. The drug users that I know will not use this thing. (*Extension of time granted.*) The drug users that I know do not have the capacity to clean their teeth in the morning, let alone how to work out how to catch a bus to wherever this thing might be.

Supposedly, it is to be set up in the old QEII hospital, out of the city. Those in the city heart do not want it in their street, so flick it out to the western part of the city that is neglected anyway. What about the child-care centre across the road? What about the senior cits across the road? What about the business people who are outraged that they will have this thing set up across the road from their businesses? Has the honey-pot effect been considered? I doubt it, along with a lot of other things that have not been considered. I will not go into the things that have been exposed as unthought of. They are well known.

Mr Speaker, I will not be supporting this line of the budget, and I will not be supporting a budget with money in it for a shooting gallery.

MR OSBORNE (5.52): Mr Speaker, I think this particular line of the budget has given me a great deal more anxiety than all other budgets in previous years put together. While I have had quite a lot of advice given to me about what I should do about this budget this year, I must admit to finding much of it quite laughable.

Like other members of the Labor Party and Ms Tucker, Mr Kaine and Mr Rugendyke, I have compared the details of each line of this budget to my policies, weighed up the relative merits and shortcomings of various funding proposals, and then made my decisions accordingly. I have stated several times in the past that I believe in stable government and the necessity for a government to have its budget voted through each year. However, I have found the budget this year to be quite unique for a number of reasons. Before I speak about those in more detail, and the shooting gallery in particular,

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I would first like to highlight several aspects of the health portfolio that greatly concern me.

First cab off the rank is the on-going difficulties our nurses face in the Canberra Hospital. Since I became a member in this place over five years ago the working conditions and practices of our public hospital nurses have been constantly attacked. There are now fewer and fewer nurses doing more and more work and, rather than becoming more efficient, as the minister would prefer to think, I believe the truth is that this resource is being stretched close to breaking point. I have lost track of the number of times the nurses union has been before the industrial relations commissioner and won hands down. Last year we saw the minister offer 15 redundancies to nurses, all of which were taken up, while this year we are now short of nurses and desperately trying to hire them. Guess how many, Mr Speaker.

I know that the minister just this week instigated a review into how many public hospital nurses we have and how many we need. I have to say that I have two concerns about that. The first is that the review will be done by his department and not at arm's length, and the second is that there is no hint in this review to suggest that there is an intention to restrict nurses from working 16 and 18-hour shifts. Yesterday this minister seemed proud that all those nurses who have worked those long exhausting shifts have done so voluntarily. That may indeed be the case, but the regular need for such extended shifts suggests that something is very wrong with the way this resource is being managed.

Last year the minister said our public hospitals had 15 nurses too many. Now we hear claims by the nurses union that we need up to 100 extra nurses to cope with their regular workload. The minister has rejected the nurses union's claim outright simply on the ground that he thinks it is too expensive, not that the nurses are wrong. Experience shows us that the union has the better batting average on these matters in the Industrial Relations Commission, and I suspect the truth is far closer to their estimate than the minister's.

It is my intention shortly to table legislation relating to the work practices of nurses. This legislation will be similar to a law recently enacted in California to bring into effect three reforms to ensure patient safety. These are: first, minimum nurse to patient ratios in our public hospitals; second, restriction on the use of untrained staff in hospitals to perform certain nursing functions; and third, a restriction on excess shifts and recall shifts for nurses under certain circumstances.

I have been following the progress of the Californian legislation for over a year, Mr Speaker, as it progressed through their parliamentary process, and have regularly monitored their community debate. Interestingly, this legislation drew national attention across the United States community as community groups gave it enthusiastic support, while hospitals, other medical service providers and insurance companies gave it stern opposition.

The Nurses Staffing Act, as it is now called in California, is based on numerous scientific studies in the United States in the 1990s. These scientific studies clearly show the direct correlation between safe staffing practices and positive outcomes from patients. Specifically, higher nurse to patient ratios resulted in lower mortality rates, less re-hospitalisation after discharge, increased patient satisfaction, increased compliance with

ongoing treatment, fewer hospital complications, shorter patient stays in hospitals, and—this last point will greatly please the health minister—a demonstrated decrease in costs overall. This type of legislation implements a staffing system based on patients needs rather than a budget bottom line. In California, it is sensibly being phased in over a two-year period. I hope to have this legislation ready for the next sitting week, and I thank the Australian Nursing Federation for their assistance.

Mr Speaker, I too echo the words of Mr Stanhope and his concern about the performance of this government and the officials who handled the hepatitis C disaster between the years of 1994 to early 1998. I have to say that this whole scenario continues to amaze me. It took several years before anyone began to consider the matter serious enough to even bother looking for those they knew had been exposed to the virus. What truly astounds me is that it took four years before someone bothered to even tell the health minister, despite the notification of pending law suits and weekly meetings with the health minister of the day.

I still cannot tell whether a select group of officials have lied about their inaction, or whether this was just plain incompetence on their part. I very much suspect that it is one or the other. With the limited documentation I have received from the minister on this matter, I cannot accept that in four years of considering the impact of giving blood infected with hepatitis C to a large number of patients, and with the knowledge that law suits could be pending, not one health official bothered even to mention in passing to the health minister that there was a problem on the horizon. I suspect that we probably will never know the full story, and in the meantime, as Mr Stanhope said, people may well have died as a result.

Mr Speaker, my next comment on this budget is about the management of the Canberra Hospital. From time to time I have had difficulty with the attitude of this government and the attitude it has shown to our health system, and in particular to our public hospitals. I have said this several times before, but I repeat it to the government—you are not a business. Yes, it is beneficial to operate efficiently and in a businesslike manner, but government is about providing leadership and community services, not just the bottom line.

I feel that all too often this all important principle is forgotten when it comes time to divvy up the tax dollars. There are a number of things that must be afforded in the budget before we move on to those with a lesser priority. Services such as schools, public transport, police, public housing and hospitals are essential to Canberra and are not optional business units in the ACT economy. As a further example, I consider it nonsense for the government to treat last year's budget blow-out by the Canberra Hospital as a loan that must be repaid. This attitude, in the name of efficiency, puts the bottom line before patients' needs and in my opinion is back to front.

My office regularly receives calls from members of the public about their experiences at the hospital. Naturally, we usually only hear from those who are unhappy, and we refer them on to the Health Complaints Commissioner. The latest tale of woe involves the surgeon, Dr Phillip Jeans, and his patient who unfortunately died while waiting for an operating theatre bed. I do not wish to debate the circumstances of this matter other than to comment that both sides acknowledge that the patient waited for over six hours for a potentially life-saving emergency operation with his life visibly ebbing away. I look

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forward, like most members, to reading what the coroner makes of all this when he has finished his investigation.

Mr Speaker, in February last year, 18 months ago, the health minister was firmly put on notice by this Assembly that he needed to address certain problems in our public hospital, namely, problems directly related to the number of nurses and other hospital functions, including surgery. The minister assured us at the time that he was taking, and would continue to take, a personal hands on approach to the administration of the Canberra Hospital. I think he referred to it in *Hansard* as “continuing to meddle”. However, it was only this week, 18 months later, that he has got around to undertaking a formal review of these two matters.

Mr Speaker, my final comment is in regard to the health priorities of this government as they are expressed through the budget. Other members have spoken at length about the minister’s \$64 million slush fund. I agree with my colleagues that the approval of unallocated funds is not an acceptable form of budgeting, and I am genuinely surprised that the health minister thought he was going to get away with it.

I note that he has since allocated the first \$8 million of the slush fund, but the subsequent years are possibly still something of a problem. I also note that the minister’s health agenda and growth in needs priorities perhaps come into conflict with what I believe the people of Canberra expect of their government. While there are funds available for some extra services, all of which, in themselves, are valid needs, these come at a time when, for example, there are significant problems in our public hospitals, there are areas of the city in the grip of a chronic shortage of GPs, proven drug addiction therapies are ignored, home-based palliative care by specialists is possibly again under threat, and the public dental waiting list continues to blow out.

Further, Mr Speaker, despite the minister’s insistence that our illicit drug use is a medical problem, we have more of our young people using drugs every year. I strongly disagree with this health minister’s priorities on drug treatment and rehabilitation. This minister is yet to spend a single dollar on residential rehabilitation for our young people who are, unfortunately, in the grip of drug addiction. If it was not for the provision of a generous amount of Commonwealth funding, funding from a drug strategy that Mr Moore has strongly criticised, we would remain without a youth rehab facility for some time to come. I believe that Mr Rugendyke and I have been patient on this matter, but all that the minister seems willing to open his wallet for is a shooting gallery that is designed to keep people chained to the misery of their addiction.

Most members will be aware that I recently attended a drug summit in Sydney for a week. Much of the week was spent on taking a rational look at the successful drug strategy of Sweden, a strategy based on harm prevention, not the fallacy of harm minimisation that we seem content to blindly follow. I seek a short extension, Mr Speaker.

MR SPEAKER: Take your second 10 minutes, Mr Osborne.

MR OSBORNE: I found this conference most enlightening, and I cannot help but despair at the rabid enthusiasm with which Mr Moore pursues his drug agenda while seeming to abrogate responsibility for the rest of his portfolio. I accept that I opposed the

shooting gallery legislation and lost, and I admit to a great deal of personal disappointment about that. Such is the nature of the democratic process. However, I also consider it to be a credible part of that democratic process to feel under no obligation to support the shooting funding. I am comfortable with letting those who voted for the legislation be the ones to vote for its funding. Some Assembly members and certain supposedly enlightened members of the media have criticised this position in recent days as somehow being unprincipled. Naturally, I disagree.

This morning, Mr Speaker, I heard both Mr Stanhope and Ms Tucker refer to funding the shooting gallery as a minor matter. I think Mr Stanhope used the description, "a tiny thing and therefore of little or no significance". It may be insignificant to them, but not to me.

Setting aside the fact that I have a major difficulty in funding an activity that would still be illegal, I find it more than a little amusing and highly hypocritical for me and Mr Rugendyke to be labelled as unprincipled for sticking to what we believe in, while other members are willing to temporarily set aside their principles for the sake of expediency and somehow consider that they have retained their integrity. What a joke you are. At least I only have one set of principles that I work from and not a selection from which I pick and choose in order to suit my circumstances. I think it is about high time you woke up to the notion that those who disagree with you might hold their opinions just as strongly as you do.

Mr Speaker, whatever actions I take today, I do so as an Assembly member who has just one vote. The weight that other members place on that vote is up to them.

MR STEFANIAK (Minister for Education) (6.04): Mr Speaker, I want to put a few things on the record. Whilst I certainly respect the opinions and the sincerity of the point put by Mr Rugendyke, and also by Mr Osborne, if I read him correctly, and whilst I also agree with their views on the shooting gallery, I do not think the path Mr Rugendyke has indicated he will go along is the correct one in the circumstances. I say that for a number of reasons. In a democracy, sometimes you win and sometimes you lose. In a democracy, sometimes events occur that you would rather not see. Nevertheless, a democracy, I think, is the best form of government that mankind has devised to this point in time.

We have a very long history of democracy in Australia. When Mr Rugendyke was speaking I was thinking back to the great debate that occurred in about 1950 when the Menzies government attempted to ban the Communist Party. They went to a referendum on that. At the time the Communist Party was a Stalinist party. It supported the Soviet Union. The Soviet Union was run by one of the greatest monsters of all time, Joseph Stalin, a man equally as evil as Adolf Hitler and who ran a regime of the same degree of barbarity as that of Nazi Germany.

Australia, along with the United Nations, was involved in the war in Korea. Our troops were fighting there. We had a number of naval ships and the air force in support. We were fighting communist aggression, backed by Stalin and the Soviet Union. There were acts of sabotage in Australia by certain members of the Communist Party, including one group who managed to do some damage to HMAS *Sydney*, an aircraft carrier about to depart for Korea. There were strikes, too, which were political.

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Despite all of that provocation, despite some excellent reasons and very good emotional reasons for banning the Communist Party to show disapproval of an abhorrent system that that party supported, the Australian public, and I think rightly so, thought that democracy should prevail. Despite all the evils inherent in the Communist Party, in Australia, even an evil party like that had the right to be heard in a free and democratic society.

Mr Humphries today quoted from a statement I made in the 1991 budget debate. I was then the police spokesman and the legal spokesman for this party. Mr Connolly and the Labor Party cut the police budget by, I think, about \$2 million. That amounted, effectively, to about a 15 per cent cut in the police operational budget. That was where it was largely targeted. That was something I found quite abhorrent, and there was widespread public condemnation about that move at the time.

I remember organising and addressing a number of rallies against that part of the Labor Party's budget. I moved a form of words, too, which indicated my disgust, and that of the Liberal Party opposition, at what was occurring. But, at the end of the day, as Mr Humphries quoted from my speech then, it was the Labor Party's budget. We disagreed with it but they had a right to put their budget in place. It was up to the public whether they accepted that or not. If the public did not like it they could vote them out at the ballot box. That is the proper way of doing things, despite our very strongly felt views. It would have been great if they had not put that cut in their budget, but, at the end of the day, it was their budget and their right to do so.

Similarly, I think the shooting gallery is a dog's breakfast. I do not think it is going to work. I do not necessarily think that addicts will go there. It really concerns me that probably 80 or 90 per cent of the heroin used there will come from the proceeds of crime. A lot of innocent victims will have suffered as a result of their homes being burgled or banks being robbed or whatever. However, 10 people in this Assembly late last year voted for a two-year trial of the shooting gallery. I, with six other members, opposed that. We voted against it. My views have not changed on the matter, but I accept that I was in the minority. I lost.

Obviously that shooting gallery is going to cost some money. Mr Moore has put in his budget a small amount of money for that shooting gallery out of what is a big budget. I don't like it. I still don't like it. If Mr Rugendyke would like to bring in a bill repealing that act that we passed in December 1999, I would vote for it. You might, too, Mr Speaker. I see that you are smiling. Probably none of our views have changed. That, to me, is the proper way to go about it.

I respect Mr Rugendyke's opinion on the shooting gallery. I respect Mr Osborne's views on the shooting gallery. I respect, even though I do not necessarily agree with them, the views of Mr Moore, Mr Stanhope, Mrs Carnell, my colleague Mr Smyth and others, but we have had that vote and, rightly or wrongly, it is law. I might think it is a bad law, but it has passed into law. Mr Moore, accordingly, has the right to expect the Assembly now to ratify the expenditure, whether a lot of us like it or not. I would suspect that four out of the seven members of the government do not particularly like it, but we accept that it was the will of the Assembly. There are other ways in which those of us who do not like the shooting gallery can attempt to overturn that decision. As I have already suggested,

Mr Rugendyke, rather than going down this path, might like to consider bringing in a bill to repeal that act.

Mr Kaine raised another valid point—that it is a bit like cutting off your nose to spite your face. I think it would be a tragedy if this government falls over this budget because I think this is the best budget I have seen since we have had self-government. We are actually going into the black, and there are some very good things in it. But if we fall over this budget the Labor Party becomes the government, and guess what? Unlike this government, where at least four out of seven of us oppose the shooting gallery, all six of them voted for it. So you are not going to get any real benefit there. So there are those practicalities there.

Whilst I respect Mr Rugendyke's great sincerity in this, I think he is going down the wrong path. He probably has not thought through a couple of salient and terribly important conventions and also practicalities relating to this matter.

MR QUINLAN (6.11): Mr Speaker, I was not going to enter this debate but I want to comment on one point that was made by, I think, Mr Rugendyke, and confirmed by Mr Osborne, about the principle that they are standing by and that we should vote for this budget because we voted for the shooting gallery. There is a little hole somewhere in that logic.

There is a lot in this budget that we do not agree with and therefore we do not feel disposed to support it. To support it is to endorse everything in it. The shooting gallery has become the cause celebre of a couple of people in the place and it was something that we voted for. It is crazy logic to suggest that, nevertheless, we should turn around and reverse our position on the whole budget in order to accommodate that particular position when, in Mr Rugendyke's case, the government is in place because of his vote. Effectively, we have a conservative government in the ACT because there are more conservatives in this place than there are progressives.

MR MOORE (Minister for Health and Community Care) (6.13): Mr Speaker, I think it is very interesting that Mr Stanhope started his speech criticising the Canberra Hospital by quoting an article from the *Canberra Times* that was based on an anonymous nurse who left the hospital 15 months ago. It is bad enough that a journalist should write that in the first place and use those sorts of claims from an anonymous nurse who left the hospital 18 months ago, but to put that as a crisis of the hospital—

Mr Stanhope: After the way you treated Jeans, can you blame her? After your vicious attacks on Jeans?

MR MOORE: Mr Stanhope now interjects, "After the vicious way that you treated Dr Jeans." My vicious way of treating Dr Jeans was to say—

Mr Stanhope: All those lies you told about him the other day.

MR MOORE: He will need to withdraw that, Mr Speaker.

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Mr Stanhope: The point, Mr Speaker, is that Mr Moore did retract and apologise for statements he made because they were wrong. I retract “lies he told” and say “those vicious statements that he made”.

MR SPEAKER: Thank you. Sit down.

Mr Stanhope: For which he had to apologise.

MR SPEAKER: Sit down. You have retracted.

MR MOORE: Mr Stanhope’s rendition of that is also patently false. I very clearly retracted the words said, insofar as anybody had misinterpreted the words said. I have never retracted the statement, and the peers of Dr Jeans have written a report that shows that the allegations of Dr Jeans are patently false.

Mr Stanhope: So you are rewriting history.

MR SPEAKER: Order, Mr Stanhope!

MR MOORE: No, I am not. Mr Stanhope, I heard you in silence. I ask you for the same respect. It is interesting that Mr Stanhope did this. Then he went through a series of things that we should provide more money for in this budget. It is always easy to say “more money”; more money for nurses, more money for unmet needs and disabilities, more dollars for indigenous health. More and more and more money.

Mr Speaker, I hope that we will be able to do that. I hope that we can have more money, but at the moment we have a budget that is finally getting to an appropriate and responsible way of doing it. We actually are spending the money that we earn. The legacy left to this government by Labor was to spend much more money than was earned. We finally got that under control, and now it is time to appropriately allocate and spend that money.

Mr Stanhope suggests first of all that we had the misallocation, if you like, of \$62.9 million over four years. Mr Kaine mentioned that as well. The Assembly was not asked to give me what Mr Stanhope dubbed a slush fund. The funds were appropriated across three outputs, acute services, mental health services, and consumer and community priorities. They were allocated across there, and they were specifically allocated for growing needs in the community. Unlike some opposite and some who accuse politicians of taking a narrow and short-term view, we recognise that in a rapidly ageing community, in fact the most rapidly ageing community in Australia, there are going to be growing needs in our community. We are going to need to be able to do more operations. We know there is going to be a need for more money in renal. We know there is going to be a need for more money in a whole range of areas, and this money was specifically allocated for the growing needs of the community. Mr Speaker, that is how we allocated it.

When this issue was beaten up somewhat by Mr Stanhope, and I think also by Mr Kaine, I said that I would give you a closer indication of exactly how we would spend that money. That is a reasonable way to do it.

Mr Kaine, you will find this very interesting. The advice from my department is that this is exactly the same practice as in previous years budget papers. The difference is that this year the government appropriated growth funds within those outputs. The specific initiatives to be funded with the growth funds will be finalised when the contracts are finalised in a short while. They were never going to be hidden. They were never going to be unavailable for scrutiny. As Mr Kaine rightly said, he will have the opportunity to scrutinise these funds, not only in annual reports next year but also in the not too distant future when he looks at the purchase agreements. I know that Mr Kaine will be the person who does that.

Mr Stanhope, the Leader of the Opposition, then went on to talk about the methadone program. He said that this is the worst case ever because we have an eight-week waiting list and 47 places. Last year when there was no waiting time and right through last year while there were no waiting lists, we did not hear him say, "You are going very well, minister." Of course, these things do go up and down. What did we do about it? We allocated \$125,000 in the budget to deal with it. We also put processes in place to deal with it and to change our system. The result is that we have been managing to deal with five more people a week, and at this stage I am informed that we do not now have an eight-week waiting list. We have a five-week waiting list, which is still not good enough, and we have 32 people waiting, but we are improving at the rate of five places a week.

Mr Stanhope then went on to talk about indigenous health. He seemed to forget that in the vast majority of cases indigenous health is funded by the Commonwealth. In spite of that, we have added the extra \$100,000 he referred to. He then went on to talk about the drug issue for young Aboriginal people, but neglected to mention that we had also put an extra \$120,000 into dealing with that issue. It is not being ignored.

I have to ask Mr Stanhope how he would go about funding the indigenous community. Would he just put money in, or would he do what we have been doing and work with the Commonwealth, work with indigenous people and work with the ACT government in a partnership to get a strategy for dealing with indigenous health issues? Having got that strategy, we can determine the appropriate levels of funding and the appropriate way to fund. Unfortunately, going through that process takes time. It is a great frustration that it takes so long, but that is the right way to go about it, and he knows it.

There are a number of other issues that were raised by Mr Stanhope. Hepatitis C was one of them. It was also raised by Mr Osborne. The hepatitis C issue is one that we are still looking at. That did happen before my time and, as Mr Stanhope correctly said, it was not drawn to a minister's attention.

We then had a number of people talking about the nurses at the Canberra Hospital. Mr Speaker, it is of great frustration to me that Mr Osborne is not here in the Assembly more often. It is of great frustration that he is not here at the moment. It is of great frustration that Mr Stanhope is not here at the moment, and it is of great frustration that Mr Kaine is not here at the moment. They raised these issues, Mr Speaker, and I seek to reply to them. Mr Rugendyke, having raised this issue of the supervised injecting room, has now left. This is of great frustration to me because I have the opportunity now to reply to them on those issues, particularly on nurses.

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Had Mr Osborne been here at question time and after question time when we tabled papers, he would have known that I have tabled papers on this matter. He would know that the nurse to patient ratio at Canberra Hospital is significantly better than in a whole range of other hospitals across Australia. I welcome this legislation, Mr Speaker. It can only add to the great work that goes on at the Canberra Hospital. It will be very interesting to see whether it deals with the different work practices that apply at the Calvary Hospital and at the Canberra Hospital.

Mr Speaker, there is a different work practice in terms of the way they do shifts at the Calvary Hospital where they work 8, 8, 8-hour shifts. At the Canberra Hospital the nurses work an 8, 8, 10-hour shift. As I understand it, the number of nurses that the Canberra Hospital claims it is short is taken up just in that different work practice. Are we to believe that treatment at the Calvary Hospital is worse than the treatment at the Canberra Hospital because of this? That is one of the issues.

I know that other ministers have tried to take on this issue with the nurses union, and because nurses at the Canberra Hospital feel so strongly about this it is a pointless exercise. That illustrates the point that just because the nurses union says something does not actually make it right. Just because they go to the Industrial Relations Commission and claim they have a win does not actually mean they had a win. If we go back and look at the Industrial Relations Commission hearings since I have been a minister, I am sure you cannot claim that there has been an overwhelming win by the nurses union.

I would like to acknowledge that Mr Rugendyke is back in the chamber. I would also like to acknowledge that it is a rare thing for Mr Rugendyke not to be in the chamber.

MR SPEAKER: Minister, are you taking your second 10 minutes?

MR MOORE: Yes, Mr Speaker. Mr Osborne also raised the issue of the management of the Canberra Hospital. Have a look at the Anderson report that I tabled here today. Incredible improvements have occurred under the management at the Canberra Hospital. I did listen to what the Assembly told me when the motion of grave concern was debated. Of course I listened, but I was already under way with those things, and it is improving.

More importantly, have a look at the quality performance indicators for the Canberra Hospital that I quoted today. Again and again and again through those quality indicators, done at arm's length by the Australian Council on Healthcare Standards, is the good news of just how much better our hospital is than other hospitals around Australia. What was the overriding instruction that I gave and have reiterated in here again and again about improvement in management practices at the Canberra Hospital? Never at the price of patient care. That makes it very difficult for Mr Rayment to do his job. It makes it very difficult for the board, under the able guidance of its chair, Mr Peter McPhillips, to do their job. But they proceed to do it, putting patient care as priority one.

This is not the work of a minister who is not interested and who only concentrates on drugs. Mr Rugendyke, I ask you, in particular, and if Mr Osborne was here I would ask him the same thing: please don't suggest what you know to be incorrect—that I only spend time on drugs, or my whole time is spent on drugs issues. That is simply not the case. I think both of you know that that is not true. You know it because when I am

asked a question in here on any matter across the range of my portfolio, I do not think there is anybody who answers better than I do in terms of understanding what goes on in my portfolio and where I am working. A lot more of my time and energy goes into the Canberra Hospital, community care and Calvary Hospital than goes into the issue of drugs.

That having been said, I also have a conscience and I am dedicated to following it. I have to say to Mr Rugendyke and to Mr Osborne in particular, through you, Mr Speaker, that I would like them to think about the abortion issue. This Assembly passed a law about abortion. It is a law that I vigorously opposed. It is a law that I despise. I would not have any law governing abortion at all. My personal view is that the medical processes and procedures would cover abortion in the most effective and appropriate way. We do not require a particular law for this particular medical procedure. But the Assembly passed the law. As minister, I implemented it. I did not like doing that. I do not know whether Mr Osborne has looked at his papers today, but today I tabled the third quarterly report relating to that legislation and the number of abortions that have occurred and people looking for information. I would prefer not to do that. Of course I would prefer not to do that.

That raises another question for me. Mr Osborne is now opposing a supervised injecting room because his conscious will not let him do anything else. It is interesting that he is not opposing the money that goes into the family planning packet. It is interesting too, to me, that I am not opposing Karinya and the money that goes to the Catholic organisation providing pregnancy advice. By the way, I do not ever intend to oppose that because I think some women will choose that path and will take that advice. I am quite happy about funding it. But that does raise a question in my mind about whether this is a political issue for Mr Osborne or whether it is a genuine conscious issue on its own.

That having been said, Mr Speaker, there is a difference between issues that are, if you like, put in your face and issues that have been bubbling along for some time and have been in process. I do not miss that. Mr Speaker, the notion that my focus is on a drug agenda and that I have not been focusing on the rest of my portfolio is simply untrue. The decision on the supervised injecting place trial has been made and funding ought to be approved by the Assembly. This government is compelled to fund a decision that has been made by the Assembly.

Mr Rugendyke, I know you are acting according to your conscious, but I have to say that I think you have not sorted out your priorities. There is a democratic principle first and then the issue of these fundings. Exactly the same principle drives a minister to facilitate a piece of legislation that has gone through. It is exactly the same principle that says a policeman who disagrees with a law still implements that law. I am not questioning your conscience, but I am saying to you that I think there is an order in which these things operate. That is my opinion.

Mr Speaker, there is one other issue that I want take up. It was raised by Mr Stanhope. It gives me an opportunity to correct an impression that I think I created earlier in the day that was not accurate. It is to do with the critical and urgent treatment funds. Mr Stanhope suggested that I was not spending enough. I said that we only recently got the funds. I think it is fair to make it clear that, in fact, they were received by the department in June 1999. I inadvertently misled the Assembly in that way and

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I apologise for that and I correct that. We have spent the original \$8.2 million which was provided to the department of health in late June 1998, due to the process required by the Financial Management Act. The second \$8.2 million from the Commonwealth was received by the ACT early in the 1998-99 financial year and came through under the Financial Management Act to the department in June 1999.

Mr Speaker, this is one-off money, so it is not as easy to spend as some people may think. Because it is one-off money it is restricted to improving the waiting list circumstances. If I say, "Open another theatre, employ more nurses and do more operations," what happens when that one-off money is exhausted? What do we do? Do we close the theatre and fire the nurses? We do not have the ability to do that under the Financial Management Act. We are looking at ways to try to improve that. As you know, the theatre utilisation review is on and we are trying to do it.

It has never been a case that the Canberra Hospital is in crisis. It is not in crisis. It has never been in crisis. That is simply false. We know that some people in this place and outside this place like to keep making assertions that are patently false to try to convince people that there is a major problem with management. That is simply not true. The quality performance indicators make it clear that it is not in crisis, Mr Speaker. Yes, there was a short period, about three or four weeks ago, of great stress for the hospital. That is not unusual. That is not unusual for every hospital in Australia. However, that does make things difficult, particularly for the staff who are working there.

Mr Osborne also raised the issue of the nurses who are working there. Had he been here just after lunch when I was tabling the papers, and if he was here now, I would be able to explain to him the percentages of nurses who did an extra shift. In that month less than 1 per cent of all shifts were done as double shifts, and a fair proportion of those, about half the ones that were double shifts, were done in the intensive care unit. This is the intensive care unit that performs 10 times better than the Australian average, more than 10 times better than the Australian average actually. So, Mr Speaker, the hospital management is doing an extraordinarily good job; it is not in crisis.

Mr Rugendyke, there is \$800,000 for a supervised injection room, but the line of the budget that we are debating is for \$380 million. When you vote against that line in the budget a lot of other things go down too. All the operations, respite care, paying nurses and paying doctors. There is a huge range of things that are important to the community. We are improving on things all the time. We will continue to manage the health portfolio to get constant improvement. I am still keen to listen, as I have done, to your ideas on how I can improve that. I am always keen for any members of this Assembly to make suggestions on where I can improve focus, and I do it where it is possible.

Sitting suspended from 6.34 to 8 pm.

MS TUCKER (8.00): Mr Speaker, I have come to the conclusion that the health budget is flawed, as are all other aspects of this budget, for the reasons I have already outlined. The budget should be, in proper governance terms, a means to an end. The accountancy frame should be useful only to the extent that it provides a partial analysis of the resources available to the community and the proposed means of using them to meet identified need. We have not seen the need identified. We are told by the minister in

almost a hopeless way that there is unmet need, as if responsibility is lifted by admitting it.

I might be more sympathetic to this position if the minister had not gone on to support the Treasurer's claims of good governance because the budget is in surplus. You cannot argue one minute that you really care but there is no money and the next minute talk about the surplus, especially when you gave \$7 million last financial year to a car race that was run by the private sector, with another \$3 million to come this year and another \$5 million after that. That is really offensive to people who are suffering from the lack of essential services. Maybe Mr Moore did not hear me read the section from the poverty report on the lack of essential services.

The Chief Minister spoke enthusiastically about the social policy unit in her department and how important it has been to the management of the healthy cities program, an initiative of this department. Yes, we all want healthy cities, and I support the work of the program. But to have credibility, this government has to start integrating into its policies and practices the conclusions of initiatives such as the poverty task force and healthy cities and reports such as *More than the sum of its parts* into which so much community energy went.

Social capital relies on the community having some trust and confidence in institutions of government and public systems of support. My request for targets which are informed by an overall understanding of the objectives and specific to meeting them is not an unrealistic ask. It is an essential element of accountability and is necessary to counter growing disillusionment in the community with the commitment of governments of all persuasions to policy promises.

If government is actually doing the right thing—of course, it does sometimes—the community will be able to see it when it occurs and have confidence in government's ability to understand what is actually happening. Obviously the media releases and spin and the unclear targets can work for government to a certain extent, but in the long run it destroys the social capital that the government claims to be committed to supporting.

Mental health is an area I will focus on first. As members are aware, I am familiar with the detail of this sector as a result of the inquiry into mental health services which I chaired in the first Assembly that I was here—the last Assembly. Through that inquiry, I met many people whom I am still in contact with in this field and I am very dissatisfied with funding and resources in the area.

The increase in growth funding for the portfolio is a response to real need and the identified expenditure of that growth funding appears more or less responsive to recent consultation. However, the basis of a trusting partnership with community and professional organisations is much less secure.

Management of the community-based mental health services funding over the past couple of years provides a succinct example of the erosion of trust and enthusiasm of the very community the funding was intended to support. In the specific case of a mental health consumer clubhouse, the feasibility study for the clubhouse was paid for out of these funds in one year and evaluated through another and larger consultancy the next year and staff funds were finally awarded from the same source in this budget year, but

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with no venue or program funds allocated against it. Meanwhile, organisations such as the Belconnen Community Centre continue to create and offer programs seeking to address the same needs on what inevitably becomes an ad hoc basis.

The approach is not coherent, reflecting the fact that the mental health strategic plan lacks performance indicators and timeframes. That leaves constituents uneasy in the belief that funding and policy decisions are driven by personal rather than social goals. That is what I am hearing from the community.

An evaluation of Child and Adolescent Mental Health a couple of years ago was shocking in its comments on problems there. The response of government to this review has been inadequate. I have spoken to too many families whose loved ones have died or experienced serious trauma as a result of system failure in this sector. Rehabilitation and daytime occupation for people with mental illness are still woefully inadequate. Carers are still inadequately supported by respite services.

This government calls a subsidy to the private sector, such as the funding of the V8 car race, an investment in Canberra's future, but funding critical mental health services is a greater investment in Canberra's future and a basic responsibility of government. I know that Mr Moore has done some work in the area, and I give credit where it has been done.

There will be a facility to separate adolescents from adults in the hospital, although even this situation is flexible, depending on need. There will be a better system of file management, which we desperately need and which, according to the coroner, was one of the reasons for a death. Why did someone have to die for this to happen? The coroner, once again, has commented on systems failure in this government's processes.

The same criticism can be made in the area of disability services. Once again, I had the experience of going through a full inquiry into this area and have ongoing contacts with people in this field. There have been several catastrophic and appalling incidents in the area of disability services which indicate ongoing systemic failure.

On the other hand, we have the introduction of a medical call centre coming out of left field on the back of no public consultation. While the concept may or may not be a valuable thing, the surprise and, it appears, hostility expressed by the medical profession only illustrate further erosion of social capital.

Mr Moore: They ran for it.

MS TUCKER: The continuing shortage of nurses in Canberra Hospital, which we have had some explanation of tonight, let alone the recent problem—

Mr Humphries: She is not listening. She never listens.

MS TUCKER: Mr Moore is quite able to speak after this. I am happy to listen to him and I am happy to seek leave to respond. I am happy to listen to his arguments; he does not have to interject. If he wants to, fine, but I do not interject and I do not think that it is necessary for sensible debate.

Mr Moore: Yes, ma'am.

MS TUCKER: Mr Moore is now getting upset because I am choosing to raise an issue of process. Mr Moore is very happy to raise issues of process when it suits him, but we cannot say to him, "Yes, sir, Mr Schoolteacher."

The questionable basis on which hospital funding is allocated and the presumption that it is too expensive in comparison with other facilities across Australia, identified in the budget as health efficiency improvement, simply demonstrate this devotion to the values of excess economics is inappropriate and casts its pall over the whole health portfolio, growth funds and healthy cities programs notwithstanding. There is no expenditure in the budget that indicates that such fundamental inadequacies are to be addressed in a coherent manner. I can find no good reason to support this line on that basis.

However, this particular debate is no longer a debate just on the health line overall. It has become a debate on the trial of the supervised injecting place. We debated this issue in detail in the Assembly last December and I will not restate all the arguments that I made at that time. But, having listened to Mr Rugendyke tonight, I do feel that I have to restate some of my position again.

I respect Mr Rugendyke's right to have the views he has. By the way, I have not said at any time that he does not have the right or that his principles have some lesser status than those of other members of this Assembly, including me. I do not know where he got that from. Also, I did not say that it was a minor issue, as Mr Osborne said. Obviously, if I thought it was a minor issue, I would not be considering how I will vote on the health line.

I think the supervised injecting place trial is an incredibly important issue for the health of the community in our city. I have seen people die because of a lack of services in other areas, but I have seen many more people die in this community because of their addiction to a substance and our society is doing nothing to protect them.

Basically, this trial will put us in a better position to protect our population from debilitating and deadly blood-borne diseases. This trial can assist us in developing a comprehensive public health policy which really will save lives. A lot is said about sending signals. The most important signal we can send is that everyone in our society ought to be treated with dignity and respect. After all, everyone wants to improve their quality of life and everyone hopes to stay healthy and positive, drug-dependent persons included.

For most drug addicts, as the research and as drug users and addicts themselves will tell you, it is simply a matter of time: a matter of time before they die of an overdose, perhaps; a matter of time before their health fails them; a matter of time before they learn to live with and manage their addiction; or a matter of time before they get clean. I know for a fact that time runs out for some.

MR SPEAKER: Indeed, Ms Tucker, time has run out for you. Would you like to speak for another 10 minutes?

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MS TUCKER: Yes, thank you. We know that people die or are permanently damaged when they inject in unsafe places, when they overdose alone, when their use of drugs is compounded by mental health problems, and when they see no options for getting out of the cycle in which they are trapped. Such deaths and illnesses are horrific for the victims and for their families and friends and the members of the community who look after them and come across them. They are also expensive and demoralising for the wider community.

What are the signals we want to send to people who are addicted to drugs? The trial of a supervised injecting place sends a signal that we want them to stay alive, that we want them to be as healthy as possible, that we want them to find a way out of drugs and that we are not going to damn them as worthless, criminals or immoral and will explore a range of strategies to this end. It sends a signal to families and friends of injecting drug users that we do want their loved ones to survive, to remain healthy and to take advantage of opportunities to get free of addiction and destructive lifestyles.

The Greens will support the trial of a medically supervised injecting place as one component of a broad strategy to address the continuing and growing problems of dependent drug use. The Greens look to develop a range of problems in dealing with complex issues. We are of the view that little is gained in making black-and-white moral judgements of others and look to a social policy and health response which is built on health principles and compassion.

In this instance, the two Independents in the Assembly have declared moral objections to the trial of a supervised injection place. They have expressed that view in a number of forums over the past year and spoke emphatically against this trial in the Assembly last year. Mr Rugendyke says that he has been told by drug users that it would not have helped them. A number of people in the community have a different view on that. Drug users have a different view as well. If this particular response will help some drug users, then we should be trying it.

In light of the shared commitment of the government and the opposition to this trial, we are all aware that the position of Mr Osborne and Mr Rugendyke does differentiate them in the market. Being seen to stand up to those who are “too soft on drugs” will do them no harm politically. Maybe that is one of their motivations. A less cynical approach is that they have a genuine belief that having this trial is not the right thing for us to do in response to this problem.

We have been left with a situation whereby this matter has been debated in the Assembly and the decision of a majority of the members is that having a safe injecting place is something worth trialling. For that reason, the Greens consider that it is a reasonable thing to vote for the health line in this budget because the debate has clearly become one about the supervised injecting place. For that reason, it is something worth considering, but I want to make it clear that I do not support the thrust of the rest of the health budget. I am very concerned about many aspects of it for the reasons I have already outlined.

MS CARNELL (Chief Minister) (8.16): I agree with some of what Ms Tucker says. When we came to government in 1995, I became health minister. I have to say that it is one of the best portfolios—this shows a serious masochistic streak—that I have ever had. The reason I stood for parliament in 1992 was that I believed strongly that health policy

could be improved and that the approach that the ACT took to health policy would be better than it was before if we focused on areas of particular need and made sure that we looked after them.

Ms Tucker raised a number of issues. I would like to focus again on the budget that we have in front of us today. What we are debating today is not whether this government is a good government.

Mr Berry: Yes, we are.

MS CARNELL: No, sorry. We are debating a bill. It is called an appropriation bill. It is about the bill that is in front of us. Certainly, people may make decisions on different issues, but I think it is important for people to look at the things that are in the bill that is front of us today and look at the way the government has performed in those areas over the last five years.

Mr Berry: Bruce Stadium; the hospital implosion.

MS CARNELL: We are actually debating the health line. I could wax lyrical on Mr Berry's performance as a health minister, but I do not plan to do so because I think that there are more important things.

Let us look at disability services. Mr Moore has been to a number of conferences of disability services ministers, as did I when I was health minister. Guess what? The ACT puts more money into disability services per head of population than any state in Australia. In fact, there has been a constant increase in the amount of funding for disabilities services since we came to government in 1995. There has been an increase every year.

The increase when I left the portfolio was some 30 per cent. There is obviously more than that now because the bill that we are debating today provides \$845,000 for disability services—more than the allocation to the supervised injecting place. So more money is going into disability services than into the issue that we spent a lot of time on today.

What is the money for? It is for a range of services; it is for carers and a whole range of other things. Things might not be perfect, Ms Tucker and others, but if the basis upon which a government is judged is that it has addressed every single unmet need in the community and everything is absolutely perfect, I have to say that nobody will last longer than their first budget because there will always be unmet need. It would be lovely if that was not the case, but the reality is that we will have unmet need in lots of areas.

We have increased the funding for disability services every year, even when we were addressing a \$344 million operating loss. Every single year when we were pushing down expenditure we increased the amount for people with disabilities and we increased it significantly. I am proud of that. Mr Humphries is proud of that and I know that Mr Moore is, too. In fact, the fact that we did not allow people with disabilities to suffer as a result of serious mismanagement by those opposite is of benefit.

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What about disability services for children? In this budget, there is extra funding of \$250,000 to support children with autism spectrum disorder, cerebral palsy and so on. What did those opposite do in the area? There was not one school unit for autism when those opposite were in government, not one. They did not do anything.

The fact is that since coming to government we have addressed that issue and continue to put money into it. Yes, Ms Tucker and others, we are not there yet. We have not addressed every single issue. But we have addressed disability services every year. Every year we have got better with disabilities services. The amount of money that we put in per head of population is significantly higher than that for New South Wales, Victoria or other parts of Australia. What more can we do? Yes, we can aim at being perfect and we will continue to aim for that, but let us not have a line of a budget knocked off simply because we have not pursued every single unmet need in this budget.

Let us look at mental health. Again, every year we have put in new money, even when we were pushing down expenditure and had really serious financial problems. More money has gone into mental health, not into some areas of government, I have to say. In fact, the Chief Minister's Department ended up with a reduction of over 20 per cent in its budget and there were reductions in other areas, too, but more money went into disability services and mental health because they matter to us.

Mr Moore: And overall in health.

MS CARNELL: As Mr Moore says, more money went into health in total every single year. In this budget, there is \$636,000 for the Child and Adolescent Mental Health Service, and it is this budget that we are talking about. What about supported accommodation for clients with dual diagnosis? There is \$200,000.

Mr Moore: Mr Stanhope gave us credit for that.

MS CARNELL: I accept that. If you add those two things together, you get \$836,000—more money than for the supervised injecting place—going to people with mental health problems who need help. Obviously, the support for the YMCA redevelopment project that will establish a Ronald McDonald House in the ACT is significant in dollar terms, but it will support parents who have kids with cancer, mental health problems and other serious health problems that require them to be in hospital for long periods. Remember the day Millie Hagan died. I am sure that we were all extraordinarily sad about that, but the fact is that we desperately need support for parents whose kids have serious conditions; the need is very real.

There is more money for the methadone program, more money for diabetes care, more money for indigenous health, more money for the domiciliary oxygen scheme and more money for the provision of a breast prosthesis for women who have had mastectomies, something that was lobbied for significantly, not just with us but over a number of years. Those opposite ignored it. The moment we had the money, we said yes.

I am not suggesting that our handling of health is perfect, but I do know that we are doing a damn sight better at it than most governments round Australia. I think that 100 per cent of our public hospital beds are now accredited. Is that right?

Mr Moore: Yes.

MS CARNELL: I think we are still the only state or territory in Australia where that is the case.

Mr Berry: That was the case before you came to office.

MS CARNELL: That means that it has not got worse.

Opposition members: Oh!

MS CARNELL: No, seriously. Mr Berry has made comments that somehow the situation has got significantly worse over the last few years.

Mr Berry: I didn't say that.

MR SPEAKER: Order! I do not want a debate across the chamber. We have a long night before us.

MS CARNELL: Okay. Mr Speaker, I agree that our health system has been through many ups and downs since self-government. Mr Berry made that point earlier. Health is always very volatile; there is no doubt about that. But the suggestion that this budget, a budget which over the next four years puts over \$65 million of new money into areas such as mental health and disability services, indicates that the health minister is not doing his job—a health minister who has just got healthy cities accreditation for the first time and a health minister who has been out there at the coalface, walking around wards and doing the hard yards—is seriously silly, Mr Speaker. Anyone who opposes the health line of the budget has to say that they could do better.

Mr Berry: No worries.

MS CARNELL: The fact is that Mr Berry did not do better. I understand that I should not respond to interjections, Mr Speaker.

MR SPEAKER: Do not respond to interjections, Chief Minister.

MS CARNELL: I accept that. I think that we have done as well as we can. Yes, there will be times in health that are tough, but this budget and previous budgets have put more money into health, more money into disability services, more money into mental health and more money into people who need it. I have to say that Mr Moore has done something that I could not achieve. He has managed to move the focus on preventative care to community-based care, and that matters.

MR SPEAKER: Order! The Chief Minister's time has expired. I thank the Chief Minister for finishing on time.

MR MOORE (Minister for Health and Community Care): I seek leave to respond very briefly to some of the issues that were raised by Ms Tucker.

Leave granted.

MR MOORE: I thank members. We recognise that there are problems in health. There are problems in health across every single state and territory in Australia and across every country in the world. Members may remember that I was in the United Kingdom with the CPA at the beginning of last year. I sat in the House of Commons when Tony Blair was asked questions about waiting lists. As he answered the questions, thoughts were going through my mind as to exactly what he was going to say about the way he was going to improve waiting lists. We have done that; we have improved them.

There are problems and Ms Tucker identified some of those problems, but I think it is worth pointing out that this is simply the best health budget that has ever been brought into this Assembly. Not only have we allocated \$62.9 million for growing need in the community, but also we have done all the other things that the Chief Minister referred to. Ms Tucker said something that really highlights the sorts of issues faced by a health minister. Ms Tucker raised issues about disabilities, mental health and community care, and Mrs Carnell answered some of those questions.

We know that we are not meeting all of those needs. That is not something to be proud of. It is something for us to continue to try to manage, but it is so much more difficult to manage when there is such constant pressure on us in this house to put more nurses in the hospital. There is evidence to say that there is unmet need in the areas raised by Ms Tucker, and it is appropriate for the government to respond to them. There is not evidence to say that we are short on nurses in the hospital. There are loud voices claiming it. The evidence is actually the reverse.

The evidence is that, in general terms, we provide nurses at the rate of one for every four patients. You can see that in the report that I tabled earlier today. In other jurisdictions across Australia it varies from one for every 4.52 patients to about one for every six patients. Mr Osborne raised California as an example. Who would think of comparing the American health care system with the Australian system? In fact, I have taken advice from a nurse who has nursed in America that, particularly in California, in an intensive care unit you would get a ratio of a nurse to two patients, whereas here we have 1.5 nurses to each patient as our general ratio.

Mr Smyth: That is 0.5 per nurse per patient.

MR MOORE: In other words, 0.5 per nurse per patient. What we are seeing is that already we are significantly much better than America. Certainly, nursing numbers in the ACT are significantly higher than in any other place. While the pressure stays on to resolve this problem in the hospital, I think it is worth remembering just what that means. When you are talking of 100 nurses, you are talking of \$5 million or \$6 million, probably more than that. It is probably closer to \$8 million because they are shift workers. That is the level of money that we are talking about when those demands are made without evidence.

At least Ms Tucker has put to us issues where there is evidence of unmet need. That is the balance that I am trying to achieve. An anonymous nurse who happened to work in the hospital 18 months ago made some claims about there not being enough nurses and the Leader of the Opposition was silly enough to pick up that story out of the paper and run with it. Where is the evidence to support his case?

In *Setting the agenda* I committed myself to making sure that the funding was done on the basis of evidence. As I have said at the hospital, if people can come up with evidence to show that it is not 30 per cent overfunded, of course we will readjust our budget in the future. But this government has put a larger lump sum into this budget than has ever been put into health. We are just talking about the \$62.9 million on its own, plus there is a whole lot of other money; it must come close to \$100 million.

Ms Tucker raised the issue of the call centre. We would not have the money for the call centre in our budget. It does not come from our budget. It comes from an agreement with the federal government; so, if we did not put that money into the call centre, we would not have the money for anything else. That having been said, you suggested that there was no process. In fact, there was. You may have forgotten that this is one of the key elements of *Setting the agenda*. We went through that process with *Setting the agenda* and I am now implementing that.

I appreciate your positive comments there. I appreciate the constructive approach you have taken to the health budget and I am trying to meet the challenges that you have put in front of us in your statements. I believe that I am doing it better than any other health minister has done, not just in here but also in Australia. The reason I can do it is that we can live within our means and we now have the wherewithal to do it.

We have a very tiny surplus projected for this budget. It could be much bigger if we were not putting so much money into health. But in next year's budget, instead of projecting a much bigger surplus, I hope that we will be addressing some of the issues that Ms Tucker raised.

Question put:

That the proposed expenditure be agreed to.

The Assembly voted—

Ayes, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Smyth
Mr Stefaniak
Ms Tucker

Noes, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Osborne
Mr Quinlan
Mr Rugendyke
Mr Stanhope
Mr Wood

Question so resolved in the affirmative.

Proposed expenditure agreed to.

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Proposed expenditure—Part 9—Urban Services, \$232,334,600 (net cost of outputs), \$60,876,000 (capital injection) and \$4,334,000 (payments on behalf of the territory), totalling \$297,546,000.

MR HARGREAVES (8.37): This budget is the entree before the main course. The rum before the beer chaser. The calm before the storm. This budget is supposed to tempt the electorate before the election—

Ms Carnell: No, no. That is the next one.

MR HARGREAVES: I pick up on the Chief Minister's interjection—"That's next year"—and I agree with it. This is phase one of the pork-barrelling we can expect for next year.

MR SPEAKER: Mr Hargreaves, interjections are out of order, even those of the Chief Minister, but please continue.

MR HARGREAVES: I am delighted to hear that, I can tell you, after last night's excitement. It is the government's role to deliver the budget. It is not the responsibility of the opposition to amend it. It is our responsibility and our role to play devil's advocate on the budget.

This budget contains enough sod-turning ceremonies to keep the government in the local papers for the next couple of months. The question, of course, is which sod is going to be turned. However, I am pessimistic as to whether the government's budget commitments will ever come to fruition, because it has made such long-term commitments, such as roads over five years, and housing over ten years, Mr Deputy Speaker.

The government has promised \$130.4 million over five years for various road projects around the ACT. Now the majority of Canberrans would think this is wonderful, but this is what the government's media machine want them to think. But when you scratch at the surface, you discover that it is all smoke and mirrors. In 2000–2001 \$2,710,000 is being spent on ACT roads. The government has said that it will commit more money in the future years, but will we ever see it happen?

For instance, Drakeford Drive is to be duplicated eventually, but I can recall that this funding appeared on DUS's capital works many years ago. I seem to recall, Mr Deputy Speaker, that your good self and Mr Osborne agitated quite loudly for that work to happen, and of course it didn't occur. It mysteriously disappeared. I'll be watching to make sure this doesn't happen again.

In the 2000 and 2001 budget, the government made the statement that there will be new penalty levels for parking and traffic infringements, which will more closely align the ACT fee structure with that of New South Wales. If we are supposed to be aligning ourselves with New South Wales, why does New South Wales have cheaper vehicle registration and compulsory third party? The government isn't rushing to bring us into alignment in this area because it knows it'd lose revenue over it.

Revenue from traffic infringement fines will increase in this budget from \$5 million to \$7.2 million in 2000–2001. This is a 45 per cent increase. This is what this government will do to sneak in price hikes in areas where the people are least likely to realise it. They use the old hoary one—if you don't commit the crime, you don't pay the fine.

The same thing will happen with speed cameras. When the first two were introduced, the government said that the revenue from the cameras would decrease. However, from the budget we see that, in addition to the inclusion of two extra cameras, revenue will continue to climb. Now, I know the minister will rabbit on about how Canberrans now speed less, and we acknowledge that the rate of speeding has decreased—fantastic. But in the minister's own words, in his own statement reported in that most illustrious of magazines, the *Canberra Times*, he says, "The number of people who are speeding today has increased." I will repeat that—"The number of drivers who are speeding has increased." That is a quote from the minister.

I have been recorded in this place as saying that I do not think that this is a road safety measure. I think that, in fact, the minister's own words prove the point. We have not persuaded enough people who speed to stop speeding. We may have stopped them from speeding at a certain level over the speed limit, but we have not persuaded them to stop speeding.

The point that I am trying to make is that, when we first started this process, I said that, if it was accompanied by the five E's recommended by the NRMA, then it might bring about a change in driver behaviour. But we didn't do the five E's in the order in which the NRMA recommended, and so we're not seeing that change in driver behaviour. The proof of that can be found in what the minister has told us: the number of people who are speeding has increased. Now, he can quote any other statistics he likes, but from his own mouth we have learned that the number of people who are speeding has increased. They haven't changed their driving behaviour.

Last year we discovered that 189 playgrounds in the ACT didn't meet Australian standards. Now, the government has revealed that 68 playgrounds have been repaired at a total of \$700,000, with another \$300,000 spent this year. First, I'd like to say good on the government for doing the ones they've done. However, I don't think that the government ought to be congratulated for this huge effort all that much, because the fact remains that there are still 121 playgrounds that don't meet the standards, and there appears to be no out-year funding to take care of the last 100 playgrounds.

I believe \$300,000 has been provided for this coming year, that will actually take care of about 20 playgrounds, but there are still 100 missing. There are no funds in the out years. The government can provide funding in the out years for roads and for public housing, and yet it can't provide it to look after the safety of school kids. Not even school kids, pre-school kids.

A budget is not a budget to this government if there aren't job cuts. Sixty-three jobs will be cut over the next five years, but no doubt this will be revised for the next year's budget. Twenty-three jobs are to be slashed from this year's budget. From the Urban Services figures, it appears that a good percentage of jobs will go from areas at the lower end of DUS, especially for people from non-English-speaking backgrounds. This government is ruthless in targeting the people who are least able to fight for themselves.

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Not surprisingly, 50 of those 63 jobs will be cut from CityScape. This is just a continuation of this government's attack on CityScape. Over the last two years the government has been market testing, and this testing has led to the slow death that we are seeing in CityScape. The government has forgotten about general everyday maintenance of Canberra.

We've seen guard rails that are rusty, grass long, more potholes forming in the roads, and metal rubbish bins in public places are a thing of the past. The government is not allocating appropriate funds to maintain these much-needed everyday amenities. What they're doing with this money, this windfall, is fixing up all the roads leading to the Olympics, and the grounds around the area are being spruced up, but other areas are suffering.

The first part of this budget debate talks about the content of the budget. I must say that having a poker machine win the size of what the Grants Commission gave to the government between the draft budget process and now, has enabled the government to promise lots and lots of things. Good on them. We will see how genuine they are when they come to spend the stuff. However, the budget is also about confidence in the government. This budget is not only talking about money, it is talking about an expression of confidence or otherwise in the government's performance, and thus their right to continue on.

This is the question that is facing members of the crossbench tonight, and it is that principle which forms the basis of the opposition's constant rejection of the budget. If we feel that the government has not performed properly over the last year, or few years, it is our obligation not to let them continue again. (*Extension of time granted.*)

Let's look at the stewardship of this government. Let's look at the hallmarks of this government. They have given the word "futsal" a new meaning. It has a new meaning now: it is slang for a game with a round ball played like indoor soccer, but without any walls. That is a joke and everybody knows it is a joke. They bored holes in the futsal slab so that tents could be erected on it, so that we could have exotic animals and circuses. It was going to be a circus from the day it was laid.

The Bruce Stadium fiasco—the contracts, the overnight loan—smacks of the Khemlani affair. What about the sale of corporate suites out at Bruce Stadium? How many people do you think were bowled over in the rush to go and buy those corporate suites? Probably both of them.

What about the total cost of the stadium? You still can't have all football codes on it. You have kicked the Aussie rules off and spent an enormous amount of money fixing up Manuka Oval, when you didn't have to do it in the first place. The whole thing is smelling so much that an enormous amount of time has been taken by the Auditor-General just to find out how much is wrong with it. Will we run a competition on the number of volumes the Auditor-General will produce as a result? I am putting my money on a dozen. I wonder how many trees are going to die just to get that report from the Auditor-General.

We have the implosion. The implosion itself was the result, in my view and in the view of many others, of a meddling government.

We had the Hall/Kinlyside affair, where we saw mates' deals and the difference between blocks and leases. Who can forget Hall/Kinlyside? They can forget Hall/Kinlyside, and they will as quickly as they can.

We have the continuing saga of the prison, because the minister over here cannot find enough information to do a simple cost-benefit analysis, and justify his own ideology by saying that it has to be privately run. He cannot do it. He doesn't have the information and just plain can't do it, so he comes up with a half-baked, eight-page piece of rubbish.

We have the old zone system in the ACTION bus network. That went down like a beauty. Everybody was really thrilled to see that. Weren't they lining up at the bus stops, trying to get on and pay all that extra money?

Then we have the crowning glory: "Can't Deliver". I beg your pardon, Can Deliver, but now "Can't Deliver". What did they do? They killed it. Why did they kill it? Because it was an embarrassment to them. These are not what I would say are the hallmarks of a successful government.

When we were talking about general maintenance—about roads and things like that—what we were actually talking about was that there was not a lot of that in the draft budget, in January. All of a sudden, though, the Treasurer has had this massive win on the poker machines—the Grants Commission poker machine—and dragged in all this dough. So, next thing you know, out roll barrels full of pork.

I will leave my comments on policing to another time. Again, we have the same sort of story. The only reason we can get the extra 50 police is because you had that big win on the pokies.

This government has been stumbling from one crisis to another and doesn't deserve to continue. We can go on and be supercritical of this particular budget. This particular part of the budget, if my reading isn't far wrong, is \$80 million less than the department of health's allocation. It is the second biggest budget we are dealing with. We could be here for a cubic fortnight working out exactly what is wrong with it.

I have to say there are a few things I quite like about it, but I can't be bothered going into those at the moment. However, the second part of the issue is the most significant. This budget is an expression of confidence and it is an expression of confidence in the whole government and I urge you to reject it.

MR DEPUTY SPEAKER: Your time has expired, Mr Hargreaves.

MR CORBELL (8.52): The Department of Urban Services is the key agency for the delivery of municipal planning and other services to Canberrans. It is a department on which I shadowed the minister in relation to a couple of important areas, planning and the environment. My comments tonight will be confined to those areas.

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This government's record on planning is simply absolutely atrocious. You only have to go through the various issues where this government's record has been revealed to be an atrocious one. I was going down a quick list as I was preparing for my speech. You only have to look at the Federal Golf Club development, rejected after the government said it would not consider it any more—I am sure Mr Humphries remembers that one—and then it came back onto the agenda.

Betterment tax was the government's attempt to rip off from the Canberra community an enormous amount of revenue for no legitimate purpose. The rural residential development debacle: the independent consultant's report is independent as long as you tell the consultant what to write.

Most recently we have seen this Assembly's rejection of the government's moves to impose dual occupancy development in one of Canberra's most valuable heritage areas. This is not the record of a planning minister, or a government, that will ensure good planning for the Australian Capital Territory.

We have seen, over the past three years, particularly—but I would argue, since the commencement of the term of the first Carnell government—a continual whittling away, undermining and underresourcing of our planning agency. It has reached a point where the Planning and Land Management Group now struggles with such basic issues as ensuring that people actually comply with their lease conditions.

We see the Planning and Land Management Group continuing to lose staff. It is anticipated that the Planning and Land Management Group will see a \$1.1 million reduction in its expenditure in this coming year's budget. In terms of staffing, PALM expects to lose three staff, but over the past two years we have seen PALM lose close to 30 staff. Those reductions have had a significant impact on the ability of our planning authority to do the work it must do to strategically plan for this city's future.

This government's attitude on planning is not about strategic planning. It is not about focusing on the future needs and demands of land use in the territory, of social services in the territory, which Canberrans need. This government treats planning purely as a regulatory function, for just approving or rejecting development applications. That is what it sees as the primary function of planning, because this government believes that it is the market that can better drive the decisions about how land should be used and what types of land use should occur.

Labor rejects this government's philosophy of market-driven planning. There is a very important role for public sector planning. The revival of public sector planning is essential for the revival of citizenship in this city and around Australia. This is a theme that is now being picked up by many commentators around Australia who observe, write about and study the practice of planning in Australia.

Planning is essentially, and must always be, a public activity. Decisions that affect the form and shape of the cities in which we live must be democratic, they must be open and transparent, and they must recognise that planning is not there solely to deal with the demands of the market. Indeed, the whole purpose of planning is to mitigate the effects of development that is driven solely by the market. That is how planning originally came about.

What we see with this government is a move back towards taking the public sector out of planning, taking the public sector out of development application processes, taking the public sector out of building inspection and control processes, and saying the market can deliver those services. The whole point of planning is to mitigate the effects of market failure. This government doesn't seem to understand that. Instead it wants to put those functions back into the market.

That is why we've seen the Planning and Land Management Group focus on and raise issues such as having the private sector take out contracts for development applications. That is on the agenda. In the next five years, unless there is a fundamental shift in the philosophy of planning in this city and around Australia, we will see moves to provide for the private sector, for the developers themselves, to assess development applications, because the argument will be they'll be cheaper and more efficient.

How does that recognise the public role in planning? How does it recognise the essentially democratic function of planning in controlling the shape and future form of our cities? It doesn't, but that is exactly the path down which this government is heading. We have seen it already in relation to building control and regulatory activity, where we have seen the effective outsourcing of building inspection to private certifiers. The consequence of that is a reduction in the community's faith in the effectiveness and transparency of that process.

Then this government commissioned a review of that outsourcing. Who did they ask to review it? The private sector consultant. There are, of course, reasons to engage private sector consultants, but we had a private sector consultant engaged to judge the worthiness of private sector consultancy in another area. It is a crazy situation, and it is a shift away from public interests in planning.

There are other issues in the Planning and Land Management Group that really are not addressed by this budget document. We have seen the loss of PALM's ability to deal with issues such as effective residential subdivision design, and we have seen that in the new areas of Gungahlin and, to a lesser degree, from my reading of it, Tuggeranong. Residential subdivision design is creating low-quality, new suburban environments for people to live in: small blocks, loss of private open space, and crowded streets. All of these problems are causing a continued downgrading in the Planning and Land Management Group.

Mr Humphries: Tsk, tsk, tsk.

MR CORBELL: I hear the minister tut-tutting over there and I know he is going to stand up and say, "Well Gungahlin was started under the Labor administration." Yes, you are right. Mistakes were made. Serious mistakes were made under the last Labor administration in relation to the initial suburbs in Gungahlin, but we have not seen this government rectify that problem. If you go to the newer parts of Ngannawal, the newer parts of Nicholls or the newer parts of Amaroo, you will find crowded, closely built suburbs that lack private, open space in people's backyards and lack public open space.

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I talk to people in Gungahlin on the concerns they have about planning and what they say to me is that the only place where there is public open space now is where houses can't be built. Often that land is too steep, it is on a floodway, or something like that. That is not good planning.

I am sure the minister will stand up and respond to me by saying, "Well, Labor started it all in Gungahlin." Well, minister, this government and the previous Carnell government have now been in office for just over five long years. Have we seen any serious attempt to change residential subdivision design and construction from this government? No. Have we ever seen anything from this minister since he has been in office? No. Instead we see this government maintaining its insistence that the practice of joint ventures delivers the best results. I can find plenty of residents in Gungahlin who believe that is patently false, to use the minister for health's favourite term.

It is patently false because it fails to deliver, and that is why this party, this opposition, is prepared to recognise the folly of entering into joint ventures when it comes to land development. Again, I can see the minister making his note. He is going to stand up here and say that Labor has a bad record on joint ventures too. I am quite prepared to say that our record wasn't that good. I am prepared to acknowledge that. But has this government done anything to deal with the market failure resulting from joint venture development and residential subdivisions since it has been in office? No. You only have to go to places like Gungahlin, like Ngunnawal and Nicholls and Amaroo, to see those problems, but it has not addressed those problems.

The Labor Party has a policy of returning responsibility for the development of new sections of subdivision to the public sector, and the reason for this is that we recognise the market failure inherent in the design of new subdivisions constructed under this government, as well as under previous administrations. Has this government addressed that problem? No, they have not. Have they sought to address it in this budget? No, they have not.

The only other issue that I would like to raise is the issue of leasehold administration. Leasehold administration is a fundamentally important core function for government in this town. Land in the ACT is held under leasehold, not freehold. Land in the ACT is the territory's most valuable fixed asset. It is not ACTEW, as is often said, but land. Our land is the most valuable asset and it must be managed responsibly.

But how does this government respond to managing this most valuable of all of the territory's assets? It does that by removing almost all of the expertise for administering the leasehold. And where is the proof of this? The proof of this is in an advertisement that appeared in the *Canberra Times* a couple of weeks ago, where the government sought expressions of interest from people in the private sector who could prepare lease and development conditions for land the government was proposing to release. Now you would have thought that the administration of leasehold land was a fairly important task that the government would retain expertise on. But have we seen that? No, we have not. Again, this government doesn't see providing that service as its primary function. That is something that we can just contract out.

Well, the perception may be that this is just some public–private debate, but it is deeper than that. It is about accountability, transparency and recognising that there are certain functions that must be undertaken by government, if they are to remain accountable and open to the community. The administration of our land cannot be anything else but one of those core functions. We have seen the transfer of leasehold administration away from our planning agency into the department of treasury. PALM has lost that expertise and that is a sad thing. The community is poorer for it, and accountability in planning administration is greatly diminished.

I would now like to move to the area of Environment ACT. Environment ACT remains an issue of considerable concern to many environment groups in the Canberra community. The government's serious commitment to funding and effectively implementing the many plans and strategies it prepares is under serious question. Despite the minister's words, that deep discontent remains in the community.

This government releases many plans of management, many strategic documents, many action plans and all sorts of other wonderful and exciting sounding documents. But does it have the funding to implement them? I point the minister to a unanimous recommendation of the Standing Committee on Planning and Urban Services, when it investigated the issue of the management plan for Tidbinbilla Nature Reserve. In its recommendations on that management plan, the Planning and Urban Services Committee said it seriously questioned the level of resourcing currently available to management at Tidbinbilla Nature Reserve, and it recommended that additional resourcing be provided to ensure that the management plan was properly implemented.

Equally, when the Planning and Urban Services Committee considered the draft management plan for Canberra Nature Park, again, it found that, without additional resourcing to Canberra Nature Park to allow its strategy to be properly implemented, the management plan was not worth the paper it was written on. Those were the two very clear messages that have come from the Planning and Urban Services Committee over the past 18 months to two years. Has the government seriously, and I say seriously, responded to those recommendations? The answer is no.

There have been continued reductions in staffing in Environment ACT, and the capacity of policy officers to do the work needed, and to focus their time and effort on the important strategies that the government is putting together, is seriously hampered because there are so few of them. The difficulty that this Assembly, and people in the community, have is that the level of detail provided in the budget papers is seriously inadequate when it comes to being able to properly assess the government's funding priorities and where that funding goes. There have been some steps this year to try to rectify this, but the papers are still not adequate.

That is why the Select Committee on Estimates, which I chaired this year, has recommended that the Planning and Urban Services Committee undertakes a detailed inquiry into the adequacy of funding for the provision of environment and nature conservation services in the ACT. This is in direct response to the continuing concern from well-respected nature conservation and environment organisations in the ACT. This includes organisations such as the National Parks Association, the Conservation Council of the South East Region and Canberra, and people in Landcare groups, Parkcare groups and many other organisations. This is not just some rabble fringe that the minister can

dismiss. It is a serious underlying discontent about his approach to environment policy and funding for environment policy. It needs to be addressed. This budget fails miserably.

There is one final point I would like to make. The government invites this budget and says the approval of this budget will amount to a vote of confidence in the government itself. It will resign if this budget is not passed. If this government presents this approval as a vote of confidence in itself, and argues that it will resign if that vote of confidence is not carried, then this opposition has an obligation to respond to that by saying, "Do we have confidence in the administration of the Carnell government?" Not in any particular aspect of the budget, although of course those are legitimate concerns as well, but "Do we have the confidence in the administration of the Carnell government?" This opposition has the clear obligation to say, "We do not, and we will not be voting for it."

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (9.13): We've had two speakers from the opposition, so I assume one from the government would be a fair balance.

MR DEPUTY SPEAKER: Flexible, Mr Humphries.

MR HUMPHRIES: I move amendment No 3, circulated in my name:

Page 5, Part 9, of the table of appropriations, omit the part and substitute the following part:

<i>Part 9</i>					
Department of Urban Services	Urban Services	232,336,000	60,876,000	1,156,000	294,368,000

I present the supplementary explanatory memorandum.

This simply is the first of a series of amendments which will incorporate the ACT WorkCover into the budget. This particular amendment provides that the appropriation for the Department of Urban Services should be reduced by about \$3 million to account for the creation of a separate ACT WorkCover.

While I am on my feet I would like to make a couple of short contributions to this debate. We have heard from Mr Corbell a series of complaints about the budget, reasons why we cannot possibly support the budget. There is only one comment to which I feel I need to respond, and that is the criticism about joint ventures. He says, "The problems with joint ventures have to be addressed. Why has this government not done anything about that?" The simple answer to the question is that the government hasn't entered into, with one small exception, any joint ventures. That's all we have done about it; we've not repeated Labor's mistakes. We have not entered into any joint ventures.

Mr Berry: Except for one.

MR HUMPHRIES: Except for one small exception, and that was when we had to deal with the joint venture that the previous Labor government had established at Dunlop, where the land was found to be environmentally sensitive and the development could not

proceed. Rather than pay compensation, simply hand out compensation to a developer who had to walk away from the development, we exchanged the land at Dunlop for a new lot of land at, I think, Nicholls, in Gungahlin. We had to continue the joint venture model there because that was the basis for providing the land at Dunlop. We had no choice about that.

Mr Berry: No, of course not.

MR HUMPHRIES: There was no complaint from the Labor Party when we did that, as I recall. The fact is that all the joint ventures that are now causing the government problems, such as Harcourt Hill and others that have been a serious financial drain on the ACT, were all established by Labor. Every single one of them.

Don't tell us what a disaster joint ventures have been. We know all about that. We are picking up the pieces from your mismanagement of that area.

Mr Berry: I will have a bit to say on that in a minute.

MR HUMPHRIES: By all means, do, Mr Berry. I look forward to seeing you defend your position.

Mr Hargreaves made a series of sweeping statements about the budget: this is wrong, that is wrong, this is a disaster, that has to go. I wonder if anyone on the opposition benches is actually tallying up all the sweeping statements Mr Hargreaves is making, and wondering whether one day those statements are going come back to haunt this opposition.

I will give you one small example. Mr Hargreaves has condemned the way that the speed cameras operate in this town. They are a disaster, they are just nothing more than a revenue-raising exercise. The government has this completely wrong. What would Labor do if it happened to fall into government next October? What would it actually do with speed cameras? Get rid of them? Change the colour of the van? What would it actually do with them? It is on record as condemning this exercise, but have you thought, Mr Berry, how you are going to fix the legacy Mr Hargreaves has left for you in terms of condemning these speed cameras?

Mr Berry: I am more worried about the legacies you are going to leave us.

MR HUMPHRIES: I thought you'd be thinking of something else on that subject—

MR DEPUTY SPEAKER: Mr Humphries, will you not seek interjections and then seek protection? Address the chair.

MR HUMPHRIES: Mr Deputy Speaker, all I can say is that I wonder if those opposite have thought about just what all those criticisms add up to at the end of the day. I can tell you we are going to have a fun time, if we ever find ourselves in that position, quoting back the statements of certain members of the Assembly, and Mr Hargreaves will be one of them.

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I think this urban services budget is extremely valuable. I believe that the treatment of the problem of roads is excellent and I hope that the Assembly will support it.

MR BERRY (9.17): Just one comment in relation to the joint ventures that Mr Humphries seemed needed by. If it were not for the lowered land values caused by the slump in the ACT, created by you and the Howard government when you got stuck into the respective public services, you might not have had the difficulties that you had in Harcourt Hill because land prices plummeted as a result of your activities.

I am pleased Mr Humphries moved his amendment tonight because it reminds me of the impossible management of WorkCover by this government, and the political interference that occurred. It needs to be recorded at budget time that nobody could have confidence in a government which created the atmosphere of political interference in that very important agency over all of the years it has been in office. We've seen this from the days when staff from the minister's office interfered in the operations of that agency, to the days when we heard criticism from the coroner about high-level public service attempts to interfere in the operation of WorkCover inspectors who were dealing with, as it turned out, the tragic hospital implosion and tried to get them off the site because they could be an embarrassment. If I was the minister, I would be extremely embarrassed every time WorkCover was mentioned.

I hope that the government is able to cope with a new and independent WorkCover, which has been the creation of this Assembly and which, if left to its own devices and properly resourced, should never fall into that trap again. It has been another achievement of this place that we have been able to take the agenda from the government and put in place an appropriate model for WorkCover, to prevent those levels of political interference occurring in this important agency in the future.

Nowhere else in this country would a minister survive the sort of activity that occurred in that first instance, when WorkCover inspectors were interfered with by a staffer from the minister's office. I can't imagine how a chief minister or a head of government would survive anywhere else where senior public servants had attempted to interfere in the judgment of WorkCover either.

Enough on WorkCover. There has been much debate about the issue. We wish it well, and trust that it will travel well. The amendments that deal with that issue will, of course, be supported and they will ensure the independence of WorkCover now as an independent department acting on its own initiative, one would hope.

Another issue I want to raise in relation to this department is this sort of fundamentalist zeal with which the minister has dealt with the issues of privatisation and outsourcing. Many commentators have criticised the loss of expertise that is occurring in government because of this fundamentalism, which is affecting governments, particularly conservative governments, throughout this country. This government can't escape that either, and I think the tragic hospital implosion is an example of how the Kate and Gary show has let us down in this regard.

How many engineers have been sent on their way by this government? How many experienced public servants who know about proper contracting arrangements, and perhaps could have taken action that might have prevented that tragic outcome, have

been lost because of the fundamentalist zeal that this government has shown for outsourcing and privatisation?

This attitude also demonstrates that the government wants to discard its responsibility for the look of the Australian Capital Territory. The majority of complaints that I receive in my office are about the look of the place, and how it is slipping backwards all the time. I know of many instances where just a failure to keep an eye on things has allowed many important urban issues to escape the notice of government, that is, if it has the will to fix them in the first place.

I remember reporting an incident to this minister—this is probably a positive comment about the minister. A motorcyclist fell off his machine right near my house and seriously injured himself, and I think the lack of proper road signage and road furniture probably contributed to the incident. Notwithstanding that, when the matter was raised with the minister, within a matter of days, or even weeks, it was fixed. I don't think it was fixed because the government wanted to, because I think they realised how bad the condition of the area was. The government said, "It's on the program anyway", but frankly that was a little bit hard to believe.

In any event, the minister responded quickly, but what I complained about is how the road signage and furniture got into such a sorry state before it was fixed, and this goes to the issue of the lack of corporate memory and corporate commitment which has resulted from this fundamentalist zeal to privatise those important government services. That is not surprising given the background of the minister, and his association with Mr Reith and the government's rusted-on connection to the Howard government. That is their particular bent as well.

During the Estimates Committee process, the issue of contract workers involved in Urban Services work, and privatisation, and all those sorts of things was raised. It was a great shock to me to learn that, while the government is still committed to unloading its workforce in Urban Services—and particularly in those blue-collar areas—about 100 have been contracted out to labour hire companies. We have people being hired in, on a daily basis, for labour hire companies, and we are ditching workers through our draconian departure lounges set up by this minister.

People will remember the departure lounges, which we used to get rid of public servants. Their jobs would be discontinued, they would be sent off to the departure lounge, all the doors would shut behind them, and they would be gradually shoved out of a job. They call it humane. There was nothing humane about it: it was a cruel approach to dealing with their workforce. So hungry were they to implement their fundamentalist ideology on privatising their workforce, that the government created these disgraceful departure lounges, and now we have a situation where about 100 workers have been hired in from labour hire companies.

Of course, this is a great advantage to the government because it can hire people whose workers compensation payments would be lower in the private sector than they would be if these workers were contributing to Comcare, as people have to do if they are employed directly. They might also have better wages and working conditions if they were employed directly. But, of course, labour hire workers can be ditched at any time. I asked, "What do you do if one of your labour hire workers is injured and cannot come

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to work?" The official said, "We just order another one." It is a bit like a broken axe handle, you just get another one when it is broken. You don't take any responsibility for the workers who have been injured as a result of their engagement with the government.

We have learnt in past inquiries that the labour hire companies are not that particular about their workers either. They don't provide any training for workers, and they don't have any responsibility for occupational health and safety. That is the responsibility of the host hirer but, in this case, the government's officials tell us that, as soon as one is broken, what they do is just order another one. Can't come to work: we just order another one. That is an extremely cruel approach.

We have this appalling situation where the government isn't showing leadership to the rest of the community, and the rest of business in the ACT, when it comes to hiring practices. They use labour hire company workers as workplace fodder, and treat them similarly. The government is a callous employer in this regard.

One other matter I would raise briefly is the issue of maintenance around public parks and so on. I raised with this minister an issue of public safety at John Knight Park around Lake Ginninderra, which again he has fixed very quickly. The situation there is that there has been a bit of vandalism. It has been around for years, and there does not seem to have been much effort to fix it. However, most importantly, around the toilet area there are live wires hanging down everywhere, and they have been hanging there for years, according to the reports I had.

It is true that the government moved quickly to fix this when it was reported, but doesn't anybody ever go out and visit these places and have a look around, to see if they are safe? Doesn't anybody notice these things, or do we have to wait until—happily—somebody reports it to me? We should be glad that a youngster did not grab hold of the wires and that we did not have to report some other tragedy as a result of the government's inadequacy in dealing with safety issues.

This minister is as much a part of this government, and should bear the same criticism, as any of the other ministers, and does not deserve to have his budget supported. This minister, as has been drawn to the attention of this place by my colleagues, clearly does not deserve to hold on to his portfolio. I certainly will not be supporting this line in the budget or the budget generally as a result of this minister's, and other ministers', general performance throughout their period of administration.

MS TUCKER (9.31): I want to put the Greens' position on this line. I will speak about housing first. Housing is perhaps the most important indicator of the support government offers those in need, and public housing policy thus demonstrates the values that inform the government's approach.

The provision of adequate, stable and affordable housing is recognised as one of the central elements to mitigating poverty among people on low incomes. The reduction in Commonwealth funding under the Commonwealth-State Housing Agreement has not been balanced through an increase in territory expenditure. Once adjustments have been made for the GST, expenditure on public housing will decrease.

The provision of public housing provides the key platform from which people experiencing disadvantage or low incomes can address other life concerns, such as health, education and training, as well as seeking, obtaining and maintaining employment. The intention to move from a public housing to a welfare housing model will shift tenants out of public housing altogether. In light of the extraordinarily tight rental market and the GST-driven increase in rent, a critical shortage of affordable accommodation will develop in the next few years and will consequently increase demand for crisis accommodation and support, which I will speak about later in the appropriate line for education and community services. We know that crisis accommodation and support is very stretched and actually non-existent for some groups in the community.

There are real concerns about what is going to be happening across the board in Canberra for people who are disadvantaged. I think there is a 1 per cent slack in the private rental market at the moment. Maybe that percentage is going to increase slightly, but we know that some people are always disadvantaged when seeking accommodation in the private rental market. Clearly, there is discrimination against particular groups. Real estate agents do not even pretend that that is not the case—they say so.

We could say, for example, that indigenous people, families, and people with children are not always welcome, and that people with pets are not necessarily welcome. Security of tenure is a big issue for people, and public housing has traditionally given security of tenure. This has been a fundamental aspect of provision of government services in this critical area, and I would have thought the major aspect of any government's pursuit of developing social capital in its community.

There is a Commonwealth government-funded first home owners grant scheme by way of compensation for the impact of GST. Even that is interesting in light of the broad concerns I am raising about the government and the federal government's regressive approach to taxation. We know that federal government policies are increasingly regressive. While that is not necessarily the fault of the local government, I think there is an onus on the local government to respond, to try to compensate for the effects of these regressive taxation policies on those who are particularly vulnerable in our community.

I would have thought the first home owners grant scheme was one way of looking at those issues. I did address this in estimates, when Mr Smyth said that this was something that was dealt with by Mr Humphries, that it was an arrangement with the states and territories and the federal government and that it was basically tied up at that level. I still asked, "Did you, as Minister for Urban Services, who hopefully has some reasonable knowledge of the situation of housing in Canberra, make representations to Mr Humphries about perhaps suggesting to the federal government that there may be some means testing, or another redistributor function, to compensate for the federal government's approach when these grants were being offered?" However, it appeared fairly clear from Mr Smyth's response that that discussion had not occurred.

I would like to mention the cross-portfolio and interagency youth housing task force, which is a commendable initiative launched by the Minister for Urban Services and the minister for youth and community services. This budget has raised concern in the community because there is a fear that the task force, while enthusiastically received by government ministers, has had no resources dedicated to its implementation. Indeed,

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carriage of the task force has shifted to youth services in the Department of Education and Community Services, raising even more questions about the seriousness with which it will be carried forward.

In the past year, as members know, I chaired the select committee inquiring into the role of public housing in the ACT, which reported unanimously in March. This inquiry was a product of surprise announcements in last year's budget on policy changes that will have a profound effect on the lives of Canberra's poorest people. The government has yet to respond to the committee's report. No provisions for implementing any of the recommendations can be found in the budget. We have been told that this is because the budget was in place before that report was tabled. Given that the committee's report on the draft budget appeared at around the same time as the public housing report was tabled, many of the recommendations could have been taken on board, unless the draft budget process was never intended to influence the final budget.

A budget is about the allocation and management of resources, and it is also a consultative and collaborative process upon which we will build social capital and trust. It is not simply a question of doing a few nice things but of building a partnership between government, disenfranchised members of society and the organisations that work with them. We see a failure in both domains in housing.

The transfer of public housing stock to community housing presents a case in point. The community housing model works well in the ACT because of the diligence, participation and commitment of the personnel and the organisations involved. However, it is not the same as public housing. The mix of tenants and the interest of those tenants in, or their commitment to, their living situations are different. Moving so much public housing stock into community housing looks like little more than shifting the resources and responsibility for managing public housing into the community housing sector, or another exercise in outsourcing. I believe it risks permanent damage to a community resource.

The idea of community housing needs to be respected for what it is. There is a real fear in the community that this could be setting up community housing initiatives to fail. Security of tenure is a key concern. I have already addressed that. It is particularly concerning that security of tenure would be removed in the community housing sector too.

The housing figures in this budget are built upon presumptions of \$30 per week minimum rent and a rent charge of 25 per cent of income for residents earning more than \$100 a week. There is no provision for emergency relief for tenants, while the rental bond loan scheme is no more. As was reported by the public housing committee, it still appears that these decisions have been made without any research on or analysis of the impact of such initiatives on people struggling with poverty. Evidence that came to our committee on that subject from people who work in the field, as well as from the federal department that helps recent immigrants, was quite overwhelming.

The processes of housing could be improved. I understand why the government is changing the infrastructure for housing in some areas, but the sudden announcement to residents of the sale of Mawson Gardens and the major changes to the Red Hill complex simply increased the insecurity and distrust felt by many tenants. There is also concern

about the common practice of advising tenants that priority transfer or allocation is dependent on repaying rent arrears, irrespective of any agreements entered into and contrary to the formal policy of ACT Housing.

The federal government's annual survey of customer satisfaction with public rental housing assistance for 1999 shows a worsening situation in the ACT. Customer service is listed as a strategic and operational priority for ACT Housing in the budget, but no resources are dedicated in the department to improve the culture.

I would now like to speak on the environment. The estimates process has not satisfied my concerns regarding this government's commitment to the environment. The maintenance of a healthy environment is an integral part of building social capital. Unfortunately, the government continues to give a low priority to environmental management, despite the rhetoric. We have had a lot of discussion about the finances, and I am still concerned that we see a decrease, despite the answers I received in estimates.

Less than 1 per cent of the budget expenditure goes into managing some 53 per cent of the ACT—that is, the area of Namadgi National Park and the other nature reserves—and less than 2 per cent of the budget is spent on managing Canberra's urban parks and open spaces.

In terms of building community confidence in the government's decisions on expenditure and revenue raising, I have to say again that it is a cynical exercise for the government to introduce charges such as the water abstraction charge and the pollutant loading fee, which they did and then just put the money into consolidated revenue. Mr Smyth assures me this is what always happens, and that they do not believe in hypothecation and so on. When you apply a water abstraction charge, it seems pretty reasonable for the community to think that it is going to have a direct relationship to the work and regulation of water. This is a fundamental issue concerning revenue raising and the role of government.

We have had a discussion in this place about taxes. Fierce competition appears to go on between the two major parties over not raising taxes and seeing taxes as evil, but we need to address the concerns of our community. If the government and the opposition are both saying taxes are bad, I do not know that that is doing a good service for the community. If you want the community to be willing to pay taxes, they have to have faith in how you spend the money.

There is a really big issue here. The government needs to realise that, if they do not appear to be credible to the community, there is little likelihood that the community will be willing to look at taxation. Yet surveys show clearly that if the community understands that the money they are paying in taxes will go to the things that they value, such as education and health, they are prepared to pay higher taxes.

Mr Moore has just walked in. Mr Moore is the only person in this chamber who has ever raised the need to address the issue of revenue in the same way. But I am now adding that I think there is an undermining of the community's confidence because of the way this government has raised revenue. Naturally, the regressive nature of revenue is also a very important aspect in discussing equity and justice in the community.

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Back to the environment. The conservation council has calculated that environment funding has been cut by 14 per cent in real terms since the government's re-election in 1998. I understand that this figure includes not just cuts to the overall budget of Environment ACT but also money that has been withdrawn from its budget for departmental expenditure, such as expenditure for IT modernisation. The 4 per cent budget increase for Environment ACT will go no way towards catching up with those cuts in funding. I do not know whether the government is still adding the funding for the Commissioner for the Environment and grants to their estimation of expenditure, but I do not think it is appropriate to do that, because we are looking at the funding in Environment ACT, which has recurrent obligations and responsibilities in providing services.

Ecological sustainability means that we have to look at greenhouse gas emissions in the ACT. The government, in this budget, has \$130 million in their traffic jam plan, and appears to show no concern that this plan will just increase the car dependency of Canberra residents. There is no investment projected in the development of the public transport network. Once again, it is the language of saying, "If we put money into public transport it is a subsidy; if we put money into roads it is an investment."

If we do not see a change in that approach, we are not going to be able to address the pollution—global and local—and the social inequity caused by a city that is car based. We need to remember that there are people in our community who do not have a choice and need to use public transport. They are the elderly, the young, the disabled, the poor and those who, by choice, use public transport.

If the government was serious about addressing the transport needs of Gungahlin residents, for example, it would have included in this budget the construction of bus priority lanes from Civic to Gungahlin, it would have installed smart traffic lights to give priority to buses, and it would have abolished ACTION's discriminatory zonal fare system that puts Gungahlin in a different zone to central Canberra. A government with imagination and a commitment to ecological sustainability would seek to pursue these principles across the range of government activity.

In promoting economic growth in the ACT, the government is pushing for private sector development at whatever the cost, with no consideration of the ecological sustainability of such development, or even of its contribution to social capital or ethics. In estimates I asked about the assistance package to Raytheon, which produces missiles and is currently feeding the major conflict zones around the world. Mrs Carnell assured me that it was about jobs and that ethical considerations did not come into it. She said that I need not worry, because they were not blowing up anything in Canberra. I found that a pretty amazing response. That is the way it goes. It is jobs and money at any cost, it seems.

The ACT budget has shown up the huge \$8 million gift that the government has given to Impulse Airlines—or is that for the airport? We never quite got that clear. Funds in the business incentive scheme have already been allocated to Telstra, Ansett and Raytheon, which are very large companies. I do not see a strong emphasis on deciding on government assistance packages according to the social or environmental contribution of the selected businesses to our community. Because we are talking about the environment, I think that there is a real place for that point.

Potential growth in industry is in environmental industries. It is possible to have a win-win situation here. By having strong criteria to select the businesses we will support, we can encourage businesses that have an environmental focus, or at least businesses that will not damage our environment with their activities, and that will be good for business and the economy as well as for the sustainability of our local environment.

I do not think this government is serious about the environment. The fact that they want to put a freeway through O'Connor Ridge shows that they still do not understand what most people would regard as intelligent planning for cities into the new millennium. I am also concerned because the fact that they do not take greenhouse seriously tells me that they do not understand the issue. It would be useful for them to tap into the experiences of some of the countries around the world now that, particularly through extreme climatic events, are suffering from the effect of greenhouse emissions. While I understand that we have only a small part to play in limiting global emissions, we have a responsibility to do everything we can. We are well able to do that in the ACT, as we are a reasonably capable community in information technology knowledge and resources.

MR QUINLAN (9.49): I will talk on the whole exercise. This section of the budget is a smaller, cut-down version of the budget as a whole. It contains at least one program on which we are going to spend a lot of money this year but not a lot next year. We have this theme, which is starting to become common, of creating large numbers by calling the job that you have to do a program and then having the hide to put it under initiatives.

I have mentioned before in discussing this budget that I think every Canberran has their own personal pothole that they drive past every day as a reminder of the degree to which we have not maintained the assets and the roadways of the ACT. We have let them fall into disrepair and now, in this budget, we talk about all the money we are going to spend on roads as some form of initiative, when it is effectively a catch-up.

Mr Moore: I take a point of order under standing order 58, Madam Temporary Deputy Speaker. The member is digressing from the matter at hand. I hope you will accept my point of order.

MADAM TEMPORARY DEPUTY SPEAKER (Ms Tucker): Mr Moore, you are not being helpful. Please proceed, Mr Quinlan.

MR QUINLAN: Also included under initiatives is \$4 million to be spent on a trip system, which is \$4 million that is going to fix up a prior shambles. How this rates as an initiative beats me. The one I really like as an initiative is the million dollars or so going into ACTION buses because the plans for ACTION this year, which flow into next year, did not work. We have this initiative, but we had better put more money in because our zone system and our changing bus routes did not work.

As I said, the Urban Services budget is really a cut-down version of the overall budget, with its extended programs to create big numbers and the illusion of doing lots. It has a few glib lines in it. We have a Streetsmart program and a Lakesmart program. That sort of superficiality has become a hallmark of the Carnell government.

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Let me just close by advising the house that I have a semi-retired friend who lives in Conder and spends a considerable amount of his own time cleaning up his neighbourhood because there are insufficient cleaners to keep the place reasonable. My friend has spoken to the cleaners. I think there are three. Please tell us in your response, minister, just how many people we have on the job of keeping neighbourhoods reasonably presentable. Luckily, you have an extra part-timer doing it for you but, at the same time, he resents the fact that he has to do it regularly to keep the area in which he lives in a reasonable state.

MR WOOD (9.53): I will restrict my comments to housing. As usual, we see some good news announced in the budget. I share that good news: over \$60 million in a 10-year refurbishment program. It is wonderful stuff. Congratulations, minister.

Mr Quinlan: Over 10 years?

MR WOOD: Yes, note the 10 years. We all acknowledge that housing stock in the ACT is significantly run down. We inherited that when we inherited self-government, and it has been a rather large burden to deal with. I want to acknowledge that. We know all about that. The stock is old. As do others in the community, we applaud the generosity of this refurbishment program.

I congratulated the minister in another respect—on the release of the ecumenical housing report on the big complexes of flats. I had not seen that level of detail about the stock before. I might have moaned or groaned or complained that we do not see enough detail of what Housing has in mind. In the budget, the government took on board some of what the report suggested and said, “Yes, we are going to carry out a refurbishment program.” Seeing that report was good. It indicated where things needed to be done and what needed to be done.

But we have not looked at the other side of the story. What is the other side of the story? Where is the money coming from? That is the other side of the story. The minister did not give us a big announcement about that. He might tell us tonight. At estimates we were told, generally, that \$60 million-odd would be off-budget. What does that mean? I will tell you what it means. I reckon that most of the \$60 million will be found by selling assets. That is where it will come from. I might be told otherwise. I wait to be told otherwise. That is what off-budget is. I know money is regenerated and that Commonwealth money goes into housing, but that scale of expenditure will require something else. I do not think the government will be digging into its existing resources to do that.

The record of recent times shows that the government has been selling off its property to fix other property. In third world countries they call that cannibalising. A third world country will buy a fleet of buses and progressively cannibalise to put spares into other buses, and so it goes until there are no buses left. That is where the money is coming from.

I recognise the minister’s difficult problem here. I want to acknowledge that. While applauding his openness in showing us where this work needs to be done, I also criticise him for not being so open and for not telling us in the same media statement where that money is coming from. He should have done that as well. It was not done.

The problem is that the government has been selling off units. On the minister's figures, we now have about 600 units fewer than we had two or three years ago. That is accommodation for a lot of people. Many of those units were for single people, but there were some one-bedroom and two-bedroom units. That reduction is keenly felt right at this minute, because there is an acute need for housing in this town.

Only at about 6 o'clock tonight, with the cooperation of the minister's office, did we find a spot for a woman who told us she has been sleeping in a car for some time with a seven-year-old child. I am sure the minister's office gets more than I do, but I get my share of people who just do not have a house or a place where they can bed down. I had a case last week of a mother who finally ran out of patience. There is an acute problem with housing. I could use the term "crisis", but I am being a bit cautious in the words I use. The problem has been exacerbated because the government has been selling off properties.

At Condamine Court, we used to have 214 units; we now have 70. At Macpherson Court there were 143 units; we are now going to have 15, and I think some community units. At Lachlan Court we had 119. They are all gone. At Burnie Court we had 264—I do not know whether they were all occupied—but we are going to finish up with 124. At Mawson Gardens 54 have gone. That is a deficit of nearly 600 at a time when we can ill afford it.

There is nothing much in the private rental market. The minister gave out some figures today. We have the lowest rental vacancy rate in Australia. Effectively, there are no rental properties available. There is a real problem with housing. I am sure all members experience cases similar to the ones I see.

What I am saying to you tonight, minister, is: give us the good news but balance it with the other side of the ledger. Tell us where the money is going to come from and how you are going to adjust to the current situation. How are people going to find housing, with a priority list that is stretching out? It might be better than in other states. The minister might stand up and tell me that we have a shorter priority list than anyone else. I am sure that if you are out in the rain tonight it will not mean much to you.

Come out with more detail. You made a reasonable start with the release of the ecumenical housing report, but give us a longer plan of where you want to go. I know you tried one or two years ago to interest the private sector in providing more housing for people. I think they came up with zilch. Maybe I am wrong, but they did not come up with very much—I can be sure of that. It is a difficult issue, I acknowledge, but let us hear your plans in that regard. Let us hear about ecumenical housing report No 2 or somebody else's report on where we are going in these difficult times. That is what I want to hear about.

MR SMYTH (Minister for Urban Services) (10.01): Madam Temporary Deputy Speaker, it is a pleasure to see you in the chair. It is great that the gentlemen have stood aside to give you this opportunity to control the house this evening. Much that has been spoken in the last hour or so about the Urban Services portfolio makes me believe that there might have been an attack of lycanthropy in the house tonight—a mythical turning of human beings into werewolves, or perhaps werewolves back into human beings. We

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have had praise from Mr Berry, an admission of Labor's failure from Mr Corbell and some praise from Mr Wood.

I will start with Mr Wood. Praise from Mr Wood is worth having, because he is always balanced in his comments. The \$60 million refurbishment of the big flats may not take 10 years. We have to manage the vacancy rate to allow us to move people around so that we can refurbish. The ecumenical housing report is a tremendous start on addressing the problems. I thank you for your acknowledgment of that. It is about shuffling and, as we sell properties, reinvesting the money. We will do that.

Mr Speaker, you have reappeared in the chair. Before Ms Tucker leaves the chamber it is very important that she hear what I am about to say. Several speakers tonight raised concerns about funding for the environment. In 1997-98 we spent \$21,344,000 on the environment; in 1998-1999, \$22,787,000; and in 1999-2000, \$23,104,000. The budget for the next financial year is \$23,830,000, and that does not take into account grants money that we pick up from varying sources. The money for the environment has gone up every year, and there should be acknowledgment of that. They are figures that were presented to the Estimates Committee. Ms Tucker said she is not sure whether she chooses to believe them, but that is the reality. Money for the environment has gone up every year under this government, and people should welcome that. We are committed to the environment.

Ms Tucker doubts the government's commitment to controlling greenhouse gas emissions. I will not boast about what we have done. Let us see what ICLEI and its Cities for Climate Protection, the international organisation that is encouraging all jurisdictions and governments to do the right thing for the environment, said about the ACT. They have given us four out of five stars. That is the highest rating of any jurisdiction or city in this country. The ACT, by their judgment, is doing a good job.

Ms Tucker raised some questions about whether we are doing enough in housing. We have the \$60 million refurbishment. We are getting rid of some of the worst concentrations we have. Macpherson Court has gone, Lachlan Court has gone, and Burnie Court will be refurbished. We have built the APUs we promised. We have helped set up CHC and transferred 200 houses to it, and will transfer more. We are upgrading the properties ACT Housing controls, to bring them up to good environmental standards. We have the youth task force. I thank Ms Tucker for acknowledging that—perhaps some more lycanthropy. People are changing shape all over the place.

We are committed to carrying out our plans, and a lot will be done through the youth sector. Where we can we will take on board and put in place suggestions made by the youth sector. Already we have the youth housing officer, and we are looking at models of boarding house accommodation.

We have had housing seminars with the industry to make sure they are building the sort of housing we can purchase and use. We have had the adaptable housing seminar and the adaptable housing competition, and we are now building models of adaptable housing at Belconnen. We have the shortest waiting list and we are proud of that. We have the quickest turnovers and we are proud of that. We are improving the quality of service with the new computer system we put in to look after clients. If we have to change the type and location of stock to meet the needs of clients, we will do that.

There are concerns about giving housing to CHC. We are criticised that there is not enough choice of providers, and we are criticised when we help more providers get into the scene. How do you win?

Mr Berry made the comments you would expect from him, although he gave some faint praise for the government reacting to issues as he raised them. Mr Berry homed in on his favourite subject. I acknowledge that Mr Berry is passionate about occupational health and safety. I said that when we debated the Commissioner for Occupational Health and Safety. I respect his passion. But he failed, as he always does, to finish the story by quoting what the coroner said about what this government had done in regard to ACT WorkCover. The coroner acknowledged that improvements could be made and were being made by ACT WorkCover. He said:

This is well evidenced by Exhibits 526 and 526C, which are described as a Summary of Actions arising from the Review of ACT WorkCover. The Government and the civil service are to be commended for taking such a positive and immediate response to Katie Bender's death. It should be stated that the need for such reform was seen shortly before the tragedy and steps were being taken to implement change when the death occurred.

Please, Mr Berry, tell the full story. If you do, you will earn a lot more respect from a lot more people.

Mr Berry also blamed John Howard for the decline in prices and the land glut in the ACT. No, Mr Berry, you cannot pin that one on the federal government. You people managed the land release program so appallingly that it has taken five years for it to soak up, five years during which the Carnell government had to scale back its land release programs. When you needed more money, you flogged more land. You got it wrong. When you talk about us getting planning wrong, you ought to look at yourselves first, because you got it very wrong.

Mr Berry was critical of the career assistance unit. It has been very successful in helping people find jobs. Some have decided to take packages and depart. We moved people back into the federal public service, and we helped someone take a hobby and turn it into a business. The unit is working very well and it should be complimented for the work it does.

Mr Berry was critical of the labour hire companies. He said that these people come and go. Of course they come and go, because these people are hired in the peaks of seasonal work. You do not employ somebody to come and mow the lawn in winter when the lawn is not growing, but you do employ an awful lot of people when the grass is growing throughout spring and summer. It is reasonable to do that.

Mr Moore: It is a bit like hospitals.

MR SMYTH: It is a bit like hospitals. That is right. The curious turnaround tonight was from Mr Corbell, when he changed shape and fessed up about the mistakes of Labor. It is not something we often hear from Mr Corbell. It was almost like a werewolf turning back into a human being when he said, "We got it wrong. But the Liberal Party have not done anything to fix it up over the last five years." That is because the joint ventures

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were sold under you, and the lease conditions, the lease terms and the development conditions were set by the Labor Party. We are still coping with your legacy. You need to acknowledge that, Mr Corbell. It has taken all of this time to rectify your mistakes.

Mr Corbell said we are not doing anything. Mr Corbell, we are doing something. We are working with many groups to revise the AMCORD, the residential development code. I hope we will shortly have ACTCode 2, a revised version that is applicable to the ACT and that says we can maintain and improve the quality of life in the ACT.

Mr Corbell got on his hobbyhorse about the lack of resources for PALM. I attended an afternoon tea with the shopfront staff at PALM the other day, and they are absolutely proud of their endeavours and the reaction they are getting from people who come in to utilise their services. Why? Because they are providing better service, clearer service and more concise advice quicker and faster, and are processing development applications better than ever before, because we have empowered the staff. They are doing an excellent job. They should not be criticised by Mr Corbell if they are doing something better and faster and cheaper. This is what government is about. It is about doing things better, and we are doing that. The staff at PALM are to be congratulated for what they have done, because they have done it very well.

Mr Corbell also talked about compliance. We passed some amendments to the land act on Tuesday night that reinsert into the schedule the ability to enforce compliance issues in the ACT. The compliance section were very pleased to see that back in the legislation, and they will be getting on with compliance now because we have given them the tools to do so. I think I tabled that legislation in February. It is a shame it took four months for it to get through.

Mr Corbell also talked about not funding Environment ACT appropriately. As I have just told Ms Tucker, the budget for the environment has gone up over successive years. There is extra money. Whether you choose to believe that or not, I quite frankly do not care, but there is extra money there. The advice given to me by public servants from my department is that there is extra money.

The proof of the pudding is in the eating. Mr Corbell said that we had all these action plans and we were getting stuck into it but that there were no resources to carry out the plans. Yet, at the end of his speech, he was saying, "Because there is not enough money, there is not enough policy coming out of the department." You cannot have it both ways. Either we are or we are not. In fact, we are doing both. We are putting out the policy and we are carrying out our functions. (*Extension of time granted.*) The first round of action plans are already being reviewed to see whether we are coping with them. I believe we are doing very well in that regard.

What can you say about Mr Hargreaves? He gave a sterling performance. He asks and answers his own questions and then he forgets about them. He talked about roads. We are committed to road funding. The road funding program that we have outlined will occur. Mr Hargreaves said that parking and traffic infringement notices are just revenue raisers and that the speed cameras are there just to make money. Then he said, "Why is CTP so much higher in the ACT than it is in New South Wales?" If you would sit still for a minute, Mr Hargreaves, and pay some attention, you would understand. We forecast \$2 million from traffic infringement notices from the speed cameras. What will

we get this year? If we are lucky, we will get about \$1 million. It is about \$941,000 at the moment. Why? Because people have stopped speeding.

Mr Hargreaves claimed that I put some figures out that he cannot understand. Clearly, there are many things that Mr Hargreaves cannot understand, but I will reiterate them. I told him yesterday during question time. Here they are again, Mr Hargreaves. There has been a 26 per cent decrease in the proportion of vehicles exceeding the posted speed limit at speed camera sites. Before the introduction of speed cameras, the proportion of vehicles speeding was 38 per cent. After six months, the figure had dropped to 28 per cent, and that is great. Similarly, at the non-camera sites, there has been a 15 per cent decrease in speeding across the ACT, and that is great. Better still, in the areas where we have had speed cameras, the number of people speeding by more than 10 per cent above the limit has decreased by 63 per cent. The worst of the speeders have slowed down, and we have much safer roads.

Mr Hargreaves did not say that they would get rid of the speed cameras. Did anybody hear that? No, of course we did not. What does Mr Hargreaves think they are worth in a given year? In a *Canberra Times* article on 22 May last year he said, "This may blow out to \$15 million." He gave no reasons. You can imagine John Hargreaves as Treasurer, can't you? We have made \$941,000 this year, but John Hargreaves reckons it will become \$15 million in a year.

Our estimates for the first full year are \$2.5 million, and after that \$2 million. How do we work this out? We work it out based on the experience in the other jurisdictions that introduced speed cameras. We are not reinventing the wheel here. We have learnt what the others have done, and we are willing to take that on board. I would like to know that John Hargreaves, as Treasurer, would know the difference between \$2 million and \$15 million. How he gets from \$2 million to \$15 million is a bit of a worry.

Mr Hargreaves asked why compulsory third party insurance in the ACT is so high in comparison with New South Wales. We have a different scheme. We have unlimited access to common law in the ACT. Compulsory third party insurance is currently provided by one provider, the NRMA. It could be provided by others if they met the requirements of the scheme. New South Wales do not have the same level of benefits or the same access to the law. The schemes are different. That is why you pay different rates. If you cannot understand that, Mr Hargreaves, I will explain it slower.

Mr Hargreaves spoke about playgrounds and bins in parks. I will speak slower. We will refurbish all the playgrounds. We are removing unsafe playground implements. We have a program that will see all the parks upgraded over a period of time. Mr Hargreaves is also distressed by bins. We are replacing little bins with big bins where they are required. In our assessment, no bins are required where they encourage people to dump their household rubbish and then the dogs, cats and the birds spread it everywhere. We want people to take their rubbish home and recycle it or put it in the appropriate receptacle. By manipulating the location and the size of the bins, we can do that.

There was some criticism of the buses. ACTION staff, ACTION management and the unions should be congratulated on what they have achieved. They achieved a 5 per cent increase in patronage last year and a 3 per cent increase this year. The government has put more money into ACTION because there was a shortfall. We had hoped to get more

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passengers. We did not get them. Sorry, we only had 8 per cent more over the last two years. The national trend is a 1 per cent increase a year. So our 8 per cent is four times better than elsewhere. Well done to ACTION; well done to their staff. We will continue to work towards making it a very fine public transport system.

There was criticism in the Estimates Committee. For \$297 million worth of appropriation the Estimates Committee report made four recommendations. In one they wanted to know what I eat for lunch when I visit Parliament House. One was about planning, one was about the environment, and the fourth one slips my mind. For the third largest appropriation, there were just four recommendations. The committee was virtually saying, "We have no comment to make on this."

What we have heard tonight is just a reiteration of hobbyhorses. The government believes that we can answer all of what has been said here tonight, because we know that we are out there doing the job. We are out there talking with the community, and we are out there delivering what they want.

The Urban Services line, like the entire budget, should be passed, because we are achieving what we promised the people of Canberra. We said that we would manage the finances well and get us back into the black, and we have done that. Congratulations to the Treasurer for what he has achieved with this budget. We said we would create jobs. After five years, we have a net 13,000 growth in jobs and, at the same time, we are addressing fundamental issues like the look of the city, protecting the environment, putting a roof over the heads of those in need, and building up the infrastructure of this city. I commend the Urban Services line and the entire budget to the Assembly.

Amendment agreed to.

Proposed expenditure, as amended, agreed to.

Proposed expenditure—Part 10—The InTACT Group, \$2,640,000 (capital injection)—agreed to.

Proposed expenditure—Part 11—ACT Housing, nil expenditure—agreed to.

Proposed expenditure—Part 12—ACTION, nil expenditure—agreed to.

Proposed expenditure—Part 13—ACT Forests, nil expenditure—agreed to.

Proposed new part 13A—ACT Workcover

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

That the following new part be inserted in the bill:
Page 5, after part 13:

Part 13A			
ACT Workcover	ACT Workcover	2,637,000	2,637,000

Proposed expenditure agreed to.

Proposed expenditure—Part 14—Justice and Community Safety, \$89,798,000 (net cost of outputs), \$13,518,000 (capital injection) and \$79,214,000 (payments on behalf of the territory), totalling \$182,530,000.

MR HARGREAVES (10.22): Mr Speaker, I want to comment on some of the furphies that have been perpetrated in this place regarding items which are part of this budgetary line. I am concerned that the provision of funds for the beat police program is insufficient. If the beat police program is to have any real chance of success, it needs to be adequately funded.

I know there are some elements within senior police management that do not believe it should be, and I am aware that there are some elements in the media that do not believe that it is worth while having a go at. The Justice and Community Safety Standing Committee has recommended to the government that they pick up the model as proposed by Mr Rugendyke. The government said that they would do something along those lines. I accept that they will not do it in its entirety, and I accept that some activity is better than none. However, the program has to have a chance of success. I want to put on the record my worries about it not having a chance of success.

The amount of \$528,000 is for salaries and salary on-costs. I accept that things like uniforms, weapons, stationery, two-way radios and mobile phones, if the police get them, can come out of station stock. I have no problem with that. I do have a problem, however, with the provision of accommodation within the community and with transport. I do not know whether or not we have that many surplus motorbikes in the ACT. I do not know whether we have surplus police cars in the ACT and whether we can pull six of them out just like that. I certainly hope so.

I know that in Tuggeranong on a Saturday night, for example, there are only two police cars running around trying to keep that place safe. That is totally unacceptable. I assume that the number of vehicles provided to stations is reasonably equated with the staff establishment and that the only spare vehicles around a station would be those immediately available in case of a significant breakdown or accident involving a police car. I do not imagine they would just be lying around the place waiting for somebody to come up and say, "I need one of those."

So we have an extra cost. I cannot see someone like Brian Pollock Ford, Commonwealth Motors or National Capital Motors giving us police cars as part of a sponsorship arrangement. I recall that when I was the director of rehabilitation and aged care I asked those companies to provide a motor vehicle for the disabled drivers training program, part of the rehabilitation workshop, and they said to me, "Nice idea, mate. Great idea. These poor people can do with some help, but go and ask somebody else." I suspect they would say the same about a police car.

I am concerned that there is no specific provision in the budget for accommodation. It is one thing to say to a community beat policeman, "Go find it yourself, mate." Mr Rugendyke was able to find accommodation in his suburb. What would have happened if accommodation had not been available there? What would happen if the two suburbs we identified as needing a policeman did not have shops in them, or only three

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shops and all three of them were full? You could go to the local school. Most schools have premises. I have no problem with that if that is what the government wants to do.

We should consider what sort of accommodation might be a good idea. It might be a good idea to rent a two or three-bedroom house in the area for \$160 to \$180 a week. That is not a lot of money. You would then have a community policeman in a community setting. When we wanted to establish strong ongoing links, we would not have a big police flag sticking out the front or the spectre of the police being heavies. We would have our own village policemen in the community, for \$180 a week. That is not a lot of money.

For the six constables, if that is the rank they will hold, I would like to see another \$200,000 to \$300,000 to provide them with transport—a leased motorcycle and/or a motor car, depending on the circumstances in the suburb—and to rent premises of the sort I have just described to enable the program to have some success. That is not a lot of money—a couple of hundred thousand dollars. If the beat policeman is able to come up with free accommodation, fine. The money can then be applied to programs that that constable runs within his beat. If he can save, say, \$3,000 to \$4,000 from renting premises, he can apply it to workshops and whatever else he needs to bring the community along with him. I am concerned about that.

I am also concerned about the way in which GST is being treated. In BP 2, \$65.3 million is said to be apportioned to the AFP. In BP 4, it says \$71.3 million. I understand that roughly \$6.5 million is for GST. When we tried to find out whether or not GST was payable on police services, no-one could tell us. It just pops up in Budget Paper No 4. Members who were on the Estimates Committee may remember me asking questions in that forum about GST. I was told in an answer which I hope other members have received a copy of that the GST is not now payable. Yet I have received advice from treasury that, as far as they are concerned, we still do have to pay it.

I do not know what is going on. I do know, though, that Budget Paper No 4 contains the individual numbers, the aggregate of which becomes the Appropriation Act. There is \$6.5 million sitting there. If they have to pay it, all well and good. The money disappears over to the Central Financing Unit, is paid to treasury, comes back again by way of an input credit, and everything is squared off. But the minister's advice to me is that we do not have to pay the GST. Another \$6.5 million is being appropriated to the Attorney-General, and he has no more idea what he is going to do with it than he did with the \$1.3 million worth of crime prevention program.

When I was asking questions about the beat police program, it became pretty obvious that the minister had made a bit of a gaff about sponsorship for accommodation. I understand that his officers advised the media that if they have to pay for accommodation for the crime prevention program they will take it out of the crime prevention program. That is policy on the run. If I can get a guarantee that \$200,000 or \$300,000 is going to come out of \$1.3 million worth of pocket money the minister has given himself to apply to the beat police program, I will be a happy little vegemite, and I am sure Mr Rugendyke will be too. But no such guarantee has been forthcoming in this chamber.

The crimes statistics that have just come out point to the need for extra police, and I am on record saying that I welcome an extra 50 policemen on the streets. But I want some truths known. The first truth is that this government has presided over a downsurge in the number of police per 100,000 people over the last five years. Mr Humphries himself said the most important statistic was the rate per 100,000 people. Let me quote a figure from the Productivity Commission's *Report on Government Services 2000*, page 596.

MR SPEAKER: Order! The member's time has expired. Do you wish to take your other 10 minutes, Mr Hargreaves?

MR HARGREAVES: Yes, please, Mr Speaker. On page 596, it says that in 1993-94, when the Labor Party was in government in the ACT, there were 223 police staff per 100,000 people in the town. In 1998-99, only last year, when this Attorney-General was the steward of this town's safety, there were 215 police per 100,000 people. That is a drop, by the minister's own criteria. The number per 100,000 has dropped. We are also seeing a corresponding increase in property theft—burglaries—and motor vehicle theft.

It is true that everybody has been giggling about it in NSW and that all the crooks have been coming to Canberra from Sydney and Melbourne. It is also true to say that if we had the proper number of police per 100,000 people we might have been able to prevent that. What we are seeing now is the impact of this government's sleepiness. It is sitting on its hands and not addressing the issue. A great poker machine win from the Grants Commission has enabled all this to happen. I remind members that there was nothing in the draft estimates about 50 extra police. Bingo, up comes the poker machine win and we can now put the extra 50 police on, which is great.

I would also like to debunk another figure that Mr Humphries talked about. He talked about 90 extra police. The extra 40 were traded off in the enterprise bargaining agreement, which means the current police have to work even harder, and that can compromise their safety.

According to the ABS crime statistics released yesterday, total property thefts—in other words, burglaries—have risen from 1,904 per 100,000 persons in 1993 to 2,349 per 100,000 now. The national average is 2,191. We are higher than the national average. With motor vehicle thefts, the storey is the same—560 per 100,000 in 1993, 1,094 per 100,000 in 1999, when the national average was 684. Do not tell me that the Labor Party presided over a downsizing of the police force. The facts speak for themselves. This government has sat on its hands and has not kept the police numbers up to pace with the growth in population, and we are now paying the price for that.

In this budget there is no mention of the fire brigade. Over the last five years the government have not done anything for the fire brigade at all, except congratulate them when they have done really well at things like the Thredbo disaster. They have presided over a downsurge in morale. We all remember the blew over the missing fire fighters budget. I am still not convinced that that money does not exist within the budget and that it has not been knocked off by management for application somewhere else.

I would like to congratulate the government at least once this evening. I applaud the initiative of the AFP strike teams. I think that is a great initiative, and I wish them well. I hope that the two strike teams build on the success of the first one, Operation Dilute.

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I would be interested to know where the strike teams are going to be based, whether it is at the Winchester or in the regions. I congratulate the minister for spending the windfall on that initiative.

I think I have said enough about my concerns about the financing or otherwise of the prison, but I would like to say just one thing. If it is good enough to have some provision in the budget over a five-year period for roads and a longer period for public housing, why then is it not possible to have some provision in there for the leasing costs, the operational costs or the incentive costs for operators of the public prison a couple of years down the track?

We pay New South Wales to house our prisoners. Out of those payments come the running costs of the prison. Certainly there is a measure in there of the capital cost of operating the prisons in New South Wales, but we know that it will not pay for it all. I found out by a phone call that a 400-bed extension to the Woodford prison in Queensland cost \$65 million and that a 550-bed prison in Maryborough is going to cost \$97 million. I wonder why it is impossible for the minister to find out how much it is costing to run public prisons in Australia.

If you think you are going to get a 300-bed prison for \$30 million, you are in cloud-cuckoo-land and you should be put in a padded cell by yourself. It is absolutely impossible. We are looking at \$60 million to \$65 million to build it. Now the figure is starting to double, I wonder how attractive it is going to be for the private sector. The New South Wales government, the Queensland government and the Victorian government are all running at a rate of knots away from the private system, particularly as the Victorian Auditor-General and the coroner have been so scathing in their remarks about the private prison.

As I said in my comments on urban services, this budget is not only about the numbers and giving the government the budget to run with for the next year. It is also an expression of confidence in them. If the quality of the cost-benefit analysis provided to our standing committee is any indication of the quality and competence of this government, then heaven help us all. In that case they failed, and I am not going to vote for this line. Thank you very much, Mr Speaker, for your patience and indulgence.

MR STANHOPE (Leader of the Opposition) (10.39): Mr Speaker, since this budget was delivered, I have criticised it in some detail in other places and on other occasions. In one place I have referred it on a number of occasions as a drover's dog budget. On examining this part of the appropriations, that description seems particularly appropriate. As we all know, Mr Speaker, a drover's dog is good at what it does, but it does not know where it is going.

This appropriation covers a good deal of money, but the government does not give the appearance of knowing where it is going. There is no apparent guiding strategy, no drover. Some expenditure is being centralised—for example, the legal aid funding—and other expenditure is going who knows where. The Attorney has his own mini-slush fund—\$1.2 million for unexplained crime prevention schemes—and it is quite obvious that the Attorney does not know what to do. Since the draft budget process, which members were told by the government could only juggle existing funds, the government

has been able to find half a million dollars for beat police but not \$84,000 for a community legal service.

This appropriation, like the drover's dog, also answers only to one voice—the government's. The report of the Select Committee on Estimates raised concern about the department's "possible interest in not wishing to promote alternative legal voices which may challenge its policy position". This was said in the context of the failure to fund a number of community legal centres and a possible conflict of interest undermining the credibility of the department's policy advice on legal funding issues. This type of concern is, ironically, confirmed in Mr Hird's remarks in his dissenting report, another one of those particularly erudite dissenting reports that Mr Hird is now so famous for. In disagreeing with the committee's concerns that some fundamental issues of equity and community support have been left out of the social capital agenda, Mr Hird said:

The fact is that social capital describes the government's commitment to fostering strong relationships between people who know and trust each other, and who have shared interests and beliefs.

In case the irony is missed, it lies in the fact that the government is committed to fostering strong relationships between people who know and trust each other and who have shared interests and beliefs. That is Mr Hird's definition of social capital. Presumably, those people's shared interests and beliefs are reflected in this budget. The rest, of course—those who do not have the strong relationships and who do not know and trust each other—can look out for themselves.

The Chief Minister, in the document *Canberra: Building Social Capital*, said that "a community with high social capital supports and includes its disadvantaged members". This came from the Chief Minister who presides over a government that passed an amendment to the Discrimination Act earlier this year to permit service providers to discriminate within their programs against people with disabilities, a government that passed an amendment to allow it to discriminate against disabled people. That amendment was moved by the Attorney and vigorously supported by the minister for health, the minister I heard tonight describe himself as the best health minister in the world, the minister responsible for disabled programs.

The same government introduced victims of crime legislation that discriminated in favour of employed victims and against unemployed victims. This was done by allowing police officers and emergency services officers, who have access to sick leave and workers compensation in the first place, to claim greater compensation than a range of other people—in fact, greater compensation than the rest of the community. So we have two tiers. There are those victims, such as policemen and emergency service officers, who suffer pain and suffering and there are the rest of us who do not suffer pain. We have this amazing circumstance where our victims of crime legislation has created two classes of citizens—police and emergency services officers, and everybody else. Women not in the paid work force but at home, unemployed people, service station attendants—they do not suffer the same level of pain and suffering as policemen and emergency service officers, in the eyes of this government.

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In his speech introducing the Appropriation Bill 1999-2000, the Treasurer revealed that the previous victims of crime scheme paid \$8.4 million in compensation. The new scheme will not be paying that amount. What victims will receive instead is support from the victims assistance scheme, which has been allocated a budget of \$1.1 million. The amount paid under the old scheme will remain as the benchmark of how much crime victims have lost on top of the trauma caused by the crime itself.

Victims of crime are not the only losers in this part of the budget. One community legal service that has served the people of Canberra extremely well will close tomorrow. Canberra is losing a legal service tomorrow. Others are still waiting to learn their fate. It is ironic that the Chief Minister and her personal staff received \$180,000 in government funding for legal expenses for a non-adversarial coronial inquiry into the hospital implosion, but the government could not find \$84,000 to fund the Care community legal service, which in one year provided representation in a number of adversarial court hearings for 78 separate cases. This valuable service for underprivileged people who have found themselves in financial difficulty closes tomorrow.

In the last financial year we paid out \$180,000 to the Chief Minister and her personal staff. We need to pause and reflect that of course the cost and the expense of the fatal hospital implosion are still with us. The Bender family is suing the ACT government and Totalcare. Totalcare has indicated that it will vigorously defend the action. Totalcare spent its half-million or more dollars on legal costs associated with the implosion. Totalcare, in the words of its chief executive officer, is vigorously defending the action.

The Attorney thinks it is sub judice for him to advise members of this Assembly whether or not the ACT government will defend the action. In one of the most amazing answers I have ever heard to a question without notice, the Attorney said it was inappropriate for him to advise the Assembly whether or not the ACT government would be defending the action that the Benders have launched. That is a stretch of legal reasoning that is still beyond me. We, the representatives of the people of Canberra, are not permitted to know whether the ACT government will defend the Benders' action. This is a very open and accountable government!

The Treasurer, wearing his Attorney-General's hat, expects the Legal Aid Commission to fill the gap of the closed Care legal service. The Legal Aid Commission, I understand, will be fully stretched with its normal workload, plus a number of lengthy murder or manslaughter trials, without being expected to fill this gap. In the draft budget process it became apparent that the justification for not funding community legal centres is that the government believes that funding is largely a Commonwealth responsibility. It is not apparent what basis there is for this belief, as community legal centres provide advice and representation on a wide range of matters, including disputes with the ACT government over housing, debts and consumer matters—all territory government responsibilities.

Whilst the Legal Aid Commission may fill the gap left by the community legal centres, I wonder who will service the ACT Law Reform Commission. I am informed that no provision is made for the department to provide the necessary secretariat services that would allow the commission to fulfil its critical role in determining difficult and important issues in law reform. For instance, the Attorney referred the question of surrogacy to the commission in December 1998. There is at yet no report from the

commission on the surrogacy reference—not, I am sure, for want of diligence by the members but because it simply has not been provided with a secretariat to support any deliberations which it may wish to undertake in relation to the surrogacy reference. A report on surrogacy would be of great benefit to the members of the Assembly when they come to deliberate on the Chief Minister's Artificial Conception Amendment Bill 2000.

Also missing from the appropriation is any capital works allocation for the new prison. Each time, the Attorney says that he will be relying on the tender process to indicate what the cost will be and then he will decide on whether to have a private or public jail. Every time he gives that spiel, I think of that drover's dog. It knows it is going to go somewhere but does not really have any idea where. It is okay for the dog perhaps, but it creates a terrible problem for the drover.

The select committee pointed out that there may be probity issues if the government decides to publicly finance, own or manage the ACT prison facility.

MR SPEAKER: Order! The member's time has expired. Would you like to take your next 10 minutes, Mr Stanhope?

MR STANHOPE: Yes, I would, thank you, Mr Speaker.

MR SPEAKER: Proceed.

MR STANHOPE: The select committee pointed out that there may be probity issues if the government decides to publicly finance, own or manage the ACT prison facility after it has received commercial-in-confidence material from private prison operators as part of a competitive tendering procedure. There are other concerns about this government managing a prison. The Belconnen Remand Centre is under the government's management. It is always overcrowded. It is shockingly overcrowded, and it has been shockingly overcrowded for years. The staff is operating under stressful conditions. From time to time detainees need to be sent to Goulburn to relieve the pressure. Will the same safety valve be available when the ACT has its own prison, or will the remand centre be refurbished to keep its original purpose?

The government also currently manages the Periodic Detention Centre. Information supplied by the Attorney in answer to a question on notice raises concerns about the quality of that management. Offenders sentenced to periodic detention regularly have their sentences extended or are granted leave of absence for non-attendance. What will happen when the government is managing a 300-bed prison catering for prisoners with a variety of security risk ratings? This government's record in relation to the management of detainees is appalling.

Fortunately, there is additional money for the police. The government finally has taken note of the rising crime statistics and taken action. I note the report in the *Canberra Times* this morning about the great job the AFP has done in stopping several one-person crime waves. It is unfortunate that the report does not say what period those records covered. My colleague Mr Hargreaves has mentioned the crime statistics that were reported yesterday, and we now know that we have the highest per capita burglary rate in

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Australia. We have, in our Attorney-General, the burglar king of Australia—Burglar King Humphries of Australia.

We also have the highest car theft rate in Australia. I did some rough calculations. Last year in the ACT one in every 17 houses was burgled while the burglar king over there presided over his portfolio. There are 50 houses in my street. Three of the houses in my street were burgled last year. Three of the houses in your street were burgled last year. Either you were burgled or your neighbour was burgled last year, while the old burglar king over there fiddled and kept the police numbers down and did not address these serious issues. We have, alongside that, the highest rate of car thefts per capita in Australia, in sleepy old Canberra, under this Attorney-General, under this minister for justice.

We can only trust and hope that the community beat police program which is to be introduced through this budget, if it survives the night, is as effective as the one-person crime wave stoppers that were reported earlier. Any analysis of the beat police program will have to wait. When the proposal was first rejected by the government—and it should be noted the proposal was rejected by the government at the draft budget stage—the cost was estimated at \$1.547 million for the first year. But in this budget, it is going to cost only \$528,000. If the program has the results that Mr Rugendyke expects at this very reduced rate, minus the million dollars that initially it was imagined it would require, it will be incredibly cost effective.

However, the police did not get all they wanted. The AFPA suggested to the Standing Committee on Justice and Community Safety that \$80,000 was needed to replace and maintain police and emergency services search and rescue vehicles. That money could not be found. Nor is there any indication in the budget that AFP police allocated to territory duties will get their own pistol practice range.

I am pleased to note that the police will be assisted in their role on the streets of Civic by the installation of the long-awaited surveillance cameras—a 1995 promise of this government. Along with the promise of 1,000 beds at the Canberra Hospital and the promise of the Belconnen pool, we had the promise of surveillance cameras in Civic. It is still only a promise, but five years later they might be arriving.

Before concluding with what we are left with, I will digress to one other matter—the Women's Legal Centre. No debate in this area should be left without some mention of the fact that this Attorney is the only Attorney who ever took the unique step of rejecting a Law Society recommendation for the expenditure of its trust funds. He is the only Attorney who has ever said to the Law Society, "No, I will not accept your recommendation. I will not allow this money to be provided to the Women's Legal Service." We can only imagine what the Attorney's motivation may have been in that decision.

For an important department providing valuable service to the territory, we are left with an appropriation that gives no sense of direction from the Attorney, no leadership from the Attorney and no sense that the Attorney has been able to set priorities and articulate his objectives for the coming year.

Debate interrupted.

NEW BUSINESS
Suspension of Standing Order 76

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

That standing order 76 be suspended for the remainder of the sitting.

APPROPRIATION BILL 2000-2001
Detail Stage

Proposed expenditure—Part 14—Justice and Community Safety.

Debate resumed.

MR STEFANIAK (Minister for Education) (10.56): I am amazed at the hypocrisy of the ALP in this matter.

Mr Stanhope: Who do you call a hypocrite?

MR STEFANIAK: You people. I mentioned earlier in the debate on health where the decline in police services started.

Mr Stanhope: Where is the Belconnen pool?

MR SPEAKER: It is not in Justice and Community Safety, I would suggest, Mr Stanhope.

MR STEFANIAK: Thank you, Mr Speaker. In 1991 the then Labor government, under the then Attorney-General and police minister, Terry Connolly, initiated a cut in the police budget. That was something that continued under Labor. When the Alliance government signed the police agreement with the federal government, I think we had something like 694 police. For the Labor Party to say that it is not going to vote for this police budget is amazing. If they purport to support police in our community and support efforts to stop community crime, surely they can have the decency to acknowledge that this budget creates an additional 50 police, plus another 40 police who will be released from other duties to go out onto the streets to combat crime. That is 90 additional police.

Mr Stanhope: Has your house been knocked over yet?

MR SPEAKER: Order! Mr Stanhope, you have already made your contribution.

MR STEFANIAK: The place next door has, Mr Stanhope. There have been a lot of burglaries around here for many years. Sadly, that is something that occurs throughout Australia. But this government is doing a lot about it. You people have done nothing for police since the start of self-government. You have cut police budgets. You have introduced laws that have not assisted police in curbing crime. You have watered down laws which would have assisted the courts in dealing with crime and giving decent

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penalties to people who deserve them. You have made bail easier for criminals. This government has done a considerable amount in five years in redressing things like that. You got rid of the move-on powers. Mr Osborne had to bring them back. In power, you cut the police budget. This government, in this budget, has created 90 new police to combat crime and the ability to have teams operate, as we saw them do successfully recently, against burglary and car theft.

Mr Stanhope: You are double counting.

MR STEFANIAK: I am not, Mr Stanhope. The Attorney has indicated that there will be some 50 extra police, plus, as a result of something I think even Mr Hargreaves acknowledged, some 40 police who will be available to go from other duties and to more productive duties combating crime. That is as a result of enterprise bargaining arrangements. That is very significant in a reasonably small territory and a reasonably small police force. We are up to about 700 or so now in the police force. The fact that you can have 90 extra police on the beat combating crime is hugely significant.

If you have any regard for law and order and the protection of citizens, you should be congratulating the government on the initiatives that have been taken in this budget. For you guys to say you are going to vote against it, I find amazing, if you are serious about combating crime. By all means, criticise this government for things you think it should have done, but acknowledge the good points. We have money for extra police.

Mr Stanhope: Tell me about the burglary rate.

MR SPEAKER: Order! Mr Stanhope, you have made your statement as to whether the government, the police, the community or the courts are soft on crime. You have made your point. Now please allow Mr Stefaniak to make his point.

Mr Moore: Mr Speaker, I take a point of order. Earlier today you indicated to Mr Stanhope that you would warn him. He has been getting away with a lot. I would suggest you boot him out, Mr Speaker.

MR SPEAKER: I have not yet warned Mr Stanhope, though I warned Mr Berry earlier.

MR STEFANIAK: I think those additional police are a great initiative, as is the return of the beat police and the extra \$500,000 or so for community policing. We saw how successful community policing was, prior to it being stopped some years ago. The fact that it is being reintroduced is also an excellent initiative.

The opposition, if they are fair dinkum, should be congratulating the government of what this budget is doing to combat crime in our community. There are very significant issues in this budget which are worthy of praise, not denigration, from the ALP. The ALP is being incredibly hypocritical on this.

MR SPEAKER: Before Ms Tucker begins her contribution, may I congratulate her. Since 1998 Ms Tucker has been a temporary deputy speaker of this Assembly, and tonight was the first time she has taken the chair.

MS TUCKER (11:01): Thank you very much, Mr Speaker. Why don't you congratulate me for speaking on nearly everything? That would be better. I only sat up there for one minute.

Mr Moore: What are you talking about? We want to go home.

MS TUCKER: I want the Cherry Ripe. We are staying until two o'clock. I will speak briefly on this area. The general comments I have made on governance apply to this section of the budget as well, but I will not go through all that again. I will just pick out a few elements of this aspect of the budget which demonstrate the broader concerns I have expressed.

I do not believe that in JACS we have seen a preventative approach across the board. The government has made large additional funds available to the portfolio. Could it be because the susceptible balance of power had interests in a part of this portfolio, namely, policing? Police numbers are a part of community safety but they are not the whole story.

The other area of responsibility in this portfolio is oversight of several sources of funding for legal community services. In all of these areas the minister should be considering justice principles and the meaning of community safety. What is justice? Could justice be related to compensation to all victims of crime? Could it be related to revenue being sourced with an emphasis on equity? Could it be related to ensuring that all people in our community have access to the legal information and support they need before they end up in dire straits or in courts? You would think, based on the social capital comments made by this government, that something along these lines would apply to the budget. The Chief Minister said in a media release in May of this year:

... we need to do more to make our community stronger. There are no easy solutions to community issues like alienation, disadvantage, poverty and exclusion. These issues must be addressed if we are to remain a caring community.

The Treasurer said:

Our approach is to provide early intervention services, so that the community isn't left to pick up the pieces. Addressing social problems before they cause family breakdowns, school drop-outs or anti-social behaviour is at the core of our *Canberra: Building Social Capital* initiatives.

But the case of Care seeking to find funding for its consumer credit and legal service shows us the reality of the government's lack of commitment, even to its version of social capital. Of course, the government has no problem in finding \$17 million for the car race or \$8 million for the airline or airport, whichever it is, or seemingly endless amounts of money for football stadiums and other businesses. But when it comes to victims of crime, the concerns of the Treasurer certainly outweigh the concerns of the Attorney-General.

The victims of crime scheme is discriminatory and unfair. It excludes most victims of crime from entitlements that a few enjoy. It is very clear that this scheme is in place because the government is not prepared to carry the cost of an equitable approach, and

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the Treasurer has said so. It might surprise some members in the Assembly that building social capital is more complicated than simply looking after friends. It is about looking after the most vulnerable members of the community.

Care financial counselling provides people on low to middle incomes with a number of services related to managing debt and finances. Their funds come from a range of sources, including some non-government organisations. They are a very well-organised, well-run group which have received glowing reports from many of their government providers on the level of information they provide. The Consumer Credit Code is complex legislation. We are aware of the consequences of debt for people's lives. Gambling away the family home in a day is almost a cliché, but it is not if it happens to you. Care were there to help people negotiate their debts. They prevented people from going to court. Their early intervention service was valued by their clients and by many other agencies which support people in distress.

Care's consumer credit legal service provided a unique service assisting people with debt problems to negotiate their legal options to resolve their problems. In combination with Care's financial counselling services, the CCLC prevented its clients from falling into the loss of independence often caused by debt. In 70 per cent of cases over 12 months, Care's interventions resulted in settlements rather than court cases. It prevented evictions from housing, prevented bankruptcy and removed a big cause of pressure from strained relationships.

Care had been part of a great web of overstretched community services, keeping people active within the community. Care's consumer credit legal centre clients have been referred from Housing, Chief Minister's, the domestic violence crisis unit, Mental Health Tuggeranong, the Welfare Rights and Legal Centre, the Smith Family, the Department of Treasury and Infrastructure, and the Salvation Army, among others.

On the dollar side, this work saved other government departments many costs. Care's analysis—which includes the cost of government income support, assorted concessions and rebates if people's finances have failed—estimated total potential savings in the 12 months to August 1999 as over \$10 million. Care presented their situation to the Minister for JACS, the Minister for Education and the minister for community care. Their funding source had dried up, and they sought an alternative source, supported by clear analysis of what they did and what Care as a whole achieved with the combined financial counselling and legal services they provided.

The minister, however, responded to Care's request for money for their program by saying they would just have to tighten their belts and do more with less and perhaps look again at their priorities. The minister's suggestion that Care could reprioritise its funding has completely missed the point. Far from having an interest in social capital and in preventative responses, the minister has suggested a reduction in Care's other specialised work, which already meets only 51 per cent of the demand for its service.

Care's legal service targeted people at risk of being in poverty, as well as providing services when people were affected by poverty. Consultation in the poverty task force found that a issue raised a number of times was the difficulty experienced in accessing the legal system. One participant in the poverty project explained that, in order to receive your rights, you needed to be very confident and you needed to know how to fight for

those rights. That is on page 40 of the poverty task force report. But free community legal services provided by groups such as Care were targeted at such a problem.

The failure of social capital rests in not only the failure to fund this service but the process of this refusal and the dismissive, antagonistic treatment of Care itself and of related community legal centres through the budget hearing process.

I would also raise as an issue of concern gender bias in legal aid. I have heard other members talk briefly about legal aid. I realise we are under constraints because of federal funding, and I realise that this government has had some success in increasing funding from the federal government. But the point is that we still need to see from this local government an analysis of the impacts of the reduction of funding to legal aid.

I am particularly interested in the gender bias aspect, because I do not see it raised anywhere, not even in the women's action plan, unless I have missed it. I went through it again tonight and I did not see it. It is a fundamental issue if women are being disadvantaged because of cuts to legal aid funding. A number of reports have been produced by the Women's Legal Centre to show that this is a factor, and has been for some time, in the delivery of legal aid services. I am sorry to see that that is not in the budget. This government claims that, through the women's action plan and the audit, it has started to address some of the issues which obviously have been lacking in its approach.

I recall that in my first year here I asked the Chief Minister in the Estimates Committee why there was not a women's policy, and she said that they did not have a short person's policy either, or a tall person's policy—I have forgotten which. We seem to have progressed somewhat since then, in that we have had an audit of women's issues across departments, although I was really sorry I could not see a copy of the results of that audit. I did ask for the analysis that the audit must have involved. It would have been really interesting to see. I do not understand why it was not something that I could see.

However, we have ended up with a women's action plan at least, although once again I have to repeat my concerns about these sorts of plans which do not have targets that bring accountability to how government will deliver on their commitments.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.11): I will be quite brief about this. It sounds to me as if much of the comment about the justice budget this evening has been not a comment so much on the justice budget per se as a recycling of the press releases that people have put out in the justice portfolio in the course of the last few months. We have heard about all sorts of issues, some of them which have very little bearing on the budget, the best example being the statutory interest account. The statutory interest account is not fed by the budget. It has nothing to do with the budget. It is irrelevant to the budget. It is a bit of a tribute to the budget that, rather than talking about the budget, members have chosen to talk about something else, other related but not necessarily directly relevant matters.

Even when the budget or topics close to the budget have been spoken about, the logic applied as to how a member will vote on the budget is twisted at best. We heard Mr Stanhope, for example, complain about crime rates in Canberra, about more burglaries and more car thefts in Canberra. Then he said, "I am going to vote against the

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budget.” If you are concerned about car theft and house burglary in Canberra, is it not logical to vote for a budget which includes a further \$10 million in resourcing of the community’s effort to fight crime? That seems logical to me, but obviously I have a different form of logic to that of others in the debate.

I think this is a good budget in respect of justice and community safety. It resources the things that matter in respect of community safety in particular. It provides resourcing of an important part of the community’s armoury—that is, the Federal Police—which in some years in the past has been neglected. I think the Assembly owes it to this community to support a budget which sees those extra dollars put into the area where need is greatest.

Proposed expenditure agreed to.

Proposed expenditure—Part 15—Department of Education and Community Services, \$404,747,000 (net cost of outputs), \$28,949,000 (capital injection) and \$108,329,000 (payments on behalf of the territory), totalling \$542,025,000.

MR BERRY (11.15): How could you support this line in the budget with this minister in charge? If there were ever a bunch of reasons to oppose this line in the budget, they have been created in part by this minister, and certainly I will refer to a few of them. Just to set the pattern, I will hark back to a few things. I will not go any further back than the Spence campus at Mount Rogers.

Mr Stefaniak: They all voted for that one. The community wanted that.

MR BERRY: I am glad that the minister interjected that they all voted that way. Well, they did not all vote that way. In fact, many of them were not consulted and that was the difficulty. If it had been better handled you might have come up with a better result. The fact of the matter is that the board voted that way and the minister enthusiastically approved of the closure of one of the campuses without the approval of the community.

Unhappily, a lot of people were upset by that proposal. That is the sort of pattern which has spread into the minister’s handling of his portfolio. There has been a certain amount of arrogance. We all remember the efforts of this Assembly in preventing this minister from closing down a pre-school and how the community rose up against that and, happily, stopped it. I know that was a while back, but it is all part of a pattern.

I should also talk about industrial relations in the education system. I want to go back to the belting that the bursars got from this minister. The minister said, “Well, why don’t you compare it with New South Wales?” I did not hear of any bursars or teachers being stood down in New South Wales, so that is a bad comparison.

When you look at what happened to the bursars and other people throughout the ACT public service—the inequities in the outcomes for individuals throughout the public service—you see a reflection of the industrial relations ideology of the conservatives opposite, particularly in respect of wages and salary outcomes. It is a case of the strongest do best and the weakest do worst. This is reflected, too, in the Chief Minister’s portfolio where I understand a wage increase for officers was fully supplemented.

We see the same for teachers. Good on them, I say. The teachers were perfectly entitled to the wage increase that they received. But why did the education system, the school system, have to go through the pain and suffering of confrontation for so long? In the end nothing really was changed. It seems that there was a need for outside confrontation. Or was it really that the Chief Minister, once involved in it, decided that she could not win on this, she was getting a belting and it was time to give in? I rather suspect that that was the reason. The minister was perfectly happy to maintain the war with the teachers but in the end he was overridden and a decision was made to fully supplement the teachers' pay rise.

Others will say, "Well, look what happened in New South Wales and the other states." Perhaps the reality of the teachers' claim started to sink in. For example, the claim in Queensland was on the verge of being settled or may have been settled at the time; and the claim in New South Wales was on the verge of, or close to, settlement at the time. It was pretty obvious that the wage claims by interstate teachers unions and public school teachers were about to be settled and that the ACT was going to find it pretty hard to withstand the pressure of further industrial disruption within the education system. So they folded.

On that basis you would say, "Well, essentially an element of comparative wage justice applies here." This is an old way of measuring wages in the industrial relations system of this country, and it is not one I have particular trouble with because I am a supporter of equality outcomes for workers wherever they are. I cannot see a reason why workers doing a certain job in one place ought to be paid differently to workers in another place—that is, unless you want to screw them. In any event, this paralleled the approach that was taken by the government in respect of its own wages. Our independent tribunal awarded pay rises of 16 per cent to all members in this place. According to the comments of the tribunal, these rises were all calculated on the basis of comparative wage justice, of what was happening in other places.

Why could not the government have taken at an earlier time the approach that it adopted in the end for teachers? Why did we have to take so long? Why was it that fully supplemented pay rises could be dealt with for politicians in this place but the money could not be found for other important areas of government service? It created a sense of injustice throughout the workforce. There is good reason for raising that sort of level of injustice. There is no question that inequality in the outcomes in the wages system is something that future governments are going to have to cope with.

This issue will emerge again. I can tell you that Labor will give fairer outcomes to government workers than they could expect from this mob opposite under the shackles of the monstrous industrial relation laws that have been created and imposed on the territory by Minister Reith federally and his mates in the Democrats.

The government's other monuments will be left for other people to sort out. My colleague Mr Corbell will deal with the ovals issue a little later. Of course, he is full throttle on that and I am sure he has got a few interesting things to say about the matter.

But this brings me to another matter. We are told that this kind and caring budget is built on social capital. A range of highlights for the Department of Education and Community Services—and provision is made in the budget for some of them—are set out on

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page 239 of Budget Paper No 4. Because there had been some controversy about the provision of indigenous education programs within the school system, one's eye immediately settled on the line "expanding indigenous education programs". When reading a budget paper you would think, "Well, that sounds like a good idea." But how much is allocated for that? When you search through the budget papers you find that the answer is: not a dollar. Yet we are told that this is a highlight. Expanding indigenous education programs by not one dollar is a great way to win the mind of the casual reader! Is this another case where we might need to issue a corrigendum to strike out that line? The minister and his department feebly argued, no, that really meant they were going to expand existing programs, they will not be new programs, and there was no new money for this purpose.

Whatever the excuses, I think this Assembly probably deserves a corrigendum that strikes that line out because there really is not anything in the budget which will provide anything additional, certainly no new money, for expanding indigenous education programs. That tells us a lot about what we need to know about the appropriations for this department.

There have been several mistakes in the budget papers, particularly in this portfolio area. As I mentioned, more mistakes will be brought to your attention shortly. I draw the Assembly's attention to an election promise that was made in relation to league tables at schools. The education minister said in 1997:

The government has given an undertaking that there will be no comparisons of schools, teachers or student, that is, there will be no league tables.

We know what league tables do in an education system. Because some people have the necessary financial wherewithal and mobility, a system which compares schools, teachers and students can cause a run away from schools which are the subject of poor outcomes in the league tables. The minister made the promise that it would not happen and all of a sudden he has put in place a discussion process which suggests this is a possible outcome.

Superficially, some members in the community might say, "That is a good idea. We can find out which is the best school for our kids and send them there." But what it really means is that people down the bottom end of the socioeconomic scale always get left in the school which is performing badly. The rest of them bolt and go to schools which are performing better. You end up with poorer schools with poorer outcomes. I cannot for the life of me see how a government that says that it is building social capital—

Mr Moore: So you would hide the information?

MR BERRY: No, it is not about hiding information at all.

Mr Moore: But that's what it requires.

MR BERRY: So the rumour is true: you think that league tables are a good idea.

Mr Moore: I am just asking. I am not making a comment either way. I am asking would you hide information. You are always saying we should put everything out in the public arena—except this one.

MR BERRY: I would not hide the information but I will not support league tables which show the difference between the performance of teachers, the difference between the performance of schools and the difference between the performance of students. There is in place now an agreed process where assessments are done in years 3, 5, 7 and 9. Under that process the information is given to parents. The information is assessed against national benchmarks and the territory is given a result. But it does not involve the sort of process which is anticipated from the consultation process which the minister has put in place. He said he would not do that but he is now encouraging this as an option.

If this minister goes down that path it will undoubtedly damage our education system—Mr Moore knows it will damage our education system—and cause some schools to be abandoned. Everybody knows that there are difference performance levels in our education system for some ethnic groups and for people with different socioeconomic backgrounds. Once you start this business you will end up creating a multi-tiered public system where some schools with people from better socioeconomic backgrounds do well and other schools will do worse. That is typical of the way the well-off middle class design an education system. They do not have a concern for people down at the bottom end of the socioeconomic scale; they do not understand the difficulties that these people face in dealing with day to day life.

If you contemplate those sorts of things in an education system, you are contemplating disaster. This has been tried in other countries and it is not a good process. For example, schools were closed in the UK because they were abandoned by parents who had the mobility to move on to other schools. Of course, people at the other end of the socioeconomic scale were left in schools which are funded according to the ever diminishing numbers that stay. This is the education system that has been put in place by conservatives who do not understand these issues.

Labor is committed to an education system which will produce quality outcomes, without discrimination, for all classes within society. If the government follows up the approach I have outlined, I fear that the people who do not have the wherewithal will be discriminated against. Of course, they will be subject to worse outcomes. Some members of the Liberal Party, particularly Dr Kemp, have a fixation with reading, writing and arithmetic—the old three R's. Of course, Dr Kemp also has a fascination with forcing or pushing students in the public education system into the private sector. Indeed, voucher education is one aspect which he actively supports. I would like to see the local Liberals reject that but I bet they do not.

The last thing I want to talk about before I sit down is another matter which emerged recently from the unravelling of the building social capital proposal. I heard Ms Carnell and the Minister for Education say how committed they are to providing special services in our education system for people with disabilities. I have visited a few of them with other members of the education committee. I have learnt in the last few days that the government had decided—this is the government that just recently said, “We are committed to building social capital”—to remove teaching staff, I think teacher

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assistants, from two units which provide services for kids with autism. One of the units was at Weetangera and I think the other one was at Yarralumla.

How can a government claim that it is building social capital when it does those sorts of things? Of course, when the government had the pressure put on them by the community, they pretty soon worked out that they were in for a political storm and went to water on the subject, and rightfully so. But it was this government that harboured the idea in the first place to cut these units back by a staff member in each circumstance. That would have had a serious impact on the kids in the units who live with autism. I know from my experience that one of the things that are most important for students with autism is stability. Here we have a government that was going to remove a couple of staff members. Caught out, they folded and agreed to leave the staff. But it is the intent that is worth noting here. It is the intent which gives you an idea of how this government operates on education.

MR CORBELL (11:33): If ever we were to make a blunders and bloopers tape of budget 2000-2001, the effort by the Minister for Education in relation to school ovals would rank right up there as one of the leading contenders.

We have seen an extraordinary sequence of events over the past couple of weeks. It was revealed in the estimates committee process that the government was contemplating the sale of Canberra's surplus sports grounds for commercial or residential redevelopment. In my relatively short time in this place I have never seen such a blunder and it can only be described as extraordinary. I think it is important to put on the record in this place exactly what occurred.

This matter first came about during the estimates committee process. When examining the department of education's ownership agreement we found under the surplus assets section the following statement relating to the sale of sports grounds:

These grounds occupy prominent locations in suburban areas and many may be better used for residential or commercial development. The Bureau—

that is, the Bureau of Sport—

will continue to review the opportunities for their redevelopment on a case-by-case basis.

I thought, when I saw this, "Oh, this is a bit odd, this is a bit unusual. I will ask the minister about it." The minister's immediate response in estimates was to attempt to explain away redevelopment as "watering and mowing the ovals". He said to me that what they meant by redevelopment was watering them and mowing them and using them for other sports purposes. This is a new definition of commercial and residential development that I have not heard before. Perhaps the minister should let his colleague the minister for planning know about this innovative new land use.

But it does not stop there. Struggling, the minister's spokesperson explained that of course they would look at options for the redevelopment of these ovals, that any sensible government would do so because they are surplus assets, and that he would not rule it out. The storm continued. Community opposition continued to flow in. We then had the

comment and the final serious defence of this policy from the minister's spokesperson. I do not know who this person was, but whoever it was deserves a medal. He said that as many of these ovals are located next to schools with low enrolments, if we build houses on them then families will move into the houses and all their children will go to the school, and wouldn't that be fantastic for the school. But someone in the community twigged and said, "But where will they play?" So all of a sudden the government was on the back foot again.

Finally, we had the defence that this was all a big blunder. But that defence did not occur straight away when it was pointed out to the minister. Nor did it occur on the first occasion or the second occasion or the third occasion. It occurred on around the fifth or sixth occasion, about two to three weeks after this was first revealed. So it was an embarrassing backdown—this is the only way that you can describe the government's defence on this issue.

We had the extraordinary situation where the Minister for Education said, "It's a mistake, it's a big mistake and we are sorry. We will put out a correction and it is not on the agenda anymore."

Mr Berry: On the hidden agenda.

MR CORBELL: Mr Speaker, as my colleague Mr Berry says, perhaps off the public agenda and onto the hidden one.

Mr Stefaniak: What about the reality, Simon. How many redevelopments—

MR CORBELL: I know the minister is touchy on the issue but, really, I think you and I both know that you were caught out and caught out badly.

When the minister said this was a mistake, I thought, "Righto, let us go back and see what the department said in previous years. Let us go back and check that out just to make sure that it really is a mistake." So I went back to the ownership agreement for the year 1999-2000. I went to surplus assets and I thought, "Let's just see what they said about these ovals in 1999-2000." And what did they say, Mr Temporary Deputy Speaker? I will read it to you. They said:

Many of the remaining low maintenance grounds occupy prominent locations in suburban areas and many may be better used for residential or commercial development.
The Bureau—

that is, the Bureau of Sport—

will review the opportunities for their redevelopment on a case-by-case basis.

Mr Temporary Deputy Speaker, does that sound familiar? It is. It is familiar because it is word for word the so-called mistake in the minister's ownership agreement for this financial year.

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It gets better. When you have a quick flick through 1998-1999 and go to surplus assets, you see it again. There it is; it sticks out. And what does it say? It says "Sale of sports grounds". There it is for the third time and it says that the bureau has 27 low-maintenance sports grounds next to schools and other places around Canberra that are not required for sport use et cetera. And then what does it say? Oh my goodness, it says:

These grounds occupy prominent locations in suburban areas and many may be better used for residential or commercial development.

The questions have to be asked: was it just incredible bungling incompetence, was it more of a deliberate agenda to pursue this issue of sale of sports grounds, or was it a case of the department wanting to do that and the minister's office having fallen asleep on the job for three years running? The fact is that for three years—1998-99, 1999-2000 and 2000-2001—the government had in its ownership agreement signed by the chief executive of the department of education and the Treasurer—

Mr Moore: Mr Temporary Deputy Speaker, I draw your attention to standing order 62. This is just incredibly repetitive. We have heard it all before.

MR CORBELL: I know the government does not like this. You got caught out big time.

Mr Moore: Standing order 62—

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! Minister, come to order. Mr Corbell.

MR CORBELL: I am not interjecting, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: I know, Mr Corbell. What you are doing is talking to the minister. Talk through the chair. Thank you very much.

MR CORBELL: Indeed I will, Mr Temporary Deputy Speaker. They got caught out. For three years running, it was a deliberate agenda. So, I argue that it beggars belief for the minister to now stand up in this place and say, "It was a mistake."

Mr Moore: Mr Temporary Deputy Speaker, under standing order 62—

MR CORBELL: Sit down, Mr Moore.

Mr Moore: He is doing it deliberately. He is just saying the same thing again and again.

MR TEMPORARY DEPUTY SPEAKER: Mr Moore, resume your seat. I would say the same thing to members of the opposition. There is no point of order. Mr Corbell, you have the call, sir.

MR CORBELL: I am pleased to see that the minister is enjoying this. The reality is that the government was caught out on this issue. But it does not stop there. But wait, there is more. It is like one of those ads, "But wait, you also get this." Of course, this was an issue of considerable concern to many people in the community and it was an issue of considerable concern to many members in this place, particularly for members of the

Estimates Committee. So we asked for some further information. We asked for documents from the department of education. The minister supplied us with the documents which he said were the relevant ones. We saw in that little pile of documents an interesting email message between officers of the department of education and officers of the department of treasury.

Why would the department of education be talking to the department of treasury about surplus sports grounds? The answer is clear. They would only do that if they were seeking to transfer those assets. Why would they be transferring these assets to the Department of Treasury and Infrastructure? The only reason is that they saw them as surplus and no longer needed by the department as ovals.

I think it is clear, regardless of the minister's attempt to protect his position and to hose down the public concern that has arisen as a result of this issue, that the sale of sports grounds is on this government's agenda in the short or long term. There is no doubt in my mind that that is the case. I am sure that the minister will get up here and shout, get angry and defend his record. But the reality is that when they got caught out, those ovals were in the process of being transferred to the department of treasury with sale as a possible agenda. It is as simple as that.

I will be pursuing this matter because I do not believe the government has provided all of the information. I will be lodging FOI requests with the relevant departments to see exactly what else has been going on in relation to this matter.

It was interesting when the issue broke to see the response from the community. It was interesting to hear them ring me and say, "Did you know that they were talking about building something on this oval or that oval?" I have come across at least two occasions on which there were serious discussions between agencies of this government and individual proponents about possible redevelopment of ovals—ovals on the list supplied by the Minister for Education as surplus ovals. Did we get that in the papers supplied by the department of education or the department of treasury? No. So I think there are a few unanswered questions.

Mr Temporary Deputy Speaker, I will conclude my comments at this point. I know the minister is going to stand up now, get angry and shout. He is going to say that I got it wrong, that I beat it up, that it is all a big mistake and that he has got such a proud record on sports grounds, et cetera. But the fact is this government was caught out badly, and it is not the end of the matter.

This is another example of the falseness and the shallowness of the social capital tag. If the government were serious about social capital they would not even for a moment be contemplating the sale of valuable areas of open space that contribute so much to the amenity and wellbeing of our community.

MS TUCKER (11.47): I want to address a couple of areas in this line of the budget that I think I need to be looked at. The first is the area of care and protection services. Obviously, as chair of the Education, Community Services and Recreation Committee, I had the opportunity to look at this before the budget was delivered. There have been some changes since then. Of course, we have the arrangement with the teachers, which is obviously good, and I am glad that that was dealt with by government.

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I am still concerned about a couple of areas. The care and protection services in particular are of concern. The total budget allocation for 1996-1997 was \$11.270 million and the estimated allocation for 2000-2001 is \$13 million. The non-government service providers claim that general operating costs in these areas have increased a lot due to salaries, implementation of the SACS award, insurance, including workers compensation, and GST compliance. One organisation reported that its workers compensation costs have doubled over the last five years and now amount to \$80,000 per year.

Our committee was told that non-government organisations operating in this area have had increases of 1.2 to 1.8 per cent per year. This is clearly not adequate to enable them to cope with a natural growth in the sector, the degree of difficulty, the increase in the rate of recidivism and increasing numbers of clients with diagnosis or mental health problems. In fact, care and protection services are catering for some of the most disenfranchised, difficult and vulnerable members of our community.

It is the view of the Greens that if a government is serious about trying to address social issues in the community or so-called social capital, it should be very strong in its commitment to supporting these people in our community and also the people who work with them in what is an extremely stressful environment.

I guess my concern is that we have a new legislation framework within which to work, with therapeutic protection orders in place. I do not know what that is going to mean. According to the minister when launching and tabling the legislation, this apparently is going to have no resource implications. I find this extraordinary because if a therapeutic protection order is going to do anything other than confine a person, which one would hope was not the case, then there would be intense therapeutic needs. I know from talking to service providers in the community that quite a number of young clients could be helped by such a service. I believe this is an area that government needed to give more attention to in this budget and I am very concerned to see that that has not actually happened.

I am also still concerned about how our school system is dealing with kids at risk, and I will talk about that a little bit later. I would like to deal more generally with the issue of education and the role it plays in addressing issues of equity in our community.

In my initial speech on the Chief Minister's appropriation I raised a number of concerns about the way this government approaches the issues of equity and poverty in our community. I pointed out that the government's accounting or financial framework is apparently devised solely to measure so-called financial accountability or credibility. An accounting firm has told them they are a good government. Maybe if some of the accountants from this firm were struggling to find mental health services for an adolescent who was seriously unwell, they might not think it was such a good budget. But if you are an accountant you could probably buy your own services, so they would not be in that position.

Ms Carnell, in speaking about the ACT's poverty situation, referred to an article in the *Australian* which analysed by postcode the socioeconomic status of various areas. We know from the report of the poverty task force—I have already gone into this in detail

but I want to stress it again—that in fact poverty is hidden in the ACT and is increasing. The government's *State of the Territory Report* documents the increase in the number of people who are solely dependent on government benefits for support.

We know that that is not a very good situation to be in. We know that over half get into education again. We know that 51 per cent of one-parent families rely on government support for their main source of income. That means 51 per cent of one-parent families are very poor.

Let us look at education. Ms Carnell claimed the reason poverty and disadvantage in the ACT are not real or major issues is because we have a fantastic education system here and we spend more here than anywhere else on education. That may well be the case and I do think we have a good education system here. But there is a very serious incursion of the user-pays principle in that system. That is a problem for people who are impoverished in our community. The poverty task force report stated:

Participants expressed the view that some services provided by our community should be provided to all members of the community, regardless of cost to government and the community. Services that were most often discussed included education, health, housing and income.

Education is not free in the ACT. Even now there is a real problem for particular students to access particular subjects. Forget the voluntary contribution issue and the many debates we have had about that here. The subject levy issue is also of concern and I know that there are families whose children do not access particular subjects they may be interested in because of the cost of those subjects. Often they may be the very subjects that will tap into the ability of a child to find something stimulating and rewarding in the education system. Photography is one subject that I can think of straight away. I know of a family whose child has now dropped out of the school system because of the cost involved. Although the child was interested in continuing, there was an issue about affordability.

If we want to keep children in our schools we have to make sure that everything is available to them across the curriculum regardless of their ability to pay. I understand that this government says they want to encourage students to stay at school, and with the common youth allowance it has become necessary that they do. This is moving into the issue of children at risk and how we are supporting them in the schools. We are in the middle of an inquiry into that issue at the moment.

Once again I would like to say that obviously in many ways the ACT education system has a good record. Mr Stefaniak is always pleased to report to the Assembly the satisfaction rate and the success rate of our ACT system according to parents and students. There is always a small percentage of people who are not happy. What I continually say to Mr Stefaniak, and I am saying it again, is that that is the critical information. The information lies with those people who are not happy with what is happening and who have complaints about your system. I would suggest that the complaints about the education system will give him real information to work with so that those young people and families who are not finding the school system supportive or friendly can be helped.

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The issue of racism, particularly against indigenous students, was raised during our current inquiry into students at risk of not completing their education. During estimates I put these questions to Mr Stefaniak and I found his answers very unsatisfactory. I asked for a proper analysis and evaluation of how the strategies this government has for racism in our school system are working. Mr Stefaniak basically informed us that, yes, there was an anti-racism booklet, or something, and that he knows it is pretty good because he has been to schools, teachers he knows are good and there are Koori paintings in hallways and so on. That is really not enough analysis.

We need to have a serious evaluation of what is working. When I talk to the Aboriginal community here, they tell me that racism is a major issue. We know that the indigenous youth are dropping out of our school system. We know they are over-represented in Quamby. We know that there is a growing problem with their using drugs. It is critical that the school system helps them. It was disappointing to me that the School Without Walls was closed. It was clear from the evidence the committee looked at that the school is sometimes the last anchor for some of these young people in the community. Sometimes these young people are safer in school than they are at home. The school is a place where perhaps we can address problems in time to save a lot of human misery as well as cost to the community in the long run.

I am disappointed in this budget because I do not think we are still seeing enough focus on this area. We are seeing some initiatives from the government, but as Mr Berry or someone said, there does not seem to be much resourcing to fund them. Projects appear in the budget and when you ask where the funding is you are told, "The outcome is going to come from efficiencies." It is getting to be a bit like the fishes and loaves—we just keep getting more and more outcomes without any more inputs, without any more money. I do not think that is possible.

I think what is happening is that once again we are getting either under resourced initiatives or just commitments. This brings me back to the question of accountability and concerns about accountability and targets that I raised earlier in the budget debate.

The committee will be reporting on this issue. I sincerely hope that the government will take note of our recommendations. I hope to see a real funding effort to support this in the next budget. The long-term benefits are obvious. No-one would ever argue that the money you put into this now will not save the community money in the long term. There is no question about it and I do not think the minister would even argue with that. It is a matter of having the courage to invest that money now in the school system for this small group.

I noticed in the newspaper recently a comment from a magistrate that he was concerned because he did not see that these kids were being accommodated in the education system. So these concerns are coming from the judiciary as well.

Friday, 30 June 2000

MR STEFANIAK (Minister for Education) (12.01 am): I thank members for their comments. Ms Tucker especially made some interesting, very valid and helpful comments. Some of the comments from the Labor Party were not. A couple of events worthy of note occurred this week which put all of this into perspective. On Tuesday,

about 25 primary schools and a couple of high schools in the ACT, both in the government and non-government sector, had certificates presented to them for donating to the United Nations Interfet force basically a room almost as big as this chamber full of stationery, books and other items to assist the schools in East Timor.

As part of those proceedings, which took place in the Assembly reception area, a video involving three refugee children was shown. The video began with the worst case—a young bloke called John who, with his mother, fled from fighting in Ethiopia and was in a refugee camp in Kenya. He was hoping his father could join them but his father had stayed to defend the farm. I sadly wonder whether John's father ever made it. John spoke very good English. The people in the refugee camp had one meal a day, and that was eaten at night. The school at the refugee camp consisted of kids sitting around in the dust, with no materials, and being taught as best they could by aid workers. It was interesting to see how the kids amused themselves. They made a soccer ball from just bits and pieces of material. They were absolutely dirt poor.

The video then focussed on Cambodian refugees who lived in huts and had reasonable meals. Their school consisted of a hut, a blackboard, occasional chalk, and one teacher for about 100 kids. The situation depicted on the video is very similar to what I was told by a friend of mine, Audrey Cornish. Audrey, who used to be a teacher at Narrabundah College, teaches in Cambodia. She told me that teachers are often not paid for months on end, and often they need basic things like chalk.

The next refugee in the video was living in Denmark. This young girl went to a school that was more akin to our schools in Canberra. The only difference seemed to be that she was in a building complex where her family had to share the bathroom and the kitchen facilities with other families. But it was something approaching our standard.

I had the pleasure of hosting a very lovely lady, Nosimo Balindlela, who was education and cultural minister and is currently cultural, sport and arts minister for Eastern Cape Province. She also is a teacher. Before she was a minister she taught even during the apartheid regime in South Africa at teachers college. She was highly impressed with our schools. You, Mr Temporary Deputy Speaker, related to me a meeting you had at lunchtime with a visiting South African delegation of educationalists who said how impressed they were with our school system, which they indicated was the best in the country. I go to a lot of our schools in the government school system—I think I have been to them all. I go to a lot of the non-government schools and they too are excellent.

I have been comparing libraries and computers in the various schools. Whilst I note that in some of the Catholic primary schools these areas are certainly adequate, and the standard of education is very good, the number of computers and the size of the libraries is so much larger in our government primary schools. I have been hearing in recent days how good our schools are compared with not only those in the rest of Australia—I hear this from parents who come to the ACT from interstate—but also overseas. This is certainly brought home when you hear from the people from overseas. South Africa, of course, has a reasonable standard of education. It is much more primitive, of course, than ours, but still much better than some of those other areas that I have mentioned. I think we need to pause and realise how lucky we really are in this country.

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The *Australian* published a very interesting graph today which I looked at with interest. I have said on a number of occasions—and the Chief Minister has referred to this piece of statistical information—that the ACT proudly spends more on government schooling than any of the states. The Northern Territory does spend a bit more, but that is largely because of isolation factors.

It is interesting to see what people spend on average per week on education fees. In Melbourne people spend a lot more than anywhere else. The ACT in fact comes sixth in terms of what people have to pay a year for education. I think it is about \$6.70 a week. We marginally spend a little bit more than Perth, we are in front of Hobart and we spend a fair bit more than Darwin. But the parents in every other state fork out more than what it costs ACT parents. So we are an inexpensive education system in terms of what it costs our parents. I think those are very telling factors.

We are a community that prides itself on its education. This is certainly something that this government has prided itself on. With this budget we effectively will have spent on government schooling about a \$40 million over and above what we promised we would do when we went to the 1995 election.

I have already tabled in this place a report prepared by KPMG in March 2000 entitled *ACT Department of Education and Community Services—A Review of the ACT's Maintenance of Funding for Government Schools*. Mr Temporary Deputy Speaker, this document is on the public record.

The report estimated that, when you took into account the draft budget, we were about \$37 million over and above our promise. The extra \$3.2 million put in for the teachers' EBA takes that figure to about \$40 million. This has been achieved at a time when we have had a rein in expenditure in other areas and after we inherited a debt of some \$344 million. This budget, of course, is the first surplus budget in the territory's history. So it has not been easy. But despite all that, we have continued this strong investment in education, and that is crucially important.

Mr Berry mentioned a number of things. He talked about the Spence school. There were some 13 months of consultation in relation to that. We have had that argument before. I do not think anyone could accuse this government, and indeed the school community who initiated it, of not engaging in extensive consultation. In fact, if anything, it was probably a model of how to consult. At the end of the day the government accepted the majority decision of that school community.

Mr Berry talked about industrial relations. I think what we have worked out with the bursars is evidently satisfactory to both parties. Of course, the government has to abide by the law, and that is exactly what we did. I think the EBA with teachers was a triumph for all sides. It showed maturity by all sides. It showed that the union was prepared to take teaching into the 21st century and come to government and the department with some sensible proposals.

The government also should be commended for working with the union and the department in coming up with an agreement. In stark contrast with our cousins over the border, I think there were about two hours of industrial action back in August when the ACT teachers had their first meeting compared with 21 days of chaos in the New South

Wales system. I am delighted to indicate that the formal process at the CIT has been finalised, with an overwhelming majority of teachers and other staff there voting, accepting, and ratifying the agreement which has now passed through the relevant stages of the Industrial Relations Commission. So I think, if anything, that was a model of how to come up with a sensible EBA, and all sides should be congratulated. I have no trouble putting on the public record my congratulations to the Australian Education Union for the commonsense and the attention they showed.

Mr Berry talked about autism. As the Chief Minister quite rightly said earlier today, there were no autistic units when the Labor Party was in power. When you look at what occurs interstate, this government has done more for autism, and I think more for disabilities, than any other state or territory. We see instances of people who come to the territory because of the service we are providing for disabilities and the education that kids get.

Mr Berry mentioned Yarralumla. I am well aware of two diplomats who have extended their stay because their kids are in that unit. I am also aware of service personnel who have not taken promotion elsewhere but have stayed in Canberra because of the excellence of those systems and the service provided to their children. In fact, there may be a bit of a problem if so many people want to come and live here because of the very good services we have in the disability field. So, really, Mr Berry is off with the fairies there.

I must congratulate Mr Corbell on making an absolute mountain out of a molehill, on creating a storm in a teacup. Mr Corbell has not considered that he also makes mistakes. One mistake that jumps to mind is the indication by him in the estimates report that the territory government gives absolutely nothing to legal and welfare rights. Well, my department in fact gives them \$105,000 a year. It has given them a substantial amount of money, certainly since I have been minister. In fact, I think I increased it to that amount not all that long ago. So there is an error he made.

He, of course, took three years to find the error in respect of ovals, which I agree escaped the attention of my chief executive officer, the Chief Minister when she was Treasurer, Mr Humphries as Treasurer, me in terms of perhaps not checking it too, and two or three public servants in my department and probably several in treasury. So it is not *mea culpa*—it is a case of *nostrum culpum*. The fact of the matter is that nothing has happened in terms of selling any of those low maintenance ovals for any development. The record speaks for itself. As I said when Mr Corbell asked me a question in question time a couple of days ago, actions speak louder than words.

During the three-year period that the documents contained the words referred to by Mr Corbell—we have now rectified this with the different agreement, which has been tabled—what happened? The 27 ovals which were designated as low maintenance by Labor back in 1993-94 have seen some significant changes. An immense effort was made in 1996. Evatt oval was brought back to full maintenance. One hectare of Macquarie oval, in conjunction with the school, was also brought back. That was the pathfinder for bringing back to a decent standard of maintenance some eight ovals around primary schools so that kids could play on them and play organised sport.

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Two other ovals are being brought back by the Grammar School and by Daramalan College, and they will be open to and used by the general public. Two other ovals have gone to urban parks. These are ovals that I think even under Labor were never used as sports grounds. Of course, Duffy oval now will be used for cricket as a result of works. Twenty-seven ovals were made low maintenance by a disastrous Labor decision in 1993. Actually, this was a decision of Mr Berry's. He is being pretty churlish tonight but he had the good grace on ABC radio to say he was pleased the government had brought some back, and I take that as a tacit regret in terms of the stupidity of his government's decision when he was sports minister.

Mr Berry: Why didn't you bring them all back?

MR STEFANIAK: Because of the financial state you left us in, Wayne. I think we have done very well bringing some 13 back.

Of course, I have made no bones about the fact that I would like, in the remaining term of this government, to look at bringing a couple more of those back. In terms of the remaining ones near primary schools, the offer we have made to the primary schools, which has been taken up by eight schools, lays on the table and will remain on the table during the term of this government. So, what has occurred in reality is that nothing has been sold to developers. We have brought 13 of those ovals either back to full maintenance or made them into parks. It is pretty close to 50 per cent. I think that is an excellent record; it speaks for itself.

This is a historic budget. I am very proud of the fact that my department accounts for about 33 per cent of it. Education is crucially important, not only to this territory but to Australia. We pride ourselves on being the clever capital. I am not going to go over the numerous initiatives there are in this budget or the initiatives we have put in over the five years of the Carnell government. They are there for people to see—the IT initiatives, the initiatives for assisting kids with disabilities, and the affirming the high school years initiative. These are excellent initiatives and there are some more in this budget.

Unlike the previous government, which actually cut education, we realise how crucial education is. It is interesting to look at some of the debates that have taken place. On 18 May 1994 Mr Wood, the then education minister, indicated that basically they did not want to cut education too much and that they had cut other things a lot more. At page 1678 of *Hansard* he is reported as saying:

Education has not, over a four-year period, declined in funding to the extent that the ACT budget has. We are not in a position—I do not think anybody except a couple of members in this chamber asserts that we are—to increase funding for education.

He said that education funding had not been cut to the same extent that the ACT budget had. What have we done? We have increased it. We have honoured our promise to increase it by CPI. We have gone over and above that—we have increased it to about \$40 million over what we promised. Labor found it impossible to increase education funding in its budget. It found it impossible not to decrease education funding. We have done the exact opposite despite inheriting a dreadful deficit of \$344 million back in 1995.

I am amazed that people are considering throwing out this budget. If you do not like the government, throw the government out. Be honest about it. This budget should be passed because it is the first budget in the territory's history that creates a surplus. It creates money for superannuation, it creates record spending in areas like education and health, and it increases law an order spending by \$10 million. It has a wealth of initiatives. It introduces, for the first time, some excellent initiatives in the area of social capital.

The budget is also the culmination of a fairly revolutionary approach in terms of the draft budget. It puts money aside for superannuation. Out of these highlights we will continue to have surplus budgets so we can fund some of the things we need to do to assist the people of the Australian Capital Territory. After so many years, we finally have a surplus budget. That people are thinking of voting against it here defies description. The mind boggles, Mr Temporary Deputy Speaker. This budget is worthy of great support. The proposed expenditure in part 15 is certainly worthy of support because it is crucially important for our young Canberrans who are our future.

Proposed expenditure agreed to.

Proposed expenditure—Total appropriated to departments, \$1,156,762,000 (net cost of outputs), \$181,157,000 (capital injection), and \$304,906,000 (payments on behalf of the territory), totalling \$1,642,825,000.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.20 am): Amendment No 5, which has been circulated in my name, is a further amendment to effect the separate appropriation for ACT Workcover. I move:

Page 5, Total amounts appropriated to Departments, omit from the table of appropriations the total amounts appropriated to departments, substitute the following:

<i>Total appropriated to departments</i>	1,159,399,000	181,157,000	301,728,000	1,642,284,000
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Amendment agreed to.

MR TEMPORARY DEPUTY SPEAKER: The question now is that the proposed new expenditure, as amended, be agreed to.

A division having been called and the bells being rung—

Mr Berry: Scratch that one. We can do one later.

MR TEMPORARY DEPUTY SPEAKER: Are you seeking leave to withdraw the request for a division?

Mr Berry: Yes.

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Leave granted.

Proposed new expenditure, as amended, agreed to.

Proposed expenditure—Treasurer's Advance, \$16,400,000—agreed to.

Proposed expenditure—Total appropriations, \$1,156,762,000 (net cost of outputs), \$181,157,000 (capital injection) and \$301,728,000 (payments on behalf of the territory), totalling \$1,658,684,000.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.23 am): Amendment No 6, which has been circulated in my name, also seeks to effect the separate appropriation for ACT Workcover. I move:

Page 5, total amounts appropriated, omit from the table of appropriations the total amounts of appropriations, substitute the following:

<i>Total appropriations</i>	1,159,399,000	181,157,000	301,728,000	1,658,684,000
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Amendment agreed to.

MR TEMPORARY DEPUTY SPEAKER: The question now is that the proposed expenditure, as amended, be agreed to.

A division having been called and the bells being rung—

Mr Berry: Mr Temporary Deputy Speaker, I seek leave to withdraw my call for a division.

Leave granted.

Proposed expenditure, as amended, agreed to.

Remainder of bill, by leave, taken as a whole.

MR HUMPHRIES: (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12.25 am): I ask for leave to move amendments Nos 7, 1 and 2, circulated in my name, together.

Leave granted.

MR HUMPHRIES: Again, these amendments seek to effect the separate appropriation for ACT Workcover. I move:

No. 7. Schedule 2, page 6, table of appropriation units and output classes: After:

<i>ACT Forests</i>	1 Forests
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Insert:

ACT Workcover

1 Workplace management

No. 1. Clause 2, page 1, line 6, after “commences”, insert “, or is taken to have commenced,”.

No. 2. Clause 6, page 2, line 14, omit “\$1,659,225,000”, substitute “\$1,658,684,000”.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Question put:

That this bill, as amended, be agreed to.

The Assembly voted—

Ayes, 8

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Smyth
Mr Stefaniak

Noes, 9

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Osborne
Mr Quinlan
Mr Rugendyke
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the negative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly—Instability

MR MOORE (Minister for Health and Community Care) (12.27 am): Mr Speaker, it is a very sad day when a budget, which is in fact the best budget the ACT has ever seen, that has been prepared—

Mr Berry: Mr Speaker, on a point of order: the minister is reflecting on a decision of the house.

MR SPEAKER: Just a moment. I am listening to this adjournment speech.

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MR MOORE: We have a situation where a law was passed in this Assembly by a majority vote and then the budget has been brought down on that particular law.

Mr Berry: Mr Speaker, on a point of order: the minister is reflecting on a decision of the house. It is highly disorderly.

MR SPEAKER: It is an adjournment speech.

MR MOORE: I believe that I can do so in an adjournment debate. Mr Berry, I would have thought that you would remember the standing orders. If you sit down, that would be the best way to operate. Mr Speaker, I think this is a sad day for our democracy.

Mr Berry: Mr Speaker, I take a point of order.

MR SPEAKER: Order! Once again we are developing into some sort of farce, but go on.

Mr Berry: Mr Speaker, I am repeating my point of order.

MR MOORE: Mr Speaker, that person has already been warned once today. Why don't you boot him out?

Mr Berry: Mr Speaker, it is highly disorderly to reflect upon a decision of this Assembly. Mr Moore is reflecting adversely on a decision that was just made. It makes no difference whether it is in the adjournment debate or not. He cannot reflect because the adjournment debate does not suspend the standing orders.

MR SPEAKER: You are correct. It does not suspend the standing orders. However, if you wish to speak on the adjournment, Mr Moore, you must not reflect on the vote.

MR MOORE: Mr Speaker, I would like to look forward to a time when this Assembly can operate in an appropriate and stable way. Indeed, I am reminded of the First Assembly. No doubt Mr Kaine remembers some of the times in the First Assembly when we saw instability, and the impact of that instability. I have to say that I feel what we have seen operating in this Assembly today is—

Mr Berry: Mr Speaker, I think he is still reflecting on a vote.

MR SPEAKER: No, he is not. He is referring to the First Assembly, as I understand it.

Mr Berry: This is Mr Moore's favourite tactic.

MR SPEAKER: Mr Berry, do not talk to me about favourite tactics please. Resume your seat.

MR MOORE: Mr Speaker, I am flabbergasted by the hypocrisy.

MR SPEAKER: I am flabbergasted too.

Mr Berry: I give up—wrestled to the ground.

MR SPEAKER: So you should.

MR MOORE: Indeed, Mr Speaker. Nevertheless, I am sure that this matter will sort itself out one way or another.

Question resolved in the affirmative.

Assembly adjourned at 12.30 am (Friday) until Tuesday, 29 August 2000, at 10.30 am