



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 July 2000

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The Assembly met at 10.30 am, in accordance with the notice fixed by the Speaker on request in writing from an absolute majority of Members, pursuant to the resolution of the Assembly of 9 December 1999.

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.

**GOVERNMENT CONTRACTING AND PROCUREMENT PROCESSES—SELECT
COMMITTEE
Alteration to Reporting Date**

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

That the resolution of the Assembly of 6 May 1999, as amended on 14 October 1999, appointing a Select Committee on Government Contracting and Procurement Processes be amended by omitting paragraph (3) and substituting the following paragraph:

“(3) The Committee report by the last sitting day of August 2000.”.

**SUSPENSION OF STANDING AND TEMPORARY ORDERS
Precedence of Business**

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.35): Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent the following business having precedence over all other business in the routine of business this sitting day:

(1) Presentation, by leave and consideration of Supervised Injecting Place Trial Amendment Bill 2000 on suspension of standing orders;

(2) Reconsideration of Appropriation Bill 2000-2001 on rescission of the vote relating to the agreement to Bill;

(3) Resumption of debate on the motion to take note of the papers relating to the Interactive Gambling Report to the Assembly; and

(4) Presentation of papers.

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Mr Speaker, this is a straightforward motion that will allow the Assembly to deal with the business which it clearly needs to deal with today in order, in particular, to resolve the issue of the budget for the year 2000-01.

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

SUPERVISED INJECTING PLACE TRIAL AMENDMENT BILL 2000

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (10.37): Mr Speaker, I ask for leave to present the Supervised Injecting Place Trial Amendment Bill 2000.

Leave granted.

MR HUMPHRIES: I present the Supervised Injecting Place Trial Amendment Bill 2000, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this bill be agreed to in principle.

I present the following papers:

2001-2001 Budget—Corrigenda to:

Budget Papers Nos 3 and 4.

Purchase agreement between the Minister for Health and Community Care and the Chief Executive of the Department of Health and Community Care.

Ownership agreement between the Minister for Health and Community Care and the Chief Executive of the Department of Health and Community Care.

This bill amends the Supervised Injecting Place Trial Act 1999. The act provides the legislative framework for the conduct of a scientific trial of a supervised injecting place for intravenous drug users. The amendment proposes that the scientific trial of the supervised injecting place cannot commence before a specified date. Under the amendment I have moved, 1 January 2002 is the earliest possible date for the commencement of the operation of the facility where the trial will take place.

The bill comes forward with no sense of pride or sense of accomplishment on the part of the government. The bill is being brought forward for one reason and one reason only. That reason is the bloody-minded approach by the opposition in this place which has led, for the first time in a quarter of a century, to the blocking of supply in a parliament of Australia and the necessity for government to amend its budget to be able to address the need to pass that budget for the coming financial year.

Those opposite pretend that this has been an accident of history, that somehow there has been some kind of conspiracy to exclude them from a role in this matter and that the result of negotiations has been that the supervised injecting place is to be deferred until 1 January 2002. We are expected to believe that they are matters entirely beyond their control. The SIP is to be deferred—

Mr Berry: What happened to bipartisanship?

MR HUMPHRIES: It went out the window when you broke a quarter of a century of parliamentary tradition and blocked supply. That is what happened to it, Mr Berry. It happened when you dumped a quarter of a century of parliamentary tradition and blocked supply. Those opposite may well complain, squeal, twist and turn, but they know that the position the Assembly finds itself in today is the product of their handiwork, and theirs principally. Those opposite profess to support having a supervised injecting place trial. We understand that they have often argued for it to happen.

Mr Corbell: How will you be voting today?

MR HUMPHRIES: I will be voting for my bill, Mr Corbell. Those opposite pretend that they support this concept; yet last Thursday week they voted in this place on the budget in a way which they must have known would put that facility at risk, because the moment the government's budget was defeated on the floor of this place it was inevitable that the government would have to try to negotiate a way through the problem. It was inevitable and those opposite, in voting against the budget, led inevitably to the government needing to come to terms with the crossbenchers' concerns about the SIP and to ensure that the SIP was removed or deferred in order to facilitate the passing of the budget.

If the people opposite are serious about being supporters of the SIP, they should not have threatened the budget allocation for that facility, but they did. They did for the basest of reasons: because they are hypocrites, because they decided that they would rather take a cheap shot—

Mr Hargreaves: I take a point of order, Mr Speaker. I would like to have the word "hypocrite" withdrawn. We had to withdraw it before; I did so myself.

MR SPEAKER: The word "hypocrite" has been withdrawn before.

MR HUMPHRIES: I withdraw, Mr Speaker. The reality, however, is that those opposite profess to want the SIP, but blocked the budget that contained the funding for it.

Mr Berry: Oh, get out!

MR HUMPHRIES: You did, Mr Berry.

Mr Berry: Ha, ha!

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MR HUMPHRIES: You can giggle in your usual way across there, pretend that you are all very relaxed and happy about outcomes here and say that this is none of the doing of the Labor Party, while washing your hands, Pilate-like, in a dish, but the reality is that the people opposite put their SIP at risk by the approach that they took—

Mr Stanhope: Our SIP!

MR HUMPHRIES: The SIP that you, to a man, support. You put it at risk by the behaviour that you displayed last Thursday week and now you are surprised when you find out that the thing has been dumped or deferred.

Mr Stanhope: It was dumped, was it?

Mr Wood: Your argument is not working.

MR HUMPHRIES: Mr Speaker, those opposite have asked already in this debate for the protection of standing orders and I think that, at the same time, they deserve to respect standing orders when it comes to interjections.

Let me go through some of the events of the last few days to put things in perspective. We all know that on Thursday night of the week before last the Assembly met—

Mr Moore: Friday morning.

MR HUMPHRIES: In fact, to be more precise, in the early hours of Friday morning of the week before last the Assembly met and considered the budget of the government and the Assembly, in an historic vote, rejected it. That was a surprising step in one respect because, as was noted by many commentators, this is the first surplus budget ever produced in the ACT in accrual terms. It is a budget which has been widely welcomed round the community as a good budget and one which, to quote from the *Canberra Times*, was one differed from by those opposite on matters of emphasis more than anything else. Mr Speaker, we had a budget which was widely expected to be welcomed by the Assembly and which, to the surprise of many including, I suspect, those opposite to some degree, was rejected.

The government clearly was confronted with a decision. What do we do? We had been told a number of things by others in the Assembly who had rejected our budget. We had been told by some on the crossbench that we should take out funding for the SIP if we expected to get our budget through. That was the message from some on the crossbench. We were told by the Labor Party and the Greens that it was appropriate for the government to resign in order to deal with the crisis that had been created.

I note in the *Canberra Times* column on Saturday by Ms Armitage that she reports, presumably after having discussed the matter with the Labor Party, that the Labor Party never really expected to have the government fall over this issue. The opposition never really expected to have the government fall over this issue. That being the case, the argument that the government ought to resign sounds a little bit hollow and a little bit insincere to me. Nonetheless, Mr Speaker, that is what the Labor Party was saying. It was saying that the government should fall. It was saying that we should go, as that is the parliamentary tradition.

Mr Stanhope: It should, but we never expected that it would.

MR HUMPHRIES: That is not quite the case. Mr Speaker, we have had Mr Stanhope say the following in a media release on Monday, 3 July:

“We’ve seen before that she—

the Chief Minister—

has no understanding of parliamentary convention. If she had ... she would have immediately resigned when she failed to get her Budget passed by the Assembly.

Mr Berry: Hear, hear!

MR HUMPHRIES: “Hear, hear,” says Mr Berry. Mr Speaker, this is unprecedented in the ACT Assembly, since there had not been a budget rejected prior to the week before last, but there has been comment about the situation in the past by others in this place, including by the Labor Party’s former Attorney-General, Mr Connolly. I want to quote what he said in 1995, in the first year of this government, when the very same issue arose of a possible blocking of the budget in this place. This is what he had to say:

To say that the Government would have no alternative but to resign if a single line in the budget were changed is merely political puff. It is not a statement of the constitutional position in this Assembly. It is in the House of Representatives, because there is no other prescribed form for dismissing a government...that is not the case here because, under our constitutional arrangements under the self-government Act, there is a prescribed form for changing a government. That prescribed form requires a specific motion, with specific notice being given of that specific motion. It has been made very clear on this side of the house—

that is, the Labor side—

when we say that we are objecting to this, that this is not a matter of confidence; that this is a matter of negotiating a budget process.

Mr Berry: You were the ones who said that you would rise and fall on it.

MR HUMPHRIES: I know that you are uncomfortable about being told what you said a few years ago, but the tradition which you say exists that governments should resign apparently did not exist, according to your legal spokesman, back in 1995.

Mr Berry: Yes, it did, and you misinterpreted what he said.

MR HUMPHRIES: No, I did not misinterpret what he said.

Mr Berry: I will explain.

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MR HUMPHRIES: Oh, there is a difference between what Mr Connolly was saying then and what you are saying now! The fact is that the situation was very similar. At the time there was a threat.

Mr Berry: We are talking about line by line compared with the whole budget.

MR SPEAKER: Order, please. You will all have a chance to participate. Let Mr Humphries speak, please.

MR HUMPHRIES: At the time—in 1995—there was a threat to the government’s budget. We were told that the budget could be rejected. We said, “We might have to consider resigning over this issue if you are going to reject our budget. It is our first budget since coming to office. We can hardly walk away from our first budget.” The Labor Party sprang to life and said, “No, that is not the case. You do not have to resign if your budget is rejected or amended. You have to come back and negotiate.” That is what you said.

Mr Hargreaves: A line item of the budget.

MR HUMPHRIES: Oh, a line item!

Mr Hargreaves: Not the whole budget.

MR HUMPHRIES: I see. So what Mr Connolly was saying did not apply if the whole budget was rejected, but did apply if only a line was rejected. Sorry, Mr Hargreaves, it does not work that way. You cannot weasel out of this one, Mr Hargreaves. You know that Mr Connolly was saying that the process here is different from the one in other parliaments, that the rejection of a budget does not lead automatically to a government’s resignation. Governments might choose to resign if they feel that the matter is one of confidence, but even with your own words you admit that this was not a matter of confidence.

Let us go back and peruse the *Hansard*. In the course of the budget debate, not once did the people opposite say to the government, “If the budget is rejected tonight or a line in the budget is rejected, you should resign.” Not once did you say that in the course of that debate. Go ahead and look at what the budget debate actually consisted of. If you thought that we should have resigned when the budget was rejected, why did you not say so? Did you forget to say so? Did you think it was not important? Did you think it would be just taken as read?

Mr Stanhope: You said that you would stand or fall on it. You changed your mind pretty quickly.

MR HUMPHRIES: The fact is that you did not think it was going to happen.

Mr Stanhope: What does “stand or fall” mean?

MR HUMPHRIES: The fact is that you did not know. Your own spokesman made it perfectly clear five years ago—

Mr Stanhope: One line of the budget.

MR HUMPHRIES: I am having great difficulty with being heard, Mr Speaker. I have to ask for some protection from the chair.

Ms Tucker: I rise to a point of order, Mr Speaker. I would like to raise the issue of relevance. I will not mind if everyone has just one speech today, but I thought we were to be talking about the SIP and this has become a discussion about the budget, which we will have the opportunity to have later. I bring that to your attention.

MR SPEAKER: Yes, we are discussing the Supervised Injecting Place Trial Amendment Bill, but we have moved off it. We have to relate to it. I am sure that Mr Humphries can do that.

Ms Carnell: Speaking to the point of order: the problem is that the only reason this amendment is coming forward is the budget. There is no way that this amendment would have come forward otherwise.

Mr Berry: Mrs Carnell is debating the issue, Mr Speaker.

MR SPEAKER: No, she is not. Sit down. Mr Humphries is well aware of the standing orders. I am sure that he will bring the SIP into the general debate. I am sure that other members would like to participate in this debate. I would ask them to stop interjecting.

MR HUMPHRIES: Mr Speaker, as I said at the outset of my remarks, the amendment bill before the Assembly today is a reflection of the political reality in this place. The government of the day needs to have a budget to be able to govern; it is as simple as that. Without a budget, there is no government. We went to the Assembly and asked for support for a budget. The Assembly said no.

Let us go over some of the events of the last few days, continuing on this issue. We are told by interjections in this place that the Labor Party gave the government a way out of its problem by offering to pass its budget on Monday of last week, that Mr Stanhope had trotted up to Mrs Carnell's office—

Mr Stanhope: Skipped up.

MR HUMPHRIES: Skipped up, whatever you want to do, to Mrs Carnell's office and told her—

Mr Kaine: The only problem was that he was five minutes after Paul Osborne.

MR HUMPHRIES: Actually, he was quite a long time after Mr Osborne, if the truth be known, a very long time.

Mr Stanhope: Tell us the truth.

MR HUMPHRIES: I am telling you the truth, Mr Stanhope. We had contact with Independents the day the budget was rejected. We heard from you lot almost four days later, four days after the budget had been rejected, and you tell us that you would have

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passed our budget. Mr Speaker, why should we have trusted a party which was telling us in the media, publicly, day after day that the government should resign to resolve this problem, notwithstanding what Mr Connolly had to say about the same situation back in 1995? Yet now you expect us to believe that you would have supported the budget. “Oh, yes, we were going to support your budget. No worries, yes.” What changed, may I ask, between 12.30 on Friday morning and 11 o’clock the following Monday morning? What changed?

MR SPEAKER: Order! Back to the bill, please.

Mr Kaine: You did a deal; that is what changed, minister.

MR HUMPHRIES: Sorry, Mr Kaine, we did no deal.

MR SPEAKER: Order! Back to the bill, please. I would remind members that later this day there will be a motion seeking to rescind a vote of the Assembly concerning the Appropriation Bill. Some of the debate should be left to that point.

MR HUMPHRIES: Mr Speaker, the fact remains, it is inescapable, that the people opposite—I include Ms Tucker in this because I gather that she also had a change of heart at some point over the weekend—decided that they had made a mistake by blocking the budget in the early hours of Friday morning; they decided that they had made a mistake.

Mr Berry: No.

MR HUMPHRIES: So there was some sort of miraculous conversion, was there, some sort of vision from heaven that told you that you should go back and pass the budget that you told us again and again on Thursday and Friday was no good and should not be supported? Was there a vision from heaven? Is that what caused you to change your mind? The fact is that you changed your mind. You realised that you had made a mistake and you came back on Monday morning—in fact, more like Monday afternoon—and decided that you were going to support the budget, and then you accuse us of being inconsistent.

Mr Speaker, if you can convince them to go out into the public arena and explain why it is that they changed their position, good luck to them, but I do not think anybody in this community would be convinced. Plenty of people have made comment on this issue in the last little while, including Mr Malcolm Mackerras from the Australian Defence Force Academy.

Mr Hargreaves: The guru himself.

MR HUMPHRIES: You have been happy to quote him in the past. Apparently, today he is not good enough to quote; is that the problem?

Mr Hargreaves: I have not quoted him before. Do not Gary me.

MR HUMPHRIES: No, you have not, but your party has, Mr Hargreaves.

Mr Hargreaves: In 1991, another history lesson.

MR HUMPHRIES: History is a dreadful thing, is it not? Fancy having to quote what the people opposite have said in the past! It is terribly embarrassing, is it not? They should burn all the *Hansards* so that we cannot see what they have said in the past.

Mr Hargreaves: What did Hannibal have to say?

MR HUMPHRIES: The animal?

Mr Hargreaves: Hannibal. You are not only going blind but going deaf as well—blind, deaf or stupid, take your pick.

MR SPEAKER: Order, please! Interjections are out of order and should not have to be acknowledged anyway.

MR HUMPHRIES: Mr Speaker, I know that those opposite are upset. I would be upset, too, if I heard things like this being said about me:

It seems to me the Labor Party have stuffed up so incredibly badly that I think that they've probably given her—

the Chief Minister—

another term in office by their stupidity ...

I think the Labor Party in one fell swoop wrecked their position when they decided upon this incredibly cynical, stupid behaviour whereby you wreck a Budget which you actually support ... and you wreck it. Why? Because there's \$800,000 for this Supervised Injecting Place which the Labor Party supports. Now, what could be more stupid than that?

(Extension of time granted) In the *Canberra Times* of 8 July the same person said:

What has driven me to this confession—

the confession about there being no electoral laws in history—

is my observation of the ACT Assembly so far this year. I am very impressed at the incompetence of the Labor Party.

The Budget is the best example, with particular reference to the proposed heroin-injecting room. I cannot conceal my derision at the way Labor has handled that issue.

Again, the *Canberra Times* of Saturday made reference to the fact that the Labor Party has handled this matter with incredible stupidity, incredible clumsiness. The cartoon—

Mr Stanhope: What does he say about Harold?

MR HUMPHRIES: I do not know what he said about him, but I remember what was being said about Mr Stanhope swinging at a golf ball and missing it.

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Mr Stanhope: Was that me? I thought it was Mr Osborne.

MR HUMPHRIES: No, I do not think it was.

Mr Stanhope: That was Paul, not me.

MR HUMPHRIES: It was Paul! Since when has Mr Osborne been wearing glasses?

Mr Stanhope: Hell, I thought it was him.

MR HUMPHRIES: Did you? I would wish it was him if I were you, Mr Stanhope. But it was not Mr Osborne; it was you, I am afraid to tell you.

Mr Speaker, apparently we are now being told that Mr Stanhope rolled up or skipped up to Mrs Carnell's office in the early hours of Monday morning and told Mrs Carnell that, subject to the views of caucus, they would pass the budget. The budget which was too awful to pass the previous Friday, which was too awful even to consider passing the previous Friday, suddenly became worth passing. What was it that changed between the early hours of Friday morning and Monday morning?

Ms Tucker: The deal.

MR HUMPHRIES: There was no agreement with Independents at that stage, Mr Speaker; there simply was not any agreement.

Mr Kaine: You did a shonky deal.

MR HUMPHRIES: There was no deal at that time.

Mr Hargreaves: Oh, come on!

MR HUMPHRIES: There was no deal.

Mr Kaine: Why are we here debating this bill if there was no deal. You did a shonky deal, otherwise we would all be up in Queensland, even Paul.

MR HUMPHRIES: Listen, Mr Kaine: at 11 o'clock on Monday morning there was no deal.

MR SPEAKER: Order! May we get back to the matter before the house.

Mr Kaine: Yes, there was. The deal was made on Sunday.

MR HUMPHRIES: It was not.

MR SPEAKER: Order! Can we get back to what is before the house.

Mr Kaine: Didn't you know about it on Sunday? You did not know about it until Monday morning?

MR HUMPHRIES: If you were present at the negotiations, Mr Kaine, I look forward to you explaining what it was or detailing what it was that was said in those negotiations. I did not speak to Mr Rugendyke until Monday afternoon.

Mr Kaine: Yes, that is you.

MR HUMPHRIES: That is right; or anybody else, as far as I am aware.

Mr Kaine: You should get your act together. You should know what is going on, shouldn't you?

MR HUMPHRIES: Mr Kaine has enormous knowledge of these matters, Mr Speaker. I look forward to him explaining how negotiations were proceeding and when agreements were reached between the government and the Independents. I suspect that he has little he can actually put on the table of a substantive nature on that matter, Mr Speaker. I do know that the government was faced with the choice of a call from the opposition to resign; not to negotiate on this, that or the other budget document, but to resign.

Ms Carnell: And then what would have happened?

MR HUMPHRIES: And then they would have taken office and somehow they would have passed the budget. The question on my lips is: how? How were you going to pass this budget that we could not pass? What were you going to do? They were going to split the two appropriations, Mr Speaker. They were going to split the two appropriations into appropriation—

Mr Quinlan: That would have been a good idea.

MR HUMPHRIES: Mr Speaker, I have to seek again your intervention and assistance for me to be able to complete my remarks.

MR SPEAKER: Yes, and I want all members to come back to the bill, please. We have a bill before us called the Supervised Injecting Place Trial Amendment Bill 2000.

Mr Quinlan: I take a point of order, Mr Speaker. Mr Humphries is talking about divided appropriation bills at this point in time.

MR SPEAKER: I am hoping that Mr Humphries will come back to this bill. I can see where he is heading.

MR HUMPHRIES: If you want to rule, Mr Speaker, that we cannot talk about that, I am happy to obey that ruling; but you will have to keep it for the rest of the debate. Speaking to the point of order, I would argue that the two matters are intimately bound together and cannot be separated. It is impossible to speak about one without speaking about the other.

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MR SPEAKER: I want some relevance, though, on the matter before the house. If you want to talk about the appropriation bill, there will be an opportunity later to do so, but I do want some relevance brought into the debate. I accept that—

Mr Berry: I agree with Mr Humphries. We just cannot wait to give him a belt.

MR SPEAKER: Be quiet, Mr Berry, otherwise you will not be speaking on anything. I accept that it is an integral part of the bill before us. However, all members should recognise the fact that we are talking to this bill.

MR HUMPHRIES: Yes, Mr Speaker. I will make the point here about the way negotiations were conducted because these negotiations led to this bill being before the Assembly today. They are an intimate part of it and they explain why this bill is before us. The government was told by the opposition that it should resign. That was the response we had; we should resign. Even Mr Stanhope admits that when he spoke to Mrs Carnell on Monday morning, the first thing he asked her was whether she was going to resign.

That was the position that Labor appeared to us to be taking. Certainly, up until Monday morning, we were being told publicly that we should resign. The opposition has not explained how resigning would help solve the problem because we would be left with no budget and an opposition which was patently unable to pass the budget that we had brought down.

Mr Stanhope: You do not know that. It was not for you to decide that.

MR HUMPHRIES: You could have done what we have just done, of course; you could have dumped the SIP. I have no doubt that, had you been put into office, you would have dumped the SIP.

Mr Kaine: I take a point of order, Mr Speaker. The Deputy Chief Minister has introduced an amendment to change the Supervised Injecting Place Trial Act. He has been speaking for about 25 minutes and not once has he addressed the need for that amendment. When is he going to get round to explaining to this place why we have to change the act. He is having a great little political argument with the opposition, but when is he going to explain to this place why we should consider the amendment to the Supervised Injecting Place Trial Act of 1999? I have not heard a word from him yet as to why we should do that and I am wondering when he is going to get to it.

MR SPEAKER: Order! There is no point of order, but Mr Humphries can take that on board.

MR HUMPHRIES: You have already ruled on this question, Mr Speaker, and I have explained that point already; so Mr Kaine should listen. The fact is that those opposite could not have passed this budget.

Mr Stanhope: Yes, we could.

MR HUMPHRIES: You could not. You tell us that you were going to pass the budget by splitting the two appropriations, a brilliant idea! “We are going to split the two appropriations, having one for the SIP and one for the budget.” We tried that. It was not going to work.

Mr Stanhope: When did you try that?

MR HUMPHRIES: In discussions with Independents.

Mr Stanhope: Did they knock that back?

MR HUMPHRIES: Yes. Of course, why would they not? It was a patently facile way of being able to pass the budget. If we could have done that, why would we not have done it? Do you think that it did not occur to us to do that? Again I ask the question: how was the opposition going to pass the budget? It could not have passed the budget, Mr Speaker.

The government had a choice. It was the choice offered by Labor or it was the choice offered by the crossbenchers. We took the obvious choice, a choice which any government, I think, would have taken in the same circumstances. I have no doubt about that. The same choice would have been taken by any government in the same circumstances.

I remind the Labor Party that it was faced with a somewhat analogous position in 1993. It did not choose to resign when its budget was rejected because an amendment was made which it found unacceptable; it chose to soldier on. It chose to accept that it had to make a compromise. This party has done the same thing, this government has done the same thing. If those opposite do not like it, they should not have begun a tradition in this place, as they put it, a tradition rejected by every other parliament in this country, of blocking supply.

Mr Quinlan: Rubbish!

MR HUMPHRIES: You talk rubbish about it working only in the upper house, that supply can be blocked only in the upper house. That is garbage. You blocked supply—full stop, end of story—and you complain about the results. Sorry, look in a mirror and see why you are in the position that you are in today.

Suspension of Standing and Temporary Orders

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

That so much of the standing and temporary orders be suspended as would prevent the consideration of all stages of the Supervised Injecting Place Trial Amendment Bill 2000 forthwith.

In-Principle Stage

MR STANHOPE (Leader of the Opposition) (11.10): Mr Speaker, I think that it probably is relevant to ask the Attorney to remind us what bill it was that we were debating then or that he spoke to, because I heard absolutely no argument or justification for the need to amend the Supervised Injecting Place Trial Act.

I have to say, Mr Speaker, that it is with real regret that I find that we are debating this matter today. The basis for the regret is that what we are seeing here signals the end for the foreseeable future, probably for a significant number of years, of any prospect of a bipartisan approach to progressive drug law reform in the ACT. I think that there is no doubt about that. What the government is doing here today—the about-face, the backflip—does signal the end of any chance of this place ever developing a genuine approach to progressive drug law reform in the ACT. It has put us back years.

Members are well aware that the act that we are debating today was passed on the votes of the Labor Party. The act was passed on the votes of each member of the Labor Party, of two Liberal Party members and of Ms Tucker and Mr Moore. The two Liberal Party members, Mrs Carnell and Mr Smyth, used their conscience votes to demonstrate to their party machine that the current drug laws are not working and that a new approach was needed. They maintained throughout the debate on 9 December, and during the period leading up to the debate, that the issue of a supervised injecting room was too important to be sacrificed to the ultra-conservative members of their party and to the crossbench. During the debate, Mrs Carnell said:

There is no right answer for everybody but...there is a right answer for me. That right answer is to support a heroin trial, a safe injecting place, or any initiative that has any chance whatsoever of saving the lives of some of the extremely unfortunate young and not so young people who get tied up in the drug scene.

On the morning after the Assembly passed the bill, part of Mrs Carnell's speech was quoted in the *Canberra Times*. Mrs Carnell said that the injecting room would not be a panacea, but it was one of a broad range of treatments for heroin users. She went on to say:

... I believe absolutely, definitely, in my heart of hearts, that I am taking the right approach.

That was said by Mrs Carnell at the time of the debate. It was consistent with her statement of 30 October 1999 that she did not believe that her party would censure her for opposing party policy. She said to the *Canberra Times* that she told her colleagues "quite clearly" that she was planning to support a safe injecting room trial in the ACT. The *Canberra Times* reads:

"They know what my position is on this," Mrs Carnell said. "I don't think you can sacrifice a strongly held belief."

"It's something I believe in very strongly, regardless of the consequences."

Of course, that was six months ago. Even as recently as 26 May—six short weeks ago—Mrs Carnell was saying that the budget was an all or nothing matter and the government would not allow a budget containing funding for a supervised injecting place trial to be picked over by the crossbenchers.

That was Mrs Carnell's position of principle six weeks ago; the budget was an all or nothing matter, according to Mrs Carnell, and the government would not allow a budget containing funding for a supervised injecting place to be picked over by the crossbenchers. Mrs Carnell said on that date, those few short weeks ago, "The government will stand or fall on this budget."

How time can change principles, Mr Speaker. How a short six weeks can change a principle so dramatically. Could it be that Mrs Carnell has decided not to run at the next election, but wants to go out as Chief Minister? Is that why she is so willing to allow bipartisan, progressive drug law reform to become just another issue to be kicked around in the hurly-burly of an election campaign? Or could it be that she and Mr Smyth have been done over by the party machines and Mr Humphries and now have to toe the party line? Mr Humphries is ascendant on this issue and we know the extent to which Mr Humphries opposes and has always opposed progressive drug law reform, as well as a progressive approach to so many other things.

I mention Mr Humphries because he was quoted in the *Canberra Times* of 30 October last year as having voiced his support for a safe injecting room in the past, but said he was not prepared to split with binding Liberal Party policy. Mr Humphries said in October of last year, "In my career I have honoured all the commitments that were imposed on me by the party." Note that he said that he had honoured all of the commitments imposed on him by the party—the party of the never, ever policies and core and non-core promises. There was no mention of commitments to the people who voted him in, to the whole of his electorate or to the wider Canberra community and certainly no honouring of commitments to the underprivileged, the desperate, the drug addicts and their families.

The binding party policy mentioned by Mr Humphries was made at a Liberal Party meeting in October 1999 after it became apparent that a majority of Assembly members would vote in favour of a supervised injecting place trial. It is fortunate that Mrs Carnell and Mr Smyth did not feel as bound as Mr Humphries and that they did vote in the context of a conscience issue at the time. We have noticed that, as of last week, what was a conscience issue last October is suddenly no longer a matter of conscience.

That raises a very intriguing concept for all of us: what has, apparently, always been a matter of conscience within the Liberal Party—namely, drug law reform—is, as of last Saturday or Sunday or whenever the party meeting was held, no longer a matter of conscience. Now that it is no longer a matter of conscience, the rules of cabinet solidarity apply.

I have to say that I do not always agree with Mr Smyth, but I have reread the speech he made on 9 December 1999 and there were many things in that speech with which I agree. Mr Smyth gave quite an eloquent speech in relation to this matter. I agree particularly with the following statement by Mr Smyth of December last year, a short six months ago:

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What we have here is a proposal that will for once, and I think for all time, allow us to trial something that may save a single human life. I put such value on that human life that I will overcome my fears and vote for this Bill tonight because I believe that it is the right thing to do. Mr Speaker, this is an opportunity for this city, yet again, to show leadership to the nation, show compassion to those who deserve it and show hope to those in great need. It is for those reasons that I will vote for this legislation this evening.

That was very well put, Mr Smyth. It is a pity that you did not mean it. What has changed between 9 December 1999 and now to make Mr Smyth give up the value he places on human life? Why is he now voting, in cabinet solidarity on what was a conscience issue, to postpone a trial that may save a single human life? What was it that made Mr Smyth actually lose the courage that he expressed he had found in December last year? What has changed is that the Liberal Party now has its revolutionaries, the Chief Minister and the Minister for Urban Services, back under control.

I suspect that the whole Liberal membership of the Assembly, with their allies on the crossbench, then set to work to undermine their other staunch ally, the Minister for Health and Community Care, the great law reformer, Michael Moore. Mr Moore, who could not wait to get the supervised injecting place trial up and running, is now proposing to vote that its commencement be postponed until after the next election.

The progressive drug law reformer who was in a race with New South Wales and Victoria to ensure that Canberra had Australia's first approved drug injection place has decided to hang onto his ministerial post and to abandon drug law reform. Perhaps he did that when he wrote to Mrs Carnell on 28 April 1998, accepting his ministerial post. Perhaps that was the end for drug law reform zeal.

In that letter to Mrs Carnell in April 1998 when he accepted his post, Mr Moore pointed to a range of issues that he recognised "it is appropriate for me to step aside from cabinet when the issues before cabinet are ones that I have identified beforehand as issues where I might have a difference of approach". Mr Moore went on to list 40 issues on which he may have to step aside from cabinet. Heading the list, and none of us were surprised to see it heading the list, is reform of drug laws. Reform of drug laws was at the head of the list, but now we see that Mr Moore is bound by cabinet solidarity on matters that come within his portfolio.

Mr Berry: Which order of principle is that one?

MR STANHOPE: Order of principle 5(2)(b)(x), I would think. In other words, in the context of his letter of acceptance of a ministerial post, Mr Moore is not bound by cabinet solidarity on this issue. He has explicitly advised that this is an issue on which he will not be bound, on which he will exercise his conscience, on which he will maintain his position of principle. Drug law reform heads the list of matters on which Mr Moore said he will not be bound by cabinet solidarity: he will maintain his position of principle and he will maintain his position of conscience on drug law reform and will not be bound by Liberal Party or cabinet positions of solidarity on those issues.

Mr Moore must know, in his heart of hearts, that, if he rolls over now and postpones this trial, a trial almost certainly will never happen. If Mr Moore rolls over today, if Mr Moore abandons his position of principle and conscience today, the trial probably will be off forever. This will be the nail in the coffin. The trial will not be resuscitated if it is postponed today; it will not happen in the ACT. Mr Moore must know in his heart of hearts that if he rolls over today the trial will be off.

It is fair to say that no-one in this place was, at least as overtly, as strongly committed to the project as he was. We all recall Mr Moore saying on 9 December last year:

The great frustration for me over the last 18 months has been how long it has taken us to get to this point.

That is, to the point of having legislation authorising the trial before the Assembly. How great will Mr Moore's frustration be over the next 18 months while he waits for something to commence when he knows that he could have had it now and he is waiting only because he voted for the postponement? How great will be the frustration or the sincerity as he contemplates the need to wait, knowing in his heart of hearts that the trial will never happen because he rolled over today? It will never happen if he does. This will be the nail in the coffin. There will be no safe injecting place in the ACT if the trial is postponed today. It will not be resuscitated.

I suppose Mr Moore realises that postponing the trial will give his conservative mates in the Liberal Party and on the crossbench the time to whip up the failed conservative candidates who are now around this town waiting for the opportunity to have another go. Together they will marshal the prejudice that will be required to defeat any future attempts at progressive drug law reform.

The Labor Party announced the proposition that a separate appropriate bill for the injecting place should be put forward. That was done to allow members of the Assembly to indicate their support or otherwise for the injecting room trial now, not at some supposed future time and not after more of the lives that we are concerned for and that Mr Smyth and Mrs Carnell spoke so eloquently about have been lost and not before the ambulance service has been called to hundreds or thousands more drug overdoses.

If a separate appropriation bill had been voted down it would then be open for any member opposed to the trial to put forward a repeal bill. As Mr Stefaniak said during the budget debate, that is the proper course to take. I think it is fair for those of us who defend the trial to say here today that those opposed to the trial should introduce legislation to repeal the act. If you are that opposed to it that you want to put it off for a couple of years and have another think about it, show some confidence and show some integrity in your position and move today to repeal it.

Postponing the commencement of the operation of the trial in the way that is being attempted here is hypocritical in the extreme. Either you want the trial or you do not. If you have any integrity and if you have any faith in your position, seek to repeal the legislation. Move for it today. Move to repeal it, rather than having the charade that you are floating here whereby you are actually having two bob each way; you just want to put it off for another couple of years to have a think about it.

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What has changed between 9 December 1999 and now to justify the postponement? It is a pity that the minister moving for the amendment did not address the bill at all, that he sought no justification for the postponement. We did not have a single argument. It is relevant to reflect on what has happened since last December in relation to this matter. It is a pity that none of these issues was addressed by the Attorney in moving for the postponement, that he did not speak to some of the practical difficulties that might have been confronted and some of the difficulties that the minister for health has faced in trying to get the trial up and running.

Perhaps it is worth reflecting on some of the requirements that the minister needed to satisfy to have the injecting place open its doors and function—the minister for health, not the minister who has moved for the amendment. We know some of the things that the minister has done. The minister has appointed the 17-member advisory committee that he was required to appoint. The advisory committee has met a number of times.

Seventeen very senior and significant members of this community have met on a number of times and given up their time to give detailed consideration to the operation of the injecting place. I understand that they have worked diligently and conscientiously to produce unanimous or consensus decisions on the wide range of issues that they had to confront. That work has been done.

The committee has recommended a site for a trial. The minister accepted that recommendation and reportedly put administrative procedures in train to refurbish the accommodation, to fence the building and to relocate a nearby child-care facility. The minister has done all these things. The site has been located and the committee is working.

The committee discussed and recommended criteria for the evaluation of the trial. The minister accepted and tabled those criteria in this Assembly, as he was required to do by the legislation. Many of us thought that the criteria were not rigorous enough and wrote to the minister to tell him so. He has undertaken to have the advisory committee revisit those criteria. There is an ongoing process there.

Notwithstanding that particular undertaking, already he has done what the act requires in relation to evaluation criteria; he has actually fulfilled his legislative requirements in relation to the evaluation. The minister has selected a community organisation to manage the supervised injecting place. Presumably, it was working towards relocating there. One assumes also that it is an existing efficient organisation that already has written management procedures in place. It is a short step from there to the internal management protocol that the legislation requires to be put in place.

A request for tenders has been issued for an organisation to carry out the evaluation. Great efforts have been put into clearing the way so that some of Australia's foremost researchers can respond to the request for tender. Benchmarking work has been done so that a before and after comparison of the value of the injecting place can be carried out. I am told that as recently as last week work was proceeding to put the finishing touches to the law enforcement protocol. The protocol would have been the most difficult part of the administrative arrangements, but the minister has been able to get it to an advanced stage.

In other words, Mr Speaker, the legislative preconditions, the administrative work and the other necessary administrative arrangement are in place or well advanced and we are in a situation where the minister has, in the recent past, been indicating publicly that he expects the injecting place to open its doors, I think the last I heard him say publicly, by the end of August.

Mr Hargreaves: By next month.

MR STANHOPE: By next month. Yet we hear no explanation of why the trial can no longer proceed. We have no justification for this bill, no justification at all for the passage of this postponement legislation.

Mrs Carnell and her ministers always make great capital out of their efficiency and effectiveness. How could it be efficient to abandon the work that has already been done towards commencing the injecting place trial? How could it be effective to postpone, for 18 months as a minimum and almost certainly forever, a trial that Mr Moore has been telling us is in a position to commence within the next few weeks?

Mr Deputy Speaker, the Labor Party will not be supporting this amendment and we would not support any amendment aimed at delaying the commencement of the trial. The trial can commence; it can proceed. The Labor Party will not support this bill. The trial is in a position to commence within the next few weeks, as we understand it from the minister. The Labor Party not only will not support this amendment, but also is not prepared to endanger progressive drug law reform by running any election campaign on such a divisive issue. (*Extension of time granted*).

I reiterate that there has been no justification for this proposed amendment to the act. It has not been justified because there cannot be any justification. There is no need for abandoning in this way this significant and important piece of progressive drug law reform which did have at least some semblance of bipartisan support to it. There is no justification for seeking to undermine all attempts that this Assembly has made in the past to implement progressive drug law reform proposals. This is walking away from any attempt at bipartisanship on the most difficult issues facing our community.

I think everybody here would admit that there are no more difficult and intractable social issues facing our community than the issues that arise out of substance abuse, particularly heroin abuse—issues that lead to degradation, to death, to despair and to the appalling crime rates and other social problems that flow from drug abuse and substance abuse cultures. They are the most intractable, difficult and heart-wrenching issues facing our community and we need a legislature with the courage and capacity to work in a bipartisan way on those issues.

Today, we are risking losing that, potentially for years, but this side of the parliament can have no faith in working with those on the other side of the parliament on any difficult or progressive issue if at the last minute they are prepared to abandon it in the crass and political way that they have in this case. They are determined to force it to an election.

It is the most appalling form of politics that you would in such a cynical way force to the next election as an issue something as sensitive and difficult as progressive drug law reform, that you would seek to divide the community on an issue as difficult as this one

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for such crass political return and purposes, that you would willingly run it as an election issue, that you would seek to divide the electorate through an issue such as this in an election campaign, and that you would use this issue to drive a wedge between sectors and sections of the community. It is outrageous that you would demean yourself to that extent and allow an issue as difficult as this one to be at the forefront of your campaign for re-election at the next election.

I leave my contribution to this debate with the thought that nobody should be under any misapprehension about the long-term impact or effect of this amendment. If this amendment succeeds today, there will be no injecting place trial in the ACT. This is not about an adjournment of the trial; it will be the death knell for the trial. Of course, there are some here who would applaud that. But Mr Moore needs to understand and the less conservative and more open members of the Liberal Party, if there is such a thing, need to acknowledge that this means the end of the trial.

There will be no resuscitation. There will be no way for this Assembly to breathe life back into the injecting place trial if it is put off for 18 months. It might as well be for ever as the world will change, the world will move on, and our approach to these issues will change over that period. We will have the New South Wales and Victorian trials, jurisdictions that have the courage of their conviction, a courage to pursue and continue with this initiative. We, of course, will be in a position where we will have to rely on the analysis or the assessment of those trials before we move down this path ourselves.

Members need to understand that this is not just an aberration, a glitch or a hiccup in the move towards having an injecting place trial in the ACT. The passage of this amendment will spell the end for an injecting place in the ACT; that is what it will do.

Ms Carnell: You have said that 14 times.

MR STANHOPE: I am not sure that Mr Moore understand that. I am not sure that Mr Smyth or you, Chief Minister, understand that. We can repeat your attitudes of six months ago and can all bend our minds to work out when you were telling the truth, then or now.

Mr Humphries: Mr Deputy Speaker, that is clearly a reflection on Mrs Carnell and contrary to standing orders and it should be withdrawn.

MR STANHOPE: Actually, I spoke quickly. I meant no reflection. I withdraw that.

MS CARNELL (Chief Minister) (11.36): Mr Deputy Speaker, I am very interested in a number of things that have been said today. You really would have to ask yourself what Mr Stanhope was talking about. There is one really easy question: why are we here today? This was not a scheduled sitting day. It was not a day that was on the annual program. We are here for one reason and one reason only—because those opposite oppose the budget. It is that simple, Mr Deputy Speaker.

If those opposite had taken the same approach that we did in opposition, the budget would have gone through. It's that simple. If they had behaved the same way as we did they would not have called for the vote. Remember, they actually called for the vote. They didn't just let the budget go through after arguing against it, as we did. They called

for the vote. So they wanted everybody to have to vote, to have to put their views on the record. They wanted the budget to fall. If the budget did not go through, they knew perfectly well what would have to happen. The government would have to negotiate with the crossbenchers to find a way forward. There were no other choices. It was exactly what Mr Connolly said. There would be a requirement to negotiate, and that's exactly what we did.

Mr Deputy Speaker, it is really interesting that Mr Stanhope can hop up and make comments about principle and conscience with regard to the issue of the safe injecting place. Mr Deputy Speaker, you would know better than anybody: were members of the Labor Party allowed to have a conscience vote on this issue, or did every single person agree with it? We know perfectly well that that was not the case. The Labor Party chose to take a position which required solidarity from all of their members and which required their members not to have a conscience on this issue right from the beginning.

The approach that the Liberal Party has taken is that of a free vote on drug-related reform issues. We took that view with regard to the heroin trial and a number of other issues that have come before this place. By the way, it is not a conscience issue in the Liberal Party. There are only two of those, and they are euthanasia and abortion. On this issue there is a free vote in the Liberal Party. I have spoken regularly about the fact that I believe free votes should be used more often in areas where there is not a platform issue for the Liberal Party, where it is not part of the Liberal Party platform, where it is not part of Liberal Party principle. I will continue to take that view with regard to issues that fall into that bracket.

There was a free vote and Mr Smyth and I chose to vote in the way that we did. I shouldn't speak for Mr Smyth, but I believe very strongly that issues such as the SIP should be given a chance. The point we made was that we were not sure whether it would work or not. None of us are, and that is the reason for a trial. But where are we now, Mr Deputy Speaker? You know perfectly well. The reality is that we had to come up with a negotiated settlement because the Labor Party blocked supply. The Labor Party, for the first time since 1975, blocked supply. The only choice open to the government at that stage was to negotiate a way forward.

There is one other point that needs to be made today. Mr Stanhope was arguing that he would not support this amendment to the SIP legislation; that he believes it must happen right now; that it shouldn't go to the election; that we must have an SIP up and running very quickly. Now, I accept that argument from Mr Stanhope, but where does that leave this Assembly? It is important that every member think about that. It potentially makes the Assembly unworkable. If those opposite want the SIP up right now, we already know that at least two members of the crossbenches will not wear a budget that has an SIP in it. Therefore, they will oppose that budget. I know that Mr Kaine's view on this is very strong. It is very strong on the SIP as well.

Mr Deputy Speaker, what do we end up with? We end up with those opposite relying on us to pass their budget, or, alternatively, an unworkable Assembly. That would mean an election. It would mean taking this place into administration for a period, I think, of 28 or 30 days, and then going to the people, because unless we supported their budget they could not get a budget with the SIP in it through either.

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Mr Deputy Speaker, let's get down to tin tacks here. There is no choice but to pass the SIP amendment here. It is not my preferred position. It is not Mr Moore's preferred position. It is not Mr Smyth's preferred position. But what we do need is a budget. We need to have a budget for health and for education. We need those extra police. We need to be able to pay first home buyers \$7,000 to allow them to go out and become home owners. We need to be able to achieve all of the things that this good budget achieves. The only way we can do that is by passing the budget today. The only way we can pass the budget today is through a negotiated position with the crossbenchers. Mr Deputy Speaker, we have a negotiated position.

Mr Stanhope also made a point about why those opposite did not bring forward a repeal bill. The reason they didn't is because we have a negotiated position. This is not a repeal bill and it is not about going ahead immediately. It is about coming up with a negotiated position that we can all live with and pass the budget. That negotiated position is not a repeal bill, is not getting rid of the SIP, but is about passing the amendment bill that we are debating now that will mean that the SIP cannot come into law until after 1 January 2002.

This gives the people of Canberra an opportunity to vote on that issue if they choose to at the next election. Again, that is not my preferred position. I do not think it is Mr Osborne's preferred position or Mr Rugendyke's preferred position. They would rather that there be no legislation at all. Mr Deputy Speaker, it is a negotiated position, a position that we can wear. I have to say that when we do reach agreement with Mr Rugendyke and Mr Osborne, and Mr Kaine as well, we know that they will stick by that agreement.

Mr Kaine: When are you going to seek to reach agreement with me? You have never discussed it with me.

MS CARNELL: I did. That's not quite true, Trevor.

Mr Kaine: When over the last three days have you spoken to me on this issue?

MS CARNELL: Mr Deputy Speaker, when we reach an agreement we know that we can rely on those opposite to—

Mr Berry: Mr Deputy Speaker, I take a point of order. Those opposite are quick to rise about any imputation. The Chief Minister just imputed that Mr Kaine wasn't telling the truth, and I think she should—

MR DEPUTY SPEAKER: No, I don't believe so. Carry on.

MS CARNELL: No, I didn't, but I am happy to withdraw anything that was not appropriate. Mr Deputy Speaker, the fact is that we have reached a negotiated position that will allow the budget to go through. That requires the SIP implementation date to be put off to 1 January 2002, until after the next election. That allows us to get on with the job of government.

Mr Deputy Speaker, this is about leadership. It's about getting on with the job. It's about not playing silly political games, as those opposite have done. They have been burnt, Mr Deputy Speaker, burnt badly, because none of the positions they put forward, and there were about four in four days, worked. The fact is that a separate appropriation bill was tried by Mr Humphries. It was put forward, but those opposite or those on the crossbenches were not happy to wear that approach.

Mr Berry: It was never put to us.

MS CARNELL: Mr Berry comments that it was never put to them. Mr Deputy Speaker, all the Labor Party have ever done is oppose our budgets, regardless of how good or bad they are; because that's what they do. It has come back to haunt all of you. You have blocked supply for the first time since 1975. That has required an amendment to the SIP Legislation. That amendment is now being debated. Nobody can be blamed except the Labor Party.

MR QUINLAN (11.46): The first observation I want to make is that within this town there are injecting places now. The difference is that none of them are supervised. In fact, Mr Humphries brought forward some regulations, last year, I think, although I am not sure of the date, to make it compulsory for pubs, taverns and nightspots to install sharps containers.

Mr Humphries: And you knocked it off.

MR QUINLAN: Yes, because we did not want unsupervised injecting places. Mr Humphries' idea of an injecting place is a toilet in a pub. I presume that that also goes for the crossbenchers who have brought us to this position today. There are injecting places; they are toilets and back alleys. What this legislation—

Mr Osborne: I raise a point of order, Mr Deputy Speaker. I can understand the embarrassment on the part of Mr Quinlan and his colleagues today, but they need to get their facts right on the issue of—

MR DEPUTY SPEAKER: Mr Osborne, you will have an opportunity in the debate. There is no point of order.

Mr Osborne: There is, because Mr Quinlan got it wrong. Not only the Labor Party voted against the issue of syringes in pubs.

MR DEPUTY SPEAKER: That is no point of order, Mr Osborne. Resume your seat, Mr Osborne. Mr Quinlan has the floor.

MR QUINLAN: Thank you, Mr Deputy Speaker. I repeat: we have injecting places in this town. They are unsupervised. They are back alleys and public toilets. A supervised injecting room would have represented at least a trial, and I insist that it be remembered that it was a trial. At least the trial could have given us some insight into whether we could have possibly changed that situation in the long term. As Mr Stanhope has pointed out, that trial has probably been torpedoed, and torpedoed completely. I think it is important that people in the ACT recognise that that is what we are voting for today. We are voting not just to do away with this facility; we are voting for people who are

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afflicted by drug addiction to continue to use the unsupervised and unhygienic places that are used today. That is a point that this house should be reminded of regularly.

We have also heard the government say, quite obviously to rationalise and justify the position it finds itself, that the ALP blocked supply. I actually said in my caucus, “What is going to happen, of course, is that the government, the crossbenchers who brought us here today and Mr Moore first have to find some accommodation. Then, of course, they have to find the scapegoat and try to rationalise the total backflips and the total prostitution of principles that we have seen, particularly on behalf of Mr Moore, Mrs Carnell and Mr Smyth.”

Because the ALP considered that this was an important issue, we voted against the budget, as we have done before. We voted against the budget in the people’s house, in the house where government is formed, because we do not endorse the last letter of that budget. That is a fairly normal process in the house of the people in any place in Australia.

Mr Humphries: But not to block it altogether.

MR QUINLAN: The blockage occurred because the people who support the government, the people who put this government here, the people on the crossbench over there, Mr Osborne and Mr Rugendyke, the people who form part of the loose conservative coalition that governs this place, voted against the government. Your coalition that puts you in power cracked. This happens every now and then in governments. A couple of people out of the loose coalition in this place crossed the floor on your primary political document.

Mr Humphries: It’s loose, then. If that’s the coalition, it’s very loose.

MR QUINLAN: Yes. Now, in order that we could honour legislation debated and passed in this place before, the ALP came forward with a couple of propositions, including supporting the budget, and the proposition that maybe the government should split the appropriation bills.

Mr Humphries: That wasn’t going to work, Ted. We tried that.

MR QUINLAN: The Treasurer points out, right at this moment, “We tried that and it will not work.” Now, what does that imply? What that implies is that this is not just about whether or not a couple of people in this place vote for a supervised injecting room or not. It is not about whether Mr Osborne and Mr Rugendyke will give the supervised injecting place trial their support. It is about the fact that they say they will not support a government that has one. So if there is a supervised injecting place, no matter whether there was a separate vote, no matter whether a majority of members of this place voted for it and put it into legislation, those two would still vote against the budget, and you have the hide to say in this place that the ALP is blocking supply. What a joke you are. Let me use a previous statement in this place—what a joke you are.

What we have to ask ourselves now is this: what does this mean for government in the ACT from this point on? What else won’t this rump, the back end of your loose conservative coalition, abide? We have heard a lot about principles. I understand from

what he has said in this place that Mr Osborne is a highly principled man. In fact, he has very conservative beliefs, and he believes firmly in them. So where does it begin and end? You say in this place that this side of the house blocked supply when, in fact, you now have a process which says you definitely have a coalition over there.

Mr Humphries: No.

MR QUINLAN: They are part of the government. They are setting part of your agenda. They are editing it. They are in it. Your coalition, the conservative coalition of the ACT Legislative Assembly, cracked when a couple of people crossed the floor. It has now been shored up by virtue of compromise. In fact, not only has it been shored up; quite obviously, it is now more solid than ever.

Mr Deputy Speaker, I do not want to take up much more of the time of this place on this. I reiterate my opening statements. There are injecting places in this town. All this bill was meant to do was to provide at least some supervision for some of the people who will be using those places anyway and possibly save lives. All those people who originally voted for this trial spoke passionately about the saving of lives. Mr Moore spoke of saving lives in the last week or so. Yet we come to this place and we see the worst and the weakest of compromises. We see a government, with Mr Moore and Mr Osborne and Mr Rugendyke, trying somehow to shift the spotlight and say it is Labor's fault that Mrs Carnell has backflipped, it is Labor's fault that Mr Smyth has backflipped, and it is Labor's fault that Mr Moore has backflipped on a fundamental principle that they spoke so highly of before. We deny that.

MR KAINE (11.56): Mr Deputy Speaker, I make it clear up front that I do not support this amendment bill. I will be voting against it, and I will try to explain why. Everybody knows, I believe, that I am opposed to the notion of a safe injecting place, but I am more opposed, vastly more opposed, to the political machinations that take place in this place which have led to this amendment.

This amendment is nothing but an expedient to keep a government in place. Let us be clear. The sole purpose of this amendment is to keep a government in place. Mr Humphries, I think, let the cat out of the bag when he said in his speech, no budget, no government. Mr Deputy Speaker, you know, I know and everybody else in this place knows that it does not follow that if the budget is not passed today there will be no government. There may be no Carnell government. There may well be a government. It may be a Humphries government, but there will be a government. So to argue that we have to pass this amendment to postpone the implementation of an act of this place of only six months duration on the basis that there will no government if we do not do this is a subterfuge. It is not true.

Mr Deputy Speaker, my concern about all of this is that it is about keeping government, and it is about abandoning all principle on the part of certain people in that government. We have heard over many months about how we have to have this supervised injecting place because it is going save lives. That has been repeated in very recent days. But today the principle of saving lives is set aside in favour of maintaining power and authority—that is what this debate is about—and in doing that certain members of the government have set aside their principle.

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The Chief Minister, against her party's policy, voted only six months ago to put a safe injecting place in place in this city. Today she is backtracking. Another minister of the government is doing the same thing. They presume, by deferring this, that in a year's time we will have an election, and they will go to the election with some form of credibility on this issue? What is their position going to be if this becomes an election issue? Look at their record? A record of ambivalence and abandoning principle. Abandoning party policy in the first place, and then abandoning their stand which was contrary to party policy in the second place. They are going to go to an election on some sort of principle on this issue. Mr Deputy Speaker, the people in this electorate are not that ingenuous, not that silly, that they are going to accept that as an argument.

The person who I believe has most to lose from abandoning his position on this issue is Mr Moore. This has been Mr Moore's issue ever since he has been in this place. The act that we are seeking to amend today is Mr Moore's act. Yet today, despite all of his commitment to this, to his principle and to his electorate, he is going to abandon it. What is the principle behind that? The only principle is self-survival. There can be no other.

I just do not see how Mrs Carnell, Mr Smyth and Mr Moore can come here today and even mention the word "principle". They voted for a shooting gallery six months ago. Today they are going to vote for the deferment of that virtually indefinitely, with an election in between, and they somehow say it is the Labor Party that is lacking in principle. Mr Deputy Speaker, I am not convinced, and I do not think anybody listening to this debate would be.

Mr Humphries, in his attack on the Labor Party, said, "What changed between Friday and Monday?" There is only one thing that changed between Friday and Monday, from my observation, and that is that the Liberal government did a deal with one Independent, and then subsequently the second Independent followed along. From the time of the debate in this place last Friday morning, Mrs Carnell and Mr Humphries switched into attack mode and began to talk to Mr Osborne about a deal. We still do not know, Mr Deputy Speaker, what the details of that deal are.

Mr Osborne and Mr Rugendyke opposed the budget only last Thursday because it contained money for a shooting gallery. In tabling this amendment, Mr Humphries said the government has not abandoned the shooting gallery. In his own speech he says, "This ensures that the SIP remains firmly on the government's social policy agenda." In other words, the two members of the crossbench, if they support the budget today on the basis of this amendment going through, have totally abandoned the principled position that they adopted only last Thursday and Friday, because the SIP is not off the agenda. Mr Humphries says so.

So how come that Mr Osborne and Mr Rugendyke have agreed to support the government today on the basis of a spurious deferral of the implementation of something which the government is obligated to put into place by an act of this place? There has to be more. We will not know what the more is for months yet. We will not know what other conditions the members of the crossbench put on the government in order to undertake to support them today, first of all on this spurious piece of legislation, and secondly on the budget.

I am totally unconvinced that there is any integrity in this process at all. I was going to canvass the reasons outlined earlier by Mr Stanhope, but I do not need to now. Mr Moore, whose issue this is, has taken a position on this matter. He is not bound by cabinet decision on this matter, but today I understand he is going to abandon his principled position on it.

Mr Moore: You will have to wait and see.

MR KAINE: Well, we might find out from Mr Moore what some of the other curly elements of this deal between Ms Carnell and Mr Osborne were if Mr Moore can wriggle his way out of this deal and claim to come out of it with some integrity. He just has to do the numbers. There are six members of the Labor Party and there is Ms Tucker. I have just indicated my intention to vote against this on a matter of principle. The casting vote on whether the safe injecting place is deferred indefinitely rests with Mr Moore. What is he going to do? How is he going to explain to his electorate out there that he abandoned his position and his principle for personal gain, because that is the only conclusion that I can come to? I think there is a complete lack of integrity on the part of the government on this matter.

I said at the beginning that I was going to vote against this amendment, and I do so as a matter of principle, Mr Deputy Speaker. Everybody knows that I am opposed to a shooting gallery, but last December this place put in place an act that placed an obligation on the government to put a shooting gallery in place. The government, up until now, has been saying, "We have a right to our budget because the Assembly put an act in place that told us to go ahead and do this." If you have a right, there is a matching obligation. The government claimed the right to get their budget through. Now they are saying, "We abandon the obligation that goes with that right. We will just put it off into the indefinite future. There will be an election in between and hopefully the electorate will knock it off and we will not have to argue it."

No. There is an act in place. It is an act of this parliament which I opposed, but it was put in place by this parliament, and it was put in place with the support of Ms Carnell, Mr Smyth and Mr Moore. Those three people today are saying, "We no longer believe in that. Why do we no longer believe in that? Because we have done a deal with Mr Osborne." That is the logic of their argument. I will not go along with that debate. If they have the right to their budget with the money in it, which they have been claiming, they have the obligation to put that same act into effect. So, I will not go along with the government's little subterfuge to get themselves off the hook on this issue.

If Mr Moore does stand by the principle that he has always espoused, it puts the onus on him. The outcome of the debate on this amendment bill rests with Mr Moore. He was the proponent, the author of the original bill which became an act, and he is now saying it does not matter anymore. There was all that urgency to get the thing into place because one death is too many. Suddenly the urgency has gone. It does not matter anymore because if they stick by their guns they might not be in office next week. That is the argument.

There is no constitutional crisis. The Chief Minister has been beating up this story that we have a constitutional crisis. There is a long, long way to go in this place before you can say we are anywhere near a constitutional crisis on this issue. The government did

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have an alternative to doing a deal with Mr Osborne and Mr Rugendyke. They did have an option. They could have negotiated with the opposition if they were serious about getting their budget through. The government attacks the opposition because the opposition denied supply. No. Mr Osborne and Mr Rugendyke denied supply. The Labor Party has acted on a principle for five years. The government has always got its budgets through with the support of Mr Osborne and Rugendyke.

Ms Carnell: It takes nine.

Mr Humphries: It takes nine to block supply, Trevor.

MR KAINÉ: The only thing that changed this year is that Mr Osborne and Mr Rugendyke pulled the rug out from under you. That is why the budget did not go through. But you would prefer to do a deal with Mr Osborne and Mr Rugendyke, even to the extent of abandoning all of your principles. There are one or two on the government benches who have not abandoned their principles, but you will do a deal with Mr Osborne and Mr Rugendyke to the extent of abandoning your principles rather than respond to an overture which I understand was made to you by the Leader of the Opposition. What is the justification for that?

As I say, I do not believe that the deal with Mr Osborne and Mr Rugendyke was so simple as to accept that they have actually won something when the deputy leader of the government can come in here and say the SIP is still firmly on the government's agenda. Mr Osborne and Mr Rugendyke think they have won something. They have won nothing. So there has to be more to the deal. As I say, we probably will not know for months what else is part of that deal. If Mr Moore is going to come clean on the issue he may reveal some of it.

I suppose my challenge is to Mr Moore. He is the person who has had the most to do with putting this supervised injecting place into place. He, this morning or perhaps this afternoon, will now determine whether his act is implemented or whether it is not. Mr Moore will determine that. That is where the final vote will be. He will determine whether his safe injecting place goes ahead or whether it does not.

MR HARGREAVES (12.10): We have spoken about the budget in relation to the supervised injecting place, but it needs to be said that, essentially, the opposition opposed the budget in its totality rather than each individual line, with the exception, and let the record show this, that we opposed the health line. If people opposite care to read what was said or remember what was said, we said we were not passing the budget because we do not have any faith in you. I remind Mr Rugendyke of what we said and what I said myself. We were not going to go along with this budget because we did not have faith in the government because of its track record and what we felt it was going to do in the future. We talked about Bruce Stadium, we talked about Kinlyside, and we talked about a range of things, but essentially it comes down to a question of trust.

Mr Deputy Speaker, I mention trust because trust is relevant to this bill that we have before us. We believed that at least there were a couple of members opposite who we could trust to go with this trial, not an ongoing supervised injecting place necessarily, because there are some of us on this side who are concerned about that. But we were all committed to a trial because we did not believe it was fair to stand by and watch these

people die. That is what we are doing. This government, because it wants to hang onto its job and because it wants to hang onto its power, is making sure that we sit here between now and 1 January 2002 and watch them die.

I quote Mr Smyth who said, "One death is one death too many." We have heard Mr Moore say that there could be as many as 20. We have heard the Families and Friends for Drug Law Reform say there are as many as 20. Well, so much for one being too many. When I spoke about my experience of this issue in the debate we had last December, the Chief Minister said, "Good speech." I believe she was sincere. I talked about the pain that people went through, and the pain that people who have drug overdoses go through, and she understood where I was coming from.

What we see, in fact, Mr Deputy Speaker, is a magnificent act of treachery. I will put this to you. If we cannot trust them to do this, what faith can we have that they are going to go full bore down the youth rehabilitation line? Part of the prerequisites that we applied before we would give our support to this trial was that there be a youth rehabilitation centre. We have got the premises of the former Watson Hostel allocated to it. We have got an agreement with the Ted Noffs Foundation. What else have we got? We have got this government's word that there is money available and we have got this government's explanation that the Commonwealth government is dragging its heels. Well, do we believe them, or do we now believe that perhaps their commitment to this thing is a little bit shy as well?

We are all agreed that we need to have a youth rehabilitation centre for drug people as an alternative to the courts. We all know that the best place to stop people going down this long road into substance dependency is to start with the kids. We all know that the most effective way of doing it is to say to the kids to tell their peers that it is not cool to take drugs. We all know that the government ought to put more money into that, but they have to determine their priority.

Likewise, this youth rehabilitation centre is an important part of the attack on drugs. If we can see the government do such an enormous backflip on this act and sit back and watch up to 20 people die in the process, what guarantee have we got that there will be one extra step in the opening of this centre? Quite frankly, I was thrilled to my back teeth when I heard that that was going to come up. I now wonder whether I will ever see a person go in there.

We also asked, as part of our list of items, for a properly constituted academic and clinical trial of the supervised injecting place. Let us set it up properly. What we got was a page of evaluation criteria which was about as good as Mr Humphries' cost-benefit analysis of the prison. I would not give it to Sorbent to do something rather remarkable with, Mr Deputy Speaker. Even Mr Moore was embarrassed by that particular piece of paper. So where has it been resubmitted and where can we see the criteria? There has been much work overseas, in Sweden, Germany and Switzerland. There is probably a hundredweight of paper which says it works over there and a hundredweight of paper that says it does not, but what is guaranteed is that they were clinically created and academically valid trials. So how come we have not seen that particular paper? I am beginning to think that we have not seen it because the commitment to this is more rhetoric than substance. I think the principle of hanging on to power, hanging on to your job and hanging on to a salary of \$122,306 is more important than the lives of 20 people.

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It is no secret that I have not been the most ardent supporter of a supervised injecting place, but I am, and remain, an absolute adherent and advocate of a trial. If it works somewhere else, why don't we trial it here, see if it works here, and save 20 lives in the process? If the trial fails, do you know what we have done, Mr Deputy Speaker? We have saved 20 lives. It is as simple as that.

You have to take note of Mr Quinlan's point. Just remember that there are unsupervised injecting places. When I first got here and I discovered some syringes up on City Hill, I made it my business to go up on that hill once a month, just as a bit of a walk and an amble to satisfy my curiosity. It was over 2½ years before I went up on City Hill and there was not a used syringe to be found. It was 2½ years before I had one trip when there was not one.

Ms Carnell: Then we are improving.

MR HARGREAVES: We are not improving at all, Chief Minister. That is a dreadful thing to say. I sincerely hope that that comment was made in jest. If it was I take it with the spirit it was said. If it wasn't, then you should be appalled with yourself. Those are unsupervised places. When I talked to the guys who went along and picked these things up they told me of some of the other places that they go to, and I went around and had a look at them. I would really like to get a caravan and take every member here around and see them.

It is like those people who pontificate about how we should behave in prisons but who have not been there. I doubt that Mr Humphries has ever been to a place that is sitting there in the hollows. You go across the road here and there are some public toilets over there. How would you like to sit down there and inject yourself if that is the only place you could do it, and you found that we could have had one just around the corner? It is pretty ordinary, Mr Speaker.

Picking up a point that was made earlier on, the government is succumbing to a couple of crossbenchers. Well, that is not quite true, because I know that you oppose this act, Mr Speaker. I respect that because you made your views known and you have not waived from that. That is fine. So have Mr Hird and Mr Kaine. But two members of the cabinet did support this act, and two other members of the Liberal Party's backbench have knocked it off too.

What we are seeing here, Mr Speaker, is a backbench revolt. The conservative Liberal Party/Michael Moore/crossbench coalition has raised its head and said, "No, no," and we have just seen a double-twister backflip with pike. All that sort of political twisting and turning, and breaking the surface without a murmur, is messing around with other people's lives. People ought to be ashamed of themselves for that.

In regard to the budget, Mr Speaker, we said we are not satisfied with the government's performance to date. We do not believe that they have any integrity to continue in the following 12 months because we do not trust them, and what we are seeing with this bill, Mr Speaker, is living proof that that mistrust was well placed.

MR SMYTH (Minister for Urban Services) (12.21): We have heard a lot of hype, a lot of noise, and a lot of self-justification from those opposite. It is that line out of Shakespeare: "Methinks they do protest too much." The opportunity for the SIP to go forward was on 29 June when the budget was presented. That single moment when it could have gone forward was when the vote was called for the health line of the budget. Who saved the health line of the budget, Mr Speaker? It was not the Labor Party. It was, in fact, Kerrie Tucker of the Greens. I acknowledge Kerrie's efforts to save that line of the budget. Kerrie, in that vote, made it clear she was voting for the safe injecting place to go ahead.

Labor abandoned the safe injecting place on that night. No amount of rhetoric, no amount of noise that they can make today in this orgy of self-justification will allow them to shuffle away from the position that they put on the table in the early hours of the morning of the 30th. I remembered the word "tergiversation", and I looked it up. The Clerk gave me the dictionary. Tergiversation means "turning in a dishonourable manner from straightforward action or statement; shifting, shuffling, equivocation, prevarication", and that is all we are getting today, Mr Speaker. We are seeing Labor in their act of tergiversation.

It is a reflection on Jon Stanhope's leadership. We have seen the Labor Party shuffle from disaster to disaster. In an instant, when those opposite could have reversed the trend of Labor opposition to everything that we have done, when they could have sent a clear message to the crossbench that this is a principle above and beyond everything, that they could save the safe injecting place, the Labor Party squibbed it. They walked away from it. They knew what was going to happen, because Ms Tucker bravely saved the health line in the budget, but when we got to that final vote Labor chose to vote against the safe injecting place. It is as simple as that.

Mr Stanhope said in his speech that we have walked away from bipartisanship. Who ran away from it on 29 June and who led the charge? Jon Stanhope. Who walked away that night? Labor did. Who failed to give leadership that night? Jon Stanhope. Who failed those afflicted by drugs? The ALP party room, by blocking the budget. They blocked the budget. They blocked the funding for the safe injecting place.

Where were you when your vote was required, Jon? You were voting against it. When you blocked supply you blocked the safe injecting place. Why are we here today? Because of Labor. It takes nine votes to block anything in this place, and Labor provided six of those, two-thirds of the number required. They provided the base for which nothing else could happen without their agreement or disagreement. They chose in this case not to support the safe injecting place.

It is easy to come back and say, "Oh, gosh, we will do it now." This is their act. You see, when you stand for nothing, you can come back and say, "Well, we will support it now." But when Mr Stanhope talked with the Chief Minister he could not give her a firm Labor Party position. Why not? Because he does not have the confidence or the support of his party room. It is his party room that chose to block the budget. It is his party room that caused us to be here today. No amount of proselytising will change that. You say, "Yes, we voted against it the other night because it was wrapped up in the budget, but we will flip our position and vote for it today." You didn't support it on the 29th, and that is why we are here today.

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You can tell your side of the story. You can rewrite the history. That's okay. But you are on the record as voting against the health line of the budget which contained the safe injecting place. You voted against it and your colleagues did, and you gave the crossbenchers the base to do what finally occurred. It could not have happened without the Australian Labor Party. When you had the chance to show leadership, you shuffled away from it into the night. You hide it. You say, "Oh, we wanted to block the budget."

Mr Stanhope: I never shuffle.

MR SMYTH: But you knew what would happen and you took that risk. Mr Speaker, it is sad that we are here today to recommit a budget. Twenty-five years ago there was no amount of angst across this country about a Liberal government that blocked a Labor budget. The Labor Party has made great gains from it for 25 years. It has become a mantra for them. But we had this shuffling, this movement away, this shifting, equivocation and prevarication that is the hallmark of Jon Stanhope's leadership, and therefore he allowed the safe injecting place to be halted. No amount of retelling of the story today, no recasting of it for history, will change that. The votes are there on the record. When push came to shove, the ACT branch of the Labor Party, under the shuffling leadership of Jon Stanhope, shuffled off into the night and abandoned the safe injecting place.

An opportunity to make amends for that occurred on Monday morning last when Mr Stanhope met with the Chief Minister, but Mr Stanhope did not have the courage or the support of his party room to cut a deal. He is a leader without a base. He is a leader without support. He is the man who shuffled away from the safe injecting place on the morning of 30th June this year and has caused us all to be here today. They can recast it, they can retell the story, we can have histrionics, and we can have the theatre of the Assembly, but what we did not have on the night when it counted was the support of the Labor Party for the safe injecting place. They can attack the Chief Minister, they can attack me personally, they can say whatever they want—the report on the recording of the budget is there. They voted against it on the day that it mattered.

MR MOORE (Minister for Health and Community Care) (12.27): Mr Speaker, I think this is an extraordinarily sad day. It is certainly an extraordinarily difficult day for me. I think the thing that makes it saddest is that people have been prepared to play games with this important policy issue. The blocking of the budget was clearly a game which has resulted in this legislation coming forward. If this legislation does not go through today, if we do proceed with a supervised injecting room now, will it change the game? Or will the man who speaks with two tongues, Mr Stanhope, come back here and begin the same games in a series of different ways? Whether it be with no-confidence motions or whatever, it would clearly be the case that the same situation—

Mr Berry: On a point of order, Mr Speaker: are you going to allow that? "Speaks with two tongues". We can all play that game.

MR SPEAKER: Order!

Mr Berry: I mean, what irony.

MR SPEAKER: “Two tongues”. I have not heard—

Mr Berry: Okay, leave it there then. We will all have a go afterwards.

MR SPEAKER: If Mr Stanhope wishes that to be withdrawn—

Mr Berry: I am a member of this place and I am entitled to raise it as an issue.

MR SPEAKER: Yes, but I think it was addressed to Mr Stanhope. You might like—

MR MOORE: I will take your ruling on it, Mr Speaker.

MR SPEAKER: All right. Well, you might like to withdraw it, I suppose, if you do not mind, Mr Moore. I think the point is made.

MR MOORE: I withdraw it. Mr Speaker, it seems to me that when the Labor Party came into this place knowing exactly what it meant to oppose the budget, and to oppose first the health line and then this line in the budget, they knew the game they were playing. They knew it clearly, and still they persisted down this path. Perhaps it was a surprise when Mr Osborne voted to turn over the budget. He and Mr Rugendyke also played the game of blocking the budget over one issue. It is clear to me that the same game can be played in so many different ways in this chamber.

Mr Speaker, the one thing I learnt in the First Assembly, and I hope others learnt it in that First Assembly, was that when games are played the outcome is always appalling. I think that is the issue that we have before us here, Mr Speaker, and it is time for the games to stop.

Mr Berry: What a pathetic response. Mr Speaker, I want to start off on the issue of commitment.

MR SPEAKER: Do you want to start now, or would you like to suspend for lunch, Mr Berry?

Mr Berry: I am happy to go to lunch. I need a little bit of carbohydrate to get into this.

MR SPEAKER: I think it might be more convenient if we suspended at this point.

Sitting suspended from 12.31 to 2.30 pm.

MS TUCKER (2.30): Mr Speaker, this debate is in a formal sense about postponing the commencement of the supervised injecting place and about passing the Appropriation Bill. But the events of the last two weeks have changed this debate into one about the link between budgets and confidence in the government, the stability of the Assembly, the role and influence of the crossbench, and how members negotiate with each other to achieve outcomes.

I and the Labor Party have been criticised by the government and others for not automatically supporting the budget according to the Westminster tradition. If we had, the budget would now be in place and the crisis we are having would never have

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occurred and we would have a supervised injecting room. I voted against the Appropriation Bill when it was last debated, and I stand by that action for all the reasons I put at the time. I will not go back over all those reasons now.

But some of the arguments that have been put, particularly those by members who have been claiming that we are going to lose lives if the supervised injecting place is not put in place, a claim which I believe has truth in it, are emotive to the extent that lives have been lost for other reasons, other system failures in this government. I could name a couple in mental health and in disabilities. That is one of things I need to remind members of. I have very strong reasons on behalf of the Greens for opposing the budget of this government and the priorities it sets. It is my entitlement to do that as a member of this Assembly.

The Greens have always assessed every issue that comes up in this Assembly on its merits and have voted accordingly. We have also attempted to pursue our own policy agenda through putting up various private members bills, motions and amendments. This approach necessitates the need occasionally to negotiate with other members to achieve outcomes that may not be perfect but at least go some way to meeting our objectives. We assessed the merits of the Appropriation Bill in the same way as we assess other bills before the Assembly. Unfortunately, the Appropriation Bill is an all-or-nothing bill. There is no scope for non-government members to attempt to amend it. Thus we are annually presented with the dilemma of weighing up the good and bad parts of the budget and deciding whether overall we can support it or not.

It is public knowledge that we have not supported previous Liberal budgets, but this has been done not because we just want to be oppositional but because we genuinely do not like the policies of this Liberal government and have had no role in putting together these budgets or, for that matter, establishing this government.

The Greens respect the Westminster system of governance. However, we have been prepared to explore alternative approaches such as the draft budget. We are not the British parliament or the federal parliament. We are not even a state parliament. We have a unique parliamentary system for a unique territory. Mr Humphries was incorrect when he said today that the Greens expected Mrs Carnell to resign. In fact, I made it quite clear in the very first statements that I made after the events after the budget went down that Mrs Carnell had choices. We have been saying that consistently since we have been in this house.

The Greens do not believe that the failure of an Appropriation Bill to pass is automatically a vote of no confidence in the government—Mr Kaine also made that point quite clearly—just as the failure or amendment of any other government bill is not a vote of no confidence. Obviously, however, it could be grounds for moving a separate motion of no confidence in the Chief Minister.

In the situation before us, the rejection of the Appropriation Bill was clearly not a sign that a majority of members had lost confidence in the Chief Minister. Unfortunately, the vote on the Appropriation Bill became bound up in the issue of the supervised injection place rather than an assessment of the government's budget as a whole.

I sincerely regret that the supervised injecting room has been a casualty, because that was one part of the budget I definitely supported. My regret is made even stronger by the fact that the supervised injecting place is not even a new initiative of the government and therefore a core part of the budget. The government was merely providing a relatively small amount of funding to implement the supervised injecting place legislation that had already been passed by a majority of the Assembly.

In line with the Greens' constructive approach to dealing with bills before the Assembly, I did attempt to protect the funding of the supervised injecting place in line with the will of the majority of the Assembly in the earlier vote on the SIP legislation by voting for the health line of the Appropriation Bill. This approach also allowed the independents the opportunity to express their opposition to the funding of the supervised injecting place by voting against the health line. I thought this might be a solution to the impasse, and I regret that Mr Rugendyke and Mr Osborne chose to push the issue to the brink by not supporting the budget as a whole, even though they had not expressed general opposition to the budget before and, in fact, apparently still felt very comfortable supporting the government on every other issue.

I am also very disappointed at the speed with which the Chief Minister dumped the supervised injecting place in order to secure the agreement of the independents to pass the budget. Mrs Carnell knew that the Labor Party was considering supporting the budget in order to stop the Independents hijacking the funding from the supervised injecting place. She also made no attempt to talk to me, even though she would have been aware of my support for the supervised injecting place and my interest in finding ways to secure its funding, including having informal discussions with Mr Moore about the matter before she made her announcement of the deal. Mrs Carnell and her government are obviously more interested in keeping the coalition with Mr Rugendyke and Mr Osborne together than in getting the supervised injecting place up.

I am also disappointed by the actions of Mr Moore in supporting the Chief Minister's dumping of the supervised injecting place. I believe also that reform of drug laws was one of the issues on which Mr Moore reserved the right to maintain his independence when he became part of the Carnell government. I can accept that he may have tried and failed to influence the cabinet to negotiate with other MLAs to find a way to fund the supervised injecting place, but then to publicly blame all MLAs apart from his Liberal colleagues for the dumping of the supervised injecting place was quite bizarre.

It is regrettable that the debate over this budget has become so focused on the supervised injecting place when there are many other aspects of this budget that deserve condemnation. The government has criticised Labor and me for not supporting what they believe is such a financially responsible budget. Let me again inform the government that there is more to a budget than its financial bottom line. A growing movement of businesses seeking to be more sustainable are developing the concept of the triple bottom line.

It is not enough to be concerned about just the financial bottom line. There should be equal concern about the social and environmental bottom lines. Financially, the ACT may be in the black, but we still have social and environmental liabilities in the ACT that are significant and that I believe this government is not adequately addressing.

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I understand that everyone is in some way losing out of this. Whatever you do, you are going to be seen to be doing the wrong thing. That probably applies to everyone in this place, to some more than others perhaps, no matter what position they take. I understand exactly why Labor did what they did. If they are being bagged for being inconsistent, I think every other party or group in this Assembly could equally be accused of doing that. Mr Rugendyke and Mr Osborne, who have stood for stability in voting for budgets consistently, were suddenly prepared to go totally sideways on that argument because they were more concerned about the principle of a supervised injecting place. That is an arguable position.

Labor has taken a position against budgets. They also have strong in-principle support for the supervised injecting place, so they had an ethical dilemma, as Mr Rugendyke and Mr Osborne had. They had to decide what principle was going to be the more important. They came out saying, "We are in a different situation." That is also the conclusion the Greens came to.

We are not talking now about whether or not we support this government's whole budget. The events transpired—whether it was Saturday, Sunday or Monday really does not matter—it was clear that Mrs Carnell was not going to resign. As I have said already, I think she had the right to make that choice. We could see that there would be dealing going on. We could see that the Liberals were staying. We could see that their budget was staying. We do not like that, but we could see it was staying. If we are going to have the budget of this government, then let us have one with the supervised injecting place.

That was the position the Labor Party took. You could accuse them of being inconsistent too, but they took that position after looking at the circumstances of the time. The same thing happened with the Greens. I had many meetings with members of the Greens over several days. Mr Humphries was getting exasperated and upset because four days had passed, as if it were four months. This was a difficult situation. People needed to work with the different processes they have. I have processes to work with the Greens. I talked to people in the Greens, and the membership was involved and interested. So there was time. There did not have to be this huge race.

When Mrs Carnell was offered this opportunity by Labor and the Greens, it appeared as though the deal was done. The reason given was peculiar, I thought, when I heard on the radio: "No, because we have done a deal and we do not do deals by media releases." I knew Mr Stanhope had spoken with Mrs Carnell. I do not want to get into who said what, but Mr Stanhope chose to speak with Mrs Carnell and I chose to speak with Mr Moore. I would have thought the government would have shown leadership by speaking to all the players. To take the line "They did not come to talk to me so why would I?" is not particularly credible, in my view.

I guess what we have ended up with here today in this debate is still the situation where there is a choice. Mr Moore particularly has a choice today. He can support the supervised injecting place by voting against this bill. I wait to see how he votes. I notice that it was not clear from his speech. Labor has made a commitment to support the budget to get the supervised injecting place. I have also said that there is a principle there that we can support. It is a most peculiar situation, in my view. As I said, I think we are all probably going to be accused of one sort of inconsistency or another, but we have all tried to grapple with the issues.

The issues the Liberals have grappled with have been much more pragmatic and less about the principles. I understand that they would prefer to have the stability of the support they think they will have. Maybe Mr Kaine is right and they know it and some quiet undertakings have been made by the various players on this matter. I would have thought the supervised injecting place would have been of higher importance in their discussions.

MR CORBELL (2.47): Mr Speaker, I find the Supervised Injecting Place Trial Amendment Bill an absolutely amazing and appalling backdown by this government. We all understand the context in which this has come about, but it is an extraordinary backdown and an extraordinary change of heart when you look at what is occurring in the states around us. The New South Wales Labor government is working towards the implementation of a supervised injecting place in Sydney. The new Victorian state Labor government is looking at the implementation of no fewer than five supervised injecting places in Melbourne. Those two state governments have had their problems in seeking to implement this important reform, but they have worked towards achieving it. It is a sad reflection on this place that we do not feel that we are capable of taking the same steps. It is a sad reflection that it has got to the stage of using the budget to stop this reform.

I am a member of Parliamentarians for Drug Law Reform, as is Mr Moore and, I understand, Mr Humphries. The Chief Minister may be as well. I was not sure but she has indicated she is. We have all signed a charter to seek to implement progressive drug law reform wherever we believe it is possible.

Ms Carnell: You should have thought about that last week.

MR CORBELL: The Chief Minister interjects, "You should have thought about that last week." The government's interpretation of the events over the past week is simplistic at best. If you extended the government's argument to its logical end point, this opposition, indeed any non-government member in this place, would vote against every single bill that was introduced following a budget. Every single bill that was introduced to fund a new initiative in a budget we would vote against. If we voted against the budget, we would therefore vote against everything else.

The establishment of a road transport authority was an initiative of last year's budget. The Labor Party opposed the budget last year. But when the road transport reforms came in, did we say, "No, we are not going to have anything to do with this because it was in the budget and we opposed the budget"? Of course not. The government's argument is nonsensical, and it demonstrates that they are unable to draw the line between support for individual initiatives and support for their administration of the territory overall.

We have a responsibility. The people who elected us believe that we should be here to voice their views and their concerns about the legislation that affects their lives. That is what we have done with the safe injecting place legislation. That is what we do with every other piece of legislation that comes before this chamber. When it comes to the budget, we say that it is a vote on whether or not we believe this government is capable of responsibly administering the territory on behalf of the people of Canberra. It would be a gross failure of our responsibilities if we said we thought the job you were doing was all right. We do not, so we voted against the budget. It is that simple.

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It is interesting to read some of the comments that have been made previously in this place about the role of the budget and about whether it is a vote of confidence in the government. That has been hotly debated in this place over the past few weeks. Mr Speaker, I would like to draw the Assembly's attention to your words in this place on 30 June last year. You said:

Unlike in other legislatures in the Westminster system, in this Assembly the defeat of any initiative is not normally taken as a want of confidence.

That is true. You went on to say:

It is really only the defeat of a budget—which has never happened, fortunately—or a specific vote of this Assembly that can see a government fall.

I think we would agree with you on that point, Mr Speaker. That is why we voted against the government's budget last week.

There are other interesting perspectives that should be brought to this debate. Two of the key players in this debate, Mr Osborne and Mr Rugendyke, have given this Assembly their views on a vote on the budget. Mr Osborne said on 18 February last year:

One of the things that have always intrigued me has been how governments have come down in an Assembly such as this, which has always been a minority government Assembly, and placed a budget on the table and said, "You either vote for the lot or it's a vote of no confidence."

Those are the perceptions of an independent member of this place. Mr Rugendyke said on 9 March last year:

In the one budget that I have had experience with I had problems with that "take it or leave it" budget. If the Government wants to share responsibility, it is not possible under this system. My first budget was "like it or lump it". There were aspects of last year's budget that I did not like—for example, the introduction of the inequitable and loathed insurance levy—

we certainly agree with you on that, Mr Rugendyke—

but there was no room to move.

We all know what the perspectives of members in this place are. We all know what a vote against the budget is about. Members of the government themselves have said inside and outside this place, "Take it or leave it. The government stands or falls on its budget." In that context, what else is an opposition party to do if it does not have faith in this government? Of course, it votes against the budget. For that reason, we voted against this budget.

With the introduction of this bill, we see a complete abrogation of this government's will to implement a reform that it says it believes in. Instead, this government has taken the view that there is only one solution to this crisis, and that is to negotiate an outcome

which is acceptable to a couple of members of the crossbench. Those members are entitled to negotiate to achieve the outcome they want, but this government should not simply be interested in satisfying them. This government should be committed to implementing its reform, the reform it says it so passionately believes in. It could have done so. It could have accepted Labor's offer to resolve the impasse in a way that still allowed it to implement the legislation it was committed to. The offer was there, clear and simple. We can have an argument about times or places or who said what to whom. But it is on the public record: the offer was there.

Equally, the government could have taken on board the views of other crossbench members. It could have accepted Ms Tucker's point that it was not just a case of the government needing to negotiate with a couple of members. It was a case of the government, of the Chief Minister as the key leadership figure in this place, needing to speak to all members on the best way to resolve the budget impasse. But did the Chief Minister seek out, say, Ms Tucker to resolve that problem? She did not. That was a complete abrogation of her responsibilities as Chief Minister in a minority government and a sad indictment of the way business is done in this place.

Mr Osborne and Mr Rugendyke are entitled to their views. They hold them strongly, and they represent people who feel similarly. But the majority of members in this place are of a different persuasion. They would like to see that reform implemented.

I want to close by commenting on Mr Moore's views on this matter. My leader, Mr Stanhope, made a comment about those issues on which Mr Moore was able to excuse himself from the decisions of government. One of those, as we know very well, is drug law reform. I have worked with Mr Moore on quite a number of occasions on other issues when he saw fit to exclude himself from government decisions, cabinet decisions, most of them on planning issues. I have always been grateful for his support and his willingness to exercise his vote as an the independent he claims that he is and, in those instances, demonstrates that he is.

Why on this most contentious of all possible issues, is Mr Moore unwilling to vote to reject this amendment bill and to implement the law of the territory as originally agreed to by this place late last year? It would appear to me that the answer lies in the realm of political expediency, rather than in a serious ongoing commitment to implement this reform. That is not a thing I say lightly, Mr Speaker, but Mr Moore has options that he has closed himself off from. As a result, it would appear that legislation will be amended to make it virtually impossible for this reform to be implemented. That is a sad comment on how politics works in this place. But decisions of the Assembly are decisions of the Assembly, and we all work with them at the end of the day. As Mr Stanhope said earlier in the debate, this is not the way to implement progressive reform. It is not the way to bring a community with you on an issue. It is, instead, a way to divide and splinter a community so that no serious attempt at trying new things will ever be possible again.

For that reason and the reasons I gave in my comments earlier, the Labor Party will not be supporting this amendment bill. As Mr Stanhope has said, the budget can be passed with the injection room. But the outcome of that decision is not in our hands.

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MR HIRD (3.00): Mr Speaker, I find it interesting that the former speaker should say it was not in their hands to pass the budget with the safe injecting room. It was in his hands and his colleagues' hands at 12.30 am last Friday week. They had their opportunity.

My stance on safe injecting rooms is well known. I am completely opposed to them. I have argued against them in this place and other places. I have argued that a safe injection room is illegal inasmuch as it is against the law of this great territory to inject illegal narcotics into one's person. The concept of a safe injection room is about the same as the concept of a safe plane crash. It does not exist.

This is not the time for me to go over my beliefs again and again, except to make the point that my party, the Carnell Liberal Party, allowed me to express my personal views. I thank the Chief Minister for that. History and *Hansard* will show that my views did not convince this parliament. I lost. The decision to proceed with the safe injecting place was passed by a majority in this place—including members opposite and the Green—not necessarily by a majority of those who fully supported the idea but a majority topped up by those in the Labor Party, who were told how to vote by their party machine.

As I said, I did not support the SIP legislation. But I did not become a budget assassin like those opposite and like the Green. I followed the Westminster tradition and accepted that I had been on the losing side of the debate. I therefore accepted that the will of the parliament was that the safe injecting place should proceed and that I should respond accordingly. But what have Labor and the Green done? They voted for the SIP, then in the darkness of the night, in the early hours, they assassinated the whole principle by voting the budget down, by voting supply down.

Why did they vote supply down? Who knows. All I can guess is that there is some opportunity for political grandstanding by those opposite and the Greens. Mr Osborne and Mr Rugendyke also voted against the budget. I cannot agree with their decision to do that, but at least they were acting to protect a specific principle. I acknowledge that. Labor and Ms Tucker acted only as political buffoons, and the final result has caught them out with their hands in the lolly jar.

As a member of the government, I have been told by Professor Ian Webster, president of the Alcohol and Other Drugs Council of Australia, that I should share the blame for the proposed denial of the safe injecting place proposal. I would again remind Professor Webster that I did not vote against the budget, nor did my colleagues on this side of the house, including Mr Moore. Maybe Professor Webster should come out of his ivory tower and visit this chamber and see who is sitting where.

A personal viewpoint: I will be glad to see the next election in October 2001 become the opportunity for the people to have their say on this matter. I do not believe it should become a separate issue. The best referendum is the one that takes place on election day. An election is a referendum based on who should govern, and the voters make up their minds based on all of the issues before them.

The member in the hardest position over this issue is Mr Moore. He is the strongest possible supporter of the concept of a safe injecting place. Yet he has recognised that the territory needs to continue to function. His stance is a brave and honourable one. I know that he will continue to fight in defence of his SIPs, just as I know that I will continue to

fight against them. But we are both adult enough to accept the final view of the people and of this parliament. It is a shame those opposite and the Green do not do likewise.

The strong feeling is that Labor has not only let down the Canberra community by denying supply—and they cannot cop out of that—but also let down many traditional Labor supporters. They are embarrassed by what happened, and they should be. One Labor member has told me that he cannot look forward to his support in this place; he said, “No hope Stanhope.” Many of them are not supporters of the SIPs proposal and they will not be voting for Labor at the next ACT election. Let me make it clear. They have told me. In the rush of blood by those opposite and the Green to emulate Napoleon and seize power by any means and at any cost, Labor has left its supporters and its morals way behind it.

That is to say nothing of the expense of bringing this place back for this special sitting or the inconvenience and worry caused to the community.

Mr Berry: You let me come back from a fishing trip, did you?

MR HIRD: I mention a very serious issue. Listen, Mr Berry, because you might learn something. Do not do it again. The first home buyers assistance scheme was introduced around Australia on 1 July, but not in the ACT. Many young people were looking forward to \$7,000 under that scheme, but that lot and the Greens voted against it.

Mr Kaine: I take a point of order, Mr Speaker. Are we debating the budget again or are we still on the SIP?

MR SPEAKER: I uphold the point of order. Continue, Mr Hird.

MR HIRD: When the old war horse over there is finished. I was just starting to like the leader of the Labor Party, Mr Stanhope. He is a very approachable fellow. But I have no doubt that the murmurings in the Labor corridors are true and that there are kinks in the caucus.

I would like to make two predictions. Listen, Mr Kaine. These are two good predictions. The first one is that by October next year, prior to the next election, Labor will have dumped its support for the safe injecting places. The other is that, sadly, we will have yet another leader leading the Labor Party into the election. We on this side will not be in the same position. I would like to congratulate the Chief Minister on the statesmanlike way in which she has dealt with this situation. She has remained cool, calm and collected, and has concentrated on what is the best for the citizens of the territory and got on with the job, not on what is best for her and her party. That is statesmanlike, and she is to be commended. Like Mr Moore, she has acted honourably to arrive at the best solution.

I was interested to hear Ms Tucker say earlier in the debate, “We the Greens did not have an input into the budget.” If she doubts this, she might care to look at *Hansard*. I thought we went through a great ordeal in the committee system prior to the budget. I thought we all had an input into the budget. Ms Tucker went on to say that Mrs Carnell was offered a deal by the Labor and the Greens. I understand that Mrs Carnell did not speak to Ms Tucker. She spoke to the Leader of the Opposition. Ms Tucker is a pseudo-member of the Labor Party. She seems to vote with them all the time.

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In closing, I paraphrase the words of a great Australian and former Labor Prime Minister of this great country in 1975 when Labor was objecting to the denial of supply. Well may we say, "God Save the Queen," because nothing will save Jon Stanhope.

MR WOOD (3.11): Members, the debate has resumed. It has been going on for some time. The last instalment was less than a fortnight ago. It might end today. I expect that members noticed during the budget debate two men, among others, sitting in the gallery. Those two men sat through the tedious debate because they had a passionate interest in one aspect of the budget, and that was the proposal for a supervised injecting room. They sat on that side over there. They needed to be passionate in their interest to sit through that debate.

They had a shared interest. I do not know whether they acknowledged each other or nodded to each other. I do not know whether they even knew each other. Perhaps they did; perhaps they did not. But they had one tragic circumstance in common. Each had lost a child to a drug overdose. Each lives with that tragedy and the ongoing agony. Yet, in their response to this supervised injecting room proposal, they had nothing in common, not a bit. They were quite opposed. One was a staunch advocate of the supervised injecting room and fiercely fought for it over quite a period. The other was totally opposed. If those two men with the same interest brought upon them could not agree on the way to proceed, it is no surprise that in this Assembly we should also be divided on what is the best to handle this problem. It is no wonder we are having this debate.

Those two men are not here today. Certainly, they will know the outcome. Because of the deal the government has made, the supervised injecting room is off the agenda. One man lost his cause; the other won. I am sorry that the cause has been lost. Although I did not believe in the cause in the first instance, I came to believe that that was the best way to go. I believed the supervised injecting room was worth a try. It will not get that trial, it seems.

The issue of drugs is a very emotional issue. I believe that the emotion that is always brought into this debate is clouding the discussion we have. In fact, the supervised injecting room was just—I use the word advisedly—a further step. The major step was taken over a decade ago when governments around Australia allowed for needle exchange programs to happen. The next one was not such a large step. My colleagues today have already pointed out that we have injecting places all around Canberra.

We now need to focus on other measures to deal with the illicit drugs problem. It is not going to go away. As I indicated, I came to this issue rather late in the piece, but I have attended to it. Members will know that I went to a conference in the UK a short time ago. Attendees at that conference came from 51 nations. They are getting drowned in the problem. They cannot handle it. They cannot stop it. There would not be one person from those countries who wants the drug issue in front of them and not one person who could say that we can stop it.

The drug problem is not going to go away. Perhaps the message from today is that we need to reinvigorate the debate and focus the debate on other measures we can introduce to deal with it. By all means, let us resist the flow of drugs. Yes, we all agree with that.

We must resist most strongly. But we must also deal with the impacts of illicit drugs. We cannot simply walk away and say, “Stop the drugs coming in” and leave it at that. That is not going to work. I do not believe that those who oppose the supervised injecting room have satisfactorily dealt with that issue. We know what you do not want, and we can understand that. But how will we now proceed to deal with the problems the drug trades bring to us?

We should say no, but we cannot just say no and leave it at that. We cannot just rely on policing and the law, though effective they need to be. My approach today is to ask us all—government, opposition, crossbenchers—to start to focus on future debates in this Assembly, perhaps not about the injecting room but what other options we may take. Yes, stop the flow, as much as it is within our power to do that, but consider those further options. What more might we do? The supervised injecting room might be finished, but the debate on the handling of the illicit drug problem is not finished.

MR STEFANIAK (Minister for Education) (3.18): Mr Speaker, 11 November 1975 was a day I recall well. Most of us are old enough to recall the events of that day.

Mr Berry: You want us to have a Senate here, do you?

MR STEFANIAK: Mr Berry seems to want to have a Senate here. The principle is exactly the same, whether you have a unicameral legislature or a bicameral legislature. I recall coming back to the legal workshop where I was at the time, as one of 27 students whose number included Mr Stanhope, the current Leader of the Opposition. When I came back at 2 o’clock, I found 10 of my fellow students gathered around a radio with Beth Campbell, secretary to Kevin O’Leary, the director. I remember hearing the announcer state, “And the Governor-General has sacked the Prime Minister.” Being a good solid conservative at the time—and I still am—I recall retorting, “You little beauty.” I got rounded on solidly by my 10 colleagues because most of the workshop were Labor supporters then. I recall Beth turning to me and saying, “After 10 years at this university I have finally found another Liberal.”

The events were amazing because I then had the privilege, as I look on it now, of going to the old Parliament House to see Gough Whitlam and hear him say, “Well may we say, ‘God save the Queen,’ because nothing will save the Governor-General” and to see Sir David Smith read out his proclamation. I recall the various rallies. I went to a few of them out of interest. I was voting Liberal in that election, but I went to some of the ALP rallies out of interest. I recall for the first week the anger in the community directed against the then opposition and caretaker Fraser government for what it had done and the significant jump the ALP got in the polls. It did not last long and, of course, Malcolm Fraser and the Liberal and Country parties won a resounding electoral victory in December of that year.

I recall quite clearly that the step the Fraser opposition had taken was almost unprecedented. It was something that had occurred once in New South Wales during the Lang premiership. A fundamental tenet of Western democracy is that a government is entitled to its budget.

Mr Wood: Upper houses do not intrude in budget matters.

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MR STEFANIAK: It does not matter if you have an upper house as well as a lower house. If you have one house, I think the principle remains the same. Other things flow from 1975. The Governor-General who made that decision—and many regard it as wrong and many regard it as right—was effectively hounded out of office about two years later. There was a lot of talk of instability and a lot of nervousness among public servants thinking they were not going to get paid. People in the bush were even considering whether they would have to take up arms against instability in the country. It was a scary time in Australian politics.

Since then Liberal Party, National Party and ALP oppositions in the federal parliament have not blocked the budget of the government. I could be corrected. I am uncertain whether a state opposition has blocked a budget. It is a sensible convention for the stability of government, and I would suggest more so for minority governments in a place like this, where we have had only one majority government, the Alliance government, a loosely cobbled together coalition. Even more so in a place like this you need stability.

The population wants stability. That is borne out by an opinion poll in the *Canberra Sunday Times*. They asked, “Do you think the Chief Minister should have resigned over this?” I think 84 per cent said no and only 16 per cent said yes. I may be wrong. It might be that 86 per cent said no and 14 per cent said yes. It was very significant majority that said no. People want stability. Sadly, in the course of the Carnell government, the Labor opposition has voted consistently against the government’s budget. That is a very bad precedent to set. We are now seeing the results of that precedent. It has come back to bite them.

It is all very well to say that this government should have done something different or that the independents were wrong and that one of them should have supported the budget. Yes, maybe Ms Tucker should have. She supported Mr Moore’s supervised injection place. Did she not support the budget. Mr Kaine made his position very clear in debate, and quite properly so. Mr Hird has indicated that he was opposed to the safe injecting place. So am I. But the government is entitled to its budget. If the budget had been passed, we would not be having this debate.

I am amazed—although nothing really surprises me—that the Labor Party persists in voting against the government’s budgets. To a man—there are no women there—they voted in favour of the injecting place after the debate in December. It is not Liberal Party policy. Liberal Party policy is: “Do not put it in place until you have had a referendum.” The people might now have a chance to have a referendum on this. It was Labor Party policy and caucus policy that every member had to vote for the injecting place. A few of them were very concerned about that and did not want to do it. But that was the position the Labor Party took. If they wanted it, they should have supported this budget. Logic dictates that. They have only themselves to blame.

It is all very well for Mr Corbell to ask how else they can oppose the government and say that opposing a government’s budget is merely a way of voicing opposition to a government. Rubbish! The Liberal Party, in opposition in the Second Assembly, indeed in opposition in the First Assembly, always voted for the government’s budget.

Mr Berry: No, you never voted.

MR STEFANIAK: You bet we voted. We did not oppose your budget, Mr Berry. I remind you of an amendment I moved to the budget in 1991 to express displeasure with the very serious cuts you were making to the Australian Federal Police force and indicate what programs could not occur because of that. But that did not affect your budget bottom line. It did not affect the passage of the budget. I think I indicated at that time that you would live or die by your decisions in the budget, but you were entitled to make those decisions as the government.

Mr Speaker, I think you moved an amendment in 1993. Again, it did not threaten the government. It might have gone a little bit further, but it did not threaten the government's budget. The government's budget got through. Federally and in virtually all states—someone might correct me—Labor Party oppositions do not vote against a government's budget. It is a fundamental tenet of political stability that you people have.

There are other ways of opposing a government. We have seen them in this place. We have seen no-confidence motions succeed—one in Rosemary Follett in 1989 and one in Trevor Kaine in June 1991. We saw one against Mr Berry as a minister in early 1994. Minority governments can change as a result of them. We have seen oppositions make substantive points. I was not here for very long in the Second Assembly, but obviously the Liberal opposition made some very telling points against the Follett Labor government. It won the election. It got a lot more votes than Labor and became the government in 1995. It did that without voting down a government's budget.

There are always going to be issues an opposition can run on and embarrass the government on. They do not even have to be real issues. Mr Berry, the amazing coverage you have had on some of the most nonsensical issues I have seen—the futsal slab, the lakeside arena, for example—is a testament of that. I will give you credit for that, Mr Berry. You picked an absolute non-issue—I think you conceded in estimates that if it had been a car park you would not have worried—and turned it into something that has probably been a very good issue for you because it has been in the media for many months, if not years. You have made political mileage out of it. Things like that are always going to crop up and be there for an opposition.

If an opposition dissatisfied with a minority government can cobble together the numbers to succeed in a motion of no confidence in the Chief Minister of the time, then they will succeed in changing the government. There are many proper ways, using precedent of procedure and tradition, to overturn a government and, if need be, to toss out a government without voting against its budget. For Labor to madly blame everyone else for where we are today is ridiculous. You have only yourselves to blame. In the interests of stability in this territory, I hope you have learnt your lesson. I doubt it, though.

MR BERRY (3.28): I just cannot believe that the Independents in this place are not going to express a view in this important debate; it is just appalling. Mr Speaker, I will start on the issue of commitment. Six months ago or so we had a commitment from government members—in particular, the Chief Minister, the Minister for Health and Community Care and the Minister for Urban Services—to a trial on a drug injecting room. At the time the Labor Party, though we had sympathies for what was being

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proposed, was very concerned about the will of the government and whether it was, again, just grabbing at headlines.

The history of the drug law debate in the ACT has been that the Chief Minister and Mr Moore, in particular, have been extending the envelope by pushing and pushing the issue, gathering an opportunistic headline each time, but not expanding the drug debate very far. I have never been that enthusiastic about their approach. I think that this issue is something on which we ought to avoid confrontation and polarisation, rather than promoting it. I think that Mr Moore and Mrs Carnell were more about promoting polarisation because it gave them a place in the sun in the debate. That was one of the reasons for our scepticism about the views that were being expressed.

Notwithstanding that, we were convinced following negotiations which occurred between Mr Stanhope and Mr Moore, and I suspect others, that there were sympathies for this issue and a bipartisan arrangement was reached. It strikes me as very interesting that the experts reporting on this issue are not prepared to mention the breaching of the bipartisan arrangement between Labor and the Liberals in relation to this matter. Neither are they prepared to mention that the bipartisan arrangement with the Labor Party on this important issue was ditched without debate at the earliest opportunity. Nobody seems to wish to comment on that.

I say, as Mr Stanhope said earlier, that this is probably the end of any bipartisan arrangement on drug law reform in the ACT for the foreseeable future. Putting this facility off until after the next election will mean that Mr Osborne, Mr Rugendyke and the Liberals can do their very best to polarise the community on this issue and it is unlikely that the mood in this place will be of a type to take these sorts of steps again. That will be all because the Liberals ratted on a bipartisan deal with the Labor Party. They have demonstrated to me and to my colleagues that they are not to be trusted on these issues.

Mr Speaker, this bipartisan arrangement led to an act being put in place by a majority of members of this Assembly which would have produced a facility for the use of drug-affected persons in our community. I have said enough in a previous speech about the reasons for having the drug injecting room, but I will repeat my view that it is not a panacea. I do not think I have ever believed that it would be. I am convinced that it will save some lives, though it will not save all of them. Experts disagree on the extent of the lives that would be saved and commentators disagree on the extent of the lives that would be saved, but I think almost everybody agrees that lives would be saved by having this facility.

There is disagreement as well about where the facility fits into the scheme of things for drug law reform in the ACT. Certainly, it was given our support on condition that the government agree to perform a whole range of activities. One of them was about establishing a youth rehabilitation centre. That is not up and running. I notice that there is no extra money for drug education in this year's education budget. That has not been delivered. All of these things have not been delivered. They are all good reasons for the Labor Party to be sceptical about the government's performance on this matter, but we had made a deal on it. We entered into an arrangement with the government in good faith and we came to this place and passed a piece of legislation.

Mr Speaker, the proponents of the legislation had been out there pulling all the emotional strings in relation to the matter. Mr Moore spoke ad nauseam about the lives that would be lost if we did not proceed down a particular path. The Chief Minister spoke ad nauseam about the lives that would be lost if we did not proceed down the same path. Mr Smyth spoke ad nauseam and with compassion about the lives that would be lost if we did not go down this path. Of course, they have completely forgotten about that at this point.

Having made the decision to support the legislation, the legislation became an act of parliament; but what happened with the next little problem the Liberals ran into? Without consulting with us, they were off trying to deal away the legislation that was passed in this place following the bipartisan agreement with us. Mr Speaker, the Liberals can plead as much as they like; they were glad to get rid of it.

Mr Osborne is well known around this place for having wanted to have a different timetable for this debate. It is well known around the place that Mr Osborne would have preferred this debate to be happening around election time. I am sure that Mr Rugendyke also would rather have it happen around election time because it would give them something to polarise the community about and build a support base for themselves. But the agreement reached between us and the Liberals in the first place made sure that we kept our mind focused on the issue of providing some relief for people who were affected by drugs in our community, particularly by heroin, rather than toadying to the preferences of the crossbenchers, Mr Rugendyke and Mr Osborne. I will come back to them in a minute.

I turn to another issue, Mr Speaker. I think that Mr Humphries is a member of the Parliamentary Group for Drug Law Reform. Mr Moore is a member, a founding member, of the Parliamentary Group for Drug Law Reform, is he not?

Mr Humphries: What is that?

MR BERRY: You are a member of the Parliamentary Group for Drug Law Reform, are you not?

Mr Humphries: Yes.

MR BERRY: Have you handed in your resignation yet? Shame on you.

Mr Humphries: I do not intend to.

MR BERRY: No, you would not. You only joined for populist reasons, anyway; it was never about commitment. Is Mrs Carnell a member of it as well? Perhaps not. I have been asked on many occasions why I was not a member of the Parliamentary Group for Drug Law Reform.

Mr Humphries: Why not?

MR BERRY: I always had some doubts about Mr Moore's commitment to these issues on the basis of the headline-grabbing and polarising approach that he has taken on drugs. This is not the first time I have said it and I will continue to say it as the events of recent

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days have convinced me on that. I think that they will convince a whole lot of people out there in the community as well.

Mr Speaker, this is going to be a lost opportunity for drug law reform and the loss is being caused by people who claim that they are members of the Parliamentary Group for Drug Law Reform. The first Attorney-General to join that organisation has been the first to attempt to undermine some reasonable outcomes being achieved on that subject.

Mr Speaker, much has been said by the Liberals about the conscience vote on this issue. The Liberals had a conscience vote—we on this side of the house would prefer to call it a convenience vote—to enable them and Mr Moore to put forward this piece of legislation. In recent days we have had Mr Moore saying that he was locked into a cabinet decision, even though drug law reform was one of the 40 issues on which he stood remote from the Liberals, having declared the position to be such.

Mr Speaker, why it is that you insist that “hypocrisy” is a word that cannot be used in this place when the stench of it pervades every nook and cranny in this place leaves me wide-eyed in wonder. At the end of the day, I think you will be forced to give in, Mr Speaker, and use of the word “hypocrisy” will become commonplace.

MR SPEAKER: Its use has been required to be withdrawn ever since the First Assembly, so it is not just my ruling.

MR BERRY: The pressure is growing, Mr Speaker; I think you can tell that. Following the swings and roundabouts, we have ended up with a situation where the conscience vote has been abandoned. I think it was seen by the Liberals as necessary to do so to save their skin.

Much has been said about Labor’s position on the budget. Labor’s position on the budget was absolutely correct. Those who comment to the contrary on this issue are not credible because, quite clearly, they do not understand the machinery of this place. The Liberals say quite often that they have never opposed a Labor budget. I cannot remember them ever supporting one, either.

Mr Speaker, they have never called a vote. Do you know why they have never called a vote? It is because they have never had the numbers. If the numbers had been there, I can tell you that they would have been a lot more enthusiastic about calling a vote because they know the standard. The standard is that if you lose your budget, you lose your authority to govern and it is then up to the machinery of the self-government act to fall into place and elect another government.

There is nothing unusual about that. That is why the self-government act was set up in that way. If a Chief Minister resigns, the self-government act provides the machinery for the Chief Minister to be replaced. The common tradition where a budget fails is for the Chief Minister to resign.

Mr Humphries: Not in this place, Wayne.

MR BERRY: No, it is not now, not any more. Those who deny the convention under the Westminster parliamentary system that governments fail when their budgets fail are deluding themselves. Mr Speaker, it is commonplace in other places for oppositions to vote against the budget.

You can always tell how deep a hole Kate Carnell and her government have dug for themselves when you see all the conservative commentators coming out in her defence, and this hole was a good one. The opportunity was offered to Mrs Carnell to find a way out of this hole. It was put to her by the Labor opposition, her former bipartisan partner in a piece of legislation which we thought would take the ACT forward in relation to drug law reform but which was abandoned in due course, notwithstanding the offer that was made by the Labor Party.

I want to refer to something that Mr Moore said some time ago. This, I am told, was taken from a Residents Rally paper that was prepared at some time in 1988 after Mr Moore presented it to the Residents Rally or drew its attention to it:

We believe that to be truly democratic decisions affecting the people of the Territory should be made not in party rooms by politicians with allegiances, ambitions and obligations outside the Territory, but in open forums under public scrutiny by people whose commitment is to the Territory alone.

I wonder why he is supporting this deal between Mr Humphries and the crossbenchers. With that in mind, I am informed that Mr Moore handed the following resignation to the Residents Rally:

Dear Alex,

The secretary, it appears:

Please accept this letter as a withdrawal of my membership from the Residents Rally. Henceforth I will be an independent member of the Legislative Assembly.

So much for that.

Mr Speaker, the last thing I want to talk about is in relation to the lives that may or may not have been protected and improved by this proposition. I was most disturbed to hear on ABC radio on 4 July the response by Mr Osborne to the following question:

... people that support that particular trial. They would argue, what about the lives that might have been saved by that injecting room? Does that concern you?

Mr Osborne said:

No, it doesn't and I don't believe it would save any lives.

He stands out by himself on that one. (*Extension of time granted*) Not many people in the community, none that I know of, with any expertise would agree with his position on that—"No, it doesn't and I don't believe it would save any lives." There might be some

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argument about the numbers or percentages, but you could not argue that lives would not be saved in this matter. Those are the emotive issues that we have all had to deal with in relation to this debate. Those are the emotive issues which have been put before us by Mr Moore, in particular, and Mrs Carnell in recent days, supported by Mr Smyth.

Mr Osborne went on to say:

What I'm pleased about, I did hear last night that money would be going to education and rehab and detox and that's where I think lives can be saved.

That was a Labor idea. We put that to the government in the first place in relation to our bipartisan agreement. It is not surprising that the money is going there because that was one of the conditions for going forward on this issue. For Mr Osborne to say, "No, it doesn't and I don't believe it would save any lives" beggars belief. Nobody else takes that view.

Mr Osborne and Mr Rugendyke have argued for or supported the pro-life case in this place in the past. Mr Smyth and others in this place have argued the pro-life position in relation to abortion. All of a sudden it is not an issue anymore. Aren't the lives of drug-affected people that are at risk because they are living in miserable circumstances worth doing something about?

How is it that people will put politics before that? How is it that people will do that? It is for survival, that is what it is. It is the new order of principle that has been discovered in this debate. Mr Moore has demonstrated that he has a different order of principles, but he has never talked about this new order of principle that has emerged—survival. The survival of politicians in this place seems to have taken over from previously stated positions on the issue of lives.

I hesitate to go further in relation to this matter, but certain people have to look at the hypocrisy of some of their statements on this issue. I said a long time ago that this is not a panacea; it is not a plan that would solve all of the problems for those affected by heroin. It might provide a few answers for some. It will not prevent all of the potential life losses but it will prevent some. Those people in this place who say that they stand for life, those people who have said that this legislation will save lives, must by their own measure support this legislation or risk demonstrating how they are prepared to abandon this important principle just for survival and political expedience.

The timing that has been set out by the proponents of this change to the legislation is merely to provide an issue at the next election for polarising the community. If that is the case—I suspect that it is and I think that most learned observers would suspect that it is—drug law reform is off the agenda in the ACT for a long time. Because of the betrayal on this issue, I think it will be a long time before a Labor opposition or a Labor government will trust the Liberals on adopting a bipartisan approach on an issue as important as law reform in this area.

We were convinced, principally on the basis that we would save a few lives if we put this in place and there was the potential of saving more, that we ought to involve ourselves in a bipartisan arrangement with our traditional political enemies. They betrayed us once, but they will not catch us again.

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

MR RUGENDYKE (3.49): I shall say a few words. My position on this issue has been known quite clearly for four or five weeks. The day the budget was put on the table, my position was declared and my position has not changed throughout the subsequent weeks and throughout the various machinations that have occurred over the last few weeks. I do believe that the compromise that has been reached over this issue is an appropriate one. It is a good compromise. It is a compromise that will give the community the opportunity to have a voice on this issue, something that has not occurred to date.

I support the amendment to the Supervised Injecting Place Trial Bill. I think it is important that funding not be provided for the shooting gallery until 2002, and that in the meantime that funding be directed to appropriate drug education, as the majority of the health committee suggested in the first place. Mr Speaker, I congratulate the government on coming to a compromise position. I for one certainly will not be gloating over any perceived deal, backdown or anything else. Suffice it to say that the compromise is a good one from two totally different positions prior to the budget. I support the amendment.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (3.51), in reply: I think it is fair to say of this debate in terms of the position of the parties as opposed to people outside the Assembly that the one party that clearly has come out of this debate with nothing whatsoever is the Australian Labor Party. It took the position of wanting to block the ACT budget. I dare say that what the Assembly will do today is pass the budget.

The Labor Party took the position of wanting to support a supervised injecting place. I dare say that today the Assembly will vote to defer for 18 months or so the start of a supervised injecting place. In particular, over the years Labor has supported the principle that the Assembly should not have the power to amend a government's budget. That principle also has been severely shaken, if not destroyed, by the events of the last 10 days or so.

There has been much debate about what actually happened in the last 10 days, in what order it happened, who was responsible for the backdown, et cetera. There has been much talk about the government's backdown in this place on SIPs, but not so much talk about the fact that the opposition has backed down on its position of not supporting the government's budget, having said that it was prepared to support the government's budget as of Monday of last week.

I think that Liz Armitage of the *Canberra Times* accurately summarised what happened when she said:

The Opposition's stubborn insistence on opposing Budgets year after year set up the situation in the first place. (The Liberals did not oppose Budgets in Opposition but they did try to amend them.)

Stanhope's argument that Labor should test the Assembly's confidence in the Government by opposing the Budget is all very well until rogue cross-benchers decide to vote down the Budget on a single issue.

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The Independents knew they could force a back-down on the trial because they held deciding votes on the Budget.

...

But Stanhope's call for the Chief Minister to resign put the Government off-side immediately, undermining any cooperation between the two major parties.

After three days of contortions, Labor changed its position on the Budget to come up with a constructive approach. But it was too late—the deal was done.

Mr Speaker, that is a fairly accurate picture of what occurred in the course of the last 10 days.

Let me deal with a few comments made in the course of this debate. When I pointed out in the debate that the idea of splitting the appropriation bill into two parts, an appropriation for the budget as a whole and an appropriation for the safe injecting place, Mr Berry interjected, "You didn't try that with us."

Let us go to the issue of what was being raised there. Mr Berry was purporting to say by that remark, presumably, that Labor would have been prepared somehow to come to the party and support the budget in the event of its being split in two. Labor was prepared to oppose the two put together, the budget as a whole and the SIP as a whole, because when they were put together it was prepared to oppose the total of that; but when we split them in two, the opposition supposedly was prepared to support both of them.

Can someone explain to me how bringing these two issues together in the one document somehow makes them unpalatable when separately they are palatable? It makes no sense at all. Obviously, what they were hoping would happen is that the Independents would vote against the SIP in a separate appropriation and vote in favour of the budget in a separate appropriation and allow Labor the luxury of continuing to vote against the budget but make sure that both the budget and the SIP got up.

You have to be pretty simple to think that that kind of subterfuge is going to fool anybody, pretty simple indeed, and it did not fool anybody. In discussions of this kind over the last few weeks, that kind of shallow trick was barely considered by anyone on this side of the house; but, to the extent that it was, it was perfectly clear from the crossbenchers in this place that that was not going to be acceptable.

That takes up back to the nub of the matter: had Labor taken office as they said that they were going to, as they wanted to, and formed a government in this place, how would they have passed the budget? We are expected to believe somehow that Labor was going to take the reins of office in the middle of this crisis from the Carnell government, which was falling apart over the issue, and that Labor was going to show authority and leadership and was going to get the budget through the Assembly, preserving the SIP, against the certain knowledge, knowledge which was put to this government by the crossbenchers, that they were not prepared to wear the government and its budget while there was a SIP in place.

While the people opposite are saying that they would have got the budget through, they have not exactly explained how. I think that, before we accept this broad and strange to believe assertion, it would be good to be offered some evidence, some indication of what your tactic would have been. Do not tell us about splitting the budget; that was not going to work. We looked at that issue, we explored that issue, and it was not going to work; so where was the formula? It did not exist, Mr Speaker.

Mr Kaine described the bill before the house today as an expedient to keep the government in office. I have to confess that there is a kernel of truth in that. There is not a principle at work here that says that suddenly, miraculously, the SIP is of such a problematic nature that it needs to be put back for 18 months. No-one has pretended that that is the case at all in this debate. It is about allowing the government to do the other good things in our \$1.8 billion budget without the encumbrance of not being able to get through the stage of passing the budget which the \$800,000 SIP represents. Yes, it is about concentrating on the bigger picture rather than the smaller picture.

I have to ask this question: given that we have seen no evidence of how Labor would deal with this matter any differently, are we expected to believe that Labor, had it fallen into office over this crisis, would somehow have taken a different approach at the end of the day?

Mr Quinlan: Two bills.

MR HUMPHRIES: It would not have worked, Mr Quinlan. We tried that. It would not have worked, even if we had Mr Quinlan's two bills before the house, if the Independents said, "Sorry, while you have a SIP bill on the table, we are not going to pass your budget bill."

Mr Quinlan: So, what is next after that?

MR HUMPHRIES: My question exactly, Mr Quinlan. If the Labor government comes in in the middle of a crisis, forms a government, finds itself in exactly the same position as the Liberal government, cannot pass its budget because of the SIP, what does it do? Does it say, "We will hand the reins of government back to the Liberal Party"? Of course not. Do you think that we were born yesterday?

What Mr Quinlan would do over this issue, through you, Mr Speaker, is he would accept the reality and he—

Mr Quinlan: There is your problem. It is a problem for both of us—you joining us.

MR HUMPHRIES: I will come back to that in a minute, Mr Quinlan. What would happen, of course, is that those people opposite would do a deal as well. They would compromise on this issue because it is not worth losing government over. Do not tell us in this place that you are so principled that you would lose office over a SIP if that was the issue facing you in government. Do not give us that rubbish because we would not believe it, neither would anybody else in this community.

Should the government have resigned, which is the assertion commonly made? Mr Speaker, this is what Crispin Hull of the *Canberra Times* had to say about that issue:

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Westminster convention says that if the Budget is defeated, the government should go. That would hold in Britain, Canada, New Zealand and most Australian states.

The ACT is different. It has a detailed written constitution in the form of the Self-Government Act, an Act of the Federal Parliament. The single most important difference between the ACT and other Westminster systems is that we do not have a figurehead—a governor, governor-general, monarch or ceremonial president.

...

Kate Carnell is entitled to bat on as Chief Minister with her ministers until a majority of the Assembly votes her (as distinct from her Budget) down.

That is the reality of the position in the ACT. It is very different from the rule in other places.

Mr Kaine: What did he say 48 hours before, Mr Humphries? He changed his mind.

Mr Quinlan: Yes. What do you reckon about that?

MR HUMPHRIES: We have never said that if this budget went down the government would go down. If you can tell me where I have said that, Mr Quinlan or Mr Kaine, I would be very happy to be corrected; but I do not think you can quote that because it has not occurred.

We have heard from the opposition—Mr Quinlan, in fact—that this move by the Assembly was not blocking supply because this is the people's house and supply was blocked in 1975 in the states house, the Senate. My question is: so what? What difference does it make? The opposition and Independents or crossbenchers in the federal parliament in 1975 voted to block the government's budget, voted to block supply. In the year 2000, the opposition and the Independents voted together here to block the government's supply.

Mr Corbell: The whole point is that they didn't vote, Mr Humphries.

MR HUMPHRIES: What is the difference between those two situations?

MR SPEAKER: Order! Members of the opposition were heard in relative silence. Some of them were heard in complete silence. I expect the same courtesy to be shown to the Treasurer.

Mr Corbell: It would be good if the Treasurer knew his history.

MR SPEAKER: Watch yourself, Mr Corbell.

MR HUMPHRIES: Mr Quinlan keeps telling us that we should be directing our comments to the crossbenchers; he keeps motioning down towards the crossbench. The fact is that what happened the week before last was a mistake by the Labor Party, a mistake described in an editorial in the *Canberra Times* as follows:

Labor should never have handed such power to the two independents in the first place. Labor should have supported the Budget. Future governance in the ACT would have been better if it were the convention that Budgets go through and that the fall or continuance of governments depends on separate no-confidence motions in the Chief Minister. It is now likely that the Liberals will play payback when Labor is in minority government. Labor has allowed hunger for power to get the better of it.

Of course, the scenario that Mr Quinlan spoke about before—“Put us in government; we will split the bills and we will get the budget through and the SIP”—relied on one very important assumption or premise. It was that the Liberal Party would do what we have done every time we have been in opposition and support a Labor budget. Despite the inaccurate statement by Mr Stanhope on the radio today, the Liberal opposition has always supported a Labor government’s budget, or at least not opposed it, which is the same thing in all material respects.

Mr Hargreaves: It is not the same thing.

MR HUMPHRIES: It is. If we do not call a vote on something, we do not stop the budget from going through, and we never did; so that is the reality of the situation. I put Labor on notice of the fact that if it has established—or should I say re-established—this convention, it is not something that can be walked away from. It is not a power that will reside only in the hands of a Labor opposition and not in the hands of anybody else. The Liberal Party will observe in particular what happens in next year’s budget, Mr Speaker, and see what the Labor opposition at that time does about that budget, because a strong argument was put in 1995 by the Labor opposition that we should not allow the Assembly to amend budgets. We supported that argument; but it has now happened through the back door and it is Labor which will have to undo that damage.

Mr Speaker, I have one final point to make. Mr Stanhope and others say that the Chief Minister ought to resign with her budget being rejected. He has not cited any relevant ACT authority for that proposition, but he obviously does not speak for the majority of people in the ACT because, when asked in an opinion poll in last Sunday’s *Canberra Times* whether, after the ACT budget was rejected on the basis that it included money for a heroin injecting room, the Chief Minister should have resigned, the answer was yes for 16 per cent and no for 84 per cent.

That shows how badly out of touch the Labor Party is on this issue. When it acknowledges that it has done itself huge damage and, incidentally, the institution of self-government huge damage, it may be able to rethink its policy for next year. As it is, it has nothing but a shambles to show for its efforts in the last few weeks.

Question put:

That this bill be agreed to in principle.

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The Assembly voted—

Ayes, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Noes, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Question put:

That this bill be agreed to.

The Assembly voted—

Ayes, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Noes, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

Bill agreed to.

**SUSPENSION OF STANDING AND TEMPORARY ORDERS—APPROPRIATION BILL
2000-2001—RESCISSION OF VOTE**

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

That so much of the standing and temporary orders be suspended as would prevent a motion being moved to rescind the vote of the Assembly of Friday, 30 June 2000, a.m. relating to the motion that the Appropriation Bill 2000-2001, as amended, be agreed to and to consider a motion to reconsider Schedule 1—Part 5; Total appropriated to departments, as amended; and Total appropriations, as amended; and Clause 6 of the Bill in detail stage forthwith.

**APPROPRIATION BILL 2000-2001—RESCISSION OF VOTE
AND RECONSIDERATION**

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety)
(4.12): Mr Speaker, I move:

That:

(1) the vote of the Assembly of Friday, 30 June 2000, a.m. relating to the question on the Appropriation Bill 2000-2001 – “That this Bill, as amended, be agreed to” be rescinded;

(2) Schedule 1 – Part 5; The total appropriated to departments, as amended and the total appropriations, as amended; and Clause 6 of the Bill, be reconsidered, in the detail stage pursuant to standing order 180; and

(3) Reconsideration of Schedule 1 – Part 5: The total appropriated to departments, as amended; and the total appropriations, as amended; and Clause 6 of the Bill commence forthwith.

Basically, the motion allows us to do two things. One is to reconsider schedule 1, part 5, which is the appropriation for the Department of Treasury and Infrastructure. That allows us to reconsider the question of subsidies for low-alcohol beverages. I have written to members explaining that, because New South Wales has decided to restore the subsidies which were previously available for low-alcohol beer and other products, the ACT needs to follow suit. That will necessitate increasing the budget by approximately \$1 million. I have circulated copies of the amendments I propose to move to that part of the bill dealing with the appropriation for the Department of Treasury and Infrastructure to increase the expense on behalf of the territory by \$1 million.

Mr Speaker, we will also have a chance to debate the question that the total appropriations be agreed to. That will be an opportunity, if members wish, to make general comments about the budget. The motion has been moved on the basis that it is not proposed by the government, at least, to have a general debate about the budget resuming on part 1 of schedule 1 and continuing throughout as if the entire budget vote has to be recast. We are suggesting that there be a debate about the budget as a whole, plus a specific debate about part 5 dealing with the question of low-alcohol product

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subsidies, not one about individual issues. If members wish to raise individual issues they can do so under the vote on the issue that the total appropriations to departments, as amended, be agreed to.

Question resolved in the affirmative.

APPROPRIATION BILL 2000-2001
Detail Stage

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 agreed to reconsider schedule 1, part 5 by, appropriation unit and departmental total, by the total appropriated to departments as amended, and by the total appropriations as amended, and clause 6 of the bill.

Schedule 1—Appropriations

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

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.16): Mr Speaker, I present a supplementary explanatory memorandum to government amendments to the bill, and I move:

No. 2. Part 5 of the table of appropriations, page 4, omit the Part, substitute the following Part:

Part 5					
Department of Treasury and Infrastructure	Treasury and Infrastructure	19,715,000	14,891,000	45,665,000	80,271,000

Mr Speaker, as I indicated before, this amendment basically increases the appropriation for the Department of Treasury and Infrastructure in the category of expenses on behalf of the territory by \$1 million. That is the government's estimate of the additional costs that will be entailed in restoring the subsidy.

The government intends to bring forward a bill in the August sitting to be able to do that. I will, however, attempt to formulate a proposal for payment of the subsidy by administrative means and write to members giving them an indication of what those arrangements might be so that subsidies can be restored to those who sell those products prior to the Assembly considering the bill to facilitate that in August.

Mr Speaker, that will be a matter of working out what arrangements should be put in place. I expect that we would not return to precisely the same scheme we had prior to 30 June this year, but rather would reflect what is actually being done in New South Wales with respect to subsidies.

MR QUINLAN (4.18): The opposition will support this amendment. Originally, we found ourselves supporting the government in removing the subsidy from low-alcohol products; not happily so, but only under the threat that, in fact, we would become a clearing house for alcohol sales in New South Wales because we were providing a subsidy and there was not a subsidy in New South Wales, so we would be up for, possibly and probably, much more than \$1 million.

Now that New South Wales has reversed its position, the reverse applies in the ACT. If we did not provide the subsidy, it is highly likely that no wholesalers would be selling low-alcohol products in the ACT because all of the ACT outlets would, if they had any brains, start buying their products via New South Wales.

I am very pleased that New South Wales has reinstated this subsidy. It is of regret that it has taken until the eleventh hour for it to have done that. I am also pleased to support the reintroduction of the subsidy for low-alcohol products in the ACT.

Amendment agreed to.

Proposed expenditure, as amended, agreed to.

Remainder of bill, by leave, as recommitted, taken as a whole.

MR CORBELL (4.21): I want to speak briefly on the budget as a whole. Much has been said about it, but I do feel that it is important to rise on the issue of the so-called blocking of the budget. That term has been used a lot in this debate and it has been used a lot over the past couple of weeks. I must say that I find it to be grievously wrong. It is wrong to compare the constitutional crisis of 1975 with the impasse that occurred here because they are distinctly different. They are distinctly different if not for the point that this Assembly did not block supply. Anyone who has an understanding of the 1975 crisis will appreciate that.

In 1975 the Senate refused to pass the budget. At no stage did the Senate vote to reject the budget. Mr Speaker, it is perhaps a fine point and I am happy to engage in debate about the appropriateness of the actions that occurred in this place on the Friday before last, but the reality is that this place did not block the budget; it rejected the budget. The Senate refused to pass the budget. The constitutional crisis in 1975 was precipitated by the Senate's refusal to provide any supply and to vote against the budget.

In 1975 the conservative parties refused even to debate the budget. They blocked the passage of supply. The Whitlam government argued that that vote should be held and the budget either rejected or passed. That is what occurred in this place: we had the debate and the budget was rejected in this case. What occurred in the Senate in 1975 was a blocking of supply. It was a refusal to vote on the budget.

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When the term “block” is used, people should understand the parallels with 1975 and they should understand that refusal to pass—to block—is different from rejection of the budget. The Senate refused to bring on the debate. This place did no such thing.

Mr Speaker, the government may stand up and say that effectively it is not the same and it may have a point in saying it; but, for heaven’s sake, let us at least use the appropriate terminology and when we make a comparison, let us make an honest and realistic comparison, rather than the attempt that has been made over the past two weeks to compare the current situation with the situation in 1975 as they are distinctly different.

MR STANHOPE: (Leader of the Opposition) (4.25): Mr Speaker, I have to say that, if there is one capacity that best characterises the performance of this government over the last five or six years, it is its ability to put a spin on any circumstance. It is a positive spin when dealing with anything the government is involved in and a very negative spin when it is dealing with its opponents. Of course, there has been a lot of both over the last 10 days.

The government was, as my colleague has just indicated, very quick to draw parallels between the ACT budget being voted down and the constitutional crisis that the nation faced in 1975. We have heard much discussion about that today. The connection is specious, to say the least. We have had our own constitutional crisis, according to the Chief Minister. Mr Speaker, that contention is simply overblown rhetoric.

The differences between what happened in this house and what happened federally in 1975 are stark. In 1975 the Senate, a house of review, refused to pass the Whitlam government’s budget that had already passed the House of Representatives. The Senate is a house of review, with no part in making or breaking governments. This Assembly, like the House of Representatives, is the house of government.

In each of those houses the opposition is entitled to test the standing of the government by moving against the appropriation bills; it is entitled to test the standing of the government. That is what Labor has traditionally done here and what Labor in opposition has done in the House of Representatives, by moving amendments to the motion for the second reading of the federal budget. That is what Labor does in the House of Representatives.

There was no constitutional crisis because the government’s budget was voted down. There were always procedures and conventions available to resolve the impasse. Labor, in fact, offered a resolution. The crisis we had over the past 10 days was a political crisis generated by the government’s failure to recognise the strength of Mr Osborne’s resolve.

The crisis was generated by the government’s unwillingness to believe that he would have as great a disrespect for the conventions of the parliament as it does itself. It was exacerbated by an extraordinary lack of leadership on behalf of the Chief Minister and a willingness that we have seen before to abandon the conventions and procedures that have guided Western parliamentary democracies so well for so long.

The health minister has spoken often and loftily about his “higher order of principle”. As recently as last Tuesday, 4 July, he climbed the stairway again when speaking to Keri Phillips. Mr Moore said that he applied his higher order to guide him in implementing

a requirement the Assembly imposed to include foetal pictures in information provided to women seeking abortions. He said that it was a requirement he despised, but his commitment to the higher order of priority demanded that he respond to the Assembly's democratic vote as the minister responsible for that legislation. The most important priority is the democratic process, said Mr Moore.

Where is the application of the minister's higher order in his approach to today's debate? The minister knows that the Assembly voted last December in favour of a clinical trial of a supervised injecting room. It was legislation that he introduced and legislation that he was responsible for; but he has allowed himself, with the rest of the government, to be held hostage by two Independents who will not accept the democratic decision in that matter.

Mr Moore has allowed himself to be party to a deal that trashes the democratic process. He is a willing partner to a deal that foreshadows the worst form of wedge politics for the Canberra community at the next election. In Mr Moore's higher order of principles and priorities, the sanctity of the democratic process obviously is not number one.

Mr Moore is not the only one to abandon convention. The Chief Minister has such a poor record in this matter as to make one question whether she even recognises the role of procedure and convention in guiding the operation of this parliament. There is no doubt that convention required the Chief Minister to resign on the loss of her government's budget. There is no doubt that convention required the Chief Minister to resign, but the Chief Minister refused to accept convention.

For a moment she argued that, because the injecting room legislation has passed the Assembly, convention required the government to fund it. That was one argument along the way, but that line of argument was dropped like the proverbial in the face of Mr Osborne's demands. Mrs Carnell found it easier to abandon convention. In so doing, she flew in the face of longstanding practice and did so against an initiative of her own party and her own earlier stated views.

Mr Humphries has made much today of the debate in the Assembly in 1995 when the then Attorney-General moved to reaffirm the principles of the Westminster system. That move was to reduce the power non-executive members may have had to amend money bills to increase expenditure. In the course of the debate a series of legal advisings were tabled, among them one from the Constitutional and Law Reform Branch of the Attorney-General's Department. That advice said in relation to that debate:

Traditionally, if a parliament refuses to pass an appropriation or supply bill, or, in some cases, if the parliament simply reduces one item by a token amount, it signifies that the Executive has lost the confidence of the parliament.

Mr Humphries: Traditionally, yes, but not here.

MR STANHOPE: That is right. Of course, that is what we are talking about—the Chief Minister's application to principle, convention and accepted rules of Westminster democracy. Mrs Carnell participated in that debate. This is what Mrs Carnell said at the time:

Mr Speaker, a budget is not just a whole lot of single line items. It all goes together. It relies on prioritising different items. It relies on living within one's means.

This was the view of Mrs Carnell when she was Leader of the Opposition; how things change. Mrs

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Carnell went on to say:

The reason why I believe strongly that a vote against this single line in this budget would be a matter of confidence in this Government—in other words, the sort of thing that would mean that the Government would resign—is that it is not one line of a budget; it is a budget as a whole. It is the position that we have taken and, to my knowledge, every other government has always taken when it comes to a budget.—

that the government will resign—

If this line or, for that matter, any other line of the budget were defeated, the Government would have no choice but to resign.

Mr Corbell: When did she say that?

MR STANHOPE: The Chief Minister said that in a debate in the Assembly on 23 November 1995. She concluded that speech with these words:

I think that goes without saying.

Let me just repeat Mrs Carnell's views on what it means to have a budget not passed. What are Mrs Carnell's views about not having a budget passed? Let me just repeat them. This is Mrs Carnell:

It is the position that we have taken and, to my knowledge, every other government has always taken when it comes to a budget. If this line or, for that matter, any other line of the budget were defeated, the Government would have no choice but to resign. I think that goes without saying

Mr Berry: Crispin Hull never picked that up.

MR STANHOPE: That is right; but that was a little while ago and it is amazing how these things change. That view of Mrs Carnell's was reinforced not only by the opinion of the Attorney-General's Department to which I referred but also by advice received just 10 days ago from Dr George Williams, Senior Lecturer in Constitutional Law at the Australian National University, who said:

On the conventions of responsible government that operate in Australia, it [the defeat of the Budget] leaves the Government open to the charge that it is not fit to continue to govern because it lacks the full confidence of a majority in the Assembly.

As I said, respect for convention and, apparently, respect for things that she said earlier when it was convenient for her to say them is not one of Mrs Carnell's strong suits. We saw that with the illegal expenditure of unappropriated money on the redevelopment of

Bruce Stadium, and we will be interested in the response of Mr Osborne and Mr Rugendyke to the Auditor-General's report on Bruce Stadium. We saw it when she refused to accept any responsibility for criticisms of her government made by the coroner in his report on the tragic hospital implosion. Why should we expect different behaviour on this occasion from a Chief Minister desperate to cling to power but, as always, looking for the can-do fix that avoided having to accept Labor's solution?

Mr Corbell: She doesn't like listening to this, Jon.

MR STANHOPE: She does not; not at all. It is unusual for the Chief Minister not to like to listen to her own speeches.

There were others who ignored convention or rationalised its place. The *Canberra Times* produced a stunning reversal of opinion. On the day of the budget debate, the *Times'* deputy editor, Mr Hull, in a very learned opinion, as he is wont, said that if the budget were to fall, the likelihood was that the Chief Minister would resign. There was a beautiful big heading in the *Canberra Times* of the Thursday of the debate: "If Budget defeated, first task is to elect new chief minister—Analysis, Crispin Hull." He went on to say that, if that happened, the Chief Minister would resign. That was on the day of the budget debate but before the vote.

Mr Hull went on to say that she and her Treasurer had indicated "that the government would stand or fall on the budget". The reported position of the government was that it would stand or fall on the budget. Mr Hull went on in his analysis to say that if the government did not get the budget passed, the first thing it would do would be to resign. A day later Mr Hull suggested that that might not happen. In fact, we discovered that in Mr Hull's opinion—this was news to all of us and it is something that continues to shock me—the ACT is not even governed pursuant to the principles of the Westminster system and thus the conventions did not apply.

Presumably, on the intervening day Mr Hull took a stroll down the road to Damascus, and that is always dangerous, given the incidence of lightning strikes on that particular road. But the *Times*, of course, has never been reluctant to back the Chief Minister, and when we read the editorial on the Saturday we were not at all surprised at the opening statement—

Mr Berry: You can always tell the depth of the hole she has dug for herself.

MR STANHOPE: That is right. Two days later, the road to Damascus having been travelled, the lightning having struck, unfortunately, for Mr Hull, the Chief Minister, Kate Carnell, is within her rights not to resign. That was two days after Mr Hull's article on the Thursday that the first thing the Chief Minister should do is resign.

There was one surprise in the *Canberra Times* editorial, of course. The one surprise, as I have indicated elsewhere, is not that they discovered two days later, to Mr Hull's continuing embarrassment, I am sure, that Mrs Carnell did not have to resign at all. The one surprise with the editorial was that it was not on the front page.

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It is always open to an opposition to test whether the government has the confidence of the Assembly. In that vein, Labor is entitled to question this government's budget. We do not support this government or its policies. This is a government, after all, that turned the demolition of a hospital into a tragic circus. This is a government that spent millions on the redevelopment of a football stadium without the approval of the parliament. This is a government that gave a secret tender to a single developer to introduce rural residential subdivision to the territory.

This is a government responsible for bizarre legislative proposals, evidenced by the Attorney introducing abortion regulations over the objections of the health minister, who has to administer them; the health minister introducing legislation affecting the injecting room trial over the objections of the Attorney, who has a vital role in making it work; and the health minister introducing bills to ensure greater government openness in contracting while the government resists the disclosure of documents in the AAT.

We do not support this government: why would we support its budget? After all, it is a budget whose projections changed significantly in the five months from its release in draft form with the arrival of more than \$80 million in unexpected revenue. This is a budget characterised by an \$8 million slush fund, to be spent at the health minister's discretion; no decisive action on elective surgery waiting lists, despite having access to more than \$8 million in Commonwealth funding; no plan to deal with critical nursing staff shortages; a shameful neglect of indigenous health issues; another slush fund for the Attorney's use; cutbacks in funding for community legal centres; no measures to address Canberra's hidden poverty, despite the much vaunted social capital; and proposals to sell off school ovals. Why would we support this budget? We have too many misgivings about a budget that missed a golden opportunity; a drover's dog budget.

I do admit that Labor, too, misjudged the extent to which Mr Osborne would go to stop the injecting room trial. While I understand the strength of his opposition to the initiative, I had thought Mr Osborne and Mr Rugendyke had more respect for the democratic process. That is not the case, apparently.

When Mr Osborne plunged the Assembly into disarray, Labor looked for a plan of action, a solution to the impasse, a way to resist the extortion attempt. We looked in vain, of course; we should have guessed what was happening. As is its wont, this government chose to work behind closed doors. It chose the line of least resistance, bowing to Mr Osborne's bottom line. It chose to appease Mr Osborne rather than circumvent him.

Over the weekend after the vote, it concocted a can-do solution with Mr Osborne and his advisers. Labor proposed a solution. Whatever the Chief Minister says, I offered her a solution on the Monday morning that would have ensured she got her budget and remained in government and Canberra got the injecting room trial that she and Ministers Moore and Smyth said they were committed to.

Perhaps more importantly, it was a solution that would have demonstrated that the Assembly is not prepared to have its democratic processes hijacked by Independents who have no regard for such processes. But at the time I offered this solution, the deal had already been done with Mr Osborne. Worse, even though it had been signed and sealed, the government persisted publicly with the spin that the continuing uncertainty meant that the territory was being plunged into constitutional chaos.

One wonders how long the government intended to carry on with that dangerous nonsense. At least Labor's offer smoked out the deal constructed between the government and Mr Osborne and his brokers. And the offer still stood: Labor would have ensured the passage of the budget if the injecting place legislation had not passed today.

In guaranteeing passage of the budget, we were not indicating our support for it. I made that point clearly and strenuously to Mrs Carnell last Monday morning. We were prepared to support the budget to ensure that the democratic process and the reputation of this institution were not unduly sullied. That was the basis on which I made the approach. It was not because we supported the budget; we do not. We do not resile from that, but we were prepared to seek to protect the institution.

We do accept that the events of the past 10 days have offered some lessons. We know how far the government will go to cling to power. We know now the disregard the government has for parliamentary convention. We know that the government will succumb to the demands of the crossbench in any context and in any circumstance. We know the extent to which individual members of the government in this place are prepared to jettison principle and convention. These are some of the lessons that have been learnt in the past 10 days. There are a range of other lessons that have been learnt.

I think we all need to foreshadow now that there are issues in relation to what has occurred in the last 10 days that do need to be addressed. We have a circumstance here where it is quite obvious that there is no consensus in this place on the rules by which we are governed. It is quite clear that this side of the house has a different understanding and a different preparedness to respect the conventions under which we think we govern ourselves than others in this place.

It is a concern that five years ago the Chief Minister stood up in this place and said that if a budget is not passed, it is obvious that the government must resign. The Chief Minister concluded those remarks by saying, as I have just said, that that goes without saying. Five years ago, the Chief Minister was so confident of the proposition that if a government cannot get its budget, it goes without saying that it resigns. That was the convention under which we thought the Chief Minister was continuing to operate. We thought that that was her continuing position. We thought that until about 1 o'clock last Friday morning.

It is interesting that it was the convention under which the *Canberra Times* was continuing to propound its views and it is interesting that the *Canberra Times'* view of that particular convention changed between the commencement of the debate in relation to the budget and its conclusion, that theory was not transported into reality. The *Canberra Times'* view of the conventions under which we operate is the same as the Chief Minister's: until you are faced with the circumstance, the situation, you propound the view that in a circumstance where a budget is not passed, you resign.

That was the combined view of both the *Canberra Times* and the Chief Minister. The minute the budget failed to pass, they both changed their position. Having been confronted with the harsh reality of the need to resign, they each, for their own reasons and in their own way, declared there to be no such convention.

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That does raise an issue for us which this parliament needs to address. That is perhaps something for the future, but I think we do need to devise a way through this matter. The Assembly does need to work together on it. We do need to look at the self-government act and we do need to look at what are the accepted principles under which this particular parliament will operate.

Mr Humphries: That is your decision, not ours.

MR STANHOPE: I just said that we need to work together. We have a serious issue here that needs to be addressed. You made the point and you threw down the challenge yourself, Attorney, that it is for the Labor Party now to determine what convention would apply to the blocking of a budget. The Chief Minister is on the record as saying explicitly that when a budget is not passed, it is for the government to resign. That is stated clearly in the *Hansard* of 25 November and I have read it into the *Hansard* of today.

But the Chief Minister did not resign. She said five years ago that you should and she now says that you should not. Another convention has been established here. Should, in the circumstances you spoke of, a Liberal opposition not provide the support to pass a Labor budget, you have now established the convention that there is no convention as to whether the government should resign. You talk to us about what you would do in future if you were in opposition and we, as a minority government, were seeking your support to pass a budget, and I respond in kind.

You have just established a new precedent here that governments that cannot pass their budget have absolutely no need to take any action at all, other than to tough it out. I suggest that we really do need to work our way through these issues as a parliament, so that at least we are all working to what we understand to be the same rules.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (4.44): Mr Speaker, I note Mr Stanhope's comment about that and I do not indicate that we are opposed to the idea of having a discussion of that kind. I think it would be important for what were described by Mr Connolly in 1995 as, I think, the financial initiatives of the crown needing to be quite clearly articulated and understood in this place. I think that some discussion of that would be quite useful, so I do not indicate any opposition to Mr Stanhope's suggestion.

Mr Berry: Changed your position, then.

MR HUMPHRIES: No, I am not changing my position.

Mr Berry: Yes, you have.

MR HUMPHRIES: No, I have not.

Mr Stanhope: What about seven 3-member electorates; would you back that?

MR HUMPHRIES: No. I know that you would like that.

Mr Stanhope: That is one way through.

MR HUMPHRIES: Yes, I know that that is one way through. I am sure that having seven 3-member electorates would be a very appealing option!

Mr Stanhope: Mr Hird planted the seed in my mind.

MR HUMPHRIES: Indeed. No, we have not changed our position. We have indicated that we want to see this issue clarified. We have taken the view that the move by the Assembly in 1993, which we supported, to amend the government of the day's budget was wrong. We have said that—

Mr Berry: No, Mrs Carnell is on the record as saying that the government should resign.

MR HUMPHRIES: No, I am talking about the financial initiatives of the crown, Mr Berry. In 1993 the then opposition indicated that it would support such a move. We have accepted the argument that that was wrong and we have repudiated that precedent. I thought that we had established an understanding about that. If Mr Stanhope would like to have further discussion about that, I am very open to that and I hope that we can sort something out.

I want to make one brief comment about the ridiculous suggestion from Mr Corbell that somehow the situation in June 2000 in the ACT Assembly was different from the situation in November 1975 at the federal level. Dear, oh dear, what a very long bow we have there, Mr Speaker! The first of the two points of distinction was that the budget was rejected in the upper house there and we do not have an upper house here. My question about that is: what does that prove? So what?

The other issue was the question of blocking supply as opposed to rejecting the budget. That really takes the cake. Mr Corbell is pretty good at running fine distinctions in arguments, but that one really takes the cake. It is all right to block the budget but not all right simply not to pass it, as I understand it.

Mr Smyth: It is like using a wedge out of a sand bunker.

MR HUMPHRIES: That is right. I was only in my minority at the time of the 1975 crisis, but I do recall that what the Labor Party was saying about that at the time—

Ms Carnell: You were just a baby.

MR HUMPHRIES: I was not quite a baby. I was a young person, but a keen follower of politics. Obviously, Mr Corbell was even younger because he has very little understanding of what occurred at that time. Mr Speaker, my understanding is that at the time of the 1975 crisis the Senate refused to pass the budget. They did not actually vote it down; they refused to pass it. I understand that the Labor government of the day, the Whitlam government, said, "This is a subterfuge. The Senate is defeating the government's budget by stealth. It is refusing to consider the issue and thereby is blocking the budget. It is killing the budget. It is preventing the budget from being passed into law."

Mr Berry: It was blocking supply.

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MR HUMPHRIES: It was blocking supply, that is right. Blocking the budget was blocking supply. That was the view of the then Labor government.

Mr Quinlan: Did the opposition vote for the budget in the lower house in 1975?

MR HUMPHRIES: It did not matter, because it blocked the budget.

Mr Quinlan: Oh, it doesn't suit the parallel you are building!

MR SPEAKER: Order, please! This is a very interesting academic debate, but we have work to do. Would members please desist from interjecting.

MR HUMPHRIES: If the opposition wants to go forth in this town and say, "Had the Fraser opposition of 1975 actually rejected the Labor Party's budget outright, we would have been happy chappies, but the fact that they only stalled it without voting on it was what really made everyone really cross at that time," it is a very interesting line and I wish you the best of luck in selling it out in the community, but I am not convinced.

MR SPEAKER: Mr Humphries, I think you have some amendments to move, have you not?

MR HUMPHRIES: Yes, I do, Mr Speaker. I ask for leave to move together amendments 3, 4 and 1 circulated in my name.

Leave granted.

MR HUMPHRIES: I move:

Proposed expenditure, as amended—Total appropriated to departments, \$1,159,399,000 (net cost of outputs), \$181,157,000 (capital injection) and \$301,728,000 (payments on behalf of the Territory), totalling \$1,642,284,000.

No. 3. 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	302,728,000	1,643,284,000"
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Proposed expenditure, as amended—Total appropriations, \$1,159,399,000 (net cost of outputs), \$181,157,000 (capital injection) and \$301,728,000 (payments on behalf of the Territory), totalling \$1,658,684,000.

No. 4. Page 5, Total amounts appropriated, omit from the table of appropriations the total amounts of appropriations, substituting the following:

<i>"Total appropriations</i>	1,159,399,000	181,157,000	302,728,000	1,659,684,000"
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No. 1. Clause 6, heading, page 2, line 14, omit “\$1,659,225,000”, substitute “\$1,659,684,000”.

Amendment No 1 changes the total appropriation, as do amendments Nos 3 and 4, to reflect the increased appropriation for the liquor subsidy.

Amendments agreed to.

MR SPEAKER: The question now is that the proposed expenditures—total appropriated to departments; total appropriations; and clause 6, as amended, be agreed to.

MR BERRY (4.50): Mr Speaker, I will not speak for long. I have been over the issues of the budget in the past and my reasons for opposing it have not changed. I do not think that there is any need for me to repeat those arguments. I rise just to re-emphasise the entitlement in this place to oppose budgets for the good reasons that have been outlined in the course of the budget debate. We are now reconsidering the budget because of a grubby deal. By the government’s own measure, if we did not pass the legislation for the supervised injecting room, lives would be lost. This move in the Assembly consummates a deal with the government which, by the government’s own measure, brings about a negative outcome for the people out there who are suffering from the effects of drug addiction of one form or another, particularly heroin.

It strikes me that that is what this issue has to be remembered for, not much else. It was not a political crisis; it was nothing of the sort. It was a breach of the conventions, conventions which the Chief Minister pointed to herself a few years ago. Is it that these conventions apply only when the Chief Minister is in opposition? The people who have claimed that if we did not pass the legislation for the supervising injection room lives would be lost must be measuring themselves. If they are not, it demonstrates how callous and tough they are underneath it all and how calculating they are in their approach to these issues.

For a health minister to support a proposal which by his own measure will result in a loss of lives is beyond me. For a former health minister to take the same approach is beyond me. For a recent convert to the cause to take the same approach—I refer to Mr Smyth—is also beyond me. If your measure is correct, Mr Smyth, I cannot see how the wretched circumstances of people who are affected by drugs ought not to be given the same compassion and succour as would apply to anybody else in those circumstances.

The passage of this budget shall be remembered for those reasons. It should be remembered as a sell-out of enormous proportions. It is a sell-out that need not have happened, notwithstanding the government’s argument. It is a sell-out which will be remembered by many in the community who have fought for this cause. It is also a sell-out on future change because it means that bipartisan agreements on these issues will be almost impossible to cobble together in future. I cannot think of a way that trust could be reintroduced into such a debate, especially when the clear intent of this change is quite in contrast with that which was originally intended, that is, to do some good for some people out there in the community who are in wretched circumstances.

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It is impossible to rationalise the government's approach to this matter on any humane measure. The approach of the crossbenchers has been absolutely mind-boggling. Their dedication to this issue is quite appalling. It is more about the politics of it than the lives that might be involved. This matter will come back to haunt them, I regret to say. The opportunity was there for them to be sensible, reasonable and accepting of other views on this issue. The Labor Party entered into a bipartisan agreement on this issue, for good reasons.

Mr Rugendyke: But didn't vote for it.

MR BERRY: That is a rare occurrence in this place. It will be even more rare in future because of the distrustful way that the government has approached this issue. Mr Speaker, I regret that it has come to this. There was another way out of it, but the government completely and utterly ignored it. The consequences of their reversal on this issue will come back to haunt them as well. Maybe they think that they are hard enough to withstand that. Good on them, if they think that they are tough enough to withstand it. I am pleased that I am not the one who has to face it.

MS CARNELL (Chief Minister) (4.54): Mr Speaker, the irrationality of this debate continues to concern me. I am not going to go over what has been said in the past; but as far as I know, and I am very confident that I am right, we have not amended the health line, which means that the \$800,000 that was to be spent on the SIP will now be spent on drug treatment and education.

Mr Quinlan: That is exciting!

MS CARNELL: It is exciting. Mr Speaker, even though we support having a trial of a supervised injecting place, Mr Moore and I have never indicated that we believed it was the only answer to the issue of illicit drug taking in the ACT or, for that matter, anywhere else. We have never suggested that putting money into other areas would not save lives as well and would not be a real benefit to the community.

I still believe that a trial of a supervised injecting place is worth a go to see whether it saves lives. But the \$800,000 we have in the budget will be used for education and treatment, which means that it will help, Mr Speaker. It will save lives. It will be of great benefit on the issue of illicit drug taking and drug abuse, whether it be illegal drugs or alcohol and tobacco. Remember, Mr Speaker, alcohol and tobacco still claim significantly more lives in our community than illicit drugs. Mr Speaker, I think it is very important for us to remember that that money will still go to an area of great need, that is, the area of drug abuse in our community.

MR QUINLAN (4.56): Mr Speaker, I was not going to speak at this time, but I want to respond to an interjection by Mr Rugendyke, who virtually said that the opposition did not support the trial because it did not vote for the budget. All of the arguments have been had in terms of supporting the budget, but I do want to say—whether you shake your head in exasperation or not; might I just say as a point of order that I do not think that that is appropriate—that it is quite obvious that the government, Mr Rugendyke, Mr Osborne and Mr Moore, having made the arrangement they made, have to try to point the finger at the ALP. Of course they do. They have to beat it up—chant it, chant it, chant it.

Mr Rugendyke makes the point that we did not support the budget. The extent of that logic is that Mr Rugendyke and Mr Osborne wanted the ALP to vote for all of the budget, every element of it, so that they could vote against it with impunity, so that they could grandstand with impunity. We never had this debate last year about whether the ALP supported the budget. We have just had it this year because it did not suit those people.

Question resolved in the affirmative.

Remainder of bill, as recommitted, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

INTERACTIVE GAMBLING—REPORT TO ASSEMBLY Papers

Debate resumed from 27 June 2000, on motion by **Mr Humphries**:

That the Assembly takes note of the papers.

MR QUINLAN (4.58): This report arose out of a motion put forward by Ms Tucker and quite considerably amended by the ALP. Effectively, we wanted the Gambling and Racing Commission to bring forward a report. At the same time, we did not wish to inhibit the granting of licences, given that some were in progress and that this field is progressing literally at the speed of light and the territory may well have been the loser in terms of the establishment of businesses in the ACT with no gain whatsoever in the way of any sort of control over or mitigation of access. It did not seem to us that we should inhibit the granting of licences.

That being said, the report was received at the last sitting of this Assembly. I have to say that it is less than I would have expected from the commission in terms of assuring us that the framework is there. We have sufficient within this report to be able to accept what boils down to a blank and bland assurance by the commission that the framework is sufficient for it to work within in order to vet applicants for licences and to grant licences, but I do want to go on record as saying that I am less than impressed with the report itself.

I know that Ms Tucker intends to move an amendment to the motion which we are debating and I have a copy of it; but I have had it, I have to say, only for a very short space of time and have only been able to have a cursory look at it. The amendment does include a return to an inhibition on the granting of licences, which we really cannot accept. I give notice that we will be supporting the first part of the amendment to be put forward by Ms Tucker, but not the second.

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.

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MR QUINLAN: I give notice that we expect the government to abide by the spirit of the second clause of Ms Tucker's proposed amendment and the commission to work at pace to amend the deficiencies that it has identified in the report in terms of the lack of development of a code of practice and the reorganisation or review of the commission itself and how it operates; so we will be supporting the first part of Ms Tucker's amendment to the motion and then the motion.

MS TUCKER: I seek leave to speak again.

Leave granted.

MS TUCKER: I ask for leave to move the amendment circulated in my name.

Leave granted.

MS TUCKER: I move:

After the word "papers" insert the following words:
"and

(1) directs the Minister to table any correspondence between himself and the ACT Gambling and Racing Commission or members of the Commission, and any minutes of the Commission's meetings, relating to the identification of the Commission's 'four major objectives' as listed on p5 of this report; and

(2) directs the Minister not to grant any further interactive gambling licences, and not to grant any further authorisations to conduct interactive games, until:

(a) the Minister has:

(i) made regulations pursuant to section 18 of the *Gambling and Racing Control Act 1999*, and the period for disallowance has expired; and

(b) the Commission has:

(i) developed a code of practice to apply to the existing licensees, pursuant to subsection 18 (3); and

(ii) reported to the Minister, pursuant to section 17, showing that the Commission is able to fulfil its obligations under subsection 17 (1) of the Act."

I am concerned about the contents of this report. I was concerned about how my original motion was amended by Labor. I was concerned at the way Mr Humphries tabled this report, seemingly believing that it would be dealt with on the spot—before we had really had time to look at it—but I was able to get an adjournment of the debate and I have had time to look at it more closely.

It is an interesting report. Although it has been done quickly and certainly is not the comprehensive discussion paper on interactive gambling which the Select Committee on Gambling was interested in, the Gambling and Racing Commission has produced

a useful review of the legislation and identified several very troubling anomalies. Despite the deletion of the words “thoroughly investigate” from the original motion and despite the deletion of the requirement for an investigation of the social and economic impact from the original motion, the commission has, in fact, prepared a quite useful report.

However, I do not understand how the conclusions follow from the substance of the report. Basically, the conclusions appear to be saying that everything is fine. In light of some of the findings, I have prepared an amendment to the motion to take note of the report which will allow the Assembly to take responsibility for addressing the issues arising from this report.

On page 8 of the report a surprising claim is made about staffing. The report reads:

... preliminary indications are that the Commission requires additional staffing in order to meet its statutory obligations and ongoing regulatory functions across the broad spectrum of work it undertakes.

That sounds a bit worrying; the commission is not adequately resourced. In the body of the report we are told that it would not be possible to divert resources from other areas to meet the need in assessing applications because these areas are not adequately resourced to ensure an effective regulatory system.

Despite not having prepared a comprehensive discussion paper on the effects of interactive gambling and despite the fact that, as far as this Assembly is aware, there has not been a meeting of the commission as a whole to consider the appropriate response to interactive gambling—that is, to look at the broader social issues and so on—the chairman of the commission and the CEO have given policy advice to the minister that a regulatory system is all that is needed to prevent harm to gamblers.

Whatever one thinks about the adequacy of regulations to prevent problem gambling, and I have serious reservations on this point, one would think that for regulation to work the resources have to be adequate. The resources currently are not, but the conclusion to the report reads:

We are satisfied from our preliminary discussions with the Consultants and with the Minister that we will be able to achieve this in a very short space of time and within the existing budgetary framework.

It is a bit like another one of the loaves and fishes deals, is it not? It is aiming rather high.

We cannot take it that the problem will be solved by this reassurance. There is no way that we can be assured that interactive gambling will be well monitored. Therefore, we cannot allow more licences to be granted yet. That is why the amendment I have put to the motion is asking that we not rush into granting further authorisations until the regulatory regime is in place and working.

The minister has claimed that he is required to grant or deny licences or he could be facing the AAT to explain. A decision of this Assembly on the ground of consumer protection, public interest, et cetera, which is the way that the commission is supposed to exercise its activities by the legislation set up to guide how it works, would no doubt stand up to this kind of scrutiny.

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When the Assembly considered the motion that requested production of this report we were looking at the arguments around how best to deal with the worst types of interactive gambling. The motion said that the Assembly had noted recommendation 28 of the Select Committee on Gambling which, I remind members, reads:

The committee recommends that the ACT Gambling and Racing Commission produce a comprehensive discussion paper on interactive gambling in the ACT.

Under the act, that would also require that there be a very full consultative process with the community, but it does not appear as though that happened. That is one of the issues that I was going to raise again in the amendment but, because it would have come under the same question under the standing orders, I felt that it was better to withdraw it. In the original motion I asked for a thorough investigation of the social and economic impact of this form of gambling which, naturally, would have included community consultation if the commission was working in the way it should under the act.

Another particularly alarming aspect of this report is the four main objectives that the commission has listed. The commission has identified its major objectives as regulating gambling and racing activities in accordance with ACT laws, containing the social cost of gambling, ensuring product quality and consumer protection—they are all fairly good; they fit in reasonably well with the legislation—and securing a sustainable revenue base for the territory.

Whether it was from the select committee, the Productivity Commission or the Senate inquiry looking at this issue, what has been really clear in all the reports that have been produced is that there is a problem with governments not being able to be impartial enough in deciding on policy related to gambling because they are so dependent on the revenue that they get from that activity. We asked for an independent gambling authority so that those sorts of social issues could be dealt with and advice given to the minister in an environment that is not compromised by the issue of revenue. The Productivity Commission asked for an independent gambling control authority to be formed in each state and territory with the primary objective of furthering the public interest.

When we amended this legislation, we succeeded with an amendment that inserted the umbrella principles of consumer protection and the public interest in how this gambling commission does its work. Naturally, we are very concerned about and interested in the fourth objective of securing a sustainable revenue base for the territory, as would anyone who has been watching the development round this country of legislation on gambling.

That is why the first part of my amendment to Mr Humphries' motion directs the minister "to table any correspondence between himself and the ACT Gambling and Racing Commission or members of the commission, and any minutes of the commission's meetings, relating to the identification of the commission's 'four major objectives' as listed on page 5 of this report".

I am sure that any independent gambling commission or public authority which has as its charter looking after the public interest would have made considerable efforts to support coming up with those objectives. I am very interested in seeing them, and I believe other

members of the Assembly would be as well, to understand how the commission came up with those objectives.

An argument which keeps coming up—I have had it come up many times recently—and which does concern me is the argument that “gambling is just another form of entertainment which a few people have a problem with, but not many; it is really just another form of entertainment”. Well, as one counsellor has expressed it, people do not threaten to commit suicide after participating in other forms of entertainment, such as going to a movie or watching a football match. Neither are they likely to lose their home.

Mr Quinlan: Oh, yes!

Mr Kaine: I feel like it sometimes when Hawthorn loses.

MS TUCKER: It is okay to joke about it, I guess, but it is a very sad truism that gambling does cause people to commit suicide.

Mr Humphries: I felt a bit suicidal after the Wimbledon final last night, actually.

MS TUCKER: People here might like to make a joke about it, but I think it is very serious. People are not likely to lose their homes in the process of watching a football match, although with sports betting and so on there is now a capacity to make bets on quite a large number of aspects of a football game; so maybe that is not true anymore, either.

The second part of my amendment deals with what the commission has not yet been able to set in place. When you read this report, you realise that the commission is still in the formative stage of determining how it is going to operate and how well it will be able to undertake the functions required of it under the act. What this amendment is doing is asking what the rush is about.

We know what Mr Humphries thinks the rush is about. We know that Mr Humphries thinks that we could be losing an incredible revenue opportunity and we should grab our market share as we would be able to do it better than other people anyway. (*Extension of time granted*) When you have a body such as this set up by legislation, you have an expectation that it will actually work properly. It is quite clear from this report that it is not. It is actually quite early in the formative stages with a couple of its very important functions.

The commission has made an interesting comment on its structure, saying:

Whilst obviously not an intended outcome, the method by which the Commission was established has meant that within the current organisation there is a degree of misalignment between the structure, resources and staff responsibilities and the objectives and role of the Commission.

I think that we need to reconvene the Select Committee on Gambling. I have been talking to some members about that. We could do that to look at the structure we have used. I had a meeting with the commission and the minutes of that meeting, of which I have a copy, point out that there are some concerns about conflict in the role of the

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commission, related particularly to the fact that the commission is advising the minister as well as trying to step aside from the government in an independent way and make social policy decisions based on research involving the public interest and consumer protection.

I recall a number of members—Mr Kaine, Mr Wood and, I think, Mr Rugendyke—signing a letter requesting the commission to look at a particular matter. The chief executive officer expressed the view, as recorded in the minutes, that it may not be good for the commission to respond to that letter until he had talked to the minister. An independent body should not be hamstrung like that. That is of real concern.

If Mr Humphries wants to say that we have a gambling commission which is basically working as a normal bureaucracy in advising the minister and that is what it does, fine, but he should not describe it as an independent body that is there to work separately from government because, clearly, it is not. There is clearly a conflict there. I think it would be useful to reconvene the Select Committee on Gambling to look at this issue in terms of what the Productivity Commission recommended and what we have now.

It would be interesting to reflect on how this commission has worked so far and the difficulties that it has been experiencing, which it obviously has been. We might be able to come up with something more constructive. Hopefully, Mr Humphries would welcome that. There may be some resource implications, but I would hope that we would not just get the very familiar argument from the government that it is not a good idea because it would have resource implications. I would hope that the public interest would be taken more seriously than that.

The particular issues that I have mentioned in the second part of this amendment relate to the commission developing a code of practice. The amendment requires the commission to develop and review a code of practice to apply to the existing licensees and make recommendations to the minister on appropriate regulations for each licence under a gaming law that permits a licensee to conduct gambling.

It is curious that the minister's answer to a question taken on notice indicates that nobody is clear about which conditions are applied at what stage and what is required of an applicant who is licensed to make money from gambling. I think we need to see a much better defined and established set of regulations and parameters for regulations in this regulatory environment before we can be comfortable about just rushing in and licensing more businesses.

I do understand that some members are getting tired of motions on gambling coming from the Greens.

Mr Rugendyke: Humph!

MS TUCKER: Mr Rugendyke made a sound which I think means he agrees, that he is tired of them. I must say that I find that pretty disappointing from Mr Rugendyke. He was on the select committee, but he seems to have forgotten very quickly a lot of the matters that were raised. I am really sorry that he is not giving more serious attention to these issues.

I hope he speaks on this subject, instead of just making such sounds, so that we can appreciate how he votes; that would be useful. I would prefer not to have to keep raising gambling issues. I would much prefer it if the government actually took responsibility for this matter and addressed it in a serious manner.

MR QUINLAN (5.22): I move the following amendment to Ms Tucker's proposed amendment:

Omit all words and punctuation after the words "as listed on p5 of this report", substitute a full stop.

My amendment is quite simple. The second part of Ms Tucker's amendment effectively inhibits the granting of further licences. We do not wish to have that in the final motion that is adopted; nevertheless, we do accept the sentiment of it. I repeat my request to the minister that he make a concerted effort to press the Gambling and Racing Commission to formulate those regulations so that he can put them in place and develop the codes of practice that are necessary to address the inadequacies that are identified in the commission's report, such as it is. I do trust that a little bit more will go into the next level of work than has gone into the report itself. I commend my amendment to the house.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.24): I want to make a few comments in this debate. I have to say that I am becoming increasingly concerned about the tack that Ms Tucker has been taking on these issues. She finished her remarks today by saying that she wished the government would take the issues that she is raising seriously and address them. I have to put on the record in no uncertain terms that the government has always taken seriously the issues in respect of gambling that Ms Tucker and the select committee that preceded her have put on the table. We have always taken that approach. We make absolutely no bones about the concern that this government has and the community has about issues relating to gambling in the community at the moment.

I have considerable concerns about those things and I believe that, as a government and as a community, we need to do much more work to address those sorts of issues. In fact, I understand that on Tuesday of next week the ACT Council of Churches will be conducting a forum in the Assembly on gambling, arising out of a discussion I had with the council about having more community debate on those sorts of issues. Ms Tucker rolls her eyes and looks sceptical.

Ms Tucker: If you care so much, you have had the opportunity to prove it in your votes here and you have not done that, I am sorry.

MR HUMPHRIES: I am sorry, that is not the case, Mr Speaker. Ms Tucker would have us believe that she is the only person in this place concerned about the effect of gambling on the community. I would say that that is simply not the case. Ms Tucker came into this place a few weeks ago and moved a motion to have the Gambling and Racing Commission consider issues of the structure of the legislation over interactive gambling. She asked for that to be done and it was done.

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Ms Tucker: You could have supported me, not his amendment, if you wanted the social and economic impact looked at. You just have a forum instead and have the spin doctor at work.

MR HUMPHRIES: What you asked for was done. Apparently, you are not happy with the result and you want to go back and have a second bite of the cherry. The commission has done the work requested of it and has produced a report. Although it makes comments about resources, the need for further refinement of legislation and so on, it finds as follows in its conclusion:

The Commission has concluded that the current legislation governing Interactive Gambling is adequate in its current form. However, just as the legislation evolved with the development of the industry, so will there be a need for ongoing monitoring and review to ensure worlds-best practice in terms of compliance and monitoring. It is anticipated that the industry will undergo significant further change as it continues to evolve.

In other words, they can see some emerging issues and problems, but at this stage the legislation is adequate to deal with the situation. That is not surprising, given the fact that we have only issued two interactive gambling licences. They were issued in May of this year and neither of those licences has actually started to operate as yet, as I understand it. The situation is in its very early stage, its most incipient stage. It is hardly surprising that we have not got any information that allows for a more comprehensive view about what sorts of things need to be improved and refined in this legislation.

The point is that the work has been done, it has been put on the table, and Ms Tucker now says, “I am not satisfied with that. I am concerned about some of the issues raised in here. I want a moratorium on the granting of any further interactive gambling licences.” The disturbing thing about this approach from Ms Tucker is that it seems to carry with it some degree of hostility to the direction which the Gambling and Racing Commission has been taking in its work. The comments she made about this report carried the sentiment that the commission was going off the rails in some way, that it was diverging from what she sees as the appropriate path for dealing with these issues.

Ms Tucker: No, they said it themselves. Read past the conclusions, Mr Humphries; read the report.

MR HUMPHRIES: Indeed, Mr Speaker, but that is not—

Ms Tucker: They said it themselves.

MR HUMPHRIES: No, they have not said anything in there that casts aspersions on their own role.

Ms Tucker: They cannot monitor and they haven't got a code of conduct.

MR HUMPHRIES: Mr Speaker, I heard Ms Tucker in silence. I would ask for the same courtesy to be extended to me.

MR SPEAKER: Yes, I think that is perfectly reasonable.

MR HUMPHRIES: The legislation that the Assembly passed on the Gambling and Racing Commission was ultimately, as I recall, supported by all members of this place. Most of the amendments were supported, as I recall. A couple might have been rejected but, generally speaking, the amendments were supportive and I think we all had some satisfaction that we had a reasonably good Gambling and Racing Commission as a result of that legislation passing.

We chose people for whom I have the highest regard to serve on the commission. I think we have a particularly fine body of people making up the Gambling and Racing Commission in the ACT.

Ms Tucker: Why don't you listen to what they say in the report?

MR HUMPHRIES: I have read the report carefully, Ms Tucker.

Ms Tucker: Are you happy with it?

MR HUMPHRIES: I am happy with what they had to say, given the fact that we have not had any interactive gambling operating from the ACT as yet.

Ms Tucker: But you told us in the last debate that they were ready to go, so why don't we just get cautious here and get the thing working?

MR HUMPHRIES: That is right; the issuing of licences was ready to go, and I understand that they will be—

Ms Tucker: You said that they were ready to start practising.

MR SPEAKER: Order, please! I do not want chitchat across the chamber.

MR HUMPHRIES: Let me say in no uncertain terms that interactive gambling licences have been issued and further licences, I understand, will be issued in the near future. They are ready to go in that respect, Ms Tucker. The commission has done an inquiry—a somewhat pointless inquiry, I might say—into the framework of the legislation when there are no interactive gambling licences yet operational in the ACT. They have done the inquiry anyway, as requested by Ms Tucker. It is now on the table and Ms Tucker says, “I want to go back and have a further moratorium on the issuing of licences.”

I am sorry, I do not think that that is acceptable. I think the Gambling and Racing Commission has approached its task with great diligence and care and has said in this report as much as it could say, given the very early stages of interactive gambling in the ACT.

Mr Quinlan: Gary, it's crap.

MR HUMPHRIES: I heard Mr Quinlan's comment and I think that it is most unfortunate. I think that the commission has done a good job with this report and I am sorry to hear that Mr Quinlan does not think so.

Mr Quinlan: It's okay, I will be telling them, too.

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MR HUMPHRIES: That is fine, but I stand by the commission and its legislation which, as far as I can see, has been fairly widely supported in the Assembly. I do not think that the commission's work has been crap, as Mr Quinlan says.

MR SPEAKER: Order! Did you make that statement, Mr Quinlan?

Mr Quinlan: I certainly did, Mr Speaker.

MR SPEAKER: Then withdraw it, please.

Mr Quinlan: I withdraw it.

MR SPEAKER: Thank you. Mr Humphries can withdraw it, too.

MR HUMPHRIES: I suppose I have to if it has been withdrawn by him, Mr Speaker. I think that the commission has operated in a fair and appropriate way. I think, moreover, that there is no basis for Ms Tucker, who has anointed herself as the only person in this place concerned about gambling, further holding up the process of delivering on the interactive gambling arrangements which this Assembly supported in 1998.

When the Assembly voted on this issue in 1998, Ms Tucker was heard to support the arrangements being put in place and argued for legislation to be put in place to regulate this area of activity. Now, in light of a change in the political climate about this debate, Ms Tucker says, "No, we would rather have a moratorium on interactive gambling." I am sorry, the Assembly, including you, Ms Tucker, supported these arrangements. You have had an attempt made to review them. The review has said that basically we should continue as we now are and you want to go back and have another bite of the cherry. I do not think that that is appropriate, to be perfectly frank with you.

To respond to Mr Quinlan's concerns, yes, the government will press the commission to develop codes of practice and assist with the development of regulations, as it is tasked to do under the legislation. I will not press it to do that any more quickly than is appropriate, given the fact that the commission does not yet have any interactive gambling taking place in the ACT in the sense talked about in the legislation.

As far as the first part of the amendment is concerned, I do not oppose Mr Quinlan's amendment; but I can tell the Assembly right now that I am advised by the commission that there has been no correspondence and there are no minutes of the commission relating to the identification of the commission's four major objectives, as listed on page 5 of this report. There is nothing I can table. I can tell the Assembly right now that there would be nothing to table as a result of the first part of the amendment going through.

Ms Tucker has taken exception, obviously, to the way in which the four objectives are referred to on page 5 of the report. Mr Speaker, I am told by the commission that that was nothing more than an attempt to summarise the objectives contained in the legislation itself; so I see no basis for supporting the amendment that Ms Tucker has moved.

MR RUGENDYKE (5.34): Mr Speaker, I think it is important to state the words of Mr John Broome, the chairman of the commission, in his introduction to the report done by the commission. The final paragraph of Mr Broome's letter is thus:

Essentially, the conclusions drawn by the Commission are that the legislation is adequate, the Commission's powers are strong and its resources will soon be improved. The development of a code of practice for the gambling industry is in its infancy.

Mr Speaker, this is a very good report. The commission was established only in December 1999. In a mere six months it is supposed to have had all these things done. Ms Tucker has latched onto the fourth dot point of the four things that the commission has identified as its major objectives, that is, securing a sustainable revenue base for the territory. Perhaps the commission could have chosen better words to describe what it meant. Mr Speaker, I believe that that is contained within the functions of the commission in section 6(2)(i) of the act, being the collecting of taxes, fees and charges imposed or authorised by or under the gaming laws. It is simply the commission's wording, Mr Speaker. It indicates their interest in satisfying section 6(2)(i) of the act under which they work.

Further to that, the commission has engaged consultants KLA Australia Pty Ltd specifically to review the functions and operations of the commission and the systems employed, to identify any duplication within the commission, to identify any non-core activities that are currently being undertaken, and to recommend alternative delivery models and organisational structures that would improve service delivery.

Mr Speaker, from my reading of this report and my discussions with the commission, it is doing an excellent job. We have seen recently a hefty fine being imposed on the casino. I see Ms Tucker's amendment as nothing more than a continued slur on and continued vendetta against the members of the commission. We all know that nothing will be perfect enough in this world for Ms Tucker, but this continued slur is outrageous.

Mr Speaker, I am of a mind to totally reject this amendment of Ms Tucker's. Mr Quinlan's amendment goes some way to half getting rid of it. I would be interested to hear the rest of the debate as to why I should support any of it.

MR KAINE (5.38): I will be brief. I think that Mr Rugendyke just went totally over the top and I think that his remarks were totally unacceptable in terms of questioning Ms Tucker's motives for pursuing the course of action that she seeks to pursue. This authority is the creature of this place. From the outset there was some dissatisfaction with the way that it was created.

The Select Committee on Gambling made certain recommendations to this place and to the government about how the commission should be set up, what its functions should be and how it should operate, and Mr Rugendyke was part of that. The government rejected a goodly part of those recommendations; so some of us were never entirely happy with the way the place was set up.

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I have not discussed the matter since. I have not spoken to any of the members of the commission since it was established. I have had no discussions with the executive officer. But I think that it is inappropriate to suggest that at no time should we ever review what this authority is doing. To accuse somebody of some sort of vendetta when they ask that matters be reviewed is really going over the top.

Maybe Ms Tucker is going a bit far at this stage in the life of the organisation in terms of what she is now asking to be done, but I have no difficulty with the fact that she is seeking information about what the commission did about the question of its four major objectives because I do not remember the legislation saying that one of its major objectives was to establish a secure revenue base for the territory.

It may have been implicit; but, in determining the functions and the purposes for which the commission was being established, I do not recall that being stated as one of the major items, yet the commission has determined that it has four major objectives and that is one of them. I am not too sure that that was quite what this place intended when it established the commission.

What we intended, more importantly, was that the commission should operate in the public interest. That may or may not involve establishing a secure revenue base; so I agree with Ms Tucker. I would like to see what the considerations were that the commission gave to this matter in arriving at those four things as being its principal objectives, particularly the one about establishing a secure revenue base for the territory.

If it is an independent commission, it has to have a secure revenue base to maintain its own operations; but I am not too sure that establishing a secure revenue base for the territory was part of it. I think that Ms Tucker is entitled to ask questions about that. She is entitled to look at the documents, just as any of us is entitled to look at documentation concerning any government activity. I know that we have a hassle every time we ask for it and very often we are left with having to go through the Freedom of Information Act to try to get the information in that way—there has been some experience with that—but I do not see, in principle, anything wrong with asking.

As to no further interactive gambling licences being let, Ms Tucker has not discussed that with me; but I must confess that I am experiencing some disquiet about interactive gambling and the licences that are being issued, particularly knowing how the Commonwealth views this matter. They can just chop it off; in fact, I think they have moved to do so. So, why would we contemplate issuing more interactive gambling licences in the current political climate?

Are we going to continue to defy the Commonwealth? Are we going to flex our muscles and do the David and Goliath act once again? We do it from time to time for a bit of publicity, but this is serious stuff. This is a matter that goes to the heart of what sort of social order we are going to have in this place. The government can flex its muscles if it wants, but I do not think that there is any reason why we, as a political institution, would oppose the sorts of things that Ms Tucker is suggesting here.

We are entitled to have a look at how this organisation is going. Are the terms of reference that we set for it appropriate? They have been there for some months now. Are we never going to review them? If we are, why not do so now? Is the organisation

operating in the way that we intended when we set it up in the first place? Is it too much the puppet of the minister, when it was intended to be an independent authority, not subject to day-to-day ministerial direction? Do members of the board look at matters independently of the government or do they scurry across to the minister's office every time they look at something and ask, "What do you think about this, boss?"

I do not know the answers to those questions, but I think that we are entitled to ask them. To suggest that Ms Tucker is somehow conducting some vendetta against members of the board is totally unacceptable. When people use that sort of attack to head something off at the pass, you have to wonder whether there is something there that needs to be looked at. I intend to support Ms Tucker's amendment because I, too, would like to see the answers to the questions in light of the nature of the discussion in this place this evening.

MS TUCKER (5.44): I would like to respond to a couple of the comments by Mr Rugendyke. I also find it rather unusual that he has suddenly decided to go for me personally and say that I am conducting a vendetta. I am asking about particular issues of process as a result of this report being tabled. I do not know quite how the standing orders work in this respect, but I would like to ask for Mr Rugendyke to withdraw that remark. Can I do that at this point, Mr Speaker?

MR SPEAKER: It was not unparliamentary.

Mr Humphries: Mr Speaker, it has to be unparliamentary language and I do not think that it was exactly unparliamentary.

MR SPEAKER: No, it was not an unparliamentary remark, Ms Tucker.

Mr Humphries: It is a matter for debate as to whether it is true.

MS TUCKER: I do not go in for vendettas, even if you do. I would have thought that it would be impugning someone's character to say that.

Mr Humphries: Ms Tucker is telling us that she does not go in for personal vendettas, but she is now using personal language about other members. I do not think that there is any basis for withdrawing it, because it is not a matter that can be described as being unparliamentary.

MS TUCKER: You think "vendetta" is fine. Okay, I understand.

MR SPEAKER: It doesn't indicate that you were engaged in some unacceptable activity. I have to be a bit flexible.

MS TUCKER: That is fine. You can have vendettas, but you cannot say "bullshit" under Mr Rugendyke's standards.

MR SPEAKER: Order!

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MS TUCKER: I have to respond to Mr Rugendyke's quite unsubstantiated comments about my reaction to this report. I am not vaguely interested in the personal performance of members of the commission. I am interested in seeing from this independent statutory body a record of how they make decisions. That is what I have asked for. I was interested in looking at the report that that body produced. I looked at it and I analysed it. That had nothing to do with the people behind it; rest assured there is no vendetta

But I am concerned, as I have made quite clear, about the fact that this commission is not able to undertake at this point what it has been asked to undertake under the act. The commission has made that clear. Mr Humphries says that there is no problem because the commission is not actually working in the field yet. He was careful in speaking about the operators covered by the legislation concerning interactive gambling.

We have already had a debate about sports betting and wagering and I have already pointed out the inconsistencies of the government on this matter in that the government accepted a recommendation of the Allen review of legislation concerning bookmakers that sports betting and wagering should be brought under the Interactive Gambling Act; so the government has said that it thinks that it is the same sort of activity, but it forgets that in these sorts of debates and says that it is different. We know that it is operating already in sports betting and wagering.

I seem to recall Mr Humphries saying when we were having that debate—I stand corrected if I am wrong—that there was some urgency about this matter because some of the interactive gambling agencies which accorded to the strict definition of Mr Humphries were ready to go ahead quite soon. The commission has not explained in this report what is needed to monitor the patterns of use trends in problem gambling.

At one stage Mr Rugendyke, for example, did appear to be interested in this place in problem gambling. Being able to monitor it would seem to be a fairly critical factor, but that is not addressed in this report. Mr Humphries just said to this place that he has been told by the commission that there are no records of how they came up with these four objectives, particularly the last one. I find that quite shocking.

Mr Humphries: No, that is not what I said. I said that there was no correspondence or minutes on that subject.

MS TUCKER: Mr Humphries just said that there was no correspondence and there were no minutes, which is what we have asked for. Maybe I need to clarify that. Mr Humphries could be very helpful here. If there are no minutes and there is no correspondence but there is some other documentation and paperwork, it would do. This Assembly and this community would like to know how the gambling commission comes up with these sorts of statements. Mr Rugendyke thinks he has found it by referring to section 6(2)(i), which relates to collecting taxes, fees and charges imposed or authorised by or under gaming laws.

Mr Humphries: That is right. That is what it is.

MS TUCKER: Exactly. That means securing a sustainable revenue base for the territory, I am now being told by those who know. I do not know because nothing has been tabled to explain to me what that means. Apparently Mr Rugendyke knows. I think

he said that he has been talking to the commission. Mr Humphries probably knows as he has been talking to the commission.

Mr Rugendyke: All you have to do is make a phone call.

MS TUCKER: All I have to do is make a phone call! I love the process; it is so accountable! Anyone in the community who is interested now or in the future in how this independent statutory body works will know, if they have heard Mr Rugendyke on this day, that they just have to make a phone call. The commission is supposed to be an independent statutory body responsible for consumer protection and protecting the public interest in this city relating to gambling, which is obviously something that the community is concerned about, and we are told that the commission does not need to produce documentation. The language is ambiguous, very ambiguous, but there is no—

Mr Humphries: It is in the legislation.

MS TUCKER: Mr Humphries is interjecting that it is in the legislation. He did say that in his argument, but he was not very clear when he said that the commission had told him that it was in the objects of the legislation, so it must be right. Which object? I would love a reference, because I cannot find one. Maybe I am wrong here. Mr Rugendyke found something about collecting taxes, fees and charges under gaming laws.

Mr Humphries: That is right. That is what it is.

MS TUCKER: The commission does not make gaming laws. The commission does not have a policy function. That is the job of the minister. That is the job of the government. All the commission is doing is collecting the money. The objective refers to securing a sustainable revenue base for the territory, and we have no further documentation to explain it, which implies that the commission has a responsibility to ensure that a particular amount of money is coming in. That would obviously have an impact on the advice that the commission gave the minister.

We thought that the functions of this commission were basically regulatory and recommendatory policy work and that the commission must perform its functions in the way that best promotes the public interest and in particular, as far as practicable, promotes consumer protection, minimises the possibility of criminal or unethical activity and reduces the risks and costs to the community and to the individuals concerned of problem gambling.

Mr Humphries is saying that I got what I wanted; how can I complain? I did not get what I wanted. I wanted the social and economic impact to be looked at. Labor amended it out of my proposition and Mr Humphries did not support me. He could have. Mr Humphries will be talking at the forum about problem gambling. No doubt he will be saying, “Yes, Mr Costello, we care about gambling. There was a motion in the Assembly that called for a proper analysis of the social and economic impact, but we did not support it. However, we really care about it.” How can you have credibility on this issue, Mr Humphries?

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Basically, it is a short route to getting as much revenue as possible by having licences here. We have heard it all from the industry. This is the best place for people to come and set up. We will get revenue out of it and they we will be regulating their activities under our legislation; so, as far as it can be regulated and as far as we can address problem gambling, it will be good. But this report says that the commission cannot do that yet. We would like to see how they are going to do it. How are they going to monitor use? Are they properly resourced? Why is it such a problem to stop right now? Mr Humphries is saying that there is no need to rush because these people are not practising yet, so why can he not pull back?

The industry itself has questioned me on what would happen if the government opened its arms to these people to come in and then did the work and there was a much higher level of restriction on them or greater costs were imposed on the business side of the partnership to ensure best quality. The government could be exposed to some legal issues there with them saying, "We entered into this arrangement under the understanding that we would be doing A, B and C and you are now saying that we have to do D, E and F as well. Can you really force us to do that?"

That is a concern that the industry has expressed quite clearly. That is why the federal government said to the Senate inquiry and the report on Internet betting, "Why don't we take our time here and make sure that we know how to do it?" We are claiming that we know how to do it, but this report says that we do not. How do you monitor use? Who is going to do it? How much is it going to cost? A code of conduct has not been developed. The legislation has a bit on advertising. Advertising is a very big issue. Advertising is a major issue for anyone in the community who is concerned about gambling.

Our legislation is minimalist, absolutely minimalist, on advertising. Let us see how the commission is going to work that out and let the businesses know how it is going to look before we actually embrace them and bring them into our system in the ACT. I do not believe that this government is serious about addressing these issues. I think that this is another example of that. If the government actually supported this amendment, it would have greater credibility. Mr Rugendyke wanted to gain an understanding of the first part of the amendment. Mr Humphries has said he probably would not support it because there is nothing to table, which is a scandal.

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

MR QUINLAN: I seek leave to speak briefly.

Leave granted.

MR QUINLAN: I want to endorse what Mr Kaine has said about Mr Rugendyke's remarks. To accuse Ms Tucker of conducting a vendetta and to say that what she was doing was a slur on commission members is to go way out of court. She is, as members have gathered, quite passionate about the harm that gambling can do in society, as part of her principles. We have heard a fair amount today about high principles. Apparently some of us are allowed to have them and others are not. Of all the people in this place today who should not have made that crack, Mr Rugendyke is the one. But therein hangs a tale.

Mr Rugendyke: In the interests of civility, I withdraw “vendetta”.

MR SPEAKER: Thank you, Mr Rugendyke.

MR QUINLAN: Well done. The only other thing I will now say in relation to the amendment itself is that I cannot accept that the commission would have formulated an objective of its own which seems to go far beyond what is contained in the functions in the act and there would be no written word. Having heard that, all of a sudden I am a bit more shaky about the support that I am providing today. But at this stage I commend my amendment to the Assembly.

Amendment (**Mr Quinlan’s**) agreed to.

Amendment (**Ms Tucker’s**), as amended, agreed to.

Motion, as amended, agreed to.

PRESENTATION OF PAPERS

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

Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8—
Authority to broadcast proceedings concerning:

Debate on a trial of a Safe Injecting Place on 10 July 2000, dated 10 July 2000.

Debate on the Appropriation Bill 2000-2001 on 10 July 2000, dated 10 July 2000.

Legislative Assembly for the Australian Capital Territory—Alternative day of meeting—

Request, dated 5 July 2000, by 9 Members, pursuant to the resolution of the Assembly of 9 December 1999, that the Assembly meet next at 10.30 a.m. on Monday 10 July 2000.

Notice convening a meeting of the Legislative Assembly for the Australian Capital Territory for Monday, 10 July 2000, dated 5 July 2000.

CULTURAL FACILITIES CORPORATION

Paper

The following paper was presented by **Ms Carnell**:

Cultural Facilities Corporation Act, pursuant to subsection 24 (8)—Cultural Facilities Corporation—2000-2001 Business Plan.

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TERRITORY SUPERANNUATION PROVISION PROTECTION ACT Paper

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.57): Mr Speaker, for the information of members, and pursuant to section 6 of the Subordinate Laws Act 1999, I present the following paper:

Territory Superannuation Provision Protection Act—Superannuation Management Guidelines 2000 (including explanatory statement)—Instrument No. 237 of 2000 (Gazette S34, dated 30 June 2000).

Mr Speaker, I ask for leave to incorporate a statement in *Hansard*.

Leave granted.

The statement read as follows:

Mr Speaker, these guidelines are issued in accordance with section 15 of the Territory Superannuation Provision Protection Act 2000.

The Act allows me, as Treasurer, to issue guidelines to prescribe matters within the scope of the Act. Such guidelines are a disallowable instrument for the purposes of the *Subordinate Laws Act 1989*.

I have issued these guidelines to define prescribed investments for the purposes of paragraph 11 (1)(c) of the Act as being an investment in debt instruments, Australian or international shares and Australian or international property.

Mr Speaker, these guidelines have the same intent as those previously contained in the Financial Management Guidelines issued on 3 June 1999 and have been refined to provide clarity.

Mr Speaker, I commend these Guidelines to the Assembly

MR HUMPHRIES: I move:

That the Assembly takes note of the paper.

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

PRESENTATION OF PAPERS

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

Financial Management Act—

Consolidated Financial Management Report for the month and financial year to date ending 31 May 2000, pursuant to section 26.

Pursuant to section 17, instruments (3) varying appropriation relating to Commonwealth funding and statements of reasons, dated 29 June 2000.

Pursuant to section 19B, instrument of authorisation of expenditure and a statement of reasons, dated 29 June 2000.

QUESTIONS WITHOUT NOTICE

Elective Surgery

MR MOORE: On 29 June, Mr Stanhope asked me a question which I took on notice. Because we will not be sitting again for a long time, I table my response and ask for leave to have it incorporated in *Hansard*.

Leave granted.

The response read as follows:

Mr Stanhope asked the Minister for Health:

“Can the Minister tell the Assembly the extent of the bid from Canberra Hospital in the tendering process and what areas it was not successful in, and why, and is the report in this morning’s *Canberra Times* correct, and if it is what is the perceived problem?”

My answer is as follows:

Information regarding the extent of the bid from the Canberra Hospital (TCH) forms part of the tendering process and is therefore confidential to the tenderer. However, you may be assured that the quality of services was not an issue in deciding where the additional elective throughput should be purchased. The evaluation committee was satisfied that the quality of services provided by all the public and private registered and licensed hospitals in the ACT is a very high standard.

There was no perceived problem at TCH. For elective surgery TCH cannot compete on price as well as some of the other hospitals because their overheads reflect the fact that they are a major trauma hospital.

One of the evaluation criteria was the ability to provide the service in a timely fashion. The fact that TCH is tertiary referral hospital, makes the delivery of additional elective surgery difficult to predict. Obviously trauma and emergency patients have first call on theatre time.

The outcome of the tender, with the bulk of the elective surgery being awarded to Calvary Hospital, reflects the differing roles of the hospitals. The fact is that Calvary can better plan its theatre time and guarantee a timeframe for delivery of elective surgery because it does not get the emergency and trauma work. Further, Calvary costs are not as high as TCH’s due to the different work they do.

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You should be assured that the outcome of this tender process means the delivery of additional services in a cost efficient way, with a guaranteed timeframe, and high quality service provision.

ADJOURNMENT

Mr David Holdom—Retirement

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.58): I move:

That the Assembly do now adjourn.

Last Monday, a long-serving senior member of the ACT Ambulance Service, Operations Manager David Holdom, retired. I think it is appropriate to make a few comments.

Spanning 30 years, David's career with the ACT Ambulance Service commenced on 20 July 1970. He was no stranger to emergency services as he grew up. His father was the original chief officer of the then Canberra Fire and Ambulance Service, in which role he was responsible for the establishment as a separate entity of the Canberra Ambulance Service, which until 1955 had been part of the fire service. With David's retirement, we have lost a link with the very beginnings of the ACT Ambulance Service.

David worked as an on-road officer with the service until 1983, when he was promoted to the position of Station Officer, with responsibility for the supervision of other on-road staff as well as shared operation of the Ambulance Communications Centre. He was amongst the first of several officers in the early 1980s who undertook training to become an advanced life support officer, the precursor of the current paramedic qualification within the service. In 1991, David was appointed to the position of Superintendent, which was renamed Operations Manager in 1999, with shared responsibility for the day-to-day operation of the service.

Throughout his career, Mr Holdom has displayed a level of commitment and enthusiasm towards his work which is not often seen. During the years he was working on-road, the standard of care he provided to the sick and injured was of the highest order. The level of commitment continued as his career path moved to a supervisory and managerial role, where he contributed tirelessly to the development of the Ambulance Service. I am told that many of his younger colleagues were unable to match his pace. He was described on occasions as a terrier dog because he latched onto problems and would not let go until they were overcome.

In brief, some of his significant contributions to the Ambulance Service have been in the areas of workplace relations, joint emergency service complexes, the establishment and maintenance of cross-border mutual aid agreements, staff welfare, improving policy and procedure to enhance conditions and the effectiveness of service operation, and interservice liaison. Over the years he made a significant contribution to the service's level of preparedness for a major incident or disaster.

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David was awarded the ACT's first Ambulance Service Medal in the recent Queen's Birthday Honours List. I am sure that a large number of people in this community owe their lives, or at least their quality of life, to David's skills as an ambulance officer. I know that his work will be missed by many friends and colleagues in the Ambulance Service.

I think I speak for all members of the Assembly in congratulating David and thanking him for his years of service and dedication to the community. I wish him well in his retirement with his family.

Question resolved in the affirmative.

Assembly adjourned at 6.00 pm until Tuesday, 29 August 2000, at 10.30 am

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ANSWERS TO QUESTIONS

Deakin Soccer Oval—Redevelopment (Question No 262)

Ms Tucker asked the Treasurer, upon notice, on 23 May 2000:

In relation to the proposal by the Croatia Deakin Soccer Club to redevelop the Deakin Soccer Oval and the direct grant of land at section 33 Deakin to this Club for housing:

- (1) What financial analysis has the Government undertaken of:
 - (a) The costs that would be incurred by the Croatia Deakin Soccer Club in redeveloping the soccer oval;
 - (b) The capacity of the Club to finance the redevelopment costs; and
 - (c) The revenue that would be gained by the Club from acquiring and developing section 33.
- (2) What analysis has the Government undertaken of the benefit to the ACT of providing assistance to the Croatia Deakin Soccer Club for the soccer oval redevelopment.
- (3) What consideration has the Government given to providing a direct contribution to the Croatia Deakin Soccer Club through the Budget for the soccer oval redevelopment, rather than giving a direct grant of section 33 to the Club.
- (4) What consideration has the Government given to the release by auction of section 33 for housing independently of the soccer oval redevelopment.
- (5) What controls does the Government intend placing on development of section 33 in terms of density and style of housing.

Mr Humphries: The answer to the member's question is as follows:

Question 1

(a) Financial analysis of the proposal, and the Club's capacity to fund the project, has been continually re-assessed by the Government during negotiations over the past year. The Australian Valuation Office has also made an assessment of the Club's development costs in its independent valuation of the site.

The Club is proposing to surrender its existing concessional lease and be issued with a new lease over the oval and car-park site. Financial costings have been prepared by the Club, and assessed by the Territory, on this basis.

Under the proposal, the Club has accepted a lower than normal level of return in recognition of its commitment to ensuring that all aspects of the redevelopment are achieved.

The proposal will be underpinned by a *Deed* between the Territory and the Club. This is aimed at providing as much certainty and protection as possible to the Territory from the Club's performance. This *Deed* will cover the timing and sequencing of the development, bonds and securities required by the Government and the Club's risks.

In addition, a *Deed of Agreement* is to be signed between the Club and its developer (Landco Pty Ltd) to guarantee its financial performance and delivery of the project.

(b) The Club was required to submit details of its activities as part of the application process. The Club's developer, Landco Pty Ltd, also provided evidence of its ability to finance the project. Landco has established a sound track record in Canberra over a number of years in both this form of development and is a joint venture partner with the Government on land development in Tuggeranong.

(c) The Club has provided full disclosure on the nature and amount of financial benefit it would receive from the project. It should be noted that the agreement to proceed with a surrender and re-grant has forced the Club to reduce its original revenue estimates from the project to ensure the overall viability of the project.

Question 2

The benefits from the proposal have been extensively discussed during fourteen public meetings. The Burley Griffin LAPAC is supportive of the proposal because of the benefits from additional and improved infrastructure and facilities. These include:

- new open public space adjacent to the anticline;
- more direct public access to the shops;
- up-graded landscaping and pedestrian paths in public areas; and
- creation of a new oval with increased car-parking that will be available for use by the public as overflow parking.

Question 3

A direct financial contribution was considered but not favoured as the current proposal was seen as delivering a better overall outcome for the local community. Also, the integrated proposal places all risks with the Club, including the risk of not achieving a variation to the Territory Plan for part Section 36.

Question 4

Section 33 has been identified for residential purposes under the Territory *Plan* since its inception. Under normal circumstances, it would have been auctioned for medium density housing by the Government as part of its land release program.

The proposal to release Section 33 by way of direct grant to the Club, at market value, was suggested by the Burley Griffin LAPAC, not the Club. It is still supported by the LAPAC as the best way of ensuring the best outcome for the local community.

Question 5

Planning for Section 33 has been subject to extensive negotiations and presentations with the community and the Burley Griffin LAPAC.

Early proposals showed a total of 60 units over both Section 33 and part Section 36. As a result of public consultations by the Club, the proposal is now refined down to a total of 52 units. Twenty eight units (from 32) are proposed to be constructed on Section 33. These will be accessed off Newdegate Street.

Twenty units are proposed to be on individual crown leases of a size similar to the existing neighbourhood, and reflect the existing suburban character by being generally single storey. Eight two storey townhouses are also proposed to be included on Section 33, and their proposed location would allow an existing overland waterflow arrangement at the lower part of the site to be maintained.

PALM has supported the proposed development on Section 33. It ensures a consistent and high quality level of planning and design, and provides an attractive frontage to the existing neighbourhood.

The development proposal will be required to be consistent with the *Territory Plan*, with specific objectives for the design of the development covered in the lease and development conditions and a planning control plan. The development will also need to meet the NCA's development control plan for Adelaide Avenue. This will include a strongly defined landscape zone between the houses and Adelaide Avenue.

**Block 689, Majura
(Question No 263)**

Mr Corbell asked the Treasurer, upon notice, on 23 May 2000:

In relation to Block 680 Majura:

- (1) How many bids were received for the auction, which will take place on 31 May 2000.
- (2) Why were the Lease and Development conditions amended to remove the development covenant of a minimum of \$200,000.
- (3) Was the covenant removed as the result of an individual request, if so who requested the removal.
- (4) Why was the covenant removed only 3 business days before applications to bid closed.
- (5) Is this land involved in a land swap with the Harcourt Hill Estate Winery;
- (6) If so,
 - (a) what are the details of the arrangement.

Mr Humphries: The answer to the member's question is as follows:

- (1) A total of 6 applications were received.
- (2) The draft lease and development conditions initially provided for a dwelling on a larger block with increased development costs associated with construction of a septic tank and reticulated town water.

The final conditions were amended to remove the dwelling after taking into consideration:

- the reduced land area offered for lease being less than the minimum 100 hectare requirement for a residential dwelling on a rural lease; and
- the adverse impact that the Canberra Airport ANEF, extent of high voltage transmission lines across the block, proximity of Fairbairn Park Motor Sports facility and the proposed Queanbeyan Bypass (possible future land withdrawal) would have on the amenity of a residence.

The development covenant was not amended to reflect this change until it was reviewed following concerns raised by a number of potential buyers who only wished to graze or agist the land without undertaking any development.

- (3) No individual specifically requested that the covenant be removed. The nature of enquiries related to the need for such a covenant when perhaps no development was proposed (as indicated in 2 above).

The covenant was removed in agreement between DTI, Environment ACT and PALM, after consideration of the above impacts.

(4) Most of the enquiries relating to the building covenant were received during the week 25-28 April. Once the decision was made to delete the covenant it was notified four times under Public Notices in the Canberra Times commencing 6 days before applications closed and within the Real Estate section 4 days before applications closed.

(5) Yes.

(6) This land formed part of an offer of land to Harcourt Hill Estate Winery. The land was subsequently excluded from the offer as being no longer required by Harcourt Hill Estate Winery as it sought to acquire, in its place, additional land adjacent to the northern boundary of its land under offer.

The main reason for the “swap” was a statutory ruling to increase the easement width of the numerous electricity transmission lines, that traverse the block, from 10 metres to 20 metres. This severely limited the area available for vine planting.

The value of the resulting land to be granted to Harcourt Hill Estate Winery is to be re-assessed on the same basis as the original offer.

The auction of Block 680 Majura was keenly contested on Wednesday 31 May and sold for \$160,000 to L & G Margules, local rural lessees, who propose to graze cattle on the block.

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**Former Government Employee—Wrongful Dismissal Claim
(Question No 266)**

Mr Wood asked the Attorney-General, upon notice, on 25 May 2000:

1. Has the Government been defending in the Industrial Court a legal action claiming wrongful dismissal brought about by a former ACT Government legal officer.
2. What was the basis of this claim;
3. Has the matter been settled; and
4. If so, what was the basis of the settlement.

Mr Humphries: The answers to Mr Wood's questions are as follows:

1. Yes
2. The individual concerned had resigned from the ACT Public Service on 5 October 1998. The individual concerned then purported to withdraw this resignation. Originally the individual argued he ought to have been entitled to withdraw his resignation relying upon a "cooling off period". The individual then amended his claim to argue:
 - a) that he had, in effect, been forced to resign; and/or
 - b) that at the time he resigned he was emotionally unwell and that this was known to his employer and his resignation ought not have been accepted on that basis.
3. Yes
4. The terms of the settlement are subject to a contractual requirement that the terms are confidential and are not to be disclosed without the consent of both parties.

Traffic Lights
(Question No 268)

Mr Hargreaves asked the Minister for Urban Services, upon notice:

Prior to the installation of traffic lights, how many accidents have occurred at the following intersections:

- (1) Cowlshaw Street and Athllon Drive;
- (2) Pitman Street and Athllon Drive;
- (3) Reed Street and Athllon Drive;
- (4) Soward Way and Athllon Drive;
- (5) Southern Anketell Street and Athllon Drive; and
- (6) Northern Anketell Street and Athllon Drive.

Mr Smyth: The answer to the member's question is as follows:

The accident statistics are from January 1989 to 31 December 1999.

- (1) 32—there are no traffic lights at this intersection
- (2) 4—traffic lights installed 13 February 1992
- (3) 22—traffic lights installed 16 December 1998
- (4) 72—there is a roundabout at this intersection
- (5) & (6) 151—there are no lights installed on the Southern intersection. Separate reports for each intersection are not available.

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**National Scheme Legislation
(Question No 269)**

Mr Hargreaves asked the Chief Minister, upon notice, on 25 May 2000:

In relation to National Scheme Legislation:

- (1) Does the Government have a register of national scheme legislation or a register of commitments to national scheme legislation.
- (2) What are the Acts and subordinate legislation passed by the ACT Legislative Assembly in the past two years which were the result of interstate agreements between Ministers, either bilaterally or multilaterally.
- (3) What agenda items are currently on interstate or national ministerial forums which could attract legislation to address uniformity across the states.

Ms Carnell: The answer to the member's question is as follows:

- (1) The Government does not have a register of national scheme legislation or a register of commitments to national scheme legislation.
- (2) The Acts and subordinate legislation passed by the ACT Legislative Assembly during the sitting periods from 28 April 1998 to 25 May 2000, and which were the result of interstate agreements between Ministers are listed at Attachment A.
- (3) Agenda items currently on interstate or national ministerial forums which could attract legislation to address uniformity across the states are listed at Attachment B.

Attachment A**Question on Notice No 269—National Scheme Legislation**

Paragraph (2)—Acts and subordinate legislation passed by the ACT Legislative Assembly since 28 April 1998 which were the result of interstate agreements between Ministers, either bilaterally or multilaterally

Act	Date of Passage
First Home Owners Grant Act 2000	25 May 2000
Subsidies (Liquor and Diesel) Repeal Act 2000	25 May 2000
Gambling Legislation (GST) Amendment Act 2000	23 May 2000
Duties Amendment Act 2000	9 February 2000
Road Transport (Safety and Traffic Management) Act 1999	7 December 1999
Road Transport (Vehicle Registration) Act 1999	7 December 1999
Road Transport (Driver Licensing) Act 1999	7 December 1999
Road Transport (General) Act 1999	7 December 1999
Road Transport (Alcohol and Drugs) Act 1977	7 December 1999
Road Transport (Dimensions and Mass) Act 1990	7 December 1999
Firearms (Amendment) Act 1999	15 September 1999
Financial Sector Reform (ACT) Act 1999	22 June 1999
Evidence (Amendment) Act 1999	25 March 1999
Stock (Amendment) Act 1999	23 March 1999
Prisoners (International Transfer) Act 1998	18 February 1999
Water Resources Act 1998	26 November 1998
Agents (Amendment) (No 2) Act 1998	24 November 1998
Birth (Equality of Status) (Amendment) Act 1998	24 September 1998
Trans-Tasman Mutual Recognition (Amendment) Act 1998	24 September 1998
Acts Revision (Taxation of Territory Authorities) Act 1998	22 September 1998
Gas Pipelines Access Act 1998	25 June 1998
Interactive Gambling Act 1998	25 June 1998
Subsidies (Liquor and Diesel) Act 1998	23 June 1998
Protection Orders (Reciprocal Agreements) Act 1998	22 June 1998

Subordinate Legislation

Water Resources Act 1998. "Determination of Fees" Disallowable Instrument No 176 of 2000
Road Transport (Dimensions and Mass) Regulations No 7 of 2000
Road Transport (Alcohol and Drugs) Regulations No 8 of 2000
Road Transport (Driver Licensing) Regulations No 14 of 2000
Road Transport (General) Act 1999. "Number Plates" Disallowable Instrument No 68 of 2000
Road Transport (General) Act 1999. "Parking Meters" Disallowable Instrument No 69 of 2000
Road Transport (General) Act 1999. "Parking Permits" Disallowable Instrument No 70 of 2000
Road Transport (General) Act 1999. "Inspection of Motor Vehicles and Trailers by Authorised Examiners Disallowable Instrument No 71 of 2000
Road Transport (General) Act 1999. "Parking Tickets" Disallowable Interest No 72 of 2000
Road Transport (General) Act 1999. "Dimensions and Mass Permits" Disallowable Instrument No 73 of 2000
Road Transport (General) Act 1999. "Vehicle Impounding and Seizure/Speed Tests" Disallowable Instrument No 74 of 2000
Road Transport (General) Act 1999. "Refund Fees and Charges" Disallowable Instrument No 75 of 2000
Road Transport (General) Act 1999. "Public Vehicle Licences" Disallowable Instrument No 76 of 2000
Road Transport (General) Act 1999. "Drivers' Licences" Disallowable Instrument No 78 of 2000
Road Transport (General) Act 1999. "Registration of Motor Vehicles and Trailers" Disallowable Instrument No 79 of 2000
Water Resources Act 1998. "Determination of Fees" Disallowable Instrument No 116 of 2000
Duties Act 1999. "Exemption" Disallowable Instrument No 83 of 2000
Duties Act 1999. "Exemption" Disallowable Instrument No 84 of 2000
Road Transport (Offences) Regulations No 11 of 2000
Road Transport (General) Regulations No 13 of 2000
Road Transport (Third Party Insurance) Regulations No 6 of 2000
Road Transport (Taxi Services) Regulations No 5 of 2000
Road Transport (Hire Vehicle Services) Regulations No 4 of 2000
Road Transport (Bus Services) Regulations No 9 of 2000
Road Transport (Safety and Traffic Management) Regulations No 10 of 2000
Road Transport (Vehicle Registration) Regulations No 12 of 2000
Road Transport (General) Act 1999. "Declaration of Areas to be Defined as Road Related Areas" Declaration No 1 of 2000
Water Resources Act 1998. "Approval of Water Resources Management Plan" Disallowable Instrument No 203 of 1999
Building Act 1972. Adoption of successive amendments to the Building Code of Australia "Publication of Building Code and ACT Appendix" Disallowable Instrument No 30 of 2000
Building Act 1972. Adoption of successive amendments to the Building Code of Australia "Publication of Building Code and ACT Appendix" Disallowable Instrument No 248 of 1999
Water Resources Act 1998. "Approval of Environmental Flow Guidelines" Disallowable Instrument No 98 of 1999

Firearms Regulations (Amendment) No 17 of 1999

Water Resources Act 1998. "Determination of Fees and Charges" Disallowable Instrument No 204 of 1999

Building Act 1972. Adoption of successive amendments to the Building Code of Australia "Publication of Building Code and ACT Appendix" Disallowable Instrument No 88 of 1999

Water Resources Act 1998. "Determination of Fees" Disallowable Instrument No 79 of 1999

Interactive Gambling Regulations No 31 of 1998

Building Act 1972. Adoption of successive amendments to the Building Code of Australia "Notice of Revocation and Adoption of the Building Code of Australia" Disallowable Instrument No 176 of 1998

Building Act 1972. Adoption of successive amendments to the Building Code of Australia "Appendix to the Building Code of Australia" Disallowable Instrument No 177 of 1998

Building Act 1972. Adoption of successive amendments to the Building Code of Australia "Notice of Preparation of the Building Code" Disallowable Instrument No 8 of 1998

Building Act 1972. Adoption of successive amendments to the Building Code of Australia "ACT Appendix to the Building Code of Australia" Disallowable Instrument No 10 of 1998

Trans-Tasman Mutual Recognition (Temporary Exemptions) Regulations No 4 of 1998

Question on Notice No 269—National Scheme Legislation

Paragraph (3)—Agenda items currently on interstate or national ministerial forums which could attract legislation to address uniformity across the States

Interstate or National Ministerial Forum	Agenda Item
Agriculture and Resource Management Council of Australia and New Zealand	Uniform Plant and Animal Diseases Legislation
Australian Transport Council	Mass Limits Review
Australian Transport Council	Alternative Compliance Model Legislation and Compliance Audit Sanctions Models
Australian Transport Council	New Petrol and Diesel Emission Standards
Australian Transport Council	Increase in Driving Axle Mass Limit Two-axle Ultra Low Floor Route Buses
Australian Transport Council	Higher Mass Limits Model Legislation and Draft Business Rules
Australian Transport Council	Higher Mass Limits – Legislative Package
Australian Transport Council	Defence Force Exemptions (Commonwealth)
Australian Transport Council	Indexation of Heavy Vehicle Charges (in-session)
Australian Transport Council	Stationary In-Service Noise Test
Australian Transport Council	Updating Heavy Vehicle Charges (including indexation)
Community Services Ministers' Council	Hague Convention on the Protection of Children
Corrective Services Ministers'	Portability of community based Conference orders
Council of Australian Governments (COAG)	Food Regulation—Model Food Bill (also considered by the Australia New Zealand Food Standards Council)

Council of Australian Governments	Gene Technology Regulatory (COAG) Framework
Ministerial Council on Consumer Affairs	Trade measurement reforms
Ministerial Council on Consumer Travel Agents Regulation	National Competition Policy Review Affairs of
Ministerial Council on Education, Employment, Training and Youth Affairs	Education Services for Overseas Students
Ministerial Council on Education, Employment, Training and Youth Affairs	Accreditation of Higher Education Institutions
National Environment Protection	National Environment Protection Council (Used Packaging Material) Measure
Standing Committee of Attorneys-General	Cross-vesting
Standing Committee of Attorneys-General	Breach of contract—contributory General negligence
Standing Committee of Attorneys-General	Model de-facto property law
Standing Committee of Attorneys-General	Cross-jurisdictional fine enforcement
Standing Committee of Attorneys-General	Trustee company legislation
Standing Committee of Attorneys-General	E-commerce legislation
Standing Committee of Attorneys-General	Model Criminal Code

10 July 2000

**Master Builders Association—Sponsorship of Annual Awards
(Question No 270)**

Mr Corbell asked the Minister for Urban Services, upon notice:

(1) Which Government Departments and Agencies were sponsors of the Master Builders Association 2000 Annual Awards held on 23 June 2000.

(2) For each Department and Agency, what was:

(a) The level of monetary sponsorship contributed; and

(b) The level of support in kind contributed.

Mr Smyth: The response to the member's question is as follows:

(1) Urban Services

(2) (a) \$11000

(b) Nil

CanTrade
(Question No 271)

Ms Tucker asked the Chief Minister, upon notice, on 28 June 2000:

What are the details of the expenditure and activities of CanTrade for (a) 1998/99 and (b) 1999/2000, and (c) the proposed expenditure and activities for 2000/2001 including;

- (i) Membership of the CanTrade Committee;
- (ii) Costs to the ACT Government of resourcing and administration of CanTrade meetings;
- (iii) The specific cost of functions and activities conducted by or on behalf of CanTrade;
- (iv) Identifiable outcomes of CanTrade activities;
- (v) Accommodation, travel and other expenses of CanTrade members met by the ACT Government;
- (vi) Any sitting fees or other financial considerations made to members of the CanTrade Committee.

Ms Carnell: The answer to the member's question is as follows:

- (i) Membership of the CanTrade Committee;
List of CanTrade Board members is at Attachment A.
- (ii) Costs to the ACT Government of resourcing and administration of CanTrade meetings;
Costs are outlined in CanTrade Activities and Expenses Table at Attachment B.
- (iii) The specific cost of functions and activities conducted by or on behalf of CanTrade;
Costs are outlined in CanTrade Activities and Expenses Table at Attachment B.
- (iv) Identifiable outcomes of CanTrade activities;

Outcomes that are a result of CanTrade initiatives, involvement by CanTrade Board Members and work undertaken with the Chief Minister's Department (Business Development and Attraction) include:

- Providing advice, contacts and support to the ACT Government in encouraging businesses to expand their operations, start up new business or relocate their business to the ACT.
-

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-
- The establishment of Cooperative Business Councils with Beijing and Hangzhou which incorporates a majority of private sector business involvement.
- Involvement in the continued links with our Japanese Sister-City, Nara and the Prefectural Government of Osaka.
- Providing advice and support to the ACT Government in its work in establishing links with South Africa.
- Assisting the ACT Government in attracting a \$20 million investment by BRL Hardy to establish a Wine Tourism Facility in Canberra.
- Assisting the ACT Government in developing a first class Promotion Centre on Regatta Point.
- Providing expertise and advice on the development and organisation of the hugely successful Focus on Business Event held in March this year, which has generated up to \$6 million dollars in business for the ACT.
- As
sisting the ACT Government in hosting visiting international delegations.
- P
roviding expertise and support in assisting the ANU and QUESTACON raise funding to take their Science Circus to South Africa in 2001.
- T
he continued involvement in the development of the Bishop Austrans Project.
- T
he establishment of working groups to promote the opportunities and expertise we have in the ACT to interstate and international clients e.g. Education.
- E
ngagement with the ACT's regional centres through the Australian Capital Region Development Council in generating business activity and linking them to international opportunities e.g. China.
- T
he establishment and continued development of the Honorary Ambassadors Program with 70 prominent Canberrans actively promoting the ACT and Region.
- D
evelopment of the Snapshot of Canberra Brochure.
- A
ssistance with the establishment of an ACT Venture Capital Company.
- P
roviding advice and support for the establishment of the ACT Research and Development Grant Scheme.

(v) Accommodation, travel and other expenses of CanTrade members met by the ACT Government;

Costs are outlined in CanTrade Activities and Expenses Table at Attachment B.

(vi) Any sitting fees or other financial considerations made to members of the CanTrade Committee. CanTrade Board Members receive no financial considerations for the time and work they contribute.

ATTACHMENT A

Membership of the CanTrade Board

Mr Jim Murphy (Chairperson)
Jim Murphy's Market Cellars

Mr Peter Cheng
Managing Director
Vibert Pty Ltd

Mr Steve Doszpot
Event Director, Olympic Football

Air Marshall David Evans AC DSO AFC (Ret'd)
Chairman, National Capital Authority

Mr John Hindmarsh
Managing Director
Hindmarsh Group

Mr Brian Jones
Chairman
Canberra-Nara Sister City Committee

Mr Michael Kinniburgh
President
ACT & Region Chamber of Commerce and Industry

Ms Kathy Kostyrko
Information Industries Development Board

Mr David Malloch
Regional President
Australian Business Limited

Mr Denis Page
Denis Page Management Pty Ltd

Mr Michael Phelps
Phelps Reid, Solicitors

Mr Peter Phillips
Chairman
ACTEW Investments

Mr James Service
Chairman
Canberra Tourism & Events Corporation

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Professor Deane Terrell
Vice Chancellor
Australian National University

Mr Robert Tonkin
Chief Executive
Chief Minister's Department

Mr Des Walsh
Trade Commissioner ACT & Southern NSW
Austrade

Mr John Walker AM
Director-AIG
Head of Government Business
Macquarie Bank Limited

Ms Elizabeth Whitelaw
Chairperson
Canberra Business Council

Ms Fiona Wright
Board Member
Canberra Convention Bureau

Mr Peter Gordon (ex-officio)
Director, Business Attraction and International
Chief Minister's Department
CanTrade Activities

ATTACHMENT B

CanTrade Activities

Expenditure	1998/99	1999/00	Proposed 2000/01
ACT Government Resourcing and Administration	Secretariat— \$16,327 Administration— \$1,390	Secretariat— \$16,654 Administration— \$1,427	Secretariat— \$16,903 Administration— \$1,455
Functions and Activities	\$12,648	\$11,126	\$11,400
<ul style="list-style-type: none"> • Hospitality for visiting delegations • Hospitality for CanTrade activities • Marketing of CanTrade & Honorary Ambassadors 			
Travel and Accommodation by CanTrade members	\$6,423	\$20,699	\$15,500
International Delegations	1 Trip to China /Japan (Jim Murphy)	1 Trip to Ireland (Jim Murphy)	Two proposed Trips to China (Jim Murphy) 1 Trip to South Africa (Michael Phelps) 1 Trip to France (John Hindmarsh)
Other Expenses	\$2,347	\$2,088	\$2,800
Sponsorship of Training Awards			
Gifts for visiting delegations			

**Futsal Slab
(Question No 272)**

Mr Berry asked the Minister for Education, upon notice, on 28 June 2000:

In relation to (a) the rollerblade fences (b) the removable playing surface, and (c) other related plant and equipment, of the Futsal Slab;

- (1) What was the cost;
- (2) What is the current value, in accrual terms;
- (3) Where are these items stored;
- (4) What is the cost of storage;
- (5) How often have they been used since their purchase; and
- (6) Was there any cost associated with its use, if so what was the cost.

Mr Stefaniak: The answers to Mr Berry's questions are:

(1) (a) The roller hockey fence was purchased by the YMCA using a \$30,000 Sport and Recreation Development Grant. The total cost was about \$35,000.

(1) (b) The removable playing surface was purchased by ACTSport using a \$60,000 Sport and Recreation Development Grant. This was the full purchase price.

(1) (c) There are no records of other related plant and equipment having been purchased.

(2) (a, b, c) The equipment is the property of the YMCA and ACTSport and therefore not on the Government's assets register. The current value of the items is not known.

(3) (a, b, c) The items are stored by the YMCA and ACTSport.

(4) (a, b, c) Costs associated with storage are the responsibility of these two organisations.

(5) (a, b, c) The roller hockey fence has been used on one occasion since its purchase.

The removable playing surface has been used on four occasions in the ACT, twice for tennis matches, including the Federation Cup, and twice for Futsal tournaments. In addition, the surface has been used for a Futsal expo in Melbourne and has been booked for use in another Futsal expo scheduled for October 2000 in Sydney.

(6) (a, b, c) Costs associated with the use of the equipment are the responsibility of the YMCA and ACTSport.

**Chief Minister—Motor Vehicle
(Question No 273)**

Mr Berry asked the Chief Minister, upon notice:

In relation to her motor vehicle:

- (1) When did the Chief Minister recognise the special circumstances and agree to arrangements for her latest Government provided vehicle pursuant to paragraph 3.2, part C, of Statement Number 30 of the ACT Remuneration Tribunal;
- (2) What were the special circumstances and the arrangements agreed to;
- (3) Will a copy of the arrangements be provided to the Assembly;
- (4) If yes, when will it be tabled;
- (5) If no, why not.

Ms Carnell: The answer to the member's question is as follows:

I took account of the special circumstances provided under the Remuneration Tribunal determination on a Government provided vehicle for Members of the Legislative Assembly when I agreed to the leasing arrangements of a Toyota Celica. I confirmed that my choice of car was to be made under these arrangements on a Departmental brief on 23 February 2000.

Under the ACT Government car policy, a car is considered to be small if it has an engine capacity of up to and including 1.8 litres. The special circumstances in this case are that there are no Australian manufactured small cars in this category. The main reason for my choice of motor vehicle is that I have a strong view about the importance of using more economical and fuel efficient smaller vehicles.

In choosing a small car for my own use I have exercised a discretion conferred on me by the Remuneration Tribunal. This is a discretion I have exercised on a number of occasions to meet the wishes and needs of other Members of the Assembly. It is clearly within the terms of the Tribunal's Determination for me to do this in these circumstances.

Given changes in car manufacturing in Australia, it has been necessary to widen the range of cars available to ACT Government agencies to maintain the option of small vehicle choice. I have also asked the ACT Remuneration Tribunal to consider widening the availability of cars to include small cars without the need to seek special approval.

I will table a copy of the arrangements in relation to my car during the August 29-31 2000 sitting week.

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**Futsal Games
(Question No 274)**

Mr Berry asked the Minister for Education, upon notice, on 28 June 2000:

In relation to Futsal in the ACT:

- (1) How many games of a national standard have been played in the ACT in the last year;
and
- (2) Where were those games played.

Mr Stefaniak: The answer to Mr Berry's question is:

- (1) There have been 864 Futsal games of a national standard played in the ACT in the past year, the majority of these were played at the national championships in January 2000 where 280 teams participated.
- (2) The majority of games have been played at the Australian Institute of Sport due to difficulties in obtaining National Capital Authority permission to have the fence erected at the Acton Arena and remain in place beyond the duration of the tournament for junior development purposes.

**Surplus Properties
(Question No 276)**

Mr Corbell asked the Treasurer, upon notice, on 29 June 2000:

In relation to surplus properties listed on page 85 of the Department of Treasury and Infrastructure's 2000 Ownership Agreement:

- (1) Which of these surplus assets do business or community groups currently occupy and what are the leasing arrangements in each case;
- (2) What community or business groups occupy each asset.

Mr Stefaniak: In answer to Mr Corbell's question regarding the use of surplus properties, I provide the attached spreadsheet.

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Suburb	Block	Section	Tenant	Type of Agreement
Aranda Depot (former City Parks)	23	1	Greening Australia	Registered Sublease
Ainslie Depot (former Majura City Parks)	4	38	Canberra Spinners & Weavers	Registered Sublease
Belconnen Radio Mast (former 2xx)	84		Vacant	Structure to be demolished
Belconnen (former police security yard)	1540		Briarwood Pty Ltd	Licence Agreement
Belconnen Egan Court City Parks Depot	1	2	Vacant	Passed in at auction on 29 June 2000. Available for sale. Review in October 2000.
Campbell Depot (former City, Parks) White Cres	16	49	Australian Trust for Conservation Volunteers	Tenancy Agreement
City (former NBSL Building)	3	20	Aids Action Council	Registered Sublease
City Health Prom. Bldg Childers St	4	68	Alcohol & Drug Foundation	Monthly agreement by correspondence
			Arthritis Foundation	Monthly agreement by correspondence
			Alcoholics Anonymous	Monthly agreement by correspondence
			Family Planning	Monthly agreement by correspondence
			ACT Health - Mental Health - Stage One	Tenancy Agreement
City - Griffin Centre Carpark	23	35	ACT Housing	Monthly agreement by correspondence
	23	35	ACT Council of Cultural & Community Organisations	Monthly Licence Agreement
City Bunda St Kiosk	7	56	National Brain Injury Foundation Inc	Permissive occupancy
Deakin (former Preschool)	1	64	Caftan Pty Limited Children's Cubby House child care centre	Registered Sublease
Dickson Depot (former City Parks)	3	34	Vacant	Sold at land auction
Dickson - Montessori Preschool Stockdale St	18	11	Best Practice Education Group Limited	Tenancy Agreement
Downer former Primary School Dunlop (formerly Fassifern)	4	61	Canberra Business Centre	Registered Sublease
			Vacant	
Griffith former Stokes Street Preschool	22	3	ACT Community Services and Health ITAB	Tenancy Agreement

Suburb	Block	Section	Tenant	Type of Agreement
Griffith Depot (former City Parks) Throsby St	39	78	Jeffery Skewes	Permissive occupancy
Griffith Light St	2	43	National Trust of Australia (ACT)	Tenancy Agreement
Griffith	33	78	Vacant land (former Tennis Courts)	
Gungahlin - Gold Creek Homestead			Two permissive occupancies	Permissive occupancy
Hawker Kama Holder - Grant Cameron Community Centre - 27 Mulley St	14	16	Paul Reynolds	Residential Lease Agreement
	15	45	ACT Deafness Resource Centre	Tenancy Agreement
			ACT Festivals	Tenancy Agreement
			ACT Gymnastics Assoc	Tenancy Agreement
			ACT Ice & In-line Sports	Tenancy Agreement
			ACT Motor Neurone Disease Care & Support Assoc	Tenancy Agreement
			Australian Federation of Child Care Associations	Tenancy Agreement
			Australian Red Cross Meals on Wheels & Linen Service	Tenancy Agreement
			Australian Reproductive Health Foundation	Tenancy Agreement
			Diabetes Australia	Tenancy Agreement
			Epilepsy Association (ACT) Inc	Tenancy Agreement
			Camp Quality Canberra	Tenancy Agreement
			Canberra Multicultural & Country Music radio	Tenancy Agreement
			FaBRiC Family Based Respite Care	Tenancy Agreement
			Handyhelp ACT Inc	Tenancy Agreement
			Home Help Service ACT Inc	Tenancy Agreement
			L'Arche Australia Ltd AWP Zone	Tenancy Agreement
			Mental Health Resource (ACT)Inc	Tenancy Agreement
			National Foundation of Australian Women Ltd	Tenancy Agreement
			Royal Blind Society of New South Wales	Tenancy Agreement
			Sudden Infant Death Association (ACT) Inc	Tenancy Agreement
			Sudden Infant Death Association (ACT) Inc	Tenancy Agreement
			Technical Aid to the Disabled (ACT) Inc	Tenancy Agreement

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Suburb	Block	Section	Tenant	Type of Agreement
Holder Howard Florey Centenary House	15	45	Health Protection Services	Memorandum of Understanding
Hackett (former Ainslie Transfer Station)	Part Blk 2	55	Vacant	Being rehabilitated as a nature park
Hackett Depot (former City Parks)	4	12	DUS - Planning & Land Management	Permissive occupancy
Hackett ACT Sports House	6	12	ACT Sports House Inc	Sublease under negotiation
Holder - (former Preschool) 25 Stapylton. St	pt 2	21	Respite Care ACT Inc	Registered Sublease - New lease under negotiation
Kaleen - (former Health Centre) 149 Maribynong Ave	26	44	ACT Cancer Society	Tenancy Agreement
Maquarie Depot - (former City Parks)	20	19	ACT Survey Pty Ltd	Licence Agreement
Page Depot - (former City Parks)	3	1	Master Builders Association of the ACT	Licence Agreement
Lyneham - (former Jehovah's Witnesses)	35	39	Vacant	To be released by restricted auction for limited community uses
Lyneham - (formerly Mrs Chu's house) - Former Gungahleen School House	10	95	Vacant	Heritage listed - Proposed conservation and potential adaptive re-use options Report completed in August 1999.
Narrabundah - (former Scout Hall)	3	64	Vacant	Economically unsustainable - Building to be demolished
Narrabundah Lower Jindalee	43	100	Caretaker's residence vacant Winangana Vocational Training Canberra Enterprise and Employment Development Corporation Association Inc	Tenancy Agreement Licence Agreement under negotiation.
Phillip - (Woden Bus depot Staff Parking Area)	3	107	Capital Business Park Holdings	Licence Agreement. Easement restrictions - High voltage powerlines overhead
Phillip - (former Motorcycle Training Area)	3	106	Vacant	Easement restrictions - High voltage powerlines overhead
Phillip - (former Motor Registry)	49	7	Vacant	Sold at land auction on 29 June 2000
Red Hill - (former Preschool)	26	14	Gugan Gulwan Youth Aboriginal Corporation	Tenancy Agreement now on month to month

Suburb	Block	Section	Tenant	Type of Agreement
Rivett - (former City Parks depot)	3	27	Glenn Dickerson - High Class Gardening	Tenancy Agreement
Scullin - (former Health Centre)	20	43	Vacant (two tenancies under negotiation to lease whole area)	
Scullin - (former City Parks depot)	4	15	Totalcare Plumbers	Permissive occupancy
Spence (former Mt Rogers Community School)	4	32	Baringa Child Care Centre Incorporated	Tenancy Agreement
			Light Educational Ministries	Tenancy Agreement
			Julia McCarron-Benson	Tenancy Agreement
			National Association for Loss and Grief (ACT) Incorporated	Tenancy Agreement
			Dale Stevens	Tenancy Agreement
			Greg Harrison	Tenancy Agreement
			LUU Holdings Pty Ltd	Tenancy Agreement
			The Gymnastics School	Tenancy Agreement
			St Paul's Anglican Church Ginninderra	Tenancy Agreement
			Uriarra (former Plague Locust Depot)	
Yarralumla (former Baby Health Clinic)	2	53	Embassy of the Islamic Republic of Iran	Tenancy Agreement
Loftus St Yarralumla (former Macgillivray St Preschool)	2	77	Open Family Australia	Tenancy Agreement
Wanniassa (former Erindale Police Station)	1	132	Valley FM Broadcasters Association Incorporated	Tenancy Agreement
			Ngunawal ACT & District Indigenous Peoples Aboriginal Corporation	Tenancy under negotiation
Weston Independent Living Centre	17	67	Dr Robert B Rider	Registered Sublease
			Dr John Reeve	Monthly agreement by correspondence
			ACT Health and Community Care	Tenancy Agreement

**Toorallie Woollen Mills
(Question No 278)**

Mr Hargreaves asked the Chief Minister, upon notice, on 29 June 2000:

In relation to Toorallie Woollen Mills' relocation from Bombala to Canberra:

1. Will the company be paying \$14,000 a month for leasing costs at Gold Creek;
2. Are you aware that the principals of Toorallie are currently in dispute with their staff over broken industrial promises and are being pursued through the courts for non-payment of outstanding creditor accounts, these being significant amounts;
3. Did the ACT Government advise Toorallie that stamp duty would be waived on the purchase of homes in the ACT by Toorallie employees;
4. Did the ACT Government, or any agency of the ACT Government, give Mr Smyth of Toorallie an undertaking that such a waiver would apply;
5. Did the ACT Government receive any risk assessment of the viability of Toorallie in Canberra; and
6. What other supportive concessions have you given to either Toorallie or the owners of the Gold Creek premises?

Ms Carnell: The answer to the member's question is as follows:

1. The ACT Government is not a party to the commercial arrangements between Toorallie and the owners of the Gold Creek premises.
2. The ACT Government is aware of a dispute involving Toorallie in NSW through media coverage.
3. Toorallie approached the Business Support and Employment Unit in Chief Minister's Department seeking advice on the range of incentives available under the ACT Business Incentive Scheme (ACTBIS). As with any such inquiry, Toorallie was advised that under ACTBIS a number of incentives including stamp duty waivers could be provided. Toorallie was also advised that all incentive applications have to be assessed by the ACTBIS Panel and then approved by the Government. Toorallie made no application for incentives and no commitments or incentives have been provided to Toorallie.
4. See answer to Question 3.
5. Toorallie has made a commercial decision to relocate to the ACT and did not apply for nor did it receive any assistance from the ACT Government, therefore there was no reason for the ACT Government to carry out a risk assessment.
6. As above, no concessions have been given to Toorallie. Modern Furnishings Pty Ltd, the owners of the Gold Creek premises, purchased an adjoining area of land by direct sale at full market value through Disallowable Instrument No 11 of 1998. The additional land has become part of Modern Furnishings' lease.

**School Playgrounds
(Question No 279)**

Mr Hargreaves asked the Minister for Urban Services, upon notice:

In relation to playgrounds.

(1) Could you provide the historical and prospective cash drawdown schedules by month (or other reporting period) for the capital works item 'Playground Safety Program' for (a) the last financial year and (b) the proposed budget.

Mr Smyth: The answer to Mr Hargreaves' question is as follows:

Authorisation for the 'Playground Safety Program' is \$500,000 for 1999/2000 and \$500,000 for 2000/2001, a total of \$ 1,000,000.

The actual cash drawdowns for 1999/00 and projected drawdowns for 2000/01 are presented below.

Schedule of Actual Expenditure in 1999/2000

Jul	15,340
Aug	
Sep	
Oct	2,040
Nov	
Dec	4,674
Jan	11,472
Feb	154,394
Mar	
Apr	87,718
May	122,795
Jun	151,625
Sub-Total	550,058

Schedule of Expected Expenditure in 2000/2001

Jul	
Aug	100,000
Sep	
Oct	99,942
Nov	100,000
Dec	
Jan	
Feb	
Mar	50,000
Apr	50,000
May	50,000
Jun	

Total Funding (and programmed expenditure) \$1,000,000

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**ACTION Buses
(Question No 281)**

Mr Hargreaves asked the Minister for Urban Services, upon notice:

In relation to ACTION buses:

- (1) Have four ACTION buses been sold to an interstate firm in the last month.
- (2) Did the new owners of the ACTION buses take delivery of the buses on 21 June 2000.
- (3) Was ACTION short by four ACTION buses on 21 June 2000.

Mr Smyth: The answer to the member's question is as follows:

- (1) Four ACTION buses were sold to Ruddy's Bus Services Pty Ltd last month.
- (2) Yes.
- (3) No services were lost due to a shortage of buses on 21 June 2000. Sufficient buses were provided to meet all requirements.

**V8 Supercar Race
(Question No 282)**

Mr Osborne asked the Chief Minister, upon notice, on 10 July 2000:

In relation to the V8 Supercar race held in Canberra in the parliamentary precincts from 9-11 June 2000:

1. How many people purchased (a) one day tickets, (b) two day tickets, and (c) Three-day tickets for the event;
2. How many of these ticket purchases were from interstate.

Ms Carnell: The answer to the member's question is as follows:

- | | |
|--|--------|
| 1.(a) The number of one day tickets sold: | 40,340 |
| (b) No two day tickets were released for purchase | |
| (c) The number of three day tickets sold | 10,095 |
| 2. The number of ticket purchases from interstate: | 16,115 |