



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

27 June 2002

Thursday, 27 June 2002

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The Assembly met at 10.30 am.

(Quorum formed.)

MR SPEAKER (Mr Berry) 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.

**Legal Affairs—Standing Committee
Report No 4**

MR STEFANIAK (10.32): Mr Speaker, I present the following report:

Legal Affairs—Standing Committee—Report No 4—The Appropriateness of the Size of the Legislative Assembly for the ACT and Options for Changing the Number of Members, Electorates and Any Other Related Matter, dated 26 June 2002, together with a copy of the extracts of the minutes of proceedings and a dissenting report.

I seek leave to move a motion authorising the publication of the report.

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I move:

That the report be noted.

Mr Speaker, in December last year the Legislative Assembly directed the Legal Affairs committee to examine the appropriate size of the Assembly and other related matters. The Assembly set a reporting deadline of today, and the committee is pleased to meet this deadline.

We called for public comment. I was surprised that we did not get quite as much public comment as I thought we would. Nevertheless, we received 29 formal submissions. All were authorised for publication, and each is very carefully summarised in this report.

Readers can see the great range of views that were put to the committee. Those views range from doing away with the Assembly altogether through to reducing its current 17 members down to 15, to raising the number of members to 21, 23, 25 or even 35.

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Submitters included academics and local citizens, as well as the major political parties, minor political parties, the ACT government and yourself, the Speaker of the ACT Legislative Assembly.

The committee thought it was very important to set the whole issue in a historical context, so it examined past Assembly inquiries into the size of the legislature as well as a range of academic and other viewpoints. It also looked at how the ACT got to where it is in relation to parliamentary representation.

The committee's report is a very detailed report. It amounts to over 30,000 words. We have set out a lot of the history, the context and a summary of the views of the various persons and bodies appearing before us.

Seven recommendations are made. Two of those are not unanimous. The members who disagree with the majority state in the report why they do so.

The committee unanimously considers that the Legislative Assembly should be increased in size. Two members consider that it should be increased to 21 members from three equal electorates, each having seven members. This is the most modest increase, and it would fit with the likely situation of the ACT having three federal electorates in time for the next ACT election in 2004.

Two members also felt that the government should consider increasing the term of the Assembly to four years from the present three years. The member disagreeing with that recommendation did not oppose the measure outright but called for further investigation.

I think the report is fair, balanced and historical. It demonstrates the quality of the Assembly's committees, where members get together to examine very complex issues and come up with proposals that respect the evidence and suggest a way forward for our community.

I would like to thank my colleagues on the committee for their input and very careful study of the evidence. The report will prove very useful to our community for some time into the future.

The first recommendation, a unanimous one, is a very important one, because it commends the action of this Assembly in requesting the Chief Minister to undertake discussions with the Commonwealth government to amend the self-government act to devolve to the Assembly the power to determine the number of members.

The committee recommends that the Chief Minister also seek an amendment to the self-government act to remove the power of the Commonwealth to fix the number of ministers that make up the ACT executive. That was last done in about 1990, under the Alliance government. Currently we can have five ministers, including the Chief Minister. It is right and proper for the future good governance of this territory that this Assembly should pick how many members it has and how many ministers it can have.

The committee unanimously considered that the present size of the Assembly makes it difficult for the Assembly to perform its functions as a legislative body in the Westminster system. This is particularly evident in committee activity and executive

performance. Since we were allowed 17 members back in 1989, times have moved on. It is a unanimous recommendation of the committee that the number of members be increased.

The committee very carefully considered the appropriate number of members. Views put forward favoured increases of 21, 23 or 25. On balance, a majority of the committee considered that an increase to 21 members was justified on the following grounds as set out in the report:

it is a modest increase in the size of the Assembly and so will not be too expensive (the committee understands that the cost of four additional members would be approximately \$900,000 per year, with the likelihood that they can be accommodated in the existing chamber and building)

it recognises the greater proportionality of seven-member electorates—thus the major political parties would get a different number of seats depending on the votes actually cast for them, while at the same time minor parties and independents that can reach the quota of 12.5% would obtain representation

it applies this improved proportionality to *all three electorates*, thus making it more equitable than the current arrangements.

it satisfies the existing legislative *entrenched* provisions whereby each electorate must have at least five members and each electorate must have an odd number of members

it provides for the possibility that the electoral boundaries for the Assembly could be aligned to those for the ACT's federal electorates in the event that Canberra's population justifies a third federal member (the committee recognises that there is no guarantee that three federal seats would be a permanent arrangement)

Mr Hargreaves dissented and put in a dissenting report. Recommendation 3 therefore was:

A majority of the committee recommends that the Legislative Assembly for the ACT be increased to 21 members based on three electorates of seven members each.

It is useful to list some of the arguments put in relation to 21, 23 and 25, the numbers put most often by bodies that appeared before the committee. The committee noted the following arguments advanced to support 23 members:

it may be viewed as the minimum number of members required to achieve adequate constituent representation, parliamentary contribution especially on committees, and sound executive governance

it would be the figure arrived at were the ratio of members to voters maintained at the level existing at the start of self-government in 1989 (once account is taken of the entrenched provision that each electorate must elect an odd number of members and the desirability of the Assembly also having an odd number of members)

it would facilitate a better working of the committee system

it could facilitate an increase in the number of ministers ...

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it would also enable changes to the nature of representation of electorates and to the boundaries of the electorates themselves.

Two options were put. The first was four electorates—three electorates of six members and one of five members. The second was three electorates—two of seven members and one of nine members. The first option would require an amendment of the current entrenchment provisions requiring each electorate to have an odd number of members. For members who may not be aware, an entrenchment provision can be altered by a two-thirds majority of the Assembly, or by a majority of the Assembly and a majority of Canberra citizens eligible to vote at a referendum.

The committee also noted the following arguments advanced to support increasing the size of the Assembly to 25 members:

it would enable five electorates of five members each

each electorate would have the same number of elected representatives

the proportionality of five-members electorates is the basis for political representation in the Tasmanian House of Assembly and in other Hare-Clark jurisdictions

each member could be expected to have a greater familiarity with their electorate (since it would be smaller than is the case with three electorates).

Two members were impressed with the arguments put forward by witnesses and summarised by Professor Pettit in his report in relation to four-year terms.

Another recommendation relates to amending the Electoral Act to require that the Electoral Commissioner not sit on a matter involving a review of his decision in relation to a recount. Recommendation 7 relates to exactly when a member who is defeated should cease to be a member. We received some evidence in relation to those matters and thought some tidying up was necessary there.

We recommend that a decision about increasing the number of members be made before October 2002 so that the Electoral Commission can take the decision into account as it conducts its 2002-03 redistribution required by the Electoral Act. In the event that a decision is not made by October 2002, then the Assembly should amend the Electoral Act to provide for the 2002-03 redistribution to be delayed until the final decision is made on increasing the number of members. For that reason the inquiry was time critical. The government will now have to look at it, respond to it and move forward on it if it so desires.

This will be a useful report for our community for some time into the future. Most importantly, it will assist the efforts of the ACT legislature to encourage the federal government to remove the legislative constraints upon the Assembly determining the number of its members and the number of ministers that best suits the people of the ACT.

We have not put down how far we think future Assemblies should go. Canberra is mooted to go to a population of half a million. That might well mean that the ultimate size of the Assembly would be 25 or 27. We do not make any recommendations on that. The committee felt that further increases should be a matter for a future Assembly many years down the track. As the population of the territory increases in future decades, that is something a future Assembly will need to look at.

I thank our hard-working committee secretary, Rod Power. He did a lot of work, and very quickly, in getting both this report and the report on fireworks ready for tabling today. Rod has done a magnificent job in enabling us to report on time.

I thank my two committee colleagues for their contribution to the report. It is not a unanimous report. On such a difficult matter we probably could not have expected a unanimous report. But I thank my colleagues for their dedication to the task. I thank all who made submissions in writing and personally. I thank them for their assistance in this most important inquiry.

I commend the report to the Assembly.

MR HARGREAVES (10.44): Mr Speaker, I wish to dissent from only recommendation 3 contained in the Standing Committee on Legal Affairs report to the Assembly on the size of the Assembly. I cannot agree with the recommendation to increase the size of the Assembly to 21 members, and I will address arguments to support a recommendation to increase the size of the Assembly to 23 members.

The minimalist argument to increase the size of the Assembly to 21 members does not recognise the increase in the population of the ACT. It argues that the public will not support an increase above 21 members. This notion is rejected.

It is painfully obvious that members who support this minor increase do so with an ill-conceived intention to protect personal and party interests and have not addressed academic arguments for providing the Assembly with sufficient numbers to deliver proper representation, effective governance and sufficient members to carry the scrutiny role of committee work. Nor does it allow sufficient members to enable the committees to fulfil their role as a conduit between the community and the executive government and the parliament.

The support of a 21-member chamber is short-sighted in terms of the proportional representational model.

Clearly, a 23-member chamber constituted by seven members from each of two electorates and nine members from a third electorate would provide a greater chance of proportionality than would a system of three electorates of seven members.

The model of a 23-member parliament comprising six members from each of three electorates and five members from a fourth electorate would allow a better convergence of community interest and the one vote, one value principle. The Electoral Commissioner agreed with this concept in his evidence.

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There is no allowance for population growth in a 21-member chamber, whereas there would be a very small allowance in a 23-member chamber. On the current population of the ACT, a ratio of one member per 10,000 voters would result in an Assembly of 21.92 members—that is, 22 members—which is greater than 21. Twenty-two is also an even number, and I think everybody has agreed that the number should be an odd number. If we are to be better off rather than worse off, then the next odd number is 23.

I wish also to express my dissatisfaction with the lack of academic rigour demonstrated by people who purport to be learned in political construction. Very few submissions addressed anything other than the proportion of voters to members. Most academic comments centred on the possibilities for parties and independent members. There were no submissions addressing good governance, nor was there anything other than a passing comment on the role of committee members, and then only to bemoan the lack of members to do the work.

When we travelled around the countryside, we went to only three jurisdictions, but the most common number heard in those three jurisdictions was 35 members. That was not because there needed to be greater representation. It was because experienced people—former politicians, bureaucrats, electoral commissioners, academics—considered that a minimum critical mass was needed to provide good executive governance and good parliamentary support governance.

Dr Herr from the University of Tasmania posed two issues. One was the size of parliament being determined by the size of the government backbench and the executive not being greater in number than the government backbench. I will refer to that a little later. That would put a mathematical determinant on the size of the parliament. Dr Herr addressed the issue in an academic way.

He also suggested—I must admit I did not check it but took his word for it because he is a learned academic—that Papua New Guinea has a section in its constitution that provides that the executive cannot be more than 25 per cent of the parliament. That allows for a braking system from the government backbench and determines the size of the parliament.

The Liberal Party's submission had 23 as its second choice for a reasonable number. The Young Liberals first choice was 23 members. The Labor Party's submission was for 25 members, with five members from five electorates.

When batting opened on committee considerations, I thought the five-by-five model was absolutely the best. But like those making submissions, I was considered the matter only from the perspective of party preservation. When I got into the academic arguments, I found that the lowest number to provide good governance and proper representation in the ACT was 23.

I will now present argument gleaned from the collection of information provided from interstate experience and from the limited scope of evidence received.

The Assembly size ought to be configured having regard to the three elements of political structure: constituent representation, parliamentary contribution and executive governance—not necessarily in that order. The aggregation of these three imperatives

should drive the size of any parliament, not a number which gives a party the best chance of forming government or a system which gives the crossbench the greatest chance of holding the balance of power.

Too much comment in the media is about Labor and Liberal fighting it out to see who can create the best system to ensure that they win government. Not enough attention is paid to the arguments advanced by the minor parties centred on their need to hang on to the balance of power on the crossbenches.

I turn to the first element of political structure: constituent representation. I will not go through all the detail. It is in the report, and people can look at it at their leisure.

We have been criticised for comparing the ACT with other jurisdictions. I reject that criticism. Comparisons with representation in the two state jurisdictions most like the ACT—the Northern Territory and Tasmania—is useful. However, it should be noted that, unlike in the ACT, councils in both the Northern Territory and Tasmania have a role in providing municipal services. I have only ever seen passing reference to that in the media. The media ought to be ashamed of themselves for not acknowledging that point up front. I criticise Professor Warhurst and Professor Wettenhall for their lack of academic rigour and not addressing that issue.

Based only on state-level representational ratios, any increase in members of the ACT Legislative Assembly will not dramatically change comparisons with the Northern Territory and Tasmania. Currently the ratio of members to population in the ACT is 1:19,118. Twenty-one members would mean a ratio of 1:15,476; 23 members, a ratio of 1:14,130; and 25 members, a ratio of 1:13,000. The difference is not significant.

Based on the number of electors being 220,000, the figure the Electoral Commissioner gave in his submission, the ratio of members to electors with 17 members would be 1:12,900; with 21 members, 1:10,476; with 23 members, 1:9,500; and with 25 members, 1:8,800. Therefore, you can see, Mr Speaker, that 23 members is the closest number to 1:10,000. Increasing the number of electors per member to more than 10,000 would continue the representational burden on members.

Population numbers and elector numbers per member in the ACT far exceed those in both the Northern Territory and Tasmania. Comparison with any other jurisdiction in Australia only makes the picture worse, because those jurisdictions have multiple tiers of government.

Electoral boundaries to accommodate 23 members should be determined by the quality of representation such boundaries would impose. If one accepts that proportional representation is paramount, an electorate construction of two seats of nine members and one of five members would satisfy the theory. So too would two electorates of seven members and one of nine members. This hinges on the theory that an odd number of members should be elected to an odd number of seats.

If the proportional representation model is not accepted but it is felt that community of interest—coupled with one vote, one value—is a more appropriate model, the construction of three seats of six members and one of five members would satisfy that model.

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This model would allow electorates to be constructed from Tuggeranong (six members), Belconnen (six members), Gungahlin and North Canberra (five members), and South Canberra and Woden/Weston (six members). I would argue that that provides the greatest possibility of accommodating community interest being accommodated. The current three-electorate system splits communities. Whilst this is not new around Australia—in fact, it is probably the norm—Canberra has the opportunity to combine community of interest around geographical landmarks and, more importantly, honour the one vote, one value principle.

The notion of proportionality must be weighed against the notion that the greater the number of members in a smaller number of electorates, the greater the chance of proportional representation and the better the chance of diversity of views. This sacrifices the possibility of a member having greater familiarity with an electorate, which could be achieved by a larger number of electorates represented by a smaller number of members. The five-electorate system seems to work well in Tasmania, although the reduction to 25 members in the Legislative Assembly has not met with great acceptance among the parties in that state.

I am sure that the statement that greater proportionality creates a greater diversity of views is regarded by members in my party, and no doubt the Liberal Party, as an insult. We have party processes and structures which allow for diversity of views. In my party the sub-branch system, the branch council and the annual conference are vehicles for people with widely diverse views. The Liberals have been accused of having wets and dries. We have left and right. If that is not a diversity of views, I do not know what is. I can assure this Assembly from my delightful conversations with members of the delightful left wing of my party that there definitely is a diversity of views.

I turn now to parliamentary contribution. The role of committees in the Assembly and the involvement of members in debates on legislation, motions and matters of public importance should also be a contributing factor in determining the appropriate size of the Legislative Assembly.

In the current Assembly there are six standing committees addressing policy issues and there is the Standing Committee on Administration and Procedure. There are also a number of select committees addressing specific issues. There are select committees on estimates, privileges and services to women.

Each committee, except for Administration and Procedure, has only three members. The size of the committees is dictated by two factors. The first is the need to ensure that the three elements within the Assembly—that is, government, opposition and crossbench—are represented equally and not proportionally. The second factor is the number of non-executive members from which the government can draw committee members.

I state as strongly as I can that the committee system in the Legislative Assembly is a creature of the parliament and not a creature of the proportional numbers sitting in this chamber. We need to keep that in the front of our heads. I acknowledge that there is a heavy workload for government backbenchers and for crossbenchers. In the current Assembly there are three government backbenchers, so each of them serves on at least two committees. The crossbench is represented on all committees, with the workload

shared between the two of them. In the last Assembly, when there were four members on the crossbench, the workload was still shared between two members of the crossbench. (*Extension of time granted.*)

I turn to executive governance. Currently we are permitted a maximum of five ministers, including the Chief Minister. In the current Assembly there are four ministers, allowing the government backbench to sit on a variety of committees. The Speaker is drawn from government ranks. If the membership of the Assembly is increased, it will allow the appointment of a fifth minister without detriment to the work of government backbenchers or diminution in their service to the parliamentary workings of the Assembly.

When in a small parliament the number of members in the executive is the same as or more than the number of members on the government backbench, the sheer numbers will mean that the executive is in total control of the government side of parliament, and if the government is in the majority, it will render the parliament irrelevant. If the government is governing with the assistance of a crossbench member, then predominantly the parliament will be at the mercy of the executive. In a small parliament with an executive of five, that will mean that six people will rule this territory, and the rest of the parliament will be irrelevant, except for barking around the edges.

With an executive of five, the non-executive membership of the government benches would need to be a minimum of six to work as a braking mechanism.

In trying to predict a make-up, it is necessary to understand that there must be an odd number of members in the Assembly. The current make-up is eight government, seven opposition and two crossbench. The executive has four members and the government backbench has four members.

With a 21-member Assembly, the government would take 10, maybe 9, seats and this would result, at best, in five executive members and five government backbench members, or a tied vote. Thus any motion to put a brake on the executive would be negated.

Thus the minimum number for an Assembly, if the number of government backbenchers is to be greater than the number of the executive, would be 23. This is another time 23 pops up. This would provide a minimum government of 11 members. If the government of the day was one seat short of a majority—and Hare-Clark will almost always guarantee that—then the opposition and crossbench would fill the other 12 seats.

One formula which can assist in achieving this is that the executive not constitute more than 25 per cent of the parliament. I mentioned that earlier. Thus in a parliament of 17 the executive could be no more than four and in a 21, 23 or 25-member parliament the executive could be no more than five. In a move from 17 to 23 members there would be no need to change the executive. Any suggestion that we might have an eight-member executive is fanciful.

In conclusion, reasons for an increase in the number of members in the Legislative Assembly include growth in population. Nobody knows where the member-to-voter ration of 1:10,000 came from, but by convention it has been the norm for nearly

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13 years. It is not a bad place to start. If we agree that the number of voters per member should be 10,000 or lower, we must start at 23 seats.

We need to have an effective ministry and an effective backbench working together, and we need to increase the effectiveness of committee work. When I was in London, I made much of the value of our committee system, to the applause of members of other Commonwealth parliaments. They were quite impressed with the way in which this parliament functions and with the maturity it displayed in parliamentary procedure, given its size and its youth.

The minimum number of members which satisfies all criteria, in my view, is 23. This does not allow for growth, nor does it provide a formula for increases as time goes by. Two formulae which could be applied over time are a ratio of one member to 10,000 voters or less and a ratio that ensures the government backbench is greater in number than the executive.

Further comment is needed in relation to the critical mass of the Assembly. I referred to that earlier when I said the most commonly heard number interstate was 35. The Assembly and the community, in my view, have matured politically since 1989, and thus the community has a greatly increased demand for quality and output from its members.

To increase the size of the Assembly to 21 is to increase the membership by a mere four members. A likely distribution of these four members is one for the government, one for the opposition and two for the cross bench. Mr Speaker, your advice on costing was based on that distribution. My estimation is borne out by your research.

We need to remember what it was like to have four members on the crossbench. The community knew. It replaced two of them with minor party representatives.

An increase of only one member for the government would have no material effect. An increase of three members would have a positive impact on governance in this town, as would an increase of two in the opposition and one on the crossbench.

I am proposing a solution based on an ideal of good representation and, importantly, good governance. Labor's initial preference was for five electorates of five members but, having evaluated additional comment and evidence, I believe that, should the Assembly not allow for growth, 23 members should be the minimum number of members in this place. I concur with all recommendations which do not refer to the size and configuration of the Assembly.

I wish to join the chair of the committee in thanking the committee secretary, Mr Power, for a sterling effort. I thank also the people who provided submissions and those who gave so generously of their time to speak with the committee. I also thank very sincerely my colleagues on the committee: Mr Stefaniak and Ms Tucker. We did a very difficult job under very difficult circumstances, and we did as good a report for the Assembly as could have been done.

MS TUCKER (11.07): I want to clarify the Greens' position on a couple of issues that came up in the committee. The first one is the recommendation that addresses extending the term of the Assembly. The Greens are aware that this is something we should look at.

We are not necessarily opposed to it. But I was not happy to support this recommendation, because I do not think it was adequately considered by this inquiry, which was focused on the size of the Assembly.

The issue of the term of the Assembly was not raised in the public debate that led to the inquiry, and submissions generally addressed only the number of members. The debate over the term of the Assembly raises broader issues, such as how to ensure government accountability to the Assembly and the community over a longer period, that were not examined by this inquiry. It is too simplistic to argue that the term of the Assembly should be extended as a way of covering the costs of additional members. This requires further debate.

I support 21 members as a reasonable increase, although it could be regarded as the minimum increase required, and I am not opposed to 23. There are certainly arguments for 23. However, I make it quite clear that the Greens would not support Mr Hargreaves' proposal for how that should be arranged. We think it should be based on two electorates of seven members and one electorate of nine members.

This would provide long-term stability in the boundaries of the electorates, it would allow the electorates to match the ACT's federal electorates if these were expanded to three, and it would allow the Assembly to expand in an orderly manner in the future to 25 (two electorates of nine members and one of seven members) or 27 (three electorates of nine members).

A seven or nine-member electorate would return a range of members more proportional to voting intentions than a five-member electorate. While the electorates would still not return equal numbers of members, the reduced difference between the quotas of a seven-member electorate and a nine-member electorate would be an improvement on the current quota differential between five and seven-member electorates.

Mr Hargreaves' proposal—or Labor's proposal, as it may be—is quite concerning. Six-member electorates would be quite a problem, and they contrary to the entrenched provisions of the Hare-Clark system. With an even number, you could easily end up with an even number of Labor and Liberals. So there would be more chance of a hung parliament, with only one member on the crossbench. I would have thought from the statements they have made in the past that even the major parties would not think this was good for democracy.

I listened to Mr Hargreaves' argument about diversity. He is quite sure that diversity can occur satisfactorily within the major party structures. Labor says they want majority government. I am not arguing with that. They have the right to take that position. But to argue that there is enough diversity within the major parties for the community to feel satisfied that democracy can be served is to draw a longbow. The votes are pretty clear. We do not see diversity in votes in this place within Labor or within Liberal.

Mr Hargreaves argued that he does not want the parliament to be at the mercy of the executive. He wants more backbenchers so there is less power in the executive. This would not satisfy democracy, because it is a closed process. We have no idea what goes on behind the scenes between backbenchers and the executive of the day. In the view of

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many people, it would not be a satisfactory answer to Mr Hargreaves' dissent from the merits of proportional representation and diversity of representation.

Question resolved in the affirmative.

Report No 3

MR STEFANIAK (11.12): Mr Speaker, pursuant to order, I present the following report:

Legal Affairs—Standing Committee—Report No 3—The Operation of the *Dangerous Goods Act 1975* with particular reference to fireworks, dated 26 June 2002, together with a copy of the extracts of the minutes of proceedings and the uncorrected proof copy of the transcript of evidence taken on the inquiry of 7 June 2002.

I seek leave to move a motion authorising publication of the report.

Leave granted.

MR STEFANIAK: I move:

That the report, extracts of the minutes of proceedings and transcript of evidence of 7 June 2002 be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I move:

That the report be noted.

MR STEFANIAK: In December of last year the Assembly directed the Legal Affairs Committee to inquire into the operation of the Dangerous Goods Act, specifically in relation to fireworks. It required that we report by 27 June 2002. Given the committee's other inquiry, that was a fairly difficult time line to meet but we have done so.

At the outset I want to thank a number of people. I will start by thanking my committee colleagues—Mr Hargreaves and Ms Tucker—for their attention to detail and for their great assistance and contribution in this inquiry. Mr Rod Power, our committee secretary, again did a power of work, often under very difficult circumstances. It was not an easy inquiry. I would like to put on record too my thanks to the Clerk, the Deputy Clerk, Ms Weeks and other members of the secretariat staff, who also were very helpful during the inquiry. I thank the people who made the 230 or so submissions and the people who appeared in front of the committee.

The report calls for a rewrite of the legislation on fireworks. That is essential. I will come to that in a bit more detail in a minute. It also calls for that rewrite to permit fireworks to be used on three occasions: for cultural events such as Chinese New Year; for public displays such as Skyfire; and for prearranged community events during the three-day June long weekend.

I do not think anyone had problems with cultural events and public displays. The committee heard no evidence against the use of fireworks for cultural events or for public displays, provided they were properly regulated and conducted by qualified pyrotechnicians. The new category of prearranged community events during the three-day June long weekend is important for shopgoods fireworks and is the most controversial part of this recommendation. The committee is aware that many members of the public enjoy community fireworks over the June long weekend, and the committee believes the key issue is whether the use of fireworks can be adequately controlled at this time.

The committee made 16 recommendations. Its recommendations are aimed at putting in place a suitable regulatory regime to permit the ongoing enjoyment of community fireworks over the long weekend in June, but we recommend that the public not be permitted to acquire and use fireworks at any other time of the year.

The committee calls for members of the public wishing to purchase fireworks for use over the long weekend to acquire a permit and to demonstrate their competence in basic fireworks technology and safety. They should also specify the location and time of the fireworks event and notify adjoining neighbours. They should preorder the fireworks, which can only be picked up during the three days of the long weekend.

The committee is also aware that a new regulatory regime such as that recommended needs to be monitored by the government to ensure it works as intended. If it does not, the committee says the Assembly should be informed and legislation to ban the sale of fireworks to the public should be introduced. But first we would like to see how this would work. The committee sees that the operation of this new regulatory regime should be evaluated after the June long weekend sale period in each of the next two years.

Tests or courses people would have to undertake need not be lengthy. We refer in our report to something of not more than half a day. We would not expect a member of the public who is going to organise, say, a traditional bonfire night to undertake a TAFE course but some simple structured training so that the authorities could be confident that that person could adequately control the event.

The committee was very impressed with a lot of the evidence, especially that from ordinary members of the public. We were particularly impressed with three or four people who said, "We enjoy fireworks. We enjoy the traditional cracker night. Yes, they are dangerous. Yes, the RSPCA and groups like that have very valid and real concerns. Yes, you need to ensure that people who use fireworks are competent to do so."

One particularly impressive young man aged 22 brought his mates and girlfriend along. He said, "We live in a cul-de-sac. My family enjoys a good cracker night. I think someone competent should supervise it. My father is pretty good. He wouldn't mind doing it on behalf of the street." I thought that was pretty telling evidence. Several other members of the public indicated their delight in the traditional bonfire night. They accepted the need for proper supervision, some training and adequate safeguards. The committee recommend that that be tried.

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The report calls for tighter control on the storage and display of fireworks. It calls for heavier penalties for breaches of the law. We were impressed with the on-the-spot fines in New South Wales. We want heavy on-the-spot fines for people who possess, sell or display illegal fireworks.

The report calls for greater cooperation amongst federal and state governments to regulate fireworks, and it especially urges the federal government to better control the import of fireworks.

The committee is very pleased to meet the deadline that was set by the Assembly. Now it is for Assembly members and the government to respond to the recommendations.

A number of other statements were made during the inquiry. It has been suggested that the committee has deliberately kept some submissions confidential to hide the viewpoints of certain people. That is false. We received some 30 submissions. Six of them have been kept confidential, one at the writer's request and the other five on advice that as they contained allegations against named persons they might easily be seen as reflecting adversely upon those persons. In the circumstances it is incumbent upon parliamentary committees to ensure procedural fairness by inviting persons adversely named to respond to the allegations if they so wish. That process is still in train, and at a later time the committee will consider whether to authorise release of the confidential submissions. We will seek further advice to make sure that what we are doing is fair, legal and appropriate. In light of the personal allegations made, that is crucially important. The committee has a duty to ensure fairness to all.

It was a difficult inquiry, because there were a number of allegations, as there have been over several years. Allegations were bandied about in the press. It is no secret that there are problems between WorkCover and members of the fireworks industry. Some of that came out in the public evidence and in personal allegations that came out in the several hearings we had in private.

The committee is not in a position to make too many conclusions as a result of that evidence. We are not a court of law. We do not have counsel appearing and detailed cross-examination of witnesses. We take evidence. We hear submissions. We ask some questions. Nevertheless, we have made some observations in our report where appropriate. But I stress that it is not for us to decide who is right, who is wrong and what comments are accurate and what comments are not.

All participants in this inquiry agreed that the Dangerous Goods Act and the subordinate legislation were not good legislation and needed urgent redrafting—especially in relation to the sale, safety and definition of fireworks—to improve clarity, incorporate all relevant Australian and international standards, lessen the current dependence on regulation, ensure appropriate safeguards and make explicit the small group of fireworks exempted from licensing provisions (such as bonbons, party crackers, caps for cap guns and small sparklers). Accordingly, the first recommendation is that the Dangerous Goods Act and subordinate legislation be urgently redrafted.

We make 16 recommendations. I commend those to the government. I have mentioned some of the salient ones. We recommend that the government ensure that legislation requires clear, accurate classification and labelling on all explosives, including fireworks.

We make recommendations in relation to safe storage of fireworks. We recommend three categories of events for which fireworks should be available. We recommend controls. We go into some detail in our suggestions in relation to how the new category of prearranged community events could be regulated.

It is in everyone's interest that the regulations and the act be cleaned up as a matter of urgency. It is not fair to WorkCover staff. It is not fair to the police. It is not fair to the fireworks industry. Given that there has been a fair bit of litigation, it is probably not fair to the courts. It behoves the government to ensure that the legislation is tidied up quickly.

I commend the need for on-the-spot fines and increased penalties. The government would be wise to look at what happens in New South Wales. In redrafting the act and the regulations, it should also look at substantially increasing penalties in other areas where necessary. New South Wales seems quite happy with the effect that their legislation has had. I commend that to the government. With good strong penalties and good clear legislation, everyone will know where they stand.

Again I thank my colleagues and everyone who assisted the committee in this difficult but important inquiry.

MR HARGREAVES (11.26): The views expressed by Mr Stefaniak were succinct. I want to put a couple of things on the record. The first is my appreciation of Ms Tucker and Mr Stefaniak, as I said in the debate on the previous report, because this was a very difficult issue. It was easier for Mr Stefaniak and me, both of us having had some exposure to explosives in the past, but Ms Tucker had none, I compliment her on trying to come to grips with a fairly technical exercise. I would like to pay tribute to myself for having the patience to go with her. I note Ms Tucker's smile. It is beautiful to behold.

This is a complicated issue. Naturally, we all have our preconceptions. One of my preconceptions is borne out of an experience in small business. Mr Smyth would know the proprietors of Ric and Vic's convenience store in Kambah. It was a very small business, like an IGA supermarket. Half the shop was blown away by shopgoods fireworks taped to the outside of the windows. The little thugs that did it inadvertently created a shape charge and blew the place to pieces. Had anybody been in the building, they would have been killed, such was the damage.

The proprietors suffered broken glass from fireworks for three weekends on the trot. I went there and had a look, and I got the police to come up with a special way of addressing the problem. Someone blew the telephone box outside to blazes. A pathway goes down the back of the nearby houses, which are on battleaxe blocks. Every single letterbox on that pathway, I think 13 in all, was blown to pieces. With that sort of exposure, I went into this inquiry with a bit of colour.

My pet cat had fireworks strapped to him, had kerosene poured on him and was set on fire. Smoke and flames were coming off him. Some thug decided to blow the cat up. Naturally, I brought this sort of thing to the inquiry, as we all did.

I also brought to the inquiry the thrill I have at Skyfire. The Tuggeranong Community Festival puts on fireworks displays for the community. I acknowledge Mr Upton in the gallery. He has provided those fireworks to our festival each year for a long time. I also

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give him credit for his technical knowledge. He keeps abreast of the industry. He assisted the committee quite significantly. One festival when I had some concerns, Mr Upton showed me what was going on. He showed me the electronics involved. He showed me the safety features and the way the canisters were laid out to make sure everything was safe. He insisted emergency services be present in the case of fallout on dry grass in the vicinity.

The last thing in the world I want to see is the removal of such community events. Skyfire is a dramatic one, but there are smaller ones. Fireworks are put into the sky over Lanyon homestead. That is a bushfire waiting to happen, but it is managed. I do not want to see that go—never have.

I went to Chinese New Year celebrations at Lakeview House put on by the Chinese-Malay community, and I was frightened to death when the big string of crackers went off. It would be terrible if we took that event away.

As Mr Stefaniak said, responsible sections of the community are prepared to come together and have a person with all the knowledge, as they say of London cabbies, responsible for safety.

I want to take access to fireworks away from people who use them inappropriately because they do not know what they are doing or because they are deliberately intent on doing mischief. I do not want fireworks available to those people, and never have. I have made no secret of that from the beginning.

As I said to Mr Davey when he came to my office, I have an open mind about this. I made him aware of the preference I had going into the inquiry, so it would not have been news to him. In the course of the inquiry my thoughts crystallised. I did not have just one approach. I started approaching the matter from three perspectives. This report is a good compromise. With a total ban at one end of the scale and open slather at the other, it is great middle ground.

The fines we recommend will be a very serious deterrent to people using fireworks with mischievous intent. They will send a message to such people that it is just not on. But our recommendations will also allow responsible members of the community to come together on a bit of vacant land and have a bonfire that everybody is happy with it and everybody knows about so there is sufficient notice for people like the RSPCA to gear up. One thing that blew me out of the water—no pun intended—was that the pound was closed on that day. That is absolutely disgraceful, when everybody in this town knows that when fireworks are going off dogs will be running everywhere. I was a bit cranky about that, but we will worry about that another day.

This is a sensible set of recommendations. They would not close the industry down. All of the efforts on the part of the fireworks industry to derail the process and to besmirch me were in vain. When they read this report, they will see that it does not even go close. I commend the report.

It behoves me to comment on the effect media articles have on the families of people in the industry. I know this is an area of particular concern to Mr Stefaniak and Ms Tucker. I want to say on the public record that any suggestion that the families of people

involved in this industry have been connected with drugs and with illegal activities was not substantiated by evidence given to the committee. If in part I am responsible for the pain and suffering that these families have gone through, then I apologise publicly to them. People who know they have been a party to this and do not wish to join that apology can wear it at the proper time when they meet their maker.

Those people engaged in the industry who feel that their reputation has been besmirched have access to the courts to seek redress for defamation. The concrete evidence given to me in the course of the inquiry does not substantiate claims of any particular proprietor in the fireworks industry being connected with any illegal enterprise. There has been some hearsay association, and there has been some suggestion that there is a coincidence, but there was no direct evidence that any person in the fireworks industry in the ACT has engaged in illegal enterprises in association with Rebels or Gypsy Joker types of gangs. I want to underscore that for the benefit of their families. I would hope there was no intention to harm those people. It is a regrettable that these sorts of things emerged as part of the inquiry.

We have to understand that there are three parts to this. One of them addresses the use of fireworks for illegal activities. I do not mean bikie gang stuff. I mean the break and enter at Vic and Ric's shop. These people did not know what they were doing. Had they done it the other way around, they would not have blown up Vic and Ric's shop. They would have blown their own heads off.

We need to change the act and the regulations supporting it. If the litany of litigation is half-right, if Mr Upton's list is correct, or if the DPP's list is correct—it matters not—the list is too long. There needs to be clarity in the legislation. There needs to be a level playing field where everybody knows what they are doing.

Mr Upton knows everything about it. Mr Davey is a walking expert on it. I am sure he can quote you chapter and verse in his sleep, although as an insomniac he probably does not get much. The legislation needs to be clarified for the average person in the street, not just the experts in the game.

I think I have said enough. I have made my position quite clear, and I hope I have made my position publicly known to people in the industry and their families.

MS TUCKER (11.38): The report speaks for itself, but I would like to make a couple of comments, firstly on some of the process issues that we had to deal with in this committee inquiry. Not authorising some submissions for publication is something the committee and I regarded as serious. I took the decision seriously. We got legal advice and the Clerk's advice on the proper thing to do in that situation. A couple of submissions named persons and it was seen to be procedurally fair to allow certain other things to happen. We are still dealing with that issue. It has not been resolved.

I want to put it on the record that it is my view that, if it is at all possible, evidence should be made public. Whatever happens in an inquiry by a committee of an Assembly or a parliament should, as much as possible, be public and open. That would be a fundamental requirement for a democratic system to work in a way which would inspire confidence in the community, I should think. If a citizen cannot come to an inquiry of an Assembly or a parliament with concerns and know that they will be

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addressed in an open way, where can they go? I feel confident that we have acted appropriately in this process.

Mr Hargreaves spoke about a charge that he may have not been fair. I believe that he was fair in the inquiry. He did not display bias in how he operated within the committee, in the deliberation process and so on. I am quite happy to say that on the record. I can understand why there could have been impressions otherwise. I think there were some rather unfortunate public statements in the media which raised legitimate concern in the community.

We conducted this inquiry under a lot of time pressure. We were also conducting another inquiry into the size of the Assembly. We had time limits on both those inquiries, on this one in particular because of the implications for the industry. If there is to be a change in regulation, they need to know for their purchasing of fireworks and so on.

We did not inquire into certain aspects, particularly the environmental impact of fireworks, as much as I would have liked. We received some evidence on environmental impacts. Some evidence contradicted other evidence. We asked for further information from the government authorities—Environment ACT, Customs and AQIS. The answers we got seemed to me very unsatisfactory. There did not seem to be a whole lot of knowledge. If there is, we did not get it. I do not think we pursued that as far as we could have. We have flagged that we want to see more work done on it. I will be watching that with close interest.

The committee report come up with a reasonable compromise on the concerns that were expressed to the committee. Social issues related to the use of fireworks, both positive and negative, were taken into account in our recommendations. I believe it is very important that the government and the Assembly keep an eye on how our recommendations on the safe use of fireworks work. We may well have to look at this issue again and look at further regulation or even a ban if these recommendations do not deal with the problems in a reasonable way. It is clear that there are problems. But I am hopeful that it is not an impossible task. The recommendations we have made, if followed up with commitment and resourcing from the government, could result in a satisfactory situation for everybody concerned.

Finally, I would like to thank fellow committee members, Rod Power, the clerks and all the people who put submissions in to this inquiry. The amount of time that was put in by particular members of the community was extensive. A lot of work was done. Submissions were thorough. I appreciate that. Without that willingness and the work being put in, it would have been much more difficult.

Mr Hargreaves alluded to the fact that I did not have experience in explosives. This is true. I cannot say I am an expert now. Patience was required by all of us in this committee inquiry, I would suggest. We all had lots of opportunities for personal growth. I do not think you are on your own there, Mr Hargreaves. I especially acknowledge the pressures the secretary was under in putting this report together.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Justice and Community Safety Legislation Amendment Bill 2002

Mr Wood, on behalf of **Mr Stanhope**, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR WOOD (Minister for Urban Services and Minister for the Arts) (11.46): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill is the sixth bill in a series of bills dealing with legislation within the justice and community safety portfolio. The bill makes a number of substantive as well as technical amendments to the legislation. In the latter regard, the bill removes a number of redundant provisions in the Pawnbrokers Act 1902 and the Second-hand Dealers Act 1906, and brings the provisions in line with current drafting style. The bill also transfers the licensing function for pawnbrokers from the Magistrates Court to the ACT Office of Fair Trading, in line with recent changes to the licensing of second-hand dealers.

An amendment to the Agents Act 1968 remedies the deficiencies in the conflict of interest provisions for the ACT Agents Board in line with a recent recommendation of the Standing Committee on Public Accounts.

The amendments to the Legal Practitioners Act 1970 allow the statutory interest account to be used by the Law Society in assisting with applications for admission or enrolment and regulatory action. In addition, the amendments bar claims on the fidelity fund resulting from solicitors undertaking a mortgage practice. These amendments protect the fidelity fund from claims unrelated to the practice of law. The amendments also respond to a recent report from ASIC indicating that mortgage schemes administered by solicitors have a very high default rate of 50 per cent across Australia, with rates as high as 80 per cent in some jurisdictions. These amendments were prepared in consultation with the ACT Law Society.

An amendment to section 13 of the Crown Proceedings Act 1992 varies the way judgments on the crown are to be served and paid. The current process in section 13 of the act has only been utilised once in 10 years, and this occurrence highlighted some deficiencies in the process. The new process will allow the party in whose favour a judgment is given to give a copy of the judgment to the Treasurer, who can direct how the judgment is to be satisfied, after 21 days.

Amendments to the Public Trustee Act 1985 and associated acts ensure that trust moneys are managed in accordance with section 51 of the Financial Management Act 1996 and allow for the effective management of trust monies in accordance with "prudent person" principles.

The bill also amends the Administration and Probate Act 1929 and the Consumer Credit (Administration) Act 1996 to provide that the GST may be charged on the cost of administering an estate or on the commission for a finance broking transaction.

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The bill amends the Children and Young People Act 1999 to allow other magistrates to hear Children's Court matters if the Children's Court Magistrate is sitting, in specific circumstances. The government fully expects that the Children's Court Magistrate will continue to hear the vast majority of Children's Court matters, and remains committed to the concept of a specialist magistrate. These amendments should not be seen as a move away from that commitment. Rather, they are designed to ensure that the system works more efficiently, without long delays, and is more responsive to the needs of the children and young persons who come before the court.

As with previous portfolio bill amendments, the government is confident that they will lead to more accessible and up-to-date legislation. I commend the bill to the Assembly.

Debate (on motion by **Mr Stefaniak**) adjourned to the next sitting.

Plant Diseases Bill 2002

Mr Wood, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR WOOD (Minister for Urban Services and Minister for the Arts) (11.50): I move:

That this bill be agreed to in principle.

Mr Speaker, it is my pleasure to bring to the Assembly today a bill to reform the ACT's legislation for regulation of plant diseases and pests. The impetus for reform of the Plant Diseases Act 1934 has come out of the national competition policy review of that act. The review found that there were some provisions in the act and regulations that did not meet the public benefit test, and there were numerous other issues requiring reform to make it more relevant and effective.

The government has opted to move away from the prescriptive regime of the existing act to a more outcomes-based approach. Fruit and vegetable producers will be free to deal with disease and pest issues that affect their plants as they see fit. However, the government will retain the power to intervene to ensure that appropriate action is taken to control the establishment and spread of plant diseases and pests, should it be necessary to protect the fruit and vegetable industry. The bill will allow imposition of quarantines, restriction of imports, and the making of orders for treatment or destruction of plants or goods to prevent the establishment or spread of plant diseases and pests.

There are a few important features of this bill which I draw to the attention of the Assembly for their consideration. Members will note that there is no provision in the bill for appeal from the decision to impose quarantine on a property, or the decision to issue an order for the treatment or destruction of plants. Providing for an appeal, and the necessary mechanisms for a stay of the quarantine or order, will mean that the objective of preventing the establishment or spread of a disease would be seriously compromised. In many instances, the quarantine must be imposed immediately, and the work to treat or destroy the goods in question must be carried out expeditiously in order to prevent the spread of a disease or pest. This is particularly so in the case of viral and fungal diseases. I might add that this approach is broadly equivalent to that taken in New South Wales.

A further provision of the bill, clause 17, removes a person's rights to seek an injunction, or otherwise challenge a decision to impose quarantine, and any orders in support of such a quarantine. This, too, is necessary to ensure the objective, controlling the incidence and spread of diseases and pests, is met. The ability to challenge these decisions in court would hamper the government's efforts to control a disease outbreak and compromise the outcomes of controlling the spread of the disease and its ultimate eradication.

I would add here that each of those proposals matches the approach taken in the Animal Diseases Act 1993, and reflects what has been agreed at the national level as best practice for legislation to address issues such as plant and animal disease outbreaks. These measures are necessary to ensure that the ACT meets its obligations to other states and territories in relation to these issues.

The bill presents an effective tool for government to respond to outbreak of a plant disease or pest, without unnecessarily interfering in the business of growing and selling fruit. I commend it to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Planning and Land Bill 2002

Mr Corbell, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.55): I move:

That this bill be agreed to in principle.

Mr Speaker, members may recall that in the early sittings of this Assembly the government made very clear its intention to give effect as soon as possible to its planning and land management policies. This bill represents the most important step in that process—the establishment of the working tools for a more robust and independent system of planning and land development for the ACT.

This bill introduces the establishment of the Planning and Land Authority. This government has a strong and very public commitment to positively changing the territory's planning system, and it intends to honour that commitment. This bill represents a significant element of that promise. We are proposing a series of changes that would deliver long-term benefits to the community, to planning and land administration and to the community.

The bill gives effect to a range of the government's planning policy initiatives. Our policy provides for the establishment of a Planning and Land Authority that is capable of preparing and supporting the implementation of a long-term strategic approach to planning for our city.

The work of the authority will be supplemented by an expert advisory planning and land council comprised of members with experience and eminence in fields such as urban, social and environmental planning. The council will have a role in policy development and in responding to significant development proposals.

Under the government's policy, the authority, established by chapter 2 of the bill, will be constituted by a chief planning executive who will have responsibility for carrying out most of the authority's functions.

Mr Speaker, the new authority will pick up the existing functions of Planning and Land Management and the Commissioner for Land and Planning, and some of the functions of Land and Property currently within the Department of Urban Services, under the Land (Planning and Environment) Act. That is, the authority will:

- maintain and review the Territory Plan;
- advise on planning and land administration policy, including the strategic spatial plan for Canberra;
- grant, administer, vary and terminate leases and licences;
- issue orders;
- assess and make decisions on development applications;
- regulate the building and development practitioners;
- maintain the city's land information base; and importantly
- plan for, and regulate, the development of land.

Mr Speaker, our policy provides for general direction of the authority by the government of the day in relation to its functions. Under part 2.3 of the bill, directions will be written and must be tabled in the Legislative Assembly. However, the authority will have an opportunity to respond to a direction and the minister must have regard to that response.

The Assembly may make recommendations to the minister about giving a direction.

Mr Speaker, the presence of a direction power does not compromise the ability of the authority to operate with an appropriate level of independence. Our proposal is to vest powers directly in the entities created by this bill. In particular, the authority will be empowered to determine development applications—it will no longer be the minister's delegate. The call-in power under the land act would only be used when a significant proposal arises which has policy implications.

Sustainability framework

Sustainable development is a primary objective of this legislation. The authority will therefore be bound by the recognised principles of sustainable development. The government is releasing today a draft sustainability framework discussion paper for public consultation.

Role of Planning and Land Council

The authority will be required to seek high-level advice on significant development proposals and on planning and land policy issues. The role of the Planning and Land Council is to provide such high-level advice to the authority and government, and

thereby enhance the independence of planning in the territory. To that end, chapter 3 of the bill provides for the appointment of council members with a range of highly appropriate skills and qualifications. It will be a requirement that the authority refer certain matters, such as Territory Plan variations, to the council for advice. However, the authority may refer any matter to the council. The council will be obliged to respond to a request for advice.

Another important role of the council will be to provide expert opinion on significant development proposals before the authority makes decisions. In this regard, other states are using mechanisms such as independent hearing and assessment panels to provide decision-makers with advice prior to them making decisions on development applications. This mechanism has worked exceptionally well for the Liverpool and Fairfield councils in New South Wales.

Mr Speaker, under our proposed process, the council would give its perspective on the proposal and make a recommendation to the authority. The authority would then be free to adopt or reject the application, but it must take the views of the council into account. The government believes this will be a significant improvement to the territory's planning decision-making system.

Internal review of development application determinations

As part of the consequential and related amendments package, it is proposed to amend the land act to enable the authority to review and amend its decision on a development application. Such a review could only occur upon a request from the applicant. This change will enhance customer service by enabling the authority to participate in meaningful conflict resolution. Proponents or objectors would no longer be bound to go through a formal appeal process where matters can be easily resolved. Any substantial changes to the proposal would be required to undergo a new development application process.

Decision-makers should have the ability to amend their decision in light of new material presented by the applicant, or following an adjustment to the original plans, which addresses either the concerns of the decision-maker or of objectors. This change will bring the ACT into line with other states and territories.

Staff of the authority

The staff of the authority will be employed under the terms of the Public Sector Management Act. The authority will provide support for the council's functions.

Land Development Agency

The government will ensure that the land release program delivers a sustainable balance between strategic planning objectives, a fair return on the territory's land asset from land sales, and housing affordability. This government firmly holds to the view that the gaining of income from the sale of land should not drive planning. Therefore, the role of establishing the land release program for government endorsement will sit with the authority itself.

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This bill also provides, at chapter 4, for the establishment of a separate land development agency, the function of which will be to undertake the development of land and strategic or complex urban development projects, and to carry out works related to the development of land. The bill also establishes a managing board and a chief executive officer to manage the affairs of the agency.

Mr Speaker, the agency board will be made up of the chairperson, deputy chairperson, and up to five other persons. The agency, which will be a corporation, will operate on a commercial basis and will have the ability to enter into partnerships or joint ventures. Again, the bill provides for the appointment of people with highly relevant skills and qualifications.

The Kingston Foreshore Development Authority and the Gungahlin Development Authority will eventually be absorbed into the new land development agency. The transition from the current authorities to the new agency will need to be managed carefully to ensure that the good work of the Kingston Foreshore Development Authority and the Gungahlin Development Authority are not compromised. I am confident, Mr Speaker, following initial discussions with those agencies, that this will be the case.

Approval of joint ventures and formation of corporations

It is the executive that will need to approve any joint ventures or corporations involving the Land Development Agency. That would be taken to mean the full executive or the Minister for Planning together with the Treasurer.

Protocols between the authority and agency

It will be important for the authority and the Land Development Agency to communicate closely on policy matters. A series of statutory rules and protocols will underpin this working relationship as well as the various other relationships between the authority, council and the Land Development Agency. These will include the provision of an appropriate level of secretariat support for the council and the establishment of inter-agency coordination committees.

Importantly, this bill contains a number of governance provisions that give recognition to the recommendations of the Auditor-General's report *Governance Arrangements of Selected Statutory Authorities* tabled in June this year. These provisions reflect best practice features of contemporary corporate governance. For example:

- a chief executive may not be a chairperson of that organisation's board;
- both the council and the Land Development Board must appoint a deputy chairperson;
- there are provisions relating to a board on members' conflicts of interest; and
- the bill includes a requirement to establish an audit committee and a governance charter for the land development agency.

The proposed Land Development Agency will also be required to prepare a statement of corporate governance and the chair of the board would be obliged to ensure that the agency complies with the statement.

Housing affordability

The move towards greater government land development will contribute to assisting housing affordability through two main mechanisms:

- firstly, by ensuring adequate land supply some pressure will be taken off land prices, bringing land ownership closer for many families and small businesses; and
- secondly, the process will assist in the provision of adequate land and housing options at the lower end of the market. This “demand matching” approach need not affect general housing prices, the community’s returns on its land assets or the efficient and sustainable use of greenfields land.

Probity and accountability will apply to all of the entities undertaking the planning and development functions of the territory. The bill imposes firm discipline on the activities and business affairs of the authority, the council and the Land Development Agency. In particular, the agency is required to obtain the executive’s agreement to enter into joint ventures and must report on a regular basis. The bill contains detailed provisions governing the management and financial operation of the agency and its board.

In recognition of the fact that this bill provides for the introduction of a new system for the planning and land management in the territory, there is a requirement that the act be reviewed in 2008.

Consequential amendments

Of course, there will be a substantial number of consequential amendments to the Land (Planning and Environment) Act and other legislation affected by the passage of this bill. I will be presenting a bill for these amendments before this bill is debated by the Assembly.

These consequential amendments will provide for powers and functions to be transferred to the appropriate entities established by this bill and for the repeal of certain provisions, such as the existing direction power. The current operations of the Kingston Foreshore Development Authority and the Gungahlin Development Authority would, as I have already indicated, be rolled into the new Land Development Agency.

As a result of the proposed enhancement of the development assessment system, it is also proposed that the role of the Commissioner for Land and Planning would be absorbed into the Planning and Land Authority. The authority will have the principal power to determine development applications and the council will provide additional expert advice in the assessment of significant applications.

Mr Speaker, the government therefore proposes, as a component of later consequential legislation, to make provision for the Planning and Land Authority to amend decisions on development applications and leasing issues but only in response to a request for review by the applicant. Such a review could occur in response to new information, or to a proponent adjusting a proposal to address concerns expressed by the authority or the community. There would therefore, in many cases, be no need to resort to a formal appeal. As part of this proposed change there would be appropriate rules about informing people who were involved in the original commenting and assessment process.

Mr Speaker, the government presents this bill to the Assembly today in what we believe to be very clear circumstances. Our policy on planning and land management, as reflected in this legislation, was a major factor in this government's election, and we intend to honour the commitment that our policy made to the Canberra community.

This bill does not contain any hidden messages. We will not be running developers out of town. We will not be turning planning over to a "toothless tiger". The bill simply provides for the formation of the organisations that will be responsible for performing the planning and land management functions as part of a system that is much more robust, professional and financially sound, and highly accountable.

I should observe that, contrary to the opposition to the government's announcement of its policy on land development, we do not propose to move immediately into full public land development. There will be a period of planning for the reintroduction of public sector land development activity, after which I anticipate there will be a mix of public/private partnerships, public development and substantial contracting to private interests.

In relation to the planning appeals processes, the government is currently developing the criteria for an appeal system to achieve the outcomes articulated in the pre-election planning policy document. This includes providing for a less judicial approach to planning appeals with a greater emphasis on conferencing and mediation.

Mr Speaker, this bill is important to all of us and we all need to properly understand it before it is debated. I propose to present related consequential amendments so that the whole proposal may be considered in the spring sittings. Therefore, it would be appropriate in the intervening period to allow for discussion of any matters of concern to members. I would welcome an opportunity to meet with members to discuss this bill or the government's policy on planning and land administration. Here is an opportunity for this Assembly to make a real, lasting and positive change to the planning and land system. I commend the bill to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Land development—proposed joint committee inquiry

Debate resumed from 6 June 2002, on motion by **Mr Smyth**:

That:

(1) the Standing Committee on Public Accounts and the Standing Committee on Planning and Environment jointly inquire into and report on methodologies and outcomes proposed for resumption by the government of the process of land development and the restructuring of planning arrangements including but not limited to:

- (a) the sustainability of the economic models;
- (b) the impact on land and house affordability; and
- (c) the likely impact on the current rights of leaseholders.

(2) The Standing Committee on Public Accounts and the Standing Committee on Planning and Environment shall meet, deliberate and report jointly and not individually, and on matters in paragraph 1 of this resolution.

- (3) At the joint committees first meeting, before proceeding to other business, the members present shall elect a presiding member and a deputy presiding member.
- (4) A quorum for joint meetings of the committees for the purpose of this resolution shall be four members.
- (5) Joint minutes of proceedings on this inquiry shall be recorded for all joint meetings of the Committee.
- (6) Except where provided for in this resolution, the standing orders of the Legislative Assembly shall govern the conduct of business of joint meetings of the committees.
- (7) This motion shall cease to have effect on the presentation to the Assembly of the joint report.
- (8) The foregoing provisions of this resolution have effect, notwithstanding the provision of the standing orders.

Motion (by **Ms Gallagher**) put:

That the debate be now adjourned.

The Assembly voted—

Ayes, 9		Noes, 6	
Mr Berry	Mr Quinlan	Mr Cornwell	Mr Pratt
Mr Corbell	Mr Stanhope	Mrs Dunne	Mr Smyth
Ms Dundas	Ms Tucker	Mr Humphries	Mr Stefaniak
Mr Hargreaves	Mr Wood		
Ms MacDonald			

Question so resolved in the affirmative.

Debate adjourned to the next sitting.

Estimates 2002-2003—Select Committee

MR HUMPHRIES (Leader of the Opposition) (12.17): Mr Speaker, I move the motion standing in my name on the notice paper relating to the alteration of the reporting date for the Select Committee on Estimates 2002-2003:

That the resolution of the Assembly of 6 June 2002 which established the Select Committee on Estimates 2002-2003 be amended by omitting “by 15 August 2002” and substituting the words “by 19 August 2002”.

This motion is being moved because the timetable foreshadowed by the estimates committee needs to be adjusted to accommodate the needs of a minister, who is not available during the time the estimates committee originally proposed to take evidence. It means the committee will report four days later than originally foreshadowed. That provides the government with approximately eight days in which to prepare a response, before this house comes back to debate the appropriation bill on which the estimates committee report will be based. This does reduce slightly the time available to the government, but I note that there have been tighter timeframes for governments in recent years to produce a response from an estimates committee report.

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MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (12.18): I am happy to concede on this one, Mr Speaker. We would want the estimates committee to have the maximum time to prepare its report. If Mr Humphries can assure us that there will be the predictable tirade against the budget and that we will not have to labour over it too long to appreciate its sentiments, then the date seems quite acceptable—or earlier if possible.

MR HUMPHRIES (Leader of the Opposition) (12.19), in reply: In closing the debate, Mr Speaker, I am sure it will be only what the budget deserves—nothing more and nothing less. Of course, the timing will depend on how quickly ministers get back with their answers taken on notice. I note that the last estimates committee had to produce a report in the absence of answers to a number of questions. I gently remind ministers that that will help us produce answers, more quickly, to the issues raised.

Question resolved in the affirmative.

Public Accounts—Standing Committee Statement by chair

MR SMYTH: Mr Speaker, pursuant to standing order 246A, the Standing Committee on Public Accounts has resolved that I make a statement regarding Auditor-General's Report No 1 of 2002, entitled *Special Purpose Review of part of the Commission of Audit Report on the State of the Territory's Finances at 31 October 2001*. I seek leave to table the statement and extract of relevant minutes of the proceedings.

Leave granted.

MR SMYTH: I present the following paper:

Public Accounts—Standing Committee—Statement by Chair—Auditor-General's Report No 1 of 2002—Special Purpose Review of part of the Commission of Audit Report on the State of the Territory's Finances as at 31 October 2002, together with extracts of the relevant minutes of proceedings.

Statement by chair

MR SMYTH: Pursuant to standing order 246A, the Standing Committee on Public Accounts has resolved that I make the following statement:

On 22 May 2002, the Standing Committee on Public Accounts agreed to undertake an inquiry into revenue raising in the ACT. The committee agreed that the inquiry should focus on the adequacy, equity, and efficiency of revenue raising, advertise in the press seeking written submissions and, if appropriate, hold public hearings at a later date. The terms of reference for the inquiry are to inquire into and report on revenue raising issues in the ACT, with particular reference to:

- (1) the adequacy, equity, efficiency, certainty and sustainability of revenue raising in the ACT;

- (2) the impact of revenue raising on social equity, the environment and the overall economy of the Territory, in particular the employment and investment opportunities; and
- (3) the value for money of the cost-effectiveness of incentives which involve forgoing revenue.

Workers Compensation (Acts of Terrorism) Amendment Bill 2002

Debate resumed from 25 June 2002, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR SMYTH (12.22): Mr Speaker, this is essential legislation that needs to be passed by 30 June, to allow the introduction of the workers compensation legislation that was passed on 28 August last year.

This amendment to the act is a consequence of the events of September 11 last year. We are all well aware of the consequences of that shameful act in New York. Part of the fallout of that is the effects on the insurance and reinsurance markets around the world. Those effects are also felt here in the ACT. We must make sure we provide a framework whereby workers affected because of an act of terrorism have certainty, through the workers compensation legislation, if they become entitled to compensation. It is important that this happens and that it happens today.

I have had briefings from the department, as has Mr Pratt. Mr Pratt will also be making a few short remarks about this. It is important to make sure we safeguard workers and their rights, that we have a framework of certainty which allows those rights to be protected, and that employers are able to gain the appropriate workers compensation legislation to provide those benefits, should they be required.

What the act does is allow, if required, the establishment of a fund that would make sure there is certainty of payment to workers who are injured as a result of an act of terrorism.

Mr Speaker, the government will be supporting these amendments. We believe it is essential that they go ahead. This will build on the good work of the new workers compensation legislation.

Mr Corbell: I hope the opposition will be supporting the amendments too!

MR SMYTH: I am sorry. The opposition will be supporting the amendments. I am sure the government will be supporting their amendments, and the opposition will be supporting the amendments as well. This builds on the good work done by the previous government. I am satisfied that, with the few words or caveats that Mr Pratt will place, this will provide the kind of protection that is required of workers rights, and allow workers compensation to proceed in the ACT.

MR PRATT (12.24): Mr Speaker, we support in principle the introduction and implementation of this amendment bill. It is of some concern to me that it has taken quite some time for this bill to be put together, with insufficient time to fully analyse all

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aspects of the proposal. The critical date is 1 July. It is imperative to ensure that we underwrite and guarantee the cover of our workers, so we will support this.

I would like to make a couple of points—a couple of caveats. We will be very concerned to ensure that the government continues to guarantee that the creation of the emergency fund, which is to underwrite insurers, is established in such a way that is not to the detriment of ACT taxpayers. We will be watching that closely. We want to be assured that there will be no detriment to ACT costing structures. We hope ACT insurers will be able to get back on their feet after a couple of years.

We recognise that the proposal is based on a sunset clause of two years. We are not inclined to see the provisions extended beyond two years. We would therefore pretty much demand that, as we approach the setting of the sun, we undertake a full review of the provisions. We would continue to support what measures the government may then wish to put in place, provided that we review in detail the progress and workings of that vehicle.

Finally, Mr Speaker, we will also seek assurances from the government that the establishment of an underwriting mechanism is not to be a precedent. We do not want this to be a precedent for further ACT activities to be underwritten by government, unless there is an extremely good reason.

The provision of guaranteed cover for ACT private sector employees working in ACT government establishments is important. To that end, we support the bill.

MS DUNDAS (12.27): Mr Speaker, if this bill passes, the ACT government becomes the reinsurer for all insurance companies providing coverage in the ACT, if an act of terrorism occurs that results in workers compensation claims costing more than 5 per cent of the amount collected in workers compensation insurance premiums in one year. In effect, every ACT taxpayer is taking responsibility for finding money to pay compensation for personal injury or death, in the event that an act of terrorism occurs.

I wondered what the ACT taxpayer was receiving for assuming this risk. I have learned that the answer is “absolutely nothing”. We, as taxpayers, are assuming a risk previously borne by insurance companies, but we are not receiving any payment for that risk. Further, it is clearly unlikely that insurance premiums for employers will drop as a result of the ACT government assuming this new liability. So, arguably, this law creates a small windfall for insurance companies.

I acknowledge that the bill provides a mechanism for the recovery of money from insurers in the event that compensation is paid for an act of terrorism. However, the bill does not say what proportion of any compensation payout will be recovered from insurers. Will it be 20 per cent, 50 per cent or 100 per cent? The bill does not say, so it is not clear how much risk the ACT taxpayer is assuming.

If there were a terrorist attack in the ACT, it is likely that the target would be a Commonwealth government building, rather than a privately owned or ACT government building. However, it is possible that the ACT government would be required to pay to the federal government the full cost of compensation for the death or injury of contractors. Perhaps it would be more appropriate for the Commonwealth to

pay part of the costs, if a government is to meet the costs at all. However, the federal government has not yet been approached for any assurance regarding contribution to any future compensation payout.

I do not dispute that every employee in the ACT should be fully insured against injury or death occurring in the workplace, but there is more than one way to achieve that goal. I am not satisfied that this bill is as good as it could be. It was introduced too late to allow proper time for consideration or amendment to the detail of the bill.

ACT employers have now been without workers compensation insurance for acts of terrorism for six months, yet the government only presented this bill to the Assembly a few weeks before their six-month letter of comfort to insurers was due to expire.

Since the ACT government has chosen to adopt the legislative model used in the United Kingdom, it is not quite clear why it took them this long to draft a bill for the consideration of the Assembly. Had we had more time to think over this bill and less of a rushed imperative from the minister to have it passed this week, perhaps we could have identified and ironed out more of the problems.

Under these circumstances, I have decided to vote against this bill, although I expect, as the Liberals have indicated, it will pass despite my objections. It is disappointing that we are passing a law that the majority of the Assembly recognises to be unsatisfactory in some respects.

I repeat my call that I hope we will not see more instances of last-minute stopgap law-making from this government.

MS TUCKER (12.31): The Greens will be supporting this bill. One of the features of the ACT workers compensation scheme, based around the end of the last term, was that it expanded the net. It defines workers quite broadly, with the aim of ensuring coverage for as many people as possible. It is essentially a private scheme, so we are vulnerable to the vagaries of the insurance market.

After the attacks on the World Trade Centre and the Pentagon in the United States last September, reinsurers have withdrawn their coverage in respect of acts of terrorism. Without reinsurance, insurance companies are not prepared to cover anything that might result in a major payout. On past evidence, terrorist acts are a small risk in the ACT, but there is, nonetheless, that potential.

The ACT Greens accept that it is incumbent on the ACT government to take responsibility on this issue. I understand that the Western Australian government has already set up a \$25 million fund, and that other states with private workers compensation systems are thinking of going in the same direction. This bill is instead modelled on the United Kingdom system, where the creation of a fund to reinsure against acts of terrorism is triggered by such an act. The fund is guaranteed by the ACT government in the first two instances with costs reimbursed over time from the insurance businesses.

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The scheme runs for two years and expires in October 2004. That is really the crux of the matter. If workers compensation, like public liability and other essential insurance products, is to remain a function of business, then we need to think carefully about how we manage it. If some aspect of the business suddenly became costly or unprofitable and they could pull the rug on it, the injured individuals would be the ones left to carry the can. That is a fundamental point for the Greens, and it is not a satisfactory arrangement. Long-term solutions need to be pursued at a national level, at the very least, in order to give the large international reinsurance companies greater confidence in the Australian system.

Nonetheless, workers compensation stakeholders, including the insurance companies, seem to have the view that, on this issue, reinsurers are likely to come back into the market, hence the two-year timeframe for the scheme proposed by this bill.

Of course, there is no fundamental reason why essential insurance services need to be run by business. There have been, and there are, government insurance schemes in Australia. ACT government resources are probably too limited to run schemes here, on our own. But, clearly, over the next couple of years, given that there are many insurance issues to deal with, we must move towards a more effective national or interstate approach. We should not rule out any options at this stage.

In the meantime, let us deal with the introduction of the ACT's new workers compensation scheme, as well as this provision for terrorist acts. This bill also includes some necessary clean-up amendments to the act as passed last year. At the same time, it makes good the ACT government's commitment to the insurance industry to deal with the reinsurance issue. It will also ensure that the risk will no longer be carried in its entirety by the ACT government, which we understand is presently the case.

Finally, there is the issue of Commonwealth involvement. It is arguable that any significant terrorist acts in Canberra would most likely affect Commonwealth facilities and employees, and that if the impact of such an act were truly catastrophic, the Commonwealth would undoubtedly provide support. Nevertheless, the Commonwealth has made it clear that it will not involve itself in workers compensation in any other situation. It is clear, therefore, that the ACT does need to take all necessary precautions to ensure that private employees in the territory are also covered.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (12.35), in reply: Mr Speaker, I thank most members for their support. I am very disappointed and somewhat concerned that Ms Dundas, who has spent some of her time working for the union movement, believes it is appropriate to vote against a provision which would guarantee workers compensation protection for workers in the territory. That is an extraordinary move.

Let me set Ms Dundas right on a couple of points. The federal government was approached on this issue. In fact, the ACT government—as with all state and territory governments—was in discussion with the federal government about a national approach to this problem. However, the federal government decided it did not want anything more to do with it. It was in those circumstances that we had to move to enact our own response. A little more research by Ms Dundas would have made this apparent.

The level of the levy is addressed in amendments I circulated to members earlier this week, which set the upper limit of the levy at 10 per cent. So it is not an open-ended arrangement. That was tabled quite clearly earlier this week.

Mr Speaker, I agree that this is a short period of time, but these are unusual circumstances. We have to ensure that workers compensation protections are in place for employees in the territory.

Legislation was introduced on 6 June. I wrote to members on 7 June advising them to receive a briefing and advice on this issue. As I understand it, most members did not take up this offer until either late last week or early this week. The government has acted in a timely and appropriate manner, given the circumstances we face. I thank members for their support and look forward to seeing this bill passed.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (12.38): Mr Speaker, I ask for leave to move amendments Nos 1 to 6 circulated in my name, together.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 6 circulated in my name, together [*see schedule 1 at page 2393*].

Mr Speaker, after I tabled the bill, further consultation was conducted with stakeholders. During consultation with the insurance industry, a question was raised as to the rate of levy which could be imposed by the fund manager. In the absence of a maximum rate of levy, as in the Workers Compensation Supplementation Fund Act, the insurance industry was concerned about the actuarial rating which may be applied to cover the potential cost of such a levy.

Experiences in the past, where limitations have not been set, have resulted in actuaries applying more conservative estimates to the scheme than may be required. This has resulted in pushing up the cost of premiums. The cap on the maximum rate that the fund manager could charge in any given year would remove this uncertainty and the potential for upward cost pressures.

The 2001 workers compensation premium pool for the ACT was \$92 million. The 2001-02 ACT premium pool is expected to be approaching \$100 million. With the pool at this level, a maximum levy of 10 per cent would generate around \$10 million per year. The amendment stipulates that the regulations may not set a levy above 10 per cent of the total premiums received by each improved insurer. To ensure consistency,

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a provision for self-insurers is included, which sets the levy at not more than 10 per cent of the estimated premium that would have been payable by the self-insurer.

In this context, the Western Australian scheme, which is significantly larger than that in the ACT, has established a pool of \$25 million to fund workers' entitlements in the event of an act of terror. A 10 per cent maximum rate would enable the fund manager to collect the Western Australian equivalent in 2½ years. A maximum rate of 10 per cent would be the same maximum rate which could be charged under the Workers Compensation Supplementation Fund Act, and would maintain consistency across both acts.

Mr Speaker, in moving these amendments, I am also moving further consequential and transitional amendments to the bill. These amendments are to facilitate the commencement of the new ACT workers compensation scheme on 1 July this year. These amendments, like the amendments in the bill, are technical in their nature. They address a number of changes in wording, punctuation and phrasing, resulting from the inclusion into the Workers Compensation Amendment Bill 2001 of a number of draft regulations.

I commend the amendments to members.

MR PRATT (12.40): Mr Speaker, we support those amendments.

MS DUNDAS (12.41): I thank the minister for tabling some amendments and for taking consultation on this issue. However, these amendments do not go to address the concerns raised in my first reading speech. I still have many questions about this piece of legislation and the impact it will have on taxpayers in the ACT. These amendments do not fix those matters.

Mr Corbell has noted that I spent a number of months working for a union, prior to my time in the Assembly. As I said in my speech, I fully support workers being covered by workers compensation. However, if workers, as taxpayers, are taking on the burden of a bill that should be footed by insurance companies, and perhaps the federal government, then I am not happy with this bill as it stands, even with these amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Sitting suspended from 12.42 to 2.30 pm

Questions without notice Budget—productivity savings

MR HUMPHRIES: My question is to the Treasurer. In your budget handed down only two days ago you claimed that new expenditure amounts to a net \$116 million for the next year. However, the government has also imposed cuts on departments, in particular about \$10 million for what you yourself have called productivity savings. Treasurer, on

what basis were these savings achieved? Did you examine each department individually, or did you apply a percentage cut across all agencies?

MR QUINLAN: The answer to that is a bit of both. What we did—as you are well aware as you have asked questions about it before—was ask departments to identify 2 per cent productivity savings, which we thought were necessary to try to come up with a balanced budget. But we did the reverse examination then and looked at all of those things that might have come forward but were unacceptable as cuts. Let us take a prime example—the police, which are on a contract. The flexibility within the police force to render 2 per cent savings is almost zero.

We took what I think is a reasonably sensible approach. Let me share some of our experiences with you. A couple of Trojan horses turned up—things that departments served up but knew we would not accept. We went through the process fairly thoroughly.

MR HUMPHRIES: I ask a supplementary question. Do you claim to have maintained education spending in real terms, when you added \$5.9 million for the real-terms funding guarantee and then reduced the education allocation by \$1.2 million for a productivity saving? Is this government the first government since self-government not to have maintained education funding in real terms?

MR QUINLAN: I might have a bit each way on the answer to that one as well. Let me answer by saying we have made no cuts in real terms to schooling. We may have made some cuts within the department of education overall. But, as you are probably aware, Mr Humphries, this government is far keener than was yours to ensure that precious resources, if they are available, are applied within the school gate. That is what this budget embodies.

Budget—justice spending

MS DUNDAS: My question is for the Chief Minister in his capacity as Attorney-General. The budget delivered on Tuesday contained much more money for the Director of Public Prosecutions. Given, as revealed in today's *Canberra Times*, that we have the highest proportion of juveniles in detention in Australia, is it not time that your government prioritised prevention over prosecution?

MR STANHOPE: Should we prioritise prevention over prosecution? I guess there are a couple of ways I can interpret your question, Ms Dundas. If you are suggesting we should not prosecute criminals, then I guess we go to a debate about that. I tend to think that if people are engaging in criminal behaviour or activity the arrangements we have in place in relation to prosecutions are appropriate. We have a prosecution policy, and issues around prosecutions are issues that are decided by the Director of Public Prosecutions. I think that is appropriate. I know Mr Stefaniak, as an ex-prosecutor, would join with me in agreeing that it is vital that the Director of Public Prosecutions maintain his independence of action and decision-making, along with the police, in relation to when criminal actions and activity will be pursued by way of prosecution.

Mr Stefaniak: Quite so, Chief Minister.

MR STANHOPE: You would agree with that, Mr Stefaniak?

Mr Stefaniak: I agree.

MR STANHOPE: I think we need to clarify that in answer to the question. It is very important that criminal activity be pursued and that the protocols and arrangements we have in place, particularly in relation to the independence of the police and the Director of Public Prosecutions, not be interfered with. If it is a question of prioritising prevention against prosecution, we need to be clear about what we are talking about.

It is axiomatic that prevention is far better. It is far better for the community. It is far better for the people offended against that they not be offended against. In many instances it is far better that we deter people from the criminal process and the courts to the extent we can. If it is a choice between criminal behaviour and non-criminal behaviour, each of us wants non-criminal behaviour.

To the extent that people engage in criminal behaviour, it is necessary, depending on the circumstances, that the force of the law apply and prevail. Through early intervention and support for youth and juveniles, we would hope that we could do more to deter them from crime. This government believes that absolutely. It is fundamental to our attitude to criminal justice. It is fundamental to our attitude to young people at risk. It is fundamental to and underpins the budget that was brought down on Tuesday.

The budget has a quite deliberate focus on the need to intervene early. How do we do that? It is difficult. The ACT is one of the most fortunate communities in Australia. I think we can all agree with that, irrespective of where we sit in the political spectrum. This is a very fortunate community. But we have to acknowledge that a lot of people in this community do it tough. There are a lot of people on the edge. We have around 30,000 people below the poverty line. We have significant communities who are disadvantaged and who are vulnerable, and we have a significant number of young people who unfortunately engage in criminal behaviours.

Government should concentrate on addressing how best to address the needs of those people. We can do that by identifying them to the extent that we can, by identifying the issues that affect them and by seeking to identify the issues that might be relevant to an understanding of why they engage in criminal behaviour. We do not want to scapegoat or point the finger at sections of the community in relation to the extent to which they engage in criminal or unlawful behaviour, but we certainly need to seek to identify those young people at risk of offending. More often than not we find that they are seeking to deal with a range of issues. Many of them go to a lack of family support. Many of them go to dysfunctional families. Many of them go to lack of support in their early years. I am hopeful that through the provision of appropriate family support and through the excellent education system we can address those issues.

Mr Corbell has announced a range of programs aimed at providing support for specific sectors of the community, those we know are at risk. A significant part of the \$27 million over and above the growth funds that have been provided to schools in the ACT goes to dealing with precisely these sorts of issues. Our schools offer us the best prospects for identifying, dealing with and supporting children at risk. School is where we can do an awful lot of our good work, and we need to focus a lot more of our attentions there. We

can do that through specific programs that provide support. We can do it through enhanced drug education. We can do it in a whole range of ways.

We can support younger people in a range of ways, and we are doing that through this budget. We can adopt a philosophical approach to the administration of justice, and we are committed to that. We are committed to exploring additional ways of diverting children and young people from the criminal justice system.

We are committed to ensuring that the Australian Federal Police, the finest police force in Australia, continue to deal in sensitive ways with young people so that we can divert them from the criminal justice system. This underpins my philosophy, the philosophy of the department of justice and the philosophy of this government, and it is represented and reflected in our budget.

MS DUNDAS: I thank the Attorney for his long and detailed answer. Attorney, both the DPP and you have expressed publicly a concern for people with mental illness caught in our criminal justice system, particularly young people. When do you expect to be able to turn this current and worrying trend around?

MR STANHOPE: I wonder whether Ms Dundas might explain which worrying trend.

Ms Dundas: The worrying trend of people with mental illness being caught in the criminal system.

MR STANHOPE: I would like to be able to wave a magic wand. In relation to people with a mental illness who come into contact with the criminal justice system, we are dealing with some of the issues at the hard edge of policy-making and administration. It is not just a question of resources. I am very proud of the fact that in the budget we provided an additional \$4.3 million over four years for mental health services. That is a very significant boost. We recognised that we do not do enough to support people with a mental illness. There is no doubt about that. It is one of the gaps in the service that we recognise. That is why in the budget we provided another \$4.3 million for mental health services.

You are aware that mental health services are focused on two main areas. They are focused on youth and the needs of older people who face mental health issues. We recognise the problem. We recognise the particular problems that people with a dual diagnosis suffer—those with co-morbidity, those with a mental health issue and an overriding substance abuse problem. These are the issues at the hard edge.

All governments have struggled. All governments have sought out a whole range of models for dealing with the issues that people with a dual diagnosis face. We are doing the same. Just last week I launched a new partnership between ACT Mental Health Services and Drug and Alcohol in relation to the problem that faces people with a dual diagnosis. I know my predecessors did the same. Mr Moore, a couple of years ago, launched a major study of the very same issue. These are hard-end, tough issues, and we are working diligently to find a way forward and to develop partnerships with to deal with them.

Budget

MS MacDONALD: Mr Speaker, my question is to the Treasurer. The Treasurer would be aware of the Leader of the Opposition's statements that the 2002-03 budget lacks vision and imagination. Can the Treasurer inform the Assembly why he framed the budget in the way he did, what vision he had in deciding the budget items and what happened the last time an ACT government used imagination?

MR QUINLAN: I have to confess to having been deeply wounded by the comments that have been made by the shadow Treasurer. I do have feelings. Having heard those comments, I pondered what was meant by imagination and what a Liberal Leader of the Opposition would mean by imagination. Was imagination to be found in blowing up the hospital as a public event, with disastrous consequences? Was it imagination to paint grass green? That took imagination. Was imagination being able to absorb the Bruce stadium business plan?

Mrs Dunne: Was it imagination to do away with the \$344 million operating loss?

MR QUINLAN: Does it take imagination to believe that Labor could bring down that deficit when you were in government? That is exactly the sort of imagination you have, Mrs Dunne.

I thought, "I will be fair to the man. I will have a look at the last two budgets he brought down. Out of those will come bolts of imagination, I am sure." I have looked through those. I can go close not so much to a bolt but maybe to a scintilla of imagination with the reduction in the Floriade fee on the way to taking it off. It took a bit of imagination to put it on in the first place, I suppose.

I found a further scintilla of imagination when I saw an emergency services levy being taken off. That took a bit of imagination, but it also took a whole lot of public pressure. I saw imagination in the corrupted use of the term "social capital". That was a leap of imagination. That one took a fair bit of imagination and did a disservice to the author of the genuine dissertation on social capital.

I have to conclude that possibly what the Leader of the Opposition was referring to was the imagination you needed to read his budgets. You do not have to use your imagination with this one, because everything is in it. It is written down. However, if you go back over previous budgets, you do need imagination, because the gunnas were not there. To find the stuff they were gunna do, the things we have listed in the last few days in this place, needed imagination. I figure that is what Mr Humphries means by lacking imagination. In that case, I am quite proud of this document.

Budget—police numbers

MRS DUNNE: Mr Speaker, my question is to the minister for police, Mr Quinlan. Minister, I note that the government is committed to a policy of progressively increasing police numbers. The first funding for that was in this week's budget, providing seven of the promised 20 police. I also note that four of those seven police have been allocated to the police DNA unit, leaving only three for the beat.

Are you aware that the Labor Party's policy statement promised that these extra police would be deployed to parts of Canberra—and I quote from your policy—“where the crime statistics indicate that they are needed the most”. Minister, how did you identify that the DNA unit was an area in which extra police would be deployed?

MR QUINLAN: I think you have to accept, Mrs Dunne, that the human race makes progress, technology and science make progress, and policing and crime investigation make progress. Examination of DNA and DNA databases are progress within policing.

Let me reassure you that when we came to government the number of police available to be on the beat was below 500. I believe that there were some difficulties in signing the contract. The number was very low. I can happily advise the Assembly that 22 new members of the police force commenced in April. In fact, there is likely to be in the order of 200. By the time we get to the end of this year, the increase in police available to be on the beat in the ACT is likely to be in the vicinity of 200. Because we have allocated funds to do so, they will also be using modern techniques. They will be using DNA sampling and DNA identification. Yes, it takes people to do that. Unfortunately, it takes people to conduct that. It might be a wild assumption, but one assumes that if you put people on this and you have access to DNA sampling and testing then you might gain significant efficiencies in crime detection.

MRS DUNNE: Minister, is it not the case that the DNA unit could be staffed just as well by non-sworn officers and that this commitment to the DNA unit, a sudden and new-found commitment on the part of the Labor Party, is an abrogation of their election promise?

MR QUINLAN: Yes, Mrs Dunne, we are moving forward. Things change. New? Yes, new. Involved in it? Yes. Things do change, things do develop, and we do want to assist our police force in staying as modern as is possible in what they do. If you want to call that abrogation, knock yourself out. Applying resources, not only man power resources but the wherewithal, to do DNA sampling and testing is a step forward and is likely to make Canberra much safer overall.

Budget—education spending

MS GALLAGHER: My question is to the minister for education, Mr Corbell. Minister, I refer to an article in the *Canberra Times* today in which the federal Liberal minister for education criticises the ACT government on education spending. Can the minister inform the house why Dr Nelson has clearly failed basic economics?

MR CORBELL: Yes, I am very pleased to provide some advice to members in relation to Dr Nelson's comments. Mr Speaker, the federal minister has—

Mr Cornwell: Mr Speaker, he will not be offering an opinion, I trust. Under standing orders that would be out of order, would it not?

MR SPEAKER: Mr Corbell will be responding to a question about some claims by a federal minister. That is what he was asked to do.

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MR CORBELL: Dr Nelson called it miserly. He claimed it was the smallest increase in education funding across the nation—even smaller than the Commonwealth's own education budget, he said. That is being damned with faint praise, which is very harsh criticism indeed. The minister claimed that had the ACT matched the Commonwealth's funding for education Canberra's public schools would be \$13 million better off. I am pleased to advise members that they are.

Dr Nelson got it wrong. Dr Nelson did not calculate the actual funding increase correctly. The 2002-03 budget papers show an increase in government payment for outputs of \$4.5 million, but that is not representative of the actual increase. The actual increase for ACT government schools in this budget is \$13.1 million, an increase of 5.4 per cent, far higher than the just over 1 per cent Dr Nelson claimed.

On top of this, the Stanhope government is committing to a capital works program of nearly \$36 million, \$29 million of which is for the construction of two new schools in Gungahlin—schools which the mob over there delayed for three years and which are now late for the Gungahlin community. They delayed the schools and they cannot even get their maths right.

Mr Pratt: Which this mob allocated \$28 million to.

MR CORBELL: Did I hear the shadow minister for education? That would be a first. Funding totals for education are \$582.4 million. The increase in funding this financial year is just over \$13 million, an increase of 5.4 per cent, not the 1 per cent claimed by Dr Nelson. There are new initiatives, \$3.1 million of which, together with capital of \$1 million, is for year 3 class reduction transportables. That totals \$19.2 million over four years. As well as this, an additional \$2.5 million is included each year from next year for future initiatives.

This honours the government's commitment to provide \$27 million more over four years than the previous government was prepared to do. They were prepared to squander the money on free school buses rather than investing in education for our city's future.

This government has not cut education funding by one cent for government or non-government schools. In fact, this government is spending more on education in this city than any other government in the history of self-government. That is a commitment made by this party and implemented by this party.

On top of that, funding for ACT non-government schooling is now at \$31.2 million, an increase of \$1.4 million. This increase includes \$0.25 million per year for the Catholic system for IT and indexation of \$0.7 million.

I understand that the *Canberra Times* approached Dr Nelson to generously offer him the opportunity to withdraw his claims in the obvious light that they were wrong. Not surprisingly, he failed to do so.

MS GALLAGHER: Minister, could Dr Nelson's attempt to enter the education debate in the ACT be the result of the poor performance of the local Liberal spokesperson and the Liberals' desperation for someone to manage their education portfolio?

MR CORBELL: Clearly the local Liberals are in desperation.

Mr Cornwell: That is an expression of an opinion, Mr Speaker.

MR SPEAKER: The minister has been asked for an expression of opinion about the shadow minister for education. I think he had better find another way to express it, and I am sure he will.

MR CORBELL: The comments by Dr Nelson are blatantly wrong. Even though he was advised that they were wrong, he still insisted. Why did he insist? He insisted because Mr Pratt is not on the radar when it comes to the education debate in this city. Perhaps it was Mr Pratt's office that gave Dr Nelson this advice.

This government is investing in education in a way in which no other government has since self-government. It is providing more for education in this city overall than any other government in the history of self-government. The increase is \$13.1 million this year, an increase of 5.4 per cent, not the just over 1 per cent that Dr Nelson claimed.

Criminal injuries compensation scheme

MS TUCKER: My question to the Attorney-General concerns criminal the injuries compensation scheme.

It being 3.00 pm, questions were interrupted pursuant to the order of the Assembly.

Appropriation Bill 2002-2003

Debate resumed from 25 June 2002, on motion by **Mr Quinlan:**

That this bill be agreed to in principle.

MR HUMPHRIES (Leader of the Opposition) (3.00): Mr Speaker, when I became opposition leader, I said I did not propose to lead a team that opposed simply for the sake of opposing. The relentless and undiluted negativity of recent budget replies has been destructive to the credibility of all ACT politicians, not just those targeted. So, today, I want to start by commending aspects of the budget for which I think the Treasurer deserves credit.

Taken individually, this budget contains some worthwhile initiatives, such as increasing medical and in-patient services to our public hospitals, the DNA crime solving program, schools refurbishment, continuation of the program to bring schoolchildren to visit Canberra, and commitment to the ICT Centre of Excellence. Further, the government makes much of having kept a number of election promises in this budget—and indeed they deserve some credit for that. However, in my experience, governments are usually expected to keep all of their promises, not just some of them. Failing to keep what some would call core promises is a particular sin.

The government has exhibited considerable pique at the criticism made in the media, in industry, and by the opposition, about the content of this budget. Words like “tabloid”, “carping” and “illogical” are some of the barbs thrown at those who have dared to

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critique this first Labor budget in eight years. I believe that much of the motivation for this reaction stems from the government's failure to satisfy many expectations and commitments they themselves have set for this budget.

Labor has always made much of their supposed commitment to the less affluent in the community, a commitment qualified, to a very great extent, by its historic reliance on indirect taxation. This has reared its head again in the form of a savage rise in stamp duty and car registration. These are regressive imposts, in anyone's language, that will hurt the battlers most—the people whom Labor likes to call its own. What hypocrisy! The rhetoric of this budget conceals that it is a graveyard of broken promises. I propose today to point to just a few dozen of those—a dozen or two of those broken promises.

The first promise to be broken occurred even before the budget was delivered. Those of us who served in the Fourth Assembly will remember how Mr Quinlan, as shadow Treasurer, rose as regularly as clockwork to condemn the practice of releasing budget details before budget day. What he called "the hypocrisy of putting out budget leaks" was lambasted as having been somehow unprofessional. He gave the impression of being very annoyed.

What a revelation, then, to see the stream of media announcements over the past three weeks. Even potential ministers were enlisted for the task. The justification for early release was that details like these might be lost in the swelter of budget day. That is funny. Isn't that the line we used to use? I think we did use that line. Imitation, of course, is the sincerest form of flattery.

The next broken promise: Labor promised it would reduce the cost of ministerial support by \$2.3 million. However, the budget papers say only that this has been absorbed into overheads. This means it is actually not a saving, as promised, but increased spending on administration.

In effecting this small subterfuge, Labor has broken another of its promises. That is promise No 3—to improve accountability. Whereas previous budgets have detailed where money was spent and for what purpose, this budget hides how much is to be spent on providing ministers with speeches, briefing notes, support staff and so on. It will be several millions of dollars, but we will not be told how much. Labor has failed the first test when it comes to accountability.

The budget papers reveal a startling increase in FOI requests since the Stanhope government came to office—a rise of 50 per cent. This is very telling, I would say, Mr Speaker.

Promise No 4: no slush funds under Labor. Who could forget Labor's fury when discretionary funding was provided to Minister Moore in the area of health a few years ago? Yet this budget has discretionary allocations. Yes, slush funds of \$7.2 million in education, \$3 million in housing and who knows how much for the public service wage increase.

Broken promise No 5: Labor will be able to deliver a surplus each and every year of this government. Labor even published a figure in its October 2001 financial statement for the size of its surplus—\$24 million in 2002-03. Remember that?

Of course, Mr Speaker, the 2002-03 surplus is about a quarter of the one promised—a cruel deception of the ACT community. To underscore the broken promise, Labor says there will be a deficit of \$21 million in 2003-04. You promised a surplus of \$14 million. Remember?

Perhaps people who voted Labor have forgotten that maintaining surpluses is not this party's strong suit. "Ah," says Mr Quinlan, "Our new promise is that we will reach a surplus over the duration of the economic cycle"—whatever that is. He defines it conveniently as the next four years—conveniently because if he chose to define it as the next three years, which is the life of this government, on these figures, the net result would be a loss of some \$2 million.

Labor's excuse for running a deficit at all is highly unoriginal. It is the Mother Hubbard line—the previous government left nothing in the cupboard. However, yesterday, in this place, the Treasurer effectively sank that line. Yesterday, the Treasurer conceded that spending had been pushed up very considerably this year by his government, through its second and third appropriation bills.

Of this spending, Mr Quinlan takes responsibility, generously, for some \$16 million—that is money spent on Labor's own priorities, at its own initiative. He also tells us that the Liberal-bequeathed loss is running at \$2.4 million this financial year.

Let us bring the two figures together. If you take out Labor's self-confessed contribution to extra spending, the loss becomes a surplus of \$13.6 million. If you subtract \$2.4 million and add \$16 million for Labor's promises, you get \$13.6 million—a figure remarkably similar to the \$12.4 million we promised in last year's budget as our surplus for this year. There is no black hole, Mr Deputy Speaker—none whatsoever. The ACT fiscus is today in better shape than it has ever been.

Mrs Dunne: But it will not be for long!

MR HUMPHRIES: Perhaps so, Mrs Dunne.

The next broken promise is about tax. On 26 May 2000, Jon Stanhope said, "We need a government that will focus on delivering quality services and low tax rates." Remember that? Low tax rates? Coupled with Labor's financial statement of 15 October last year, when Labor promised to deliver its program within the forecast bottom line, it is reasonable for an observer of ACT politics to assume that there would not be tax increases under Labor. We now know better—nearly \$17 million in increased taxes and charges this year alone, and counting. In the same statement we are told, "Labor's promises are achievable without tax increases." No "hear, hears" on that statement, I understand!

He said that Labor's promises are achievable without tax increases. So much for Labor's promises. For example, stamp duty is up to 22 per cent, raising an extra \$7.3 million. Land tax—the take-up is up 16 per cent. Payroll tax changes effectively raised the rate by 1.1 per cent. Car registration is increasing by \$26 per vehicle—\$3.9 million for the government. They did not tell them that before the election, did they?

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The disguises Labor has given these tax increases are ludicrously unconvincing. We are told that motor vehicle registration and parking charges need to rise, to get people out of cars and into buses. Wouldn't you think, though, Mr Deputy Speaker, that a party with this opinion would protest if another party tried to reduce those same charges—in its budget, for example?

What did Labor do in just this circumstance last year? They said that the then government's rego cuts did not go far enough. When votes matter to Labor, it is a case of "Bugger the environment!" The litany of lies continues.

No 7—the government will save \$7.3 million by taking the western route for the Gungahlin Drive extension, a promise in their financial statement of 15 October 2001. It has already been broken, because the road is going to cost more, not less, on your preferred route.

No 8—Gungahlin Drive will be built on time, within the Liberals' budget; so Mr Corbell solemnly intoned in the Assembly just three weeks ago, on 3 June 2002. That was a promise and now it has been broken. The latest we have from Mr Corbell is that the road will be finished at least a year later than scheduled, on a smaller scale than promised, and will cost some \$27 million—and counting—more than planned. Mr Corbell justifies this by saying that the original Liberal cost estimate was only preliminary. If so, why did he adopt those costings and link his own promise to them, just three weeks ago, in this house?

On top of breaking that promise, there is broken promise No 9—to conduct an environmental impact statement into the need for the Gungahlin Drive extension. That is a promise which, incidentally, the planning minister cannot remember making but which 200 people present at the public meeting last August most certainly can.

Broken promise No 10—Labor also said it was opposed to higher tip fees; it opposed the increases made in 1996. Now it is time to break that promise by imposing an additional \$1.56 million on people who dispose of their waste material. Perhaps they meant to say, Mr Deputy Speaker, that they are opposed to small increases in tip fees—whoppers are okay.

Still the broken promises keep coming. "Labor promises at the 2001 election will cost only \$22.12 million in 2002-2003"—so proclaimed Labor's financial statement costed by Dr Gerritsen. However, on close examination, most of the Gerritsen-costed promises have either disappeared, been reduced in operation or, more typically, are far more expensive than promised. Examples include the transfer of remandees to Symonston, the Woden to Downer cycleway, respite care, the knowledge bank, and families facing domestic violence. Every one of those promises is much more expensive than promised by Dr Gerritsen.

Labor promised, in its health fact sheet No 3, to build at least two after-hours clinical GP centres at Canberra and Calvary Hospitals. There is no reference to these in the budget. In fact, Labor has been back-peddalling on these issues. That is another broken promise.

No 13: we were told last year in that notorious financial statement of 15 October, which I am sure the Treasurer wishes he had never touched, “Labor will allow pensioners to use concessional fares on ACTION during peak periods.” Funding of \$480,000 a year was provided, at that time, in your draft statement. That promise appears to have been broken. In fact, the only mention in any budget document of pensioner fares is a higher charge. A higher charge for pensioner off-peak tickets. The poor pensioners thought they were getting a cut. No, it is going up!

No 14: \$150,000 per annum for two aged-care liaison officers for the multicultural community was promised, but again this is not in the budget.

No 15: Labor promised to establish joint electorate offices in Woden, Gungahlin, Tuggeranong and Belconnen at a cost of \$50,000 per year, but they have not delivered.

Mr Quinlan: Yes, we have.

MR HUMPHRIES: You have? It is not in the budget. Actually, that was a promise you regretted making from day one.

No 16: “We will reduce the use of external consultancies.” I cannot prove, at this point in time, that the government has actually broken this promise. However, with at least 60 different reviews under way at the present time—reviews, commissions, audits, inquiries—if they have not reduced the use of consultancies, I am an Australian Democrat.

Mr Speaker, on and on they go. There were 10 extra police promised, but only seven delivered, and only three of them on the streets. There is no extra money for the Law Reform Commission, no money for Neighbourhood Watch or Belconnen JESC—and so on.

The best that could be said about this budget is that, after seven years in opposition you might be forgiven for losing the capacity to gauge what is realistically achievable in government. You could at least have the honesty, though, to admit that you have broken your promises.

Let me turn to other aspects of this budget. This is a bad budget for business and for jobs. It is a budget of taxes and attacks. Taxes on business and battlers, and attacks on business and battlers. Many of the so-called initiatives are no more than continuations or extensions of existing programs. Labor clearly has no understanding of the problems faced by business, and no interest in doing anything about them.

For example, this is what Labor’s own papers say about the outcome for the next couple of years: there will be a slowdown in building activity and the property market; increasing interest rates will impact on the market; there will be a decline in property turnover over the next two years, and employment levels are not expected to grow this financial year. It is not your fault, but the fact is that, in this budget, you do not do anything to counter the effect of those downturns—not a thing.

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Over the recent past, business in the ACT has responded well to pro-growth policies and active encouragement of investment. It is now clear that the business climate is in for a change for the worse. To make the outlook even bleaker for business, Labor is going to cut back on capital works and raise taxes. Some would say that if a downturn for business is foreseeable, the budget should have continued the previous capital works program of \$214 million in value. But no, it has cut that back to \$91 million. That is a cut of \$123 million in business and employment opportunities in this town! No wonder the Treasurer warned the business sector that it would not be doing handstands over this budget. Indeed, Mr Deputy Speaker, business might well be alarmed.

Labor has reneged on raising the payroll tax threshold. Yes, I say reneged. I remind the government that it said in October last year, "Labor's promises are achievable without tax increases." What reasonable business person would not think this included payroll tax? Business was planning on a threshold increase to \$1.5 million, but now Labor has changed the rules and, what is more, changed the rules just five days before those changes were to come into effect. Shame, Labor, shame. Payroll tax is a tax on jobs. It reduces the ability of firms to employ people. They deserved more notice than that.

The Treasurer said on 5 May that he would look at payroll tax because "I am not sure that we have the right structure". He also promised that any tampering with the ACT's payroll tax system would not mean any disadvantage to business. What has happened? The government has added the value of fringe benefits tax and eligible termination payment into the payroll tax base, thus effectively raising the rate of tax by an estimated 1.1 per cent. No disadvantage. All this at a time when other Labor jurisdictions across Australia are lessening their reliance on payroll tax.

Labor has increased the cost of buying a house by raising the stamp duty on conveyancing. This is a tax increase of \$7.3 million on home buyers. This makes a mockery of Labor's pre-election claim that it would be a low-taxing government. What a joke!

Then, to rub salt into the wound: "Labor has established an affordable housing task force." Dear, oh dear! More tax. Labor is imposing land tax on residential properties owned by companies and trusts, even if they are not rented. Companies and trusts will pay an increase of 16 per cent in land tax. More tax.

Registration fees for all private and business motor vehicles will be increased by an average of \$26, adding some \$3.9 million to the government's pockets. There is nothing equitable about the way that occurs. The battlers in this community also drive cars, and, from now on, the cost of doing so goes up. I wonder how those adoring thousands who Mr Stanhope tells us voted for his party in droves will feel about his party the next time they go to pay their registration renewal.

Pay parking in Belconnen and Tuggeranong will affect families when they go shopping, and will also impact on retail businesses and those who work in shops. There is a danger that the main beneficiary will be retail trade in Queanbeyan.

This is also a bad budget for business because old Labor is back in control. The main so-called initiatives are typical of the old "tax them and bleed them" socialist left. Socialise land planning and development; anti-family car parking and car registration

charges, and single zone, one price, one-size-fits-all bus fares that disadvantage 70 per cent of all bus users. Taxes are up and spending is up.

Mr Deputy Speaker, the term “sustainability” is sprinkled confetti-like through the document to give it a contemporary feel. That should please the left. But many of the policies are anything but sustainable. One searches in vain for a useful definition. The only attempt is this minimalist content-free piece on page 11 of the *Shaping Canberra’s Future* document. It says:

Sustainability—economic, social and environmental sustainability—is about development that meets the needs of today’s generation without compromising the ability of future generations to meet their needs.

What does that mean, Mr Deputy Speaker? Useless rhetoric like that, which is clearly not intended to convey any meaning at all, should have no place in an official document.

The one-price bus fare may appeal to Labor’s socialist instincts, but it is not a public transport policy. Contrary to its intention, it will actually discourage some people from using public transport because short trip bus fares are now more expensive. Those people will use their cars instead, thus negating Labor’s professed concern for the environment. The additional cost of Labor’s single zone system will be about \$8 million. That will be required to cover the money ACTION will lose from passenger income for short trips.

It is typical of Labor that it does not understand economic principles, one being that sometimes user-pays can lead to a more efficient and effective use of the community’s scarce resources. Mr Deputy Speaker, reducing waste should be an important part of, and an important aim in service delivery. It is a lesson learned in many parts of the world, especially Eastern Europe, where command economies collapsed. Why did they? The main reason was that the prices of goods and services produced bore little or no relation to the cost of their production and provision. Subsidy and cost shifting ran rampant.

Here we have such discredited practices appearing in the ACT in 2002. Subsidising long bus trips across town may, in some cases, encourage people to overuse them. The bus service will cost more, and other services to the community will be foregone.

Mr Deputy Speaker, it just does not make any sense. This is a lazy budget, a reflex budget—a budget of deception. Labor can see that business activity and employment are on the way down, but it is incapable or unwilling to do anything about it. Labor still seems to believe in the good old socialist tradition that wealth and income come from taxes. In this budget it sees employment depending on the public sector, even though recent history proves that real and sustainable employment growth depends on a prosperous private sector.

Labor’s fixation with the public sector is seen in over \$32 million in new spending in the ACT public sector. This area, in fact, receives a bigger share of new initiatives than any other, belying the claim that health and education are the biggest winners in this budget. The full-year staff costs will blow out by some \$20 million in future years. We might reflect on who is going to pay for that huge increase.

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You might recall, Mr Deputy Speaker, that the expected result for 2001-02 was estimated in March of this year to be an operating surplus of \$18 million. The latest estimate in this budget drops that to a loss of \$2 million. One of the main reasons for that drop is Labor's failure to release land in an orderly way. Labor has failed to sell 1,000 blocks for residential housing this year—2001-02—and has forgone an estimated \$25 million in revenue. At the same time, home affordability has worsened in this city.

A sensible land release program, which was in place before Labor took office, would have seen the budget remain in surplus, even on this government's slightly shonky figures. Labor's takeover of land development will see the government lose \$32 million in 2003-04, compared with the current year, and contribute to an operating loss in that year.

In the following year, which will be the final year of this government, the shortfall from land revenue compared with now is forecast to be \$20 million. Mr Deputy Speaker, Labor is knowingly forgoing \$52 million in years two and three of its term, in order to satisfy the left's ideological commitment to socialise land development.

This proposal has the potential to get far worse. The minister, Mr Corbell, was advised that the cost of resuming public land development was between \$75 and \$100 million. If this forecast is even close—do not forget it is a public service estimate, not ours—the budget surplus projected in future years, when Labor may not even be in government, is doomed. The ACT could pay for this folly for the next decade, in the same way that losses from Rosemary Follett's foray into land development cost taxpayers for many years after.

Mr Stefaniak: That \$344 million of ours was looking good!

MR HUMPHRIES: Yes, indeed, Mr Stefaniak!

There is a history of making losses from government land projects. When the Commonwealth government ran land development in the 1980s, it lost over \$60 million in the space of just two years. Those losses were the reason that the then Commonwealth Labor government privatised land development in the late 1980s—to avoid those risks to taxpayers.

The land release program announced yesterday by Mr Corbell is an exercise in deception. He says he is preparing 3,093 blocks for release, but 1,100 of those blocks will never be released. Why? Well, 220 sites in Watson and Macquarie have not even been identified as yet, and 400 blocks in Lawson are not even owned by the ACT government—they belong to the Commonwealth. We understand those blocks are not for sale. This deceit was compounded by Mr Corbell, including 1,000 dual occupancy sites for release, having carved out for himself political territory in this city as the slayer of dual occupancies in Canberra's leafy streets.

Let us be clear. Simon Corbell, the man who has campaigned for years on the question of dual occupancies, has proposed, in this land release program, to double the number of dual occupancies from 500 to 1,000 for the next financial year. Can you believe the breathtaking hypocrisy of that step?

Mr Deputy Speaker, it is most unlikely that Labor's hoped-for surplus in the third and fourth years will eventuate. Land development profits are by no means guaranteed, especially with the slower economic growth in prospect. The government would be wise not to accept as given the growth forecast it has published in the budget.

Access Economics, for example, is forecasting gross state product growth of 2.3 per cent in 2002-03, which is 25 per cent less than Labor's forecast. I doubt if Labor had taken account of the falling away in investor confidence in the major economies due to a general cyclical downturn, exacerbated by unwillingness to invest, on the basis of unreliable company reports.

GSP growth of 2.3 per cent is looking more and more likely, and could see serious unemployment in Canberra. So much for the Treasurer's credentials. By the way, the Treasurer erroneously proclaimed himself the other day as the only qualified accountant to have been Treasurer of the ACT. Remember Mr Trevor Kaine, who used to sit over there?

Mr Quinlan: Who made that claim?

MR HUMPHRIES: You did.

Mr Quinlan: No, I did not!

MR HUMPHRIES: The Treasurer, who thinks he is the only qualified accountant, has rather compounded the territory's problems with wage justice issues, by announcing to all and sundry that he has tipped lots of money into the trough for public sector pay rises, so: folks, come and get it.

He was too coy to say how much has been provided in the budget for that purpose but, on ABC Radio yesterday, he said that whilst there was not enough for a 15 per cent wage increase, there were adequate funds available for reasonable pay increases.

This sounds to me, Mr Deputy Speaker, like an invitation to union leaders to stake high claims, so it is no wonder the public sector unions regard Labor as a soft touch. Are we now going to see the MEAA dust off its demand, on behalf of Assembly staff, of salaries of \$200,000 per year and 10 weeks annual leave? I wonder.

I said earlier that this is a lazy budget. I invite members to look at the kinds of outputs the taxpayer gets for the extra dollars pumped into key areas of government services. In many cases, what the budget documents reveal is that there is little or no improvement in many of the key indicators of program effectiveness, despite the extra investment.

It is fine to look after areas of emerging need, but it is also important to look after those things which are mainstays for the bulk of the Canberra community. For instance, apparently dental services decline in this budget, and ACTION passenger loadings hardly move, despite the much-vaunted single zone fare structure.

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Outpatient services in our public hospitals increase, with an apparently massive increase in additional funding. They increase by a grand one extra outpatient per day! That is one person, not 1 per cent. Not one per 100,000 or anything—one extra person every day goes through the ACT's public hospitals.

The question has to be asked: what exactly does the ACT taxpayer get for that extra money? What do we get? Mr Deputy Speaker, you would think that Labor would show a bit of concern for its claimed political heartland, but housing rents have gone up by \$6.2 million, while actual government funding for ACT Housing has gone down \$3.1 million from last year.

This year there was the paltry amount of only \$125,000 allocated to assist people with short-term emergency accommodation needs. This will do very little to address the chronic problem of homelessness in our community, especially in the area of emergency accommodation. Last year's housing budget contained \$240,000 for short-term crisis accommodation—overnight accommodation—plus \$1.5 million allocated for crisis accommodation and management.

You may be able to talk about areas of emergency need that you are meeting, but there are also areas of existing need which you are not meeting anything like as well as was the case in the past.

Labor's only solution is a \$3 million slush fund—there is that word again—allocated to the affordable housing task force. This is not good enough. The affected people need real solutions now, not six or 12 months down the track.

The remand centre decision does nothing to address the longer-term problems identified in the Rengain report into ACT correctional needs. Rengain recommended against building a new remand centre separate from a prison. Labor is just deferring the hard decisions on the location. Perhaps Labor would be more comfortable with another review.

Mr Deputy Speaker, this budget marks the end of Labor's honeymoon. The florid language is giving way to tawdry reality. Earlier, I likened the Chief Minister to the Emperor Nero. The writer, Teutonium, gives an account of the Emperor Nero's reign in which he recalls that, during a crisis facing the empire, Nero suddenly took himself off for a visit to Greece. I note that our Chief Minister proposes to do precisely the same thing in the days after this budget is brought down.

One might think that the Chief Minister's job is here, defending and selling this budget. A month in Greece must seem very much more inviting than staying back to explain to a bewildered public why so many of Labor's promises from the last election have had to go off to the landfill.

This budget, as I have said, is unimaginative and lazy—it is a failed budget. It is more than most observers would expect, after seven long years in the wilderness, when Labor had the chance to reconstruct a vision for the ACT. The budget does not disclose a vision for the ACT. There is nothing of that in this document. It is a document which breaks promises and shows no vision for the future.

Most importantly, however, this is a document which foreshadows a significant deterioration to the territory's bottom line over the next three years. On its own figures over the next three years, the territory's budget will be in the red. That is an extremely serious comment on any budget for any government at this time.

The ACT is in an extremely strong financial position. We have a basic underlying economic position—a budgetary position that most treasurers across Australia would give their eye teeth for, and we will be squandering it in the space of the next three years.

Mr Deputy Speaker, that is reprehensible in the extreme. Perhaps economic circumstances will save the government from its own folly, but if it does not, then this territory will experience what it should never have experienced, having climbed out of a \$344 million abyss just a couple of years ago—that is, a budget which once again goes into the red. This territory deserves better. It does not get it from this budget.

MS DUNDAS (3.35): It is my honour to rise today on behalf of the Australian Democrats and reply to Treasurer Quinlan's 2002 budget speech. Compared with most other states in Australia, the ACT is a small community with a small population and a small budget. In general, our unemployment rate is lower than the rates in other states and our affluence is greater. Tourists who come to Canberra see it as a curiosity, a mixture of national icons and bush suburbs. We are seen from the outside as a patch of middle-class suburbia that federal MPs drive through on their way to the house on the hill.

This budget, the first delivered by the ALP's Treasurer Quinlan, just confirms that image. It is all about making Canberra look good from a distance but not fixing up the problems that lie just beneath the surface. This is despite a stamp duty windfall that has helped deliver a surplus. This budget promises record high spending on capital works, while the government has turned a blind eye to the poor and to the homeless.

This budget, I must say, is a budget of narrow vision from a bland government. Each minister has funded a pet project and the government has presented a nice set of numbers at the expense of decent levels of community services and of affordable housing. This budget is what we should call a lean cuisine budget. It contains a few dainty, well presented morsels that ultimately fail to satisfy. It is a budget that was delivered prepackaged, frozen and ready to eat, but the Australian Democrats will not swallow it. While we can expect the federal government to treat Canberra only as the nation's capital, without funding programs for the benefit of ACT residents, I am extremely disappointed that our territory government appears to be doing the same.

Last October the people of Canberra went to the polls and transformed the make-up of the ACT Assembly. We did have a change of government but, just as importantly, Canberrans elected a socially progressive crossbench. Since the last election we have seen the new government at pains to say how different it is from the old government. It has even resorted to paid advertising to prove it. We have a new Attorney-General who appeared at first glance to be more progressive than his predecessors, but this budget indicates only more of the same on law and order. This budget shows that the government will prioritise prosecution over prevention. This budget has provided a funding increase for the Director of Public Prosecutions to increase the number of criminal prosecutions, more money for Quamy and an increase in parking fines. But

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where are the preventive strategies to keep people out of the legal system? We should never promote incarceration and fines over the prevention of antisocial behaviour.

Despite the increase for housing in the capital works budget, we still have a chronic shortage of affordable housing and the number of public and community housing dwellings is not predicted to increase even to the levels that they were at in 2000. This government is not tackling the challenges left behind by the last government. The budget provides \$80,000 for the setting up of a Lifeline service for people to ring when they are seeking emergency accommodation, but that is not a solution. When people contact Lifeline, what is Lifeline to do? Canberra's refuges are full and all members should be aware of the extent of the problem.

We are hearing stories of those escaping domestic violence having to wait up to several weeks to get a place in a refuge and of whole families living in cars, and what the government has given us is just more money for a referral service. People are being turned away from the refuges and shelters because existing residents cannot find affordable housing to go to. Students are being housed two to a room in our universities. The windfall gains from betterment tax and the increased conveyancing duties should be spent on providing community and ACT public housing. The duty windfall of last year will continue in this financial year, so why not earmark this money for spending on affordable housing, where it is needed?

Maintaining the idea of Canberra looking good from a distance was continued in the area of public transport. There is money for new, shiny buses but still no new timetable services. While the Australian Democrats support the removal of the zonal bus fares, public transport experts all state that on-time running and rapid services are always taken into account by commuters before cost, so it may have been possible that the community would endure higher non-concession fares if buses ran on time, had faster travel times, and ran more frequently at nights and on the weekends.

Perhaps we could curtail the record high spending on capital works this year and actually provide more bus services. In short, if there are more people on public transport and fewer private cars, then the need for extra roads decreases. This is a matter of priorities, and the capital works section of this budget allocated 16 times more funding for roads than it did for footpaths, cycleways and public transport infrastructure combined. Upgrades to the Belconnen and Woden interchanges are needed. These are not just cosmetic changes that I am talking about; these are real changes, about making people feel safe whilst waiting for a bus or using the park-and-ride services.

Mr Deputy Speaker, this budget shows that the Stanhope government is a government that is all talk, all review, but, unfortunately, of little action. This government is reviewing all sorts of policies, whilst funding and implementing the policies of the former Liberal government. We have plenty of money for reviews but little money for follow-up. Last year we had \$100,000 spent on a review to tell us that we need a purpose-built Kippax library, but in this budget there is no money for this library. Earlier this year I presented a petition from 900 residents calling for the Kippax library and community facility, but this government is ignoring the residents of West Belconnen. We are seeing half a million dollars being allocated for education reviews, but no money being allocated this year or in future years to implement any recommendations. Further, we are paying \$100,000 for a review into the chronic

shortage of school counsellors, but there is actually no funding for new counsellors and no forward funding has been signalled.

I must ask: why is this government committed to maintaining and repeating the promises of the old government? The previous government promised free school buses and laptops for teachers. The ALP proudly killed off the free school bus scheme, but kept and implemented the laptops for teachers promise. Why not combine the money taken from the free school bus scheme, the laptops and the reviews into counsellors and education and use this pool of money to address education problems by trying to end the teacher shortage through improving the development of teachers, counsellors and support staff?

Mr Deputy Speaker, I have mentioned that each of the members of this government got something for their pet project in this year's budget. This is also shown by what was not in this year's budget. The lack of support for women repeats mistakes of not only the past government but also the federal government. This budget acknowledges women only if they are sick, old or pregnant or, for the first time, good at sport. In this year's budget there is no money to implement the recommendation of Mr Stanhope's women and violence inquiry or the Assembly's status of women inquiry.

In the sporting sector, there is funding for home-grown champion women's sporting teams. I am quite happy to see the provision of \$100,000 for the Capitals and \$40,000 each for the Eclipse and the Strikers. This provision of \$180,000 is to be commended, but let us compare it with the \$250,000 for the North Melbourne AFL team, on top of the \$400,000 in subsidies for Manuka Oval. This budget definitely does show where the ALP's priorities are at.

With the change of government came some hope for the ACT public service. Members of the ACT public service know that they are long overdue for a pay rise and expect the Labor government to deliver, but it is not doing so in this budget. There is money for an upgrade of a payroll system and a new human resource management system, but no funding for the long overdue public service pay rise. Excuse my cynicism, but the government's expenditure review committee actually sounds like a euphemism for "Quinlan razor gang". We heard in the lead-up to this budget that the Treasurer was looking for 2 per cent cuts across-the-board; hence, this committee worries me greatly. I wonder whether it will be job cuts that will feed a pay rise, because I do not see such funding anywhere else.

The Australian Democrats welcome the extra funding and initiatives in health, particularly preventive measures in mental health for young people and the acknowledgment of problems in psycho-geriatric care. I acknowledge the attempt to address the problems of respite care, but my concern is that it may not be enough in the longer term. But we will continue to monitor this pressing problem.

The Australian Democrats look forward to the work of the Office of Sustainability. This office does have wonderful potential and I hope that the right mix of staff expertise and enthusiasm will be found to make it a success. The Office of Sustainability could provide for the ACT government to embrace triple bottom line reporting, which recognises economic, social and environment benchmarks in accounting. I look forward to the next budget, which I hope will include triple bottom line accounting in its delivery.

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In conclusion, Mr Deputy Speaker, it is my honour to deliver the Australian Democrats' first budget address-in-reply in this chamber. This budget is one that implements many of the previous government's commitments and a handful of Labor's election promises. I believe that the situation could have been very different. The ALP has been in government for eight months and has had the time to develop a better budget. This government should not expect praise for a budget that, effectively, maintains the status quo and perpetuates the mistakes of the past.

I find it curious that Treasurer Quinlan believes that he is picking up the Humphries' tab. I remind them both that the community is the one that picks up the tab, no matter which party is in power. Our community should be paying for outcomes, not endless reviews. Our community should be paying for services that make Canberra more than just something that looks good from a distance. The government will need to do more than just tinker at the edges if it is really serious about shaping Canberra's future.

MS TUCKER (3.47): I will make some general comments first. The Greens have assessed this budget in terms of how it meets our own policy objectives and how it compares with the types of budgets we have had previously under the Liberals. The budget, to a large extent, seems to reflect the accounting background of our current Treasurer, with its strong focus on responsible expenditure and revenue measures and its adherence to sound accounting principles, with the possible downside that it seems a bit staid and lacking in dynamism or imagination. Mr Quinlan spent some time on that in question time.

On the other hand, I am pleased that this budget is about getting back to meeting the basic demands of the community for health, community and education services which were left to run down by the previous government in its drive to treat the ACT as a business enterprise. The revenue-raising measures in the budget appear to be fairly modest, although I am not sure that they are not regressive. I think that some of them could be. As members are well aware, there is a process in train now through the public accounts committee to look at the whole question of revenue forgone, as well as the regressivity of current revenue measures and potential revenue measures; so work certainly is being done by the Assembly that may be useful to the Treasurer for future budgets.

In the area of motor vehicle registration and the stamp duty on vehicle transfers, there could be greater use of environmental factors in setting the rates. For example, the registration charge and the stamp duty for new vehicles could be graded according to the fuel efficiency of the vehicle. It is now mandatory to label vehicles in that regard under federal rules, so it certainly would not be a difficult thing to do that.

There are still many holes in the budget in terms of both funding and detail that need to be further explored. For example, I note that the budget contains \$116 million in new initiatives, but the overall expenditure in that regard has gone up by only \$6.6 million. Therefore, most of these initiatives either must be just continuations of previous expenditure or have come at the cost of cuts in spending elsewhere. The budget alludes to cuts to assistance programs for small business and the Treasurer in his speech referred to the cessation or winding back of a number of initiatives introduced by the previous government. I look forward to knowing what they are.

The government made an election commitment that it would pursue the concept of sustainability in its decision-making. I note that the word "sustainability" is mentioned many times in the budget, but I get the sense that it has been thrown in on many occasions to give the impression that the government is thinking about it, rather than with any real sense of what it means to apply the concept in practice. It is rather like how the previous government used the term "social capital". It was ironic to hear Mr Humphries being so seriously critical of the use of sustainability after seeing what his government did in previous years here with social capital. At least the ALP is prepared to put some effort into examining sustainability through its funding of the Office of Sustainability, something that I would never have expected the Liberals to do.

The ALP does, however, still have a considerable way to go in turning this budget into a triple bottom line budget where environmental, economic and social factors are integrated into determining its spending priorities. The budget documents are very much a continuation of the style developed by former Liberal governments. I hope that by the next budget we will see a revamped approach to formulating the budget within an overall sustainability framework. As an example, budget paper No 3 has for many years contained a chapter on the government's actions on the environment which, from memory, was started as a sop to people such as the Greens who regularly complained that the environment was being left out of the budget.

While I very much appreciate being able to read this information, it has always seemed like an add-on and not really part of the budget. If one were to take a sustainability approach, information on the government's environmental priorities would be up front in the budget strategy and overview section, alongside and equal to social and economic priorities. The government has made a weak attempt at that through its overview section and supplementary booklet on shaping Canberra's future. In fact, the extra booklets on the government's policy focus for the coming year have become such a common thing in ACT budgets that we may as well call them budget paper No 5.

This statement on shaping Canberra's future highlights the government's failure to grasp what sustainability means, or perhaps indicates that the bean counters are still in control. In this statement, sustainability is listed as just one objective amongst many others, rather than recognising it as an overarching framework that should guide the development of all aspects of government. Sustainability is more about shifting the paradigm to thinking about how all of our decisions today will affect future generations of people living in the ACT and whether we will be making things better or worse for our children, their children and so on. It is not about what we can do over the next financial year, or this term of government.

The juxtaposition of the sections on sustainability and economic growth is a prime example of the government not understanding what sustainability means. In fact, the booklet starts using the term "economically-sustainable growth" as a perverse mixing of metaphors. The literature on sustainability or ecologically-sustainable development makes clear that you cannot have indefinite economic growth within a finite environment. One can have changing economic activities or developments in technologies and industrial processes, but not growth in things such as resource consumption, land use change or waste production. I just hope that the new Office of Sustainability will have sufficient resources and influence to do a better job with the next budget.

On transport, I am pleased that the ALP has funded some specific initiatives that will head us more in the direction of sustainability. Transport is one area of very definite change from the Liberals. I congratulate the government on its bravery in addressing the contentious and politically unpopular issue of parking charges. The inequity in having parking charges in the office areas of Civic and Woden but not in Belconnen or Barton has been around for years, but the Liberals were too gutless to do anything about it—I can see that they are taking a populist line today—despite the rhetoric of their understanding of sustainability.

However, rather than just imposing the same charges as currently apply in Civic or Woden, I think the government should do a total review of parking charges in the ACT and look at the equity issues, as there are currently so many inconsistencies in how parking charges are applied across the ACT. Some group centres, such as Dickson, Kingston and Manuka, have pay parking, but the other group centres do not. The days and times when parking must be paid for also vary across the city's public and private car parks. There is a need for a consistent, equitable and targeted approach to pay parking, and I stress that because I have noticed that in some of the response so far from the community legitimate concerns have been expressed about the nature of parking. That needs to be addressed thoroughly.

The extra funding for ACTION and the abolition of the zonal fare system provide a good balance to the increased parking charges. However, these hardly make up for the running down of ACTION by the Liberals in their flawed attempt to make ACTION run as a business and not as a community service for those people who cannot or choose not to use cars. The cycling initiatives in the budget are also welcome, particularly the commitment to the Downer-Woden on-road cycle link, which will become the backbone of Canberra's cycle lane network. Unfortunately, though, the funding for footpath and bike path maintenance will barely keep up with their continuing deterioration.

The big problem with the ALP's transport initiatives is their unthinking acceptance of the former government's traffic jam plan or traffic congestion road safety improvement plan, which was just a fancy way of saying that they were going to build lots of roads. If we are to become a truly sustainable city, we must start to wean ourselves off our overwhelming dependence on cars. Any effort to improve public transport or consider a light rail system will be continually and obviously undermined by this huge level of expenditure, which in this budget is \$34 million and which over the next four years will total \$135 million.

On the environment, the Greens welcome the additional \$500,000 for nature conservation and related work and the additional resourcing for the Commissioner for the Environment, but this is really just catch-up money and more resourcing is urgently needed. The \$150,000 allocated to weed control is no more than what has been spent in previous years. Of particular concern is the lack of additional investment in environment protection functions, including air quality, water quality, tree protection and other EPA functions. Weed control is also hardly keeping up with the problem.

The funding for energy efficiency measures such as the solar hot water rebate, the heater rebate and the cavity wall insulation scheme is a good move, as is the development of a whole-of-government energy report to analyse trends in energy consumption.

However, it is time for the government to do a full analysis of how well these measures are feeding into achieving the ACT greenhouse target of getting back to 1990 levels by 2008. The ACT greenhouse strategy was released nearly 2½ years ago by the previous government and is due for review. Indeed, I am asking the government to take on that work.

The increase in tip fees, with better differentiation between the size of loads, is a good move, but I hope that the revenue will go back into developing more initiatives to achieve our no waste goal. The promised development of new domestic waste collection and recycling contracts will be the key test of the government's commitment to the no waste target.

On the broader social issues, the new government has sought to address some of the damage caused by the previous government. We have increased investment in disability services, mental health, young people at risk and respite care and, it seems, put greater focus on the quality of public service. We should not forget, however, that the social services are there in order to provide support for people in need and the focus will need to shift from delivering outputs in a timely manner to treating people with respect and dignity and positively affecting their lives. People who live in public housing know what I am talking about, as do people who need mental health services.

I have some comments to make about particular areas, but obviously these are preliminary comments. There are many areas of the budget which we have yet to look at in detail and the estimates process will be important, as always. The Greens have for some time emphasised the importance of public housing and the fundamental role of secure, appropriate, affordable housing in addressing social disadvantage and maintaining healthy communities. In this context, we were pleased to see the government's strong statements about access to safe, affordable housing being a right of everyone in the community and the importance of developing sustainable tenancies, which I assume means recognising the need in the public housing and social housing sector to engage with tenants as people and, at times, as people with particular needs, not just as people who pay the rent. That is a difference I am seeing with this government. Clearly, the response to housing of previous governments was that it was about bricks and mortar. This government is definitely showing a much more sophisticated understanding of its role on housing.

Gowrie Court is an interesting example. A strong community focus has developed through collaboration on a garden, having a singing group and so on. It is interesting that Gowrie Court is one of the multiunit housing complexes whose future is yet to be determined. While the development set to replace Burnie Court will include a significant proportion of public housing, there is no guarantee that community facilities will be included in the construction. What I am saying here is that, while I am seeing a different approach, these two examples are of concern to me as they do not seem quite consistent.

I understand that decisions about these complexes will be made on the basis of a cost-benefit analysis for each complex. The cost-benefit analysis will include financial trade-offs between upgrading and maintenance versus the cost of creating new accommodation and will include an assessment of the social costs or perhaps benefits of relocation, of breaking up a community and so on. The Greens welcome this kind of thorough analysis,

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but we will look to see how seriously the social aspects, which are more difficult to quantify and put a dollar figure on, are weighted in the analysis.

This budget shows evidence of a shift towards understanding the fundamental role of housing in the lives of disadvantaged people, which we welcome. In some senses, the work is in progress via the affordable housing task force and other reviews. Development of a strategic approach for the community development work will be useful and important. That is not specifically identified in the budget as I have found it, although I understand that there is a plan for a committee to oversee this work.

The establishment of the Department of Disability, Housing and Community Services will provide an opportunity to coordinate the way these services work together and so improve the lives of the disaffected people who make up some of the public housing population. The allocation of funds to bring fire safety in housing complexes up to current Australian building code standards is a positive example of taking on a duty of care. Social housing more generally will be improved by an overall increase in both community housing properties and tenancies and public housing properties and tenancies. Community housing can provide a very valuable form of social housing for particular groups of people, so it is pleasing to see the sector being developed in this way.

It is of concern that the ownership agreement frames at least part of this increase in resources for community housing as a redirection of funds from public housing, but I understand that ACT Housing expects to be able to recover from this redirection through tightening up some of its systems and so reducing costs and that the Advance to the Treasurer of last year's budget supplied \$10 million for the fire safety upgrade that does not show up here. I would like to put on the record, however, that this redirection of funds ought not to become a pattern for budgets in the future. We need both public and community housing. The government, on the other hand, does seem to understand in a way the previous government did not that there is a need to increase access to public and community housing.

The budget, at a glance, shows a decline in the number of tenancies managed from last year, but the more detailed planning in budget paper No 4 is for a significant increase in these two sectors, with social housing tenancies increasing from 11,490 to 11,760 and public housing tenancies managing an increase from 10,925—the original 2001-02 target—to 11,250 in 2002-03. That will help in the very tight house and rental market in which the ACT has been for some time.

If these positive changes acknowledging duty of care and being more proactive on behalf of public housing tenants and property spaces are carried through, along with the reversal of some of the changes made by the previous government towards so-called welfare housing, then we will see some positive changes in public and social housing. The \$3 million allocated to implement outcomes from the affordable housing task force gives us some hope, too. This is not really a slush fund. It is more a reflection of some work in progress and being prepared to act once the plan is set. These improvements, in turn, will benefit the community as a whole.

There are some positive indicators to begin with, but there are areas of concern. For instance, the Magistrates Court, which also conducts coronial inquests, does not anticipate an improved throughput this year. There has been a number of well-publicised and tragic deaths among the disability and mental health communities, but the coronial inquests look like taking years. When we are dealing with people so vulnerable and shaken by death, the onus must be on government to ensure that the causes of such tragedies are addressed promptly and the people concerned are treated with consideration and respect. A process that goes on for years like these ones do would surely undermine any trust or hope for new beginnings, would not be useful to help with closure and would reinforce the feeling that all parties are under siege. I notice also that there does not seem to be much of an investment in advocacy and support for these people, their families and friends, and I am concerned about that. Maybe that is covered somewhere in the budget and I just have not been able to find it yet, but it is a clear unmet need.

We do not have the full picture on education spending yet. The government has kept faith with its most basic commitments, building on the previous government's class size reductions and staff pay rises, the indexation increase, while the reviews into vocational education, counselling and education funding were expected. The government has, however, kept back some millions of the free bus money until these reviews have been completed. We will be looking for evidence that the education department is committed to supporting innovation, creativity and excellence in schooling and developing programs which provide the opportunities and support for young people who need them.

The youth sector, however, appears to have remained the poor relation here. The reorganisation of the ACT public service seems to have fragmented rather than consolidated youth services, leading me to doubt that the expertise available can be harnessed in a coordinated way. There are, of course, a number of programs that appear to target recognised need. The support and recreation programs for North and West Belconnen and the young people they hope to work with might rue the loss of a skate park and tennis courts, while young people in Gungahlin probably will be old before they see a pool or a park. If the ACT government escapes the clutches of the V8 supercars, perhaps it can put some of that money back into these proposed facilities.

The community sector, those non-government service organisations on which we depend to deliver a growing proportion of our services, appear to be most left behind. While people are relieved to see provision in the budget for community sector organisations to pay for increases under the SACS award, there are two points that need to be made here. If it is prudent for government to make provision for expected pay rises for its own employees, it is also prudent to plan ahead for expected pay rises for government-funded community services. It should not be necessary for the sector to have to run a campaign for increased funds every time the award wage is increased.

More subtle perhaps is the new meaning of the SACS award. This award is part of Mr Howard's industrial relations plan. It offers a minimal safety net. It is not a guide for reasonable payment, although I acknowledge that the industrial process to this end is not yet complete. So the terms of the review of the SACS award, for example, did not allow the comparative work in the public sector to be taken into account, nor did it allow the particular wage market in the ACT to be taken into account.

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As we move down the road of professionalisation of community service work and require more and more measures of accountability from the community sector, there ought to be an equivalent increase in the resources allocated to pay for that. If community sector organisations start to apply for tenders on the basis of paying a fair wage to their professional workers, will this government pass them over for an organisation which is paying only the award or is relying heavily on unpaid work? These are questions that the government must answer if we are to ensure a decent level of services applies.

It is not fair and realistic to expect people at a high professional level to stay long term working on the front line with the people who are most disaffected if the wages that services are able to provide based on the government funding of services does not keep up with comparable work in other sectors in the ACT and round the country. Rather than putting a percentage aside for public service pay rises, perhaps government could take the initiative here and simply award a flat rate so as to ensure lower paid public servants are well rewarded.

The issue here is one of professionalism and value, how we value the people who work at addressing community need. But the problem is not simply one of pay rates. It is also one of accommodation and resources. I notice that the Junction Youth Health Centre is to be squeezed into the Civic Youth Centre when the new one is built, even though it will barely fit existing demand. The whole Griffin Centre replacement debacle only illustrates that accommodation for community services is never a priority. While we became used to that approach from the Liberal government, it is disheartening to see it being carried on by Labor.

In that context, while the whole of government IT expenditure might appear necessary to the department responsible, it appears enormously indulgent to people working in the community sector or using its services. The real digital divide is between the community sector and government and business, and there appears to be nothing in this budget aimed at bridging that divide.

In conclusion, there is much in this budget which is commendable. Some attempt has been made to face up to revenue matters and there are initiatives I have already addressed. However, the visionary parameters for this government will be set by the implementation of such activities as the Office of Sustainability, the inquiry into education, the affordable housing task force, the response to mental health challenges and so on. The key issues, the ground issues of environmental protection and the status and support of value accorded to the community sector, are yet to be addressed.

MR SMYTH (4.09): There is much to cover in a very short time in this debate. The first point I make is that, although the government claims to have delivered a budget that is honest, open and accountable, so much is hidden or obscured. Several non-government speakers have already alluded to the fact that it is hard to find things the government refer to and do not make clear. So the first thing that goes out the window in this debate is their promise to be honest, open and accountable.

The second thing I want to address is corrections. In the budget there is \$50 million for a remand centre next year. But there is no clear direction about what the government intends to do with corrections overall. There is no mention of a prison. This is a worry.

This is adhocery. The government are making it up as they go. Much of this is because of the legacy the former spokesman for the Labor Party on corrections left the current minister. We all understand that.

It is time for a reality check if this government is to achieve anything in corrections. We all know that something needs to be done about the remand centre. Work was progressing towards that. There is no indication in the budget documents that serious consideration is being given to a prison. If you want to co-locate the remand centre and the prison, you need to do the work now, not make an ad hoc decision later.

The Rengain report delivered to the government early last year said that the option of building a stand-alone remand centre was an inefficient way to progress because of security concerns and a cost of over \$60 million. In the last couple of days we have heard Mr Corbell's lame excuse that he cannot deliver Gungahlin Drive on time and within budget because costings were out of date. The costing last year for a stand-alone remand centre was \$60 million. Why this government has ignored that advice and put only \$50 million in their budget is beyond me.

Expenses for the design and construction of the remand centre go into 2003-04, so it seems the remand centre will not be constructed until 2004. On Mr Corbell's logic, the 2001 price must go up by 2004, so something like \$70 million may be required for a stand-alone remand centre when this government gets around to constructing it. Or if they stick to their \$50 million, will they be breaking their election promise that they only build a state-of-the-art corrections facility? That will come at a cost to those incarcerated there and at a cost to society, because we need to be breaking the cycle, not contributing to it.

I move on to tourism, which will not take long to deal with. The only mention of tourism in the budget is a one-line continuation of the national capital education tourism project. This project started in the lead-up to the centenary of federation. It is a worthwhile project, and I applaud the government for making money available to continue this initiative.

But it is not what the tourism industry was looking for. I can remember earlier in the year being at the AIS with the minister when Professor Mules mentioned the possibility of a \$10 million increase in tourism funding for destination marketing. The minister has ignored tourism.

A pressing issue for the tourism, hospitality and hotel trade is an upgrade of the Convention Centre. As with so many things this government tackles, all we are going to get is another study. There is \$200,000 for a feasibility study of convention facilities.

The minister should read *Building Our City*, which after much consultation and planning became the third stage of our strategy for Civic, the first two being *Our City* and *Creating Our City*. It talks about the city being in four distinct quadrants. The south-east quadrant is anchored on the convention facility. Much of the planning that has gone into the upgrade of Civic is predicated on the upgrade of that facility. Nothing is going to happen, when we know from the PKF report received in March last year that there is a problem. We need to be getting on with it, but yet again there is to be just another study.

We come to business. Again, it will be a very quick discussion, because there is not a lot in this budget for business, except for some extra taxes. Mr Quinlan, in one of the addresses I have heard him make in the last couple of days, said that we are coming off a peak. We heard earlier today three or four fine quotes from the Leader of the Opposition about the government's expectation of a softening in the housing and construction industry and no jobs growth. The government stand condemned for that. Knowing that, they have made no allowance. There is no plan. There is nothing in this budget that would indicate that they are taking seriously their responsibility to foster jobs growth in the ACT.

They will point to the economic white paper and say, "We have started on the economic white paper. We will get a draft, then we will get another draft, then we will have some consultation, and maybe some time next year we will actually get an economic white paper." But what happens to the people of the ACT between now and that time? According to this government, you are on your own. They will not do anything until they have completed that review.

There is some money for the ICT Centre of Excellence and that is welcome. The \$20 million breaks down into \$10 million of land, which is revenue forgone rather than cash given over; some payroll tax exemptions, estimated at \$5 million; and up to \$5 million direct assistance, the bulk of which probably will come in 2006-07. The government is supportive of the ICT centre, as we all are, but there is just a single announcement. The rest of it is rebadging of programs that existed under the previous government.

Health is very important to all Canberrans. Mr Stanhope, when cornered on a question he cannot answer, resorts to his pat line: "We were elected to improve education and health." I want to point out a few things in the health budget. The government promised \$1 million for respite care, and it is there. Well done, Chief Minister. They promised \$1 million for disability services. There is \$2.5 million in the budget. Well done. They promised an extra \$1 million for mental health. There is \$1.3 million in the budget for this year. Congratulations. The strength of the budget position we left them enables them to fund these promises.

But we need to make some comparisons. *Budget at a glance* for last year shows that disability services received \$2 million under the previous Liberal government. It is a sector we acknowledged and in which we were building up capacity. Because of the strong position the Treasurer found himself in, the government can fund \$2.5 million this year. That is good.

Mental health has picked up \$1.3 million this year. My quick adding up of some of the programs in the press releases last year suggests that there is something like \$1.6 million of additional funding in the current year's budget for mental health. Yes, the government has done well, but remember that we were putting money towards these issues to build up capacity.

Something that appears in the budget at last is the step-down facility, except that now it is called a convalescent care facility. I saw a report that said that this will provide six beds. The money is certainly less than we had in the budget. We had \$1.5 million for this

year and \$1 million for each of the outyears. That has been cut to \$600,000. It is a start. It is a step in the right direction for a step-down facility, but the government will need to do more, because we will continue to have ward closures and pressure on accident and emergency services unless this sort of facility is built and staffed correctly. It will take out of the acute system people who do not need to be there. This facility is not just for older people. It is for young people who have no-one to care for them when they go home. It might be for somebody with a particular disability, but it will service all of the community. It is a good start but, Chief Minister, you need to do better.

This brings me to a very important part in the health budget. Over the last three years the Liberal government increased health funding by 20 per cent, a substantial increase. Our average was 6.67 per cent. You have to compare like with like, not apples with oranges. The budget claims that this year there is a 11 per cent increase. That is \$245 million over \$220 million. I suspect somebody forgot to move the injection for operating requirements up, which means that the estimated outcome for this year is perhaps \$231 million. The Treasurer has done a good thing here. I give him a pat on the back. He has moved the injection for operating requirements into user charges, ACT government, which I think is an appropriate thing to do because it will lead to less confusion and give a truer picture.

But the truer picture of health funding in the outyears is appalling. This Health Minister claims to have put \$36 million extra into health because of unmet demand but then walks away from it. The increase in health funding next year is half of 1 per cent. I do not know of any year when the health budget has grown by so little. I do not know of any year in which it was not increased by at least CPI. Half of 1 per cent is not even a CPI increase.

The year 2004-05 sees the health budget going up 1.7 per cent and the year 2005-06 sees it going up 2 per cent, well below inflation. Over the three years, Labor's increase is 9.2 per cent. That is not even half the amount by which we increased the health budget over three years, at an average increase of 3 per cent.

The other irony is clawback. Clawback is where the right hand gives and the left takes back. If you look at all of the documents in the appropriations, you will see that the government always take it back. It has been lauded much that they have given all this extra money to the system, and we are seeing it in all the other areas as well, but on page 152 of Budget Paper No 4 we see that this year they are giving an extra \$8.7 million funding for pressures at the Canberra Hospital and they are taking \$1.6 million back. Next year they will give \$6 million and take \$2.4 million back. More than a third of the money given for pressures at the Canberra Hospital is removed. In this case the Treasurer giveth and the Treasurer taketh away. One must question whether the government have broken another promise. They promised to give extra money but then they have taken it away by sleight of hand. So there are concerns with the health budget.

Much of what has been achieved in this budget has been achieved because the government is riding on our coat-tails. In the entire budget we see no strategic vision, no plan, no attempt to cope with the future. If this is the best you can do when Canberra is in good times, it does not bode well for the future, Mr Quinlan. You said that we were coming off a peak, but there is no plan to bolster the economic growth of the ACT for the future.

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That brings me back to the health budget, because as you go into deficit you have to start cutting services or perhaps borrow. There are a number of options, but none of them guarantee sustainability of the health budget. It is curious that the definition of sustainability in the budget document called *Shaping Canberra's Future* is not the definition of sustainability in the discussion paper the Chief Minister released today entitled *Towards a Sustainable ACT*.

The word "sustainability" is scattered like confetti throughout the documents in some sort of charade, but the devil, as always, is in the detail. I would suggest the Canberra public look at the outyears. They will see that in real terms this government is going in cutting health funding. That is of great concern to me and the people of Canberra.

MR STEFANIAK (4.24): While there are some good things in this budget, there is a lot about it that is a worry. A number of members in this place, not too many, have sat through a number of budgets. I had the privilege of being part of seven budgets. The first few were deficit budgets. The then Liberal government in 1995 inherited a deficit from the previous Labor administration. With an immense effort, over a number of years that deficit was transformed into a surplus.

There are a number of worrying signs in this budget in the big picture. As the Leader of the Opposition and shadow Treasurer said, over three years it will deliver, even on the government's estimates, a deficit. The Treasurer might well think he has a crystal ball, but things can go wrong. What if something does go wrong? The deficit will be a lot bigger than he expects. That is not good news for the territory. It took a lot of work to get the budget back into the black, and a lot more effort could have ensured it stayed there.

I am sure Mrs Dunne will talk about the very worrying aspects of what is planned in planning, with the government taking back the development of land. Very scary outcomes could come from that.

Before I come to some specific portfolio areas, I will deal with the electorate of Ginninderra. When you sit in cabinet you like to see fairness. I must admit that on occasions I thought, "Come on, guys. Let us have a bit more for all electorates." All governments should ensure that that occurs. Given that the Chief Minister comes from Ginninderra, I was particularly disappointed that not a huge amount is to be spent in Belconnen.

I am pleased to see continuation of the William Hovell duplication. That is essential. That is something we started, and it is very good to see it continued. That is about \$7 million. I note some works—not much, I must say—for stormwater and drains. There is a significant amount of money for much needed work in Weetangera. There are also moneys for development on the Lake Ginninderra foreshores. I am pleased to see too the carryover of moneys for the Belconnen pool. I am pleased to see that that will finally come to fruition, although not quite as quickly as some of us would have hoped. Those are the positives, but there is not much else.

I am very concerned to see paid parking at Belconnen and Tuggeranong. A lot of people who park there are battlers. Paid parking is something the previous government could well have introduced during its seven years. It was put to us by the public servants in 1995, but we resisted it because of the impact it would have had on the average punter.

Ms Tucker said we did not have the guts to do it. It is not a question of guts; it is a question of fairness. There are other ways in which to run a balanced budget without slugging people, especially the needy. The opposition will be monitoring paid parking very closely to see what impact it has not only on the people who have to pay but also on the shopping centres. Can we expect a further increase in paid parking in other areas, like Jamison or Kippax? I hope not. But we will wait and see.

I was concerned to see removed from the budget the \$500,000 for an initiative that would have greatly helped youth—the skateboard park at the old Charnwood High School site. The government trumpeted a worthwhile initiative in the *Chronicle* this week—\$151,000 this financial year and \$565,000 over four years for an outreach service for the youth of West Belconnen. I am sure that service will assist a number of needy youths. It builds on the moneys which in recent times we put into youth services around the Kippax area and services through the Ginninderra District High School.

To do that but to take away a facility that would benefit the whole 6,000 or so youth of the area is very bad indeed. I asked the Chief Minister a question on it yesterday. He said that it was a matter of reprioritisation and that it was not a priority. I am sorry, Treasurer, I disagree with that.

In the last seven years we created a number of youth facilities and skateboard parks in Gungahlin, Weston, Tuggeranong, Civic and Belconnen. The Belconnen one was state of the art at the time it was built. Mr Speaker, you may have had something to do with that in the previous government. I think a few of us might have had something to do with it a long time ago in the First Assembly. It is a good facility.

But there are 6,000-plus young people in the West Belconnen area, many of whom would have greatly benefited from a skateboard park in Charnwood. For the government to take that out is a real slap in the face not only to the youth of West Belconnen but to the citizens there as well. That is not even worrying about things like tennis. There was money for that. I was very disappointed to see what happened to the skateboard park.

I turn to housing. I was impressed by some of the points Ms Dundas made and even by some points Ms Tucker made. The budget trumpets \$90-odd million in housing expenditure, up \$3 million. It looks good on the face of it, until you go into the detail and look at last year's budget.

Rents are up this year by \$6.2 million, but funding is down from a little over \$30 million to about \$27 million, down by \$3.1 million. So the increase is a result of increased rents.

I commend the housing minister for his initiative in improving fire safety precautions in flat complexes and throughout ACT Housing properties. I saw in the budget papers \$16 million for that over a few years. That is a fair amount of money. I do not know whether he needs that much, but it is a good initiative.

I am pleased to see the moneys allocated over a four-year period to community housing. I am pleased to see that the government aims to get community housing up to about 1,000 properties. That is something I aimed to do when I was minister in 1997.

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Community housing was launched with 200 properties, and it is good to see that it is getting a kick along from the current minister.

When I saw only \$125,000 allocated to assist people with short-term emergency accommodation, I was concerned. That will not go a long way. The \$80,000-odd allocated to a help line might sound good, but if there is nowhere for people to go they are not going to get much help by ringing up.

Last year \$240,000 was allocated for overnight emergency accommodation and \$1.5 million was allocated for crisis accommodation and management—a considerable amount to address homelessness. It is a real problem. Like Ms Dundas, I have heard of people sleeping in cars. I have had people in that situation contact my office and personally known of a number of people in that situation. Now that it is winter it is particularly worrying.

The opposition has already expressed its very justifiable concerns over the closing of the men's and children's centre at Kaleen. We continue to stress the need for that centre and that type of centre to be reactivated. I would suggest to the minister that he might like to do that on the south side. I do not make any disparaging remarks about the new group running the new centre. I note, however, that they seem to have a charter for people to stay longer, which means fewer people in crisis can be accommodated. I am sure those who are there are being accommodated well. But there is a real need for men with children.

There is a huge need for single men to be accommodated, according to the welfare groups I talk to and the people who attended the homeless forum I conducted in May. One group turns away 2,000 a year. The YWCA said it turns away about 300 women and children in a year because it cannot put them into crisis accommodation.

There is an argument that maybe some people stay in crisis accommodation for too long. That is something that needs addressing too. But when we have a crucial need, surely it would be a better use of money to spend some of the \$3 million the minister has in the slush fund, which will not kick in until the homelessness task force reports in October. We are talking of at least six to 12 months before there is any action. It would be far better to use some of that \$3 million now. Spend a few hundred thousand. SAAP comes into the portfolio now, and there is greater funding there. Spend that on addressing the needs.

Create another shelter on the south side for single men. I would suggest reactivating. Give men and children a shelter on the south side. Maybe you can do something to address the needs expressed by the YWCA as well. For a few hundred thousand you could go quite a long way to doing that now without waiting until the housing affordability task force brings down its report.

ACTCOSS stated in a press release that Daniel Stubbs put out:

The additional funds to the Affordable Housing Task Force are a good start in ensuring that every Canberran can access adequate accommodation.

I agree with that. He went on to say:

This budget however does not solve the housing crisis in the ACT, and further steps are need to be taken to provide those currently experiencing housing problems with adequate accommodation.

A recent ACT Government funded study into homelessness identifies needs and ways forward, however the funds previously earmarked for these new initiatives in emergency accommodation no longer exist.

We have \$3 million. Let us use some of it. I wonder whether something has happened with the money we allocated last year, close to \$1¾ million. I do not know the answer to that, but quite clearly things need to be done and they have not been.

I come now to justice. My portfolio responsibilities exclude police, emergency services and corrections. I make one comment in relation to corrections. Having been in cabinet when the prison project was going through, I am very disappointed that the government has seen fit only to spend money on a remand centre. When you are spending \$50 million, \$60 million or \$70 million—whatever it ultimately will cost—you might as well go the whole hog, which is not all that much more. It would be a shame to see the prison drop over the edge and not appear on the radar screen during the term of this government.

There are not many justice initiatives. There is some money for the bill of rights committee. I suppose that is logical. I do not agree with a bill of rights, but I suppose if you have a committee it needs money. There is \$103,000 to establish an ACT consumer law centre. Fine. There is some extra money for the Sentence Administration Board. There is a tiny bit of money to do some refurbishment to assist disabled access to the Supreme Court. But there is nothing else.

Compare that with last year's initiatives in the area of justice, excluding things like prisons and police. There was \$354,000 for home detention, \$425,000 to upgrade the information and IT systems at the court, \$1.484 million for intervention programs to reduce recidivism—Ms Dundas, in her question, was interested in juveniles and prevention—\$570,000 for a family violence intervention program and \$545,000 for management of interstate custodial offenders. There was some \$20,000 to assist families to visit prisoners. I have mentioned six good initiatives. There are only three in the current budget. There is a dearth of ideas in this portfolio.

A lot could have been done in this budget with the money that was available to the government. It should have been done, and it was not done. As a result a lot of people in Canberra who need not have missed out on benefits that could have accrued from this budget will do so. All I can hope for now is that where there are slush funds that money will be used well. I come back to housing. A lot of money in that slush fund could and should be used now. Some very desperate people, some of the most vulnerable people in our community, will probably suffer needlessly because of some misdirected priorities in the first budget the new Treasurer has brought down.

MRS DUNNE (4.39): Mr Speaker, I rise to speak on the budget. What a fizzer! We have sat around for seven months waiting for this government to gestate a budget, and we get a mouse—a very grey, little mouse at that. This budget is a failure. It is a failure for what it is and for what it fails to do. This is a government that, according to its own publicity,

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wants to be open, honest, measured—what a nasty little, narrow, accountant-like term that is—and responsible.

You do not have to peer too closely to see all the deficiencies of this budget. Today, the leader of the opposition spoke of a ream of broken promises. Let us look at the portfolio of police. This is a government which variously promised 20 or 30 new police officers over three years—a government that promised that those police officers would go where the crime statistics indicated they were needed most.

What do we see today? Four of the seven police that they promise to give us next year will go into a DNA unit. They will take police off the beat and put them into a unit which could be run by non-sworn officers. This is an abrogation of Labor's commitment to policing in the ACT.

At the same time, it is ironic to see that the ALP suddenly has a new-found interest in DNA. They are all standing there to say, "Mrs Dunne, this is about catching criminals!" For two years, the same Attorney-General did everything he could to stymie the introduction of DNA legislation. Every time we turned around, you were finding ways of stopping the introduction of DNA legislation. If you search the Labor Party's website, what do they say about the DNA unit? Nothing! All they do is bag out the previous government for its draconian attempts to introduce something to which they have suddenly become converts.

Then we look at the environment, where again, there are opportunities missed and visions passed over. There is great fanfare by the Labor Party about its environmental credentials, but what do we see? In the words of Robert Macklin in the paper on Wednesday morning, there was use of weasel words, not the least of which was "sustainability". The Chief Minister sprinkled that word like confetti throughout the document. Everywhere you find it. When you go to find out what this government means by it, it is a meaningless, content-free definition.

Today, there is the release of a paper. What is it? *Towards a Sustainable ACT: a Discussion Paper*. This is a government which promised the introduction of an office of sustainability. Seven months later, they are putting out a competition to come up with a definition of sustainability. Seven months in the offing, and nothing. These are four ministers in search of a definition.

There is all this fanfare, Mr Speaker! The other day, Mr Wood announced \$1.5 million, which promised many things, including new rangers. However, when we went through the staffing profiles in the Department of Urban Services, we saw not one new ranger next year. The ACT has been duped again by these people.

Then there are other things. In the past, we have talked about the hot water system scheme. This is another example of regressive measures by a regressive government—again a government with no vision and no future.

When you look at them, what do you see? We have the prospect of a return to the 1950s. It is grey and uniform—stolid, like boiled meat and cabbage. This is a grey government, and, like boiled meat and cabbage, it is unimaginative in the extreme. We ask for vision and we get a rear-view mirror.

The confirmation of this comes in the announcement that we are moving back to in-house land development. That is a reopening of a very unhappy saga in the history of the ACT.

Government land development under previous Labor governments has been a disaster. As we heard in question time yesterday—highlighted by the Leader of the Opposition—when we last had government land development, it cost us \$26 million over two financial years. That was a decade ago. Labor is Labor is Labor—it never changes its spots. Nothing there suggests they will do anything but the same.

They say, “No, no—it is not going to be all in-house—there are going to be some joint ventures.” Well, let us look at joint ventures. All we need to do is mention Harcourt Hill. What do we know? A litany of disaster and loss, and a great deal of investment by the previous government to pull the fat out of the fire. Even in this budget, when land revenues are going up gangbusters all over the ACT, what do we find? \$2.1 million less revenue from the Harcourt Hill joint venture than was predicted. Harcourt Hill is the banner of what this minister wants to do in land servicing, and it is a sorry, tattered banner.

The building industry is feeling the pinch from a massive 50 per cent drop in new building starts, compared to a national average of 7 per cent. That is 50 per cent in the ACT and 7 per cent across the rest of the nation. The last thing it needs is the shadow of the heavy hand of government intervention hovering above it, making sure they lose more money hand over fist.

I am concerned, as I have said in this place on a number of occasions, that, through this minister, this government is engineering a hiatus in planning, with its policy of uncertainty, which is leading to job losses and the flight of capital, employers and builders out of this town. We will eventually find that there will be no-one to build our houses. That will mark a definite downturn in the prosperity of this town.

We have seen introduced today another plank of the Labor Party’s policy. Well, it is half a policy really—it is half a plank—the Planning and Land Bill 2000. It was introduced in haste, as always, with Minister Corbell, as he always does, making it up as he goes along. Then we find, at the end, that many of the consequential amendments—all the things that will make it work—have not yet been done, and we will see those some time in the future.

There is nothing to indicate that the new Independent Planning Authority will work any better than what we currently have. There is no commitment to increasing the resources available to PALM to make it work. PALM is already struggling under the workload imposed upon it by this minister, who is besotted with change and innovation. There is so much coming out of PALM that not even PALM knows what is going on, and no-one in the community knows what is going on.

Then we have the land release program, Mr Speaker. What a corker that is! Mr Corbell sat here smugly, in the last sitting week, saying that his government would release 1,000 more blocks than we ever had the courage to do—he was going to be audacious. But let us see where they come from. There are 400 blocks in Lawson, which we all know the

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Commonwealth took off the market indefinitely this financial year. He cannot deliver 400 blocks in Lawson next year—or 300, as he promises, the year after.

There we have it—Simon Corbell, the scourge of dual occupancies, is suddenly proposing to increase by 100 per cent, from 500 to 1,000, the number of dual occupancies, so he can inflate the figures, so he can sit there and say that he is improving the land release program. He is doing it by a pea and thimble trick. If Mr Corbell is convinced by it, nobody else is.

Let me turn to Belconnen—poor Belconnen. Belconnen has always been the ugly duckling of the town centres in this place. It is something I have been critical about for a number of years. There is never enough for Belconnen. Belconnen gets the leftovers and, boy, there are not even any leftovers! What do you get this time? No JESC, and no library in Kippax! As Mr Stefaniak has said, no skate park in Charnwood and no tennis courts in Charnwood. Mr Wood was talking very promisingly before the election about an arts centre. But there is no arts centre—not like the beautiful one in Tuggeranong. No, no—nothing is ever good enough for Belconnen.

Then we have parking fees introduced by this government by stealth. Where were they, in the election, being open, accountable and honest about the introduction of parking fees? Nowhere to be seen! As soon as they get a budget, what can they do? Introduce parking fees that are going to move into places where they have not been before.

Is this fairness? Not according to ACTCOSS, who have deplored it because of its regressiveness. Once again, the people who voted for this Labor government—the battlers of Belconnen—have been battered and betrayed by Labor.

Mr Stefaniak: Taken for granted, basically.

MRS DUNNE: Taken for granted. Here we have this sorry budget. What do we have at the end of it? We have a Chief Minister who, instead of selling his budget, is going to be swanning off to the Mediterranean. Previously, we have heard the Leader of the Opposition refer to the Chief Minister as Nero fiddling while Rome burnt. This time there are no initiatives for Canberra, but perhaps we have our own amateur production of Julius Caesar, with the Chief Minister the self-proclaimed, most popular man in the territory.

As he goes swanning off to the Med, as Julius Caesar went swanning around, I make a few warnings to the Chief Minister. Beware the ides of July, Chief Minister, because your Treasurer has the lean and hungry look of Brutus. Beware that, when you come back, you will not find yourself, like big Julie, stabbed in the back, in the Senate.

Mr Wood: Is this where Humphries used to get this crap from?

MRS DUNNE: It is pretty good crap, really. When you think about the great cast of Julius Caesar, look at the Minister for Planning as the new Caius Cassius. What would he be saying about the most popular Chief Minister in history? To borrow a word from the bard:

Why, man, he doth bestride the narrow world
Like a Colossus, and we petty men
Walk under his huge legs and peep about
To find ourselves dishonourable graves.

We also know what Big Julie, the Chief Minister, thinks about the Minister for Planning. What would he say about Caius Cassius?

Would he be fatter...
Seldom he smiles, and smiles in such a sort
As if he mocked himself and scorned his spirit
That could be moved to smile at anything.

All I say is: watch this space, Chief Minister, and watch your back, because, in 846 days, when there is an election in this place, I put on the record my prediction that the most popular man in history—more popular than Idi Amin, Mohammed Ali and Elvis Presley combined—will not be wearing the crown. He will not be wearing the laurel. I suggest that this appalling budget is a cynical exercise in bringing an end to the honeymoon of the Labor Party and the reign of Big Julie.

This budget is regressive. The stamp duty and the rego and parking fees are examples of that. It offers nothing for business, there is nothing expansionary that is needed at a time of collapse. It is a budget of contraction. There is nothing to create the real source of wealth in our community—jobs.

We talk about poverty. There is nothing in this budget which is the surest antidote to poverty that you can find—jobs. This budget is a failure of vision, it is a failure of leadership. The only vision you find in this budget is the rebadging of the initiatives of the previous government.

In this budget, like in the times of classical Rome, when there was no vision, the people perished. This is what will happen here. There has been an abandonment of any concern about social capital, about addressing the issues of poverty. All I can say, Mr Speaker, is that, with one Quinlan budget down and two more to go, it is a dreary thought.

MR PRATT (4.53): Mr Speaker, I rise to follow up on the Leader of the Opposition's analysis of this government's budget, and to concentrate on—

Mr Hargreaves: I am going to chuck myself off a cliff!

MR PRATT: No. I have a few initiatives, Mr Hargreaves.

Mr Hargreaves: I look forward to them.

MR PRATT: Thank you very much, sir.

Mr Speaker, I wish to congratulate the government on their new initiatives, and particularly the way they have carried out part of their promise of continuing the previous government's initiatives. I will be watching keenly to see whether full and efficient implementation of these continues with regard to the education sector throughout this year.

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The government has committed \$29 million to new Gungahlin schools. They crow about this, claiming it to be a new initiative. I thank the government for committing on the Liberals' \$28 million for Gungahlin schools.

The ACT community should be most concerned about a number of issues other than those initiatives I have just outlined. I wish to take the government to task over these. This budget, Mr Speaker, is a poor, unimaginative budget. The education component is inequitable and incredibly indecisive. In financial detail, there a number of flaws in respect of the education component.

Let us talk about the minister's \$7.4 million slush fund—that component not allocated from the \$2.7 million taken from the old free school bus money the government promised to spend inside the front gate. I would have thought some of that funding might have been allocated to priority expenditure now—committed now to, for example, alleviating the shortage of teachers and implementing urgent strategies in schools for children at risk. There has been some money committed to children at risk but there is room for a lot more. Some of that \$7.4 million slush fund could have been allocated to that.

It could have been allocated for revamping the drug education program—the strategies which need a hell of a lot of work—or for urgent further development of our VET capabilities and so on. It could have been allocated for funding programs for children with disabilities, in both government and non-government school sectors. It could also have been allocated for the sorts of assertive strategies we need to see in place for boys education—to name but a few priority areas. However, Mr Speaker, I suppose the minister cannot do this now because he would first need to set up another inquiry, to see how it might best be spent. Decision-vacuum Corbell!

I also question the cash expenditure aspects of this budget. I question GPO or government outputs and I flag now that I intend, in estimates committees, and through general inquiry and review, to scrutinise the government on this. There are a number of questions which need to be answered and I do not think the situation is particularly clear.

Mr Speaker, I intend to question Mr Corbell as to why the increase in GPO is so low. Why is it only 1.6 per cent? Real-term expenditure was promised by this government to be in the order of 2.5 per cent. The government has mentioned real-term funding guarantees of \$5.9 million. That is laudable. It appears that the government has pilfered \$1.4 million from education department productivity savings. One can only assume that, given a \$5.9 million real-term funding, minus that productivity saving of \$1.4 million, this indicates that the government has not kept its promise. I will explain that.

Yes, \$5.9 million equals 2.5 per cent. Take away the 1.4, or half a per cent, and what do you get, Mr Speaker? You get a so-called real-term increase of only 2 per cent. Therefore, a broken promise. They giveth with one hand and taketh with the other—an Indian giver exercise, if ever I saw one.

There has been an obvious inequitable allocation of funding coming out of the \$27 million into the government school sector. The systemic Catholic schools make up 25 per cent of the ACT school system, yet they were allocated only \$1 million over four

years. Independent schools make up 10 per cent of the ACT education system, but they received nothing.

Mr Wood: How much per cent?

MR PRATT: Ten per cent.

Mr Wood: I thought it might have been a bit more than that.

MR PRATT: Yes, Mr Wood—10 per cent. This is archaic socialism at its best, pandering to the narrow-minded socialist left elements in the community but, for the main part, ignoring—indeed, disenfranchising—the non-government sector. So much for diversity, so much for choice.

This is disgraceful. Might I remind the education minister that he is the minister for all schools—that is, he is the minister for the ACT schooling system. Yes, education minister, your first duty is to ensure that the government school sector is capable of delivering an essential service to the community. We, on this side of the house, will always support you in that. We will always support the government in ensuring the first delivery of essential service—a good government school sector service.

Mr Speaker, we have 38 per cent of our students attending non-government schools. So the minister also has a duty to be inclusive about the non-government sector. This he has not done in this budget. Thirty-eight per cent of our students are severely underrepresented by this government in their budget.

Mr Speaker, let me talk about expenditure on inquiries. I note that \$540,000 has been spent on about five education inquiries. That is an appropriation of about \$440,000 out of this new budget. I include the \$100,000 taken out of the current financial year's expenditure for the Connors inquiry, which cost a quarter of a million dollars—an extravaganza.

Totally, we see \$540,000 spent on inquiries, which could have been spent elsewhere. For example, it could have been spent on IT resources for both government and non-government schools. That is a lot of money. It would have gone a long way to the coalface. It would have given families a lot of support. More importantly, we now have a raft of inquiries which will take time and further delay decision-making. That money could have been committed now to the coalface, not in spending on jobs for the boys.

This inquiry season that we see under way means that the minister's policy decision vacuum continues and it will go on and on. Thank God—at least we have the previous government's program in place, motoring along.

Finally, it cannot be underestimated that the previous Liberal government's education system—then the best in Australia—carries this government. We will closely scrutinise the government's budget and their implementation of it, to ensure they do not wreck that system.

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Let me finish by turning now to Tuggeranong—to Brindabella. I want to comment on the covert introduction of new taxes and parking fees. So much for transparent government. Mr Stanhope's much-flaunted transparency is blown apart by the covert introduction of taxes, and the covert introduction of land taxes. This is not good for business and it is not good for the constituents of Brindabella.

What about the single fare bus system? The single fare bus system is highly questionable, and is likely to bring inequities to the travelling public.

Mr Speaker, I will finish by saying that I am deeply concerned about a number of issues, as I have pointed out, regarding the education sector. Overall, I say this is a poor budget. It is without imagination and, certainly in the education sector, it is one where there is a lack of decision-making, and a whole heap of prevarication.

MR CORNWELL (4.59): Mr Speaker, I will be making some comments in relation to my own portfolio responsibilities. I also have some comments from Mrs Cross, who is not here, and in the event that I run out of time I shall seek leave to incorporate the balance of them into the *Hansard*.

I would like to begin in relation to my own portfolio of complimenting the government on the establishment of \$1 million for respite care, and for \$300,000 or one-third of the \$900,000 for the psycho-geriatric care facility that they promised in their election manifesto. I would also like to compliment them on the convalescent care—

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR CORNWELL: I would also like to refer to convalescent care of \$600,000. Again, I compliment the government on this, though I must say it appears to be bracketed with the step-down facility. I do not know if that was the original intention, or whether they were to be two separate entities, but in the event that it is bracketed I would caution the government to make sure that, in its quite commendable aim to move patients out of expensive and in-demand hospital beds, it doesn't create a de facto nursing home of some or all of this convalescent facility. I think it is important that we don't move the problem from hospital to a new facility and in fact create, as I said, a de facto nursing home.

The matter of additional funding for the public dental health program remains unresolved as far as the opposition is concerned. We regard it as a broken promise, and no doubt something like up to 3,000 people will be missing out on dental treatment in the next 12 months, given the projected figures that the government has put forward.

In respect of the older persons units in Burnie Court, I would also like the relevant minister to advise me how many facilities are to be provided and when the site might be established. I would also like to know how much and where is the funding for the two aged care liaison officers for the multicultural community that Mr Humphries mentioned. These were part of your election promises and I cannot find them.

Also what is the cost of the older women's boarding house of eight independent living units for use by elder abuse victims, among other needs? Will this facility be totally funded by the SAP scheme, what other initiatives are being taken on the issue of elder abuse, and why have we not been given any details? Apart from the passing comment in a media release about an older women's boarding house, we have heard nothing—so much so that I have had to seek information about the government's action by putting a question on notice to the Assembly committee inquiry into elder abuse. This government has never given a reply to this Assembly about what it proposes to do with the report and I regard that as a serious contempt of the Assembly.

I would like to have a little more detail, rather than just something I picked up in a press release, about the older women's boarding house. It is not, of course, that the elder abuse question is exceptional but, like constructing some demented jigsaw, bits and pieces of this government's initiatives keep popping up all over the place.

Two further examples will suffice before I pass the whole mess to the Estimates Committee. Mr Treasurer, what is meant by a media comment from the Canberra Property Owners Association that there would be stamp duty exemptions from the proposed increases for groups such as the elderly? Where is this concession in the budget speech? A number of elderly constituents have contacted me, saying, "What's happening? What's this concession that we understand has been provided?"

Secondly—and, again, this is from a media statement—we find that the Health Care Consumers Association is adopting a wait and see approach in respect of whether the convalescent care offered in a six-bed ward at Calvary matches community need. Is this the convalescent step-down facility you have been boasting about? What—six lousy beds? I understand you have a ward full of such patients at Canberra Hospital. Six beds are not going to do much to relieve the pressure on the hospital. And where, please, is the detail in your budget papers about this six-bed ward in Calvary?

Treasurer, you were asked to present a financial budget, not a mystery thriller where we all have to hunt around for clues as to your government's intentions. I would like some answers to those matters. There are unknown, indeed hidden, aspects of this budget and I can only assume that the budget has been designed this way to hide the estimated \$106 million that we have identified as cuts.

Mr Speaker, I would now like to comment on behalf of Mrs Cross, and I quote:

Mr Speaker, I have noted Mr Quinlan repeatedly using the terms "responsible" and "honest" to describe his fiscal effort.

Let us briefly consider his budget from that perspective.

During the last election, I did not see the policy that spelled out the raft of tax increases that are contained in this Budget.

I must have missed the press release that said, "A vote for Labor will mean more and higher taxes—for everyone."

I think that probably takes care of Mr Quinlan's disingenuous claims of honesty in just two sentences, Mr Speaker.

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A study of Labor's history in Australia shows that they are typically big spending, big taxing governments with a complete absence of responsible fiscal management.

The ACT has already had a taste of Labor's supposed responsible handling of the books under Rosemary Follett—and we all know the result of that.

It took the Liberals six years to put that right.

This Budget shows that Mr Quinlan's version of Labor is no different.

There is record spending and a plague of tax increases that—even in their best light—are simply anti-family.

There is no provision for private sector job growth.

In short, this is not good news for the Territory.

Cuts to road maintenance and residential amenity further undermine the case made by our former “accountant of the year” to responsible money management.

It is false economy to run down infrastructure to spend on short-term social programs.

That is what this Budget does, and I think that eliminates any claims to fiscal responsibility.

MR SPEAKER: Order! Mr Cornwell, a moment ago I heard you say of Mr Quinlan, “disingenuous claims of honesty”. I think that is a bit close to the mark and I think that—

MR CORNWELL: I am only quoting, Mr Speaker. What do I do?

MR SPEAKER: Well, I would like to see you withdraw it.

MR CORNWELL: I will withdraw it but you must understand I am quoting from a prepared speech.

MR SPEAKER: Okay. Thank you, Mr Cornwell.

Mrs Dunne: Are you withdrawing on your own behalf?

MR CORNWELL: I am withdrawing it. I will continue:

Several Government backbench Members have already enthusiastically applauded the size of the Government's win at the last election.

Might I suggest that they enjoy it while they can, Mr Speaker, and we'll see what the electorate thinks next time.

My belief is that Labor has been so long out of the government in the ACT that at the last election the people of Canberra have forgotten what a Labor government actually looked like.

It had been so long, that people saw this motley crew (now sitting over there) wandering the streets making grand promises and they mistook them for a party that would actually look after their interests.

They forgot that someone had to foot the bill—and I suspect the battlers never thought it would be them.

They either forgot or never suspected that Labor would inevitably ramp up taxes, they forgot that this party has a reputation in Canberra for savage taxing of both the well off and the battlers alike.

And it is clear in this Budget, Mr Speaker, that the battler cops it just as hard anyone else.

Mr Speaker, due to my illness I will make more specific and expanded comments during the latter stages of the Budget process.

However, I will briefly mention at this time a couple of points regarding transport, youth and women.

Despite claims by the government that the budget contains a sustainable transport strategy this is not correct.

What it does contain is a random collection of transport-related events—all of which will cost the community in one way or another.

MR SPEAKER: Order! Something has just been brought to my attention which I know you will be interested in, Mr Cornwell. Pardon me for interrupting you for a moment. I would just refer you to page 489 of the *House of Representatives Practice* where it is pointed out that a member is not allowed to use unparliamentary words by the device of putting them in someone else's mouth or in the course of a quotation.

MR CORNWELL: Thank you.

MR SPEAKER: I note that you earlier withdrew the remarks which I drew to your attention.

MR CORNWELL: I will speak to Mrs Cross most severely, Mr Speaker.

MR SPEAKER: It still doesn't get you off the hook, though.

MR CORNWELL: No, but it tries to pretty well. I did withdraw. I repeat:

What it does contain is a random collection of transport-related events—all of which will cost the community in one way or another.

To try and interpret these events as some kind of coordinated strategy I think takes us into the realm of Mr Quinlan's—

this is a quote and I don't know where it is from, Mr Speaker—

“congenitally stupid”.

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Were they words that you have used, Mr Quinlan?

Mr Quinlan: Yes, I think I might have.

MR CORNWELL: I am being careful not to offend, Mr Speaker—that is the point.

Mr Quinlan: No, I can live with it, Greg. Go for it.

MR CORNWELL: Thank you. The speech continued:

On the youth front, Mr Speaker, it was interesting yesterday for my office to hear from one experienced youth advocate who had entertained high hopes from this Government lamenting the fact that the youth sector was better off under the Liberals.

The key department for youth affairs appears to have neglected to look beyond the school gate and largely ignored the interests of youth who access community services outside traditional school settings.

Not only has a major skate park for the youth of West Belconnen disappeared without a trace, unfortunately several new initiatives appear so ill-conceived and under-resourced as to have much value.

And what of the lot women in this Budget, Mr Speaker?

Of the whole budget document, this area has contained the least surprises for me.

There is next to nothing new here and it is sad to see over three-quarters of the claimed “women’s” initiatives are actually non-gender specific health spending.

There is no value for women in this budget—it is a pitiful effort.

Actual new spending is just one-tenth of the amount of the Liberals’ initiatives in their last Budget.

This is the kind of Budget you get when the Minister for Women is a man.

Also not surprisingly, this Minister will be on holiday while his colleagues attempt to defend his feeble effort to the electorate.

I think I would be embarrassed too.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.15), in reply: I will close the debate, Mr Speaker. I thank members. I have to say that, in general, even though there were a lot of words, there has not been any severe criticism of this budget at all. You talked about the business sector. I cannot count the number of business people that have gone out of their way to congratulate me and congratulate the government on the budget that has been brought down. I was surprised, actually.

I guess what we see here today is the fairly standard set piece that happens once a year with a budget—the government brings it down, the opposition at least identifies what they think is wrong with it and then express whatever criticism they can find. That is the process we have been through.

I want to particularly thank Ms Tucker. I thought that at least her analysis was even-handed. It was even-handed to the extent that she certainly spoke through the principles for which her party stands. But otherwise, I thought that she gave the ticks and the crosses according to her principles. She gave what I thought was a fairly fair analysis. The rest of the members acted in a way that would have been quite easy to predict earlier today.

It has been very satisfying to bring down this budget and to find that there has not been a great storm of criticism. Certainly the *Canberra Times* has taken to conveyancing stamp duty with a vengeance, but we do know that the deputy editor, Mr Hull, has written about this before and he does have a belief that in fact duty should be lessened rather than increased. Coincidentally, the *Canberra Times* is very highly dependent for income on the real estate industry. So I guess that they do have some form of association, and Mr Hull has his own beliefs.

But other than that, it has been generally well received, and I have to say I do derive some satisfaction from that. As I said, the various speeches from the opposition and the Democrat were as I would have expected, based on what you hear in this place and what positions people have effectively adopted in relation to government.

I was not in the chamber when Mrs Dunne was speaking, but I did enjoy her Hanrahan-style delivery embellished with Shakespeare. I thought the gravity of voice lent something to the debate.

Mrs Dunne: Just watch the lean and hungry look, too.

MR QUINLAN: Yes, the lean and hungry look. I should give you a lesson in Labor politics where we do know about numbers. If you knew anything about numbers at all you would know that what you talked about is totally impossible. It would not matter and I am sorry to disavow you of that. I know that occasionally we all like to say to the other mob, “Watch your back.” We have, in the main, resisted telling Mr Humphries to watch his back but from what we hear he really should.

Mr Stanhope: Well, he won't be here, will he?

MR QUINLAN: He won't get the Senate. I would like to record the comments of Professor John Quiggan, who at the budget breakfast yesterday made the observation that he saw for about the first time that there were alternatives available to the voters of the ACT. There are the conservatives and there are the social progressives. This independent observer recognised that this was a socially progressive budget. The budget was described, supposedly as an insult, by Mr Humphries as a Labor budget. It was described by Professor Quiggan as a Labor budget, not as a compliment but as a clear assessment of what it is. And it is a Labor budget.

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There is in this town unmet need. Some of the speakers mentioned that. And, of course, if you are on the crossbench, the government can never do enough. I would love to be on the crossbench telling the government what to spend. But I think we have gone pretty well as far as we can go in meeting pressing need within the territory.

There has been some accusation in this place, and pretty well only in this place, that this budget does nothing for business. Well, this budget does do a fair bit for business. This budget does have a knowledge fund. This budget does actually support the IT Centre of Excellence. This budget does have small business employment ready programs. This budget does continue the visitation program for school kids to help the tourism industry. This budget did defer the HIH collapse levy that was going to be applied on workers compensation.

This budget puts forward a capital budget that will represent, if achieved, expenditure in the next financial year on capital works of \$141 million. The budget brought down last year by the past government was going to achieve only \$120-something million. I have to say I expect that we won't quite get to our \$141 million because if we achieve our capital budget to the dollar we will be the first government since self-government to do so.

I would add that the money we are spending inside the school gate on education is an investment on behalf of business as well as the community. Anybody who analyses ACT business and the ACT economy says our primary asset is our educated population. We don't have primary resources to mine or harvest. We have an educated population. We have to be the smart city and, like it or not, that claim received a whole lot of nods from the audience at a business dinner and a business breakfast that I attended.

Business in the ACT is robust, it is resilient, and it isn't stupid—it isn't congenitally stupid. Business realises that what is necessary in this town is that we continue to develop and provide for people. As I have said, this budget has been accepted and complimented by many people in the business sector. They recognise that this is needed if we are to run the town well.

Somehow this budget has ranged from being a big spending budget, to being an accountant's budget, to being a grey budget. Well, it can't be all of those things. As I pointed out in question time, Mr Humphries has claimed that the budget lacks imagination. As I said, I genuinely did glance at or look through the last couple of budget speeches and I did not find anything particularly exciting in them. There was no gung-ho stuff contained therein.

It is easy to sling appellations about. But this is a responsible budget. This budget will achieve a surplus over time. We have all adopted the word "disingenuous", but it is disingenuous on the part of the shadow Treasurer to be saying, "I want to take three years, because that suits me some, and say over those three years there is a deficit." He knows full well that the only reason there is a deficit is because there is a change in land development and therefore there is a delay in the reaping of the revenue from that. We will still own it. It is just a matter of, in some cases, we will be investing in the land before we sell it, as opposed to flogging it off in a raw state and the developer reaping the development reward. So other than that, it strikes out to keep the territory in surplus.

Mr Humphries, in typical style—you get used to it, I suppose; you hear it a lot but it still jars somewhat—likes to create straw men. We produced our costings before the election and we have set out to meet them. Based on estimates, we said, “And the bottom line looks like it will be that much.” Now Mr Humphries is claiming that we promised this specific bottom line. Nobody did promise. Nobody said, “I will achieve this exact bottom line.” No-one did that.

I find the Humphries style of verballing people somewhat offensive. That is why I, in fact, coined the term “I’ve been Gary-ed”. That is his style. I have to say that, emboldened by their leader, successive members of the opposition have become more strident and have used stronger and stronger language about the budget which, on one hand, they say is grey and the other hand they say is the worst budget ever.

As I have said, Mr Speaker, largely a set piece has been played out. I thank members. I in fact take the net sum of what has been said today as an endorsement of this budget because, really, it seems to be at this point fairly well bullet-proof. So thank you, and I commend the budget to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Reference to select committee

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

That the Appropriation Bill 2002-2003 be referred to the Select Committee on Estimates 2002-2003.

Papers

Mr Stanhope presented the following papers:

Revised Administrative Arrangements Orders—Instruments, dated 26 June 2002 (to be Gazetted on 1 July 2002).

ACT Health Review by Michael Reid and Associates, dated May 2002.

Health and Disability Services Report, June 2002

Administration of Justice—ACT Criminal Justice—Statistical Profile—March quarter 2002—Erratum.

Election ACT 2001—ACT Legislative Assembly Election—Electronic Voting and Counting System Review, dated 19 June 2002.

Health Regulation (Maternal Health Information) Act—Quarterly report for approved facilities for the period 1 January to 31 March 2002.

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Health and Community Care—Standing Committee Report No 10 of 2001—government response

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.27): Mr Speaker, for the information of members, I present the following paper:

Health and Community Care—Standing Committee (Fourth Assembly)—Report No 10 of 2001—Aboriginal and Torres Strait Islander Health in the ACT (*presented 8 August 2001*)—Government Response.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Papers

Mr Quinlan presented the following papers:

Legislation Act, pursuant to section 64—
ACTION Authority Act—ACTION Authority Transfer of Assets, Rights and Liabilities 2002—
Disallowable Instrument DI2002-62 (LR, 20 June 2002)
Animal Diseases Act—Animal Diseases (Fees) Revocation and Determination 2002—
Disallowable Instrument DI2002-85 (without explanatory statement) (LR, 24 June 2002)
Animal Welfare Act—Animal Welfare (Fees) Revocation and Determination 2002—
Disallowable Instrument DI2002-84 (without explanatory statement) (LR, 24 June 2002)
Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration
Amendment Regulations 2002—Subordinate Law 2002 No 13 (LR, 11 June 2002)
Building Act—Building (ACT Appendix to the Building Code of Australia) Determination
2002—Disallowable Instrument DI 2002-63 (LR, 21 June 2002)
Domestic Animals Act—Domestic Animals (Fees) Revocation and Determination 2002—
Disallowable Instrument DI2002-83 (without explanatory statement) (LR, 24 June 2002)
Environment Protection Act—Environment Protection (Fees) Revocation and Determination
2002—Disallowable Instrument DI2002-82 (without explanatory statement) (LR, 24 June 2002)
Food Act—Food Amendment Regulations 2002—Subordinate Law 2002 No 14 (LR, 11 June
2002)
Hawkers Act—Hawkers (Fees) Revocation and Determination 2002—Disallowable Instrument
DI2002-74 (without explanatory statement) (LR, 24 June 2002)
Lakes Act—Lakes (Fees) Revocation and Determination 2002—Disallowable Instrument
DI2002-81 (without explanatory statement) (LR, 24 June 2002)
Land (Planning and Environment) Act—Land (Planning and Environment) ACT Heritage
Council Appointments 2002 (No 1)—Disallowable Instrument DI2002-56 (LR, 19 June 2002)
Nature Conservation Act—Nature Conservation (Fees) Revocation and Determination 2002—
Disallowable Instrument DI2002-80 (without explanatory statement) (LR, 24 June 2002)

Pounds Act—Pounds (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-79 (without explanatory statement) (LR, 24 June 2002)

Roads and Public Places Act—

Roads and Public Places (Fees) Revocation and Determination 2002 (No 1)—Disallowable Instrument DI2002-71 (without explanatory statement) (LR, 24 June 2002)

Roads and Public Places (Fees) Revocation and Determination 2002 (No 2)—Disallowable Instrument DI2002-72 (without explanatory statement) (LR, 24 June 2002)

Roads and Public Places (Fees) Revocation and Determination 2002 (No 3)—Disallowable Instrument DI 2002-75 (without explanatory statement) (LR, 24 June 2002)

Road Transport (General) Act—

Road Transport (Offences) Amendment Regulations 2002 (No 1)—Subordinate Law SL2002-17 (LR, 20 June 2002)

Roads Transport (General) (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-73 (without explanatory statement) (LR, 24 June 2002)

Road Transport (General) (Parking Permit Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-86 (without explanatory statement) (LR, 24 June 2002)

Road Transport (General) (Parking Meter Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-87 (LR, 24 June 2002)

Road Transport (General) (Numberplate Fees) Determination 2002—Disallowable Instrument DI2002-88 (LR, 24 June 2002)

Road Transport (General) (Vehicle Impounding and Seizure/Speed Tests) Revocation and Determination 2002—Disallowable Instrument DI2002-89 (without explanatory statement) (LR, 24 June 2002)

Road Transport (Public Passenger Services) Act—

Road Transport (Public Passenger Services) Maximum Fares for Regular Route Services Determination 2002—Disallowable Instrument DI2002-67 (LR, 21 June 2002)

Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2002—Disallowable Instrument DI2002-70 (LR, 24 June 2002)

Road Transport (Public Passenger Services) Maximum Fares for Taxi Services Determination 2002 (No 2)—Disallowable Instrument DI2002-93 (LR, 25 June 2002)

Stock Act—

Stock (Fees) Revocation and Determination 2002 (No 1)—Disallowable Instrument DI2002-77 (without explanatory statement) (LR, 24 June 2002)

Stock (Fees) Revocation and Determination 2002 (No 2)—Disallowable Instrument DI2002-78 (without explanatory statement) (LR, 25 June 2002)

Water Resources Act—Water Resources (Fees) Revocation and Determination 2002—Disallowable Instrument DI2002-76 (without explanatory statement) (LR, 24 June 2002)

Petition which does not conform with the standing orders—Ms Dundas—Support for the decriminalisation of pregnancy termination in the ACT (109 residents).

Independent Competition and Regulatory Commission—Final Report—Review of the future direction of the ACT taxi and hire car industry and price direction for taxi services, dated June 2002.

Cultural Facilities Corporation Act, pursuant to subsection 29 (3)—Cultural Facilities Corporation—Quarterly Report (for the third quarter 2001-2002: 1 January to 31 March 2002).

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Education Bill 2002 Exposure draft and explanatory memorandum

Mr Quinlan presented the following papers:

Education Bill 2002—Exposure draft and Explanatory Memorandum.

Territory Plan—approval of variation No 119

Mr Quinlan presented the following paper:

Land (Planning and Environment) Act—Approval of Variation No 119 to the Territory Plan relating to the Heritages Places Register—Aboriginal Places in Symonston and the District of Majura, dated 5 June 2002, together with background papers and a copy of the summaries and reports.

Land (Planning and Environment) Act—revocation of applications Paper and statement by minister

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.30): Mr Speaker, for the information of members, I present pursuant to subsection 229 (7) (b) of the Land (Planning and Environment) Act 1991, the following paper:

Land (Planning and Environment) Act—Statement—Revocation of applications.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Education, Community Services and Recreation—Standing Committee Report No 9 of 2001—government response

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.32): Mr Speaker, for the information of members, I present the following paper:

Education, Community Services and Recreation—Standing Committee (Fourth Assembly)—Report No 9 of 2001—Adolescents and Young Adults at Risk of not Achieving Satisfactory Education and Training Outcomes (*presented 7 August 2001*)—Government Response.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence from 28 June 2002 to 19 August 2002 inclusive, be given to all members.

Adjournment

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

That the Assembly do now adjourn.

Ms Maureen Weeks Chief Minister

MRS DUNNE (5.34): Mr Speaker, I will use the adjournment debate to cover a couple of issues. Firstly, I would like the Assembly to note that this is the last sitting day that the Assembly will have the services of Maureen Weeks, who is moving to the Senate.

I would like to pay tribute to Ms Weeks. When I first came to this place back in 1996 she, along with other professional staff secretariat, showed me the ropes, and much of what I know about the forms of the house I owe to her teaching. Ms Weeks is the secretary of the Standing Committee on Planning and Environment, and it is in this area that I owe her most. As chairman of that committee, I found Ms Weeks to be a secretary to dream for—the secretary from central casting and the answer to the dream of any new and green chairman.

She is accomplished, she is professional, she knows the ropes, she knows how it is done, and she is always there with the right word of advice. I thank Ms Weeks for her contribution to my committee and to this place. I think that her leaving is this Assembly's loss but the Senate's gain, and I wish her well.

Mr Speaker, I would like to refer to another matter. There is an old definition of insensitivity in the form of a musical joke that is a simile about making love in Wagnerian style to a Debussy woman. It sharply contrasts styles and juxtaposes the incongruous. It is a clever shorthand sketch of crassness, of utter inappropriateness. It is, as the Yiddish speakers amongst us would recognise, a portrait of a klutz.

What brings me to these musings, Mr Speaker, is a short item in the Capital Times column in the *Canberra Times* of Wednesday 19 June in which none other than the Chief Minister is described as having “gobsmacked his audience at the opening of the new Indonesian Embassy Cultural Centre”. It was reported in the column that the

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Chief Minister, speaking to what was in effect a Muslim audience, nominated the former Israeli Prime Minister, Mrs Golda Meir, as a paragon of “tolerance and understanding”.

Mrs Meir was a woman, a politician and a leader with some very fine qualities, and I find myself in agreement with the Chief Minister that she was indeed a paragon of tolerance and understanding, and a worthy role model indeed. But given the precarious situation in the Middle East, I cannot help wondering whether it might have been less provocative to invoke the name of someone other than Mrs Meir amongst a Muslim gathering. Did it not cross the Chief Minister’s mind, or might his advisers have suggested a more judicious choice, given the nature of his audience? Is this the actions of a klutz or an example of sheer chutzpah?

There are many aspects to leadership and when the Chief Minister accepts an invitation in an official capacity he is there representing all of us—all the people of Canberra. So if he behaves or speaks inappropriately, it reflects upon us. If what happened was correctly reported, it was an exercise in poor judgment; it was an act of insensitivity, however well intentioned; and it bespeaks a certain naivety that one would not expect to find in a person holding the office that Mr Stanhope does.

Appointment of special magistrate

MR STEFANIAK (5.38): Mr Speaker, I rise to offer my congratulations to the latest appointment to the judiciary. I was interested to see who would be the first person the current Attorney-General would appoint. I congratulate Grant Lalor on his appointment as a special magistrate. Grant Lalor is a long-standing lawyer in our community. He did some service initially as a private solicitor in New Guinea and, amongst his other accomplishments, he speaks pidgin English very well. In about 1978 he worked in the Deputy Crown Solicitor’s office, then the DPP, and he moved to the Commonwealth DPP some years ago. People might have seen his name as appearing regularly for the Commonwealth in prosecutions in the Supreme Court.

I had the pleasure of working with Grant for some nine and a bit years in the Director of Public Prosecutions office. He is a most capable lawyer. I think he will bring a certain robustness to the bench, which will greatly assist it. He is certainly expert in the criminal law. I welcome his appointment and I congratulate him on it.

Ms Maureen Weeks

MS TUCKER (5.39): I would like to join with Mrs Dunne in acknowledging the contribution Maureen Weeks has made in this Assembly. I had not realised that this would be the last sitting day on which we have the opportunity to say something about her work in this place.

I would like to acknowledge that I remember how much I appreciated Maureen’s professional and good-natured support during my very early days in the Assembly. She was prepared to be quite feisty and strong on occasions, but she always had a total commitment to proper process and proper understanding of our responsibilities in this place. That support has been incredibly important to me and, as a new member, it was support I needed.

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Unless new members have had reason to study the area in which we operate, have worked in this building or whatever, they do not really understand a lot of the processes in the Westminster system. I have been a member of this place for a number of years and I am a staunch supporter of that system. It is because of people like Maureen that I have learnt to understand the value of the processes that we have. I can't say too strongly how important I think that is for the running of a parliament or an assembly and for democratic processes. So thank you, Maureen.

Question resolved in the affirmative.

The Assembly adjourned at 5.41 pm until Tuesday, 20 August 2002, at 10.30 am.

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Schedule of amendments

Schedule 1

Workers Compensation (Acts Of Terrorism) Amendment Bill 2002

Amendments circulated by Minister for Industrial Relations

1

Clause 4

Proposed new section 30G (3)

Page 8, line 9—

insert

- (3) However, the regulations must not impose a levy for a period that is—
- (a) for an approved insurer—more than 10% of the premiums received by the insurer in relation to compulsory insurance policies issued by the insurer that begin during the period; and
- (b) for a self-insurer—more than 10% of the estimated premium that would have been payable by the self-insurer for a compulsory insurance policy obtained by the self-insurer that began at the beginning of the period.

2

Schedule 1

Proposed new amendment 1.12A

Page 13, line 14—

insert

[1.12A] Section 9J (5)

substitute

- (5) In this section:
- public transport*** means a public bus or taxi within the meaning of the *Road Transport (Public Passenger Services) Act 2001*.

3

Schedule 1

Amendment 1.16

Page 14, line 4—

omit amendment 1.16, substitute

[1.16] Section 12

substitute

12 Meaning of *insurer* and *given to insurer* for pt 6.2

- (1) In this part:
- insurer***, in relation to a claim against an employer, means—
- (a) the approved insurer with whom the employer has or had a compulsory insurance policy that applies to the claim; or
- (b) if the employer was a self-insurer when the injury happened—the employer; or
- (c) if, when the injury happened, the employer was not a self-insurer and the employer has or had no compulsory insurance policy that applies to the claim—the nominal insurer.
- (2) For this part, a claim is ***given*** to the insurer if the claim is given to the insurer or the insurer is given notice of the claim by the employer or worker.

4

Schedule 1

Amendment 1.21

Page 15, line 14—

omit amendment 1.21, substitute

[1.21] Section 15A (2)

substitute

(2) The regulations may make provision about the approval of rehabilitation providers, including—

- (a) the criteria for approving rehabilitation providers; and
- (b) the conditions that may be imposed on the approval of rehabilitation providers; and
- (c) how and why the approval of an approved rehabilitation provider may be revoked or suspended.

(3) The regulations may also make provision about the role of approved rehabilitation providers under this Act.

5

Schedule 1

Proposed new amendments 1.25A and 1.25B

Page 16, line 13—

insert

[1.25A] Section 26RD (1)

omit

appoint

substitute

appoint, in writing,

[1.25B] New section 26RD (5)

insert

(5) An appointment under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

6

Schedule 1

Amendment 1.28

Page 17, line 1—

omit amendment 1.28, substitute

[1.28] Section 30 (2) (h)

substitute

(h) the action that may be taken in relation to an approved insurer, self-insurer or approved rehabilitation provider in circumstances prescribed under the regulations, including an order that an insurer or provider pay to the Territory an amount of not more than \$1 000;

[1.28A] Sections 36 and 37

substitute

36 Approved insurers

(1) An insurer that was an approved insurer under the previous Act immediately before the commencement of the amendment Act is taken to be an approved insurer under the current Act.

(2) However, the insurer stops being an approved insurer 6 months after the commencement of the amendment Act unless the insurer, before the end of the 6 months, is approved under section 16A (Approved insurers) other than because of the operation of this section.

37 Exempt employers

(1) A person who was an exempt employer under the previous Act immediately before the commencement of the amendment Act is taken to be a self-insurer under the current Act.

(2) However, the person stops being a self-insurer 6 months after the commencement of the amendment Act unless the person, before the end of the 6 months, is exempted under section 17C (Self-insurers) other than because of the operation of this section.

37A Prescribed insurance policies

(1) This section applies if, immediately before the commencement of the amendment Act, a prescribed insurance policy under the previous Act was in force.

(2) The prescribed insurance policy is taken to be a compulsory insurance policy under the current Act.

37B Approved rehabilitation providers

(1) A person who is an approved program provider under the *Safety, Rehabilitation and Compensation Act 1988* (Cwlth) is taken to be an approved rehabilitation provider under the current Act.

(2) A person who is accredited as a provider of rehabilitation services under the *Workers Compensation (Workplace Injury Management) Regulation 1995* (NSW) is taken to be an approved rehabilitation provider under the current Act.

(3) However, a person mentioned in subsection (1) or (2) stops being an approved rehabilitation provider 6 months after the commencement of the amendment Act unless the person, before the end of the 6 months, is approved under section 15A (Meaning of approved rehabilitation provider etc) other than because of the operation of this section.

37C Children and Young People Act and compensation

Despite the repeal of the *Children and Young People Act 1999*, section 113 (Compensation), the section, as in force immediately before its repeal, is taken to continue in force as if the previous Act were still in force.

37D Periodic Detention Act and compensation

Despite the repeal of the *Periodic Detention Act 1995*, section 28 (Compensation), the section, as in force immediately before its repeal, is taken to continue in force as if the previous Act were still in force.

37E Remand Centres Act and compensation

Despite the repeal of the *Remand Centres Act 1976*, section 21A (Compensation), the section, as in force immediately before its repeal, is taken to continue in force as if the previous Act were still in force.

37F Supervision of Offenders (Community Service Orders) Act and compensation

Despite the repeal of the *Supervision of Offenders (Community Service Orders) Act 1985*, section 10 (Compensation), the section, as in force immediately before its repeal, is taken to continue in force as if the previous Act were still in force.

[1.28B] Dictionary, new definition of *committee*

insert

committee, for a matter arising under the Act between an employer and the employer's workers, means a committee that represents the employer and workers that has the power to decide the matter

27 June 2002

**Answers to questions
Gambling tax
(Question No 173—amended)**

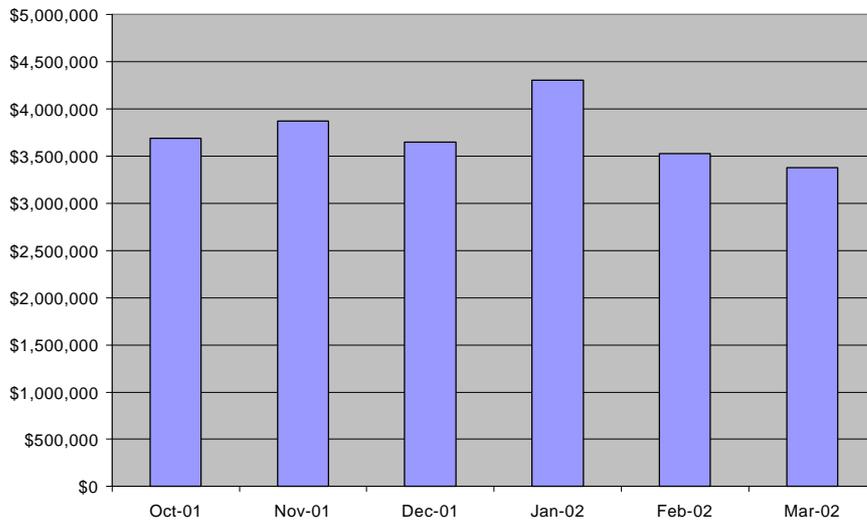
Mr Humphries asked the Treasurer, upon notice, on 4 June 2002:

- (1) What is the quantum of gambling tax collected in the ACT for the current financial year as at 31 March 2002.
- (2) Is the quantum of gambling tax collected as at 31 March 2002 greater or less than the estimates prepared for the 2001 ACT Budget.
- (3) What has been the trend in the payment of gambling tax during the period between 1 October 2001 and 31 March 2002.
- (4) How has this pattern of payment of gambling tax varied from the same period in the previous financial year.
- (5) What has been the basis for any changes in the pattern of payments of gambling tax between this and the previous financial year.

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

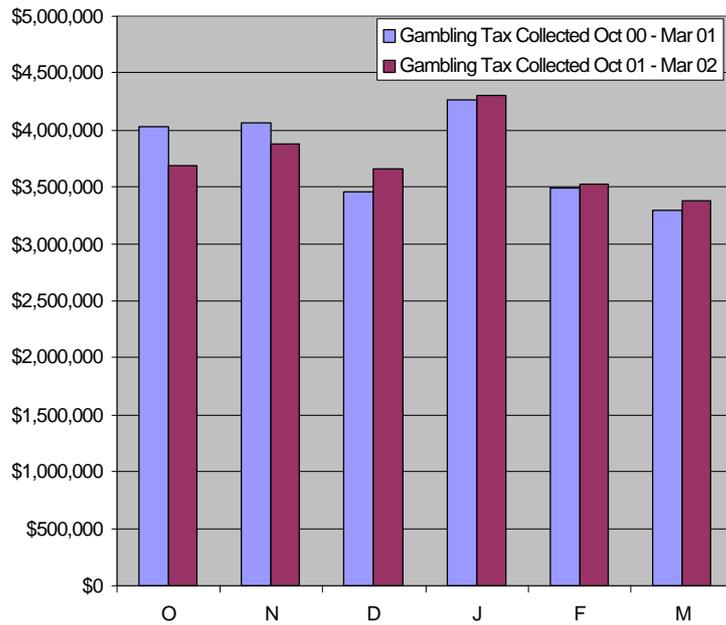
- (1) \$34,752,646.
- (2) Less than budget estimates by \$3,311,604.
- (3) No significant trends are seen to be developing in the payment of gambling tax during the period 1 October 2001 and 31 March 2002. After a peak in January 2002, gambling tax revenue appeared in slow decline during February and March 2002. However this is consistent with the payment trends for the corresponding period for the previous financial year. See graph below and at part (4).

Gambling Tax Trend - Oct 01 to March 02



(4) Pattern of payment for the period 1 October 2001 and 31 March 2002 is consistent with the payment trends for the corresponding period for the previous financial year. See comparison graph below:

**Gambling Tax Collected -
Oct 00 - Mar 01 and Oct 01 - Mar 02**



(5) With the exception of July and August 2000, there have been no significant changes to the pattern of payments of gambling tax on a month by month basis between this and the previous financial year. See comparison graph below.

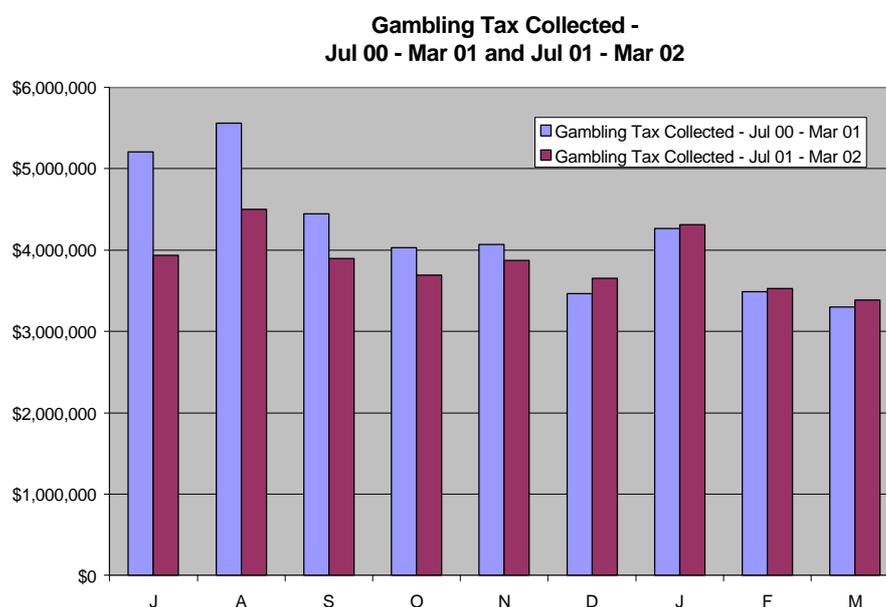
The variances between July and August 2000 and the corresponding months in 2001 occurred as a result of 2001-02 Budget Estimates taking account of approximately \$2m of GST payments which were inadvertently forwarded by gaming machine venues directly to the ACT Gambling and Racing Commission rather than the ATO in July and August 2000.

Other main variances to budget estimates that may impact on payment trends for the financial year 2001-02 include:

Interstate lotteries (NSW and VIC) revenue down by \$1.2m,

Casino Tax down by \$340,000, and

Sports betting revenue up by \$180,000.



27 June 2002

**Aboriginal tent embassy
(Question No 230)**

Mr Cornwell asked the Minister for Community Affairs, upon notice, on 26 June 2002:

In relation to your response to my Question on Notice 140 that “I also have no information on the involvement, if any, of Ngunnawal Elders in the organisation and support of the tent embassy”: How does the registration of the Aboriginal Tent Embassy under “Nominator: Ngunnawal Land Council” equate with your statement.

Mr Stanhope: The answers for the member’s questions are as follows:

- I would like to confirm again that the site of the Aboriginal Tent Embassy is on Commonwealth land with the parliamentary triangle. The Registration of the Aboriginal Tent Embassy is on the Register of the National Estate, and as such, is outside the jurisdiction of the ACT Government.
- However you identify that the Ngunnawal Land Council is a nominator for the registration of the Aboriginal Tent Embassy. You will be aware the address of the Ngunnawal Land Council is in Queanbeyan, New South Wales, and that the Ngunnawal Land Council nominated the application for registration of the Aboriginal Tent Embassy in 1987. This indicates the support is fifteen years old.
- The answer provided to Question on Notice 140 refers to my knowledge of the current involvement of Ngunnawal Elders in the organisation and support of the tent embassy.
- I reaffirm that I have no information on the current involvement, if any, of Ngunnawal Elders in the organisation and support of the tent embassy.