



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 September 1992

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MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

**GOVERNMENT SERVICE - PROVISION OF INFORMATION TO
ASSEMBLY MEMBERS
Ministerial Statement and Papers**

MS FOLLETT (Chief Minister and Treasurer): I seek leave of the Assembly to make a short statement in relation to a question asked of me by Mr Humphries in question time yesterday.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, in question time yesterday Mr Humphries asked me whether a directive had been issued to all ACT Government Service officers in relation to the provision of information to non-executive members of the Assembly. The answer I gave yesterday remains correct. No directive has been issued to all ACT Government Service officers on this matter.

However, Madam Speaker, to forestall opposition members from continuing to turn this particular molehill into a mountain, I would like to put the issue into perspective. The Government has reaffirmed the substance of the guidelines which had previously been circulated by the administration under successive ACT governments to assist officers in handling requests for information from members of the Legislative Assembly. These guidelines have as their cornerstone the principle that requests from members for information - other than of a readily available, routine, factual nature - should be pursued with Ministers. The guidelines also contemplate informing Ministers of requests for information.

I might also add that the guidelines adopted by the ACT Government Service reflect those guidelines that apply in the Commonwealth. Indeed, the Commonwealth guidelines are contained in an appendix to a handbook, "ACT Government Participation in Parliamentary and Other Inquiries", which was adopted by the Alliance Government. The Government's adoption of the substance of the guidelines has been communicated by various agencies to their staff. So, Madam Speaker, there is nothing untoward in the Government's position. We have simply picked up the guidelines which originated with the Commonwealth and which have been adapted for the ACT and publicised in the period of both the Alliance Government and my own.

Madam Speaker, I table the Commonwealth guidelines and the two minutes, dated March 1991 - that is in the period of the Alliance Government - and January 1992, which circulated the ACT version within the ACT Government Service.

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MR HUMPHRIES: Madam Speaker, I seek leave to make a short statement on what the Chief Minister has just said.

MADAM SPEAKER: Is leave granted?

Mr Berry: No. What about, mate?

MR HUMPHRIES: About what the Chief Minister has just said. We had no notice of that; so I am not giving you notice of this, either.

Mr Berry: You asked the question yesterday.

MR HUMPHRIES: I know; and I got the wrong answer, obviously.

MADAM SPEAKER: Leave is not granted, Mr Humphries. Mr Berry said no.

MR HUMPHRIES: Madam Speaker, I move: That so much of the standing and temporary orders be suspended as would prevent me - - -

Mr Berry: Have your leave.

MADAM SPEAKER: Mr Humphries, I think leave has now been granted.

Mr Kaine: You have to twist it out of them.

MR HUMPHRIES: Yes, we do. Obviously they are very sensitive about this subject.

Madam Speaker, obviously yesterday the Chief Minister gave a very short, rather ill-tempered, I thought, answer to a very good question by the Opposition. There was, it transpires, a directive issued by the ACT Government.

Ms Follett: Well, table it. I cannot find it.

MR HUMPHRIES: Again, Madam Speaker, we get murkier and murkier. A report in this morning's *Canberra Times* quoted extensively from a directive that has been issued on behalf of the ACT Government. Ms Follett, the *Canberra Times* did say that this morning. Madam Speaker, the statement that there is no directive is clearly a lie.

Ms Follett: Madam Speaker, I take a point of order. I ask that he withdraw that.

MR HUMPHRIES: Madam Speaker, on that point of order: You - - -

MADAM SPEAKER: We have talked about veracity before. You are not allowed to call another member of parliament a liar, or say that it is a lie. I ask you to withdraw it.

MR HUMPHRIES: Madam Speaker, may I address you?

MADAM SPEAKER: Only on another point of order. I am asking you to withdraw it.

Mr Kaine: You should refer to your own ruling yesterday, Madam Speaker. You cannot have it both ways.

MADAM SPEAKER: Order, Mr Kaine! I am speaking. If you have a further point of order, Mr Humphries, I will entertain it; but you will first withdraw what you said: That Ms Follett told a lie.

MR HUMPHRIES: Madam Speaker, I did not say that Ms Follett told a lie. May I finish, Madam Speaker?

MADAM SPEAKER: I ask you to withdraw what you said: That what Ms Follett said was a lie.

MR HUMPHRIES: Madam Speaker, I quoted a statement and said that that statement was a lie. You, yesterday - - -

MADAM SPEAKER: I ask you to withdraw the - - -

MR HUMPHRIES: You, yesterday, in this Assembly ruled - - -

MADAM SPEAKER: Order! I ask you to withdraw the statement that you made; that what Ms Follett said was a lie.

MR HUMPHRIES: Madam Speaker, I did not say that what Ms Follett said was a lie. I quoted a statement and said that that was a lie. I would like to quote from your own ruling in this house yesterday. You ruled to be in order a statement from Mr Berry to this effect: "Statements like 'free up drug use' are clearly lies". What is the difference between what Mr Berry said yesterday and what I am saying today? Explain that to me, and I will withdraw.

Mr Berry: You have been ordered to withdraw.

MADAM SPEAKER: Mr Humphries, we are not in a position where we can debate the matter.

MR HUMPHRIES: You are being inconsistent, Madam Speaker.

MADAM SPEAKER: That will be a second - - -

MR HUMPHRIES: It is one rule for the Opposition and one rule for the Government.

MADAM SPEAKER: That will be a second and different point of order. On the first point of order, I have asked you to withdraw. If you wish to take the second point of order we will deal with it after you have withdrawn that particular statement.

Mr Berry: Do as you are told, Gary. Withdraw.

Mr Kaine: Take a second point of order and ask - - -

MADAM SPEAKER: Fine. Withdraw the first, and then I will listen to the second.

MR HUMPHRIES: Madam Speaker, I withdraw.

MADAM SPEAKER: Now, you are bringing to my attention the point that perhaps there has been an inconsistency in my ruling. Fine.

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Mr Kaine: No perhaps; an absolute inconsistency.

MADAM SPEAKER: I am speaking and I am listening to Mr Humphries, not to you, Mr Kaine.

MR HUMPHRIES: You have not heard a thing I have said so far.

MADAM SPEAKER: I heard the second part of your statement after you had withdrawn. I heard you say that you have a second point of order in relation to an inconsistency in my ruling. I will take that on notice and deal with it after I have read the *Hansard*.

Mr Berry: No; he should withdraw that, too.

Mr De Domenico: I take a point of order, Madam Speaker. Would you suggest to the Deputy Chief Minister that he should also listen intently and keep his mouth shut while you are speaking?

MADAM SPEAKER: Thank you for that bit of advice, Mr De Domenico. Mr Humphries, would you like to - - -

MR HUMPHRIES: Madam Speaker, I have not yet been able to take my point of order. I am interrupted constantly by the Deputy Chief Minister and by you. I ask for the courtesy of being able to make my point of order.

MADAM SPEAKER: Right. Would you like to take a further point of order, Mr Humphries?

MR HUMPHRIES: I would like to raise the same point of order that I have been trying to make for the last five minutes.

MADAM SPEAKER: All right, I will now listen to the second one.

MR HUMPHRIES: Madam Speaker, you ruled yesterday, in answer to a point of order raised by members of the Opposition, by me in particular, that this statement by Mr Berry was in order; it was not unparliamentary. Mr Berry quoted or paraphrased a statement of the Opposition and he said - - -

Mr Berry: No, I didn't.

MR HUMPHRIES: You certainly did, Mr Berry. He said, "Statements like 'free up drug use' are clearly lies".

Mr Berry: That is right. I said that.

MR HUMPHRIES: You ruled that to be parliamentary. Today, when I quoted again or paraphrased again a statement of the Chief Minister and said that that statement is clearly a lie, you ruled that I had to withdraw. Madam Speaker, your impartiality is at risk.

MADAM SPEAKER: Thank you for that point of order, Mr Humphries.

Mr Kaine: He has not finished his point of order yet.

MADAM SPEAKER: Thank you, Mr Kaine. Thank you, Mr Humphries.

Mr Kaine: Well, let your impartiality show, Madam Speaker.

MR HUMPHRIES: Am I allowed to finish, Madam Speaker, or am I to be sat down?

MADAM SPEAKER: Continue, yes; of course.

MR HUMPHRIES: Thank you, Madam Speaker. The integrity of the chairmanship of this Assembly depends on your capacity, as the custodian of the office of Speaker - - -

MADAM SPEAKER: Is this a point of order or a bit of advice, Mr Humphries? I want you to finish, please.

MR HUMPHRIES: Madam Speaker, my point of order is that you should immediately rule that you have made inconsistent statements and either make Mr Berry withdraw his statement from yesterday or allow my statement to stand.

MADAM SPEAKER: Thank you, Mr Humphries. I did hear all of that the first time you told me. I will take it on notice and, once I have read the *Hansard*, come back. Now, where were we before the point of order? Mr Humphries, you were speaking.

MR HUMPHRIES: Yes, Madam Speaker.

Mr Lamont: It is all right. They have pulled their stunt for the day. It is okay. You can sit down now.

MR HUMPHRIES: Madam Speaker, I ask him to withdraw that statement; that it was a stunt.

MADAM SPEAKER: Under which standing order, please, Mr Humphries?

MR HUMPHRIES: It is unparliamentary, Madam Speaker.

Mr Lamont: Madam Speaker, to save further embarrassment, I will withdraw the fact that this obvious stunt is a stunt.

MADAM SPEAKER: Thank you, Mr Lamont. He has withdrawn, Mr Humphries. Proceed.

MR HUMPHRIES: Hardly, Madam Speaker; but obviously he is from a different party from me, so he gets away with it.

Ms Follett: Madam Speaker, I take a point of order. Mr Humphries's last comment is clearly a reflection on the Chair and must be withdrawn.

MR HUMPHRIES: Of course it is a reflection on the Chair.

MADAM SPEAKER: Well, withdraw it, please.

MR HUMPHRIES: I withdraw, Madam Speaker.

Mr Kaine: You are making your point admirably, Mr Humphries.

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MR HUMPHRIES: Thank you, Mr Opposition Leader.

Madam Speaker, the Government's position on the question of the statement yesterday by the Chief Minister in answer to my question is still admirably unclear. The Government answered a question in a very short, unhelpful way yesterday. To a more complicated question it answered, "No". Madam Speaker, since the answer "No" could have applied to any one of the three questions I asked during that question, it is very hard to know just what it applies to. The answer was designed, I would respectfully suggest to the Chief Minister, to be unhelpful. It was reported as such in the *Canberra Times* this morning. I think, Madam Speaker, that it remains unclear.

The Assembly needs to know a great deal more about what happened yesterday and the day before in respect of the raids on the *Canberra Times* and about the directive to members of the ACT Government Service that they should not supply information to other members of parliament without also advising the ACT Executive. Even supplying factual, generally available information, like library opening hours, apparently has to result in some report to this mistrusting Government. Madam Speaker, I think that is quite disgraceful. I believe that the Chief Minister ought to make a fuller statement than she has made so far. We still do not know whether there was a directive. We still do not know whether that directive was authorised by the ACT Government, namely, by the Ministers in the Government or by the Chief Minister. Those answers need to be brought out. They have not been brought out today.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE **Report on New Assembly Premises**

Debate resumed from 8 September 1992, on motion by **Ms McRae:**

That the report be adopted.

MR KAINE (Leader of the Opposition) (10.43): I think that this is a report that needs to be considered very carefully by the Assembly because the course of action that we take on this matter will be of great concern to the general public. I made a comment in a submission that I made to this committee, right from the outset, that I thought that there were three basic considerations that should be taken into account in establishing permanent accommodation for the Legislative Assembly, and I will repeat them. The first was that the new facilities must be consistent with the expectations of the community - that is, not lavish. Secondly, and to some extent at odds with the first one, I said that the facilities must reflect the true status of the Assembly as the Territory's legislature. Thirdly, I said that, again consistent with community expectations, the members, the secretariat and the staff must be reasonably housed.

On the face of it, the recommendations made by this committee meet those three general basic considerations, I believe. I note that, despite the Speaker's view early in this inquiry that its terms of reference required it to look at only the Government's proposal, and I insisted at the time that that was not the case, the committee did take the point and did look at a very large number of options other than the Government's proposal. I am pleased that the committee took that point and did some comparative studies on options other than simply taking up the Government's proposition that the South Building was the appropriate place.

That, I believe, was necessary. Unless that had been done it would have been very difficult to convince the community that what we are proposing here is, in fact, the best option. That review of other options was, in my view, quite necessary.

I do not have any great concerns about most of the recommendations. There are one or two, however, that I would like to comment on. I notice that one of them states:

... the impact of electorate offices on requirements in South Building should be assessed and taken into account in its redesign and refurbishment.

That begs the question: What electorate offices? No member of the Assembly currently has one. I know of no proposal for members to have electorate offices, so I wonder what was behind that particular recommendation. Is there a proposal amongst the hidden recesses of the Government somewhere to establish electorate offices for members? If that is so, I would be interested to know about it.

Paragraph 9.14 is interesting. It states:

The Committee recommends that:

the area on the ground floor reserved for future use be used in the present as exhibition and display space by community groups.

That is an interesting one, but I would suspect that there are many pitfalls in that. Who is going to allocate the space, and on what basis? On what conditions is space going to be made available to the community? It is going to be limited.

I am sure that there will be a great number of possible applicants. Some will be favoured by space in the legislative building and others will not. I think that is likely to generate some ill will amongst the community groups vying for that space and, of course, it has to be made perfectly clear to them all that one day they are going to be asked to leave. If people are put into accommodation like that and are there for some years, it will be very difficult to then say, "Well, sorry, old chap; we know that you have been here for five or seven or eight or nine years; but it is time to go, and we do not have alternative accommodation for you". That is a matter that needs to be considered. If a community group is given space in the Assembly building there will be a presumption in the future, when they are asked to leave, that the Government will find alternative accommodation for them. That may well generate problems for the future.

I obliquely referred to the final recommendation the other day, Madam Speaker. It says that there should be a Speaker's Committee, comprising members of the Administration and Procedures Committee, that will liaise with stakeholders, including the secretariat, the unions, the library, and others. I said, "What about members?". It was suggested that members are represented because of the membership of the Administration and Procedures Committee. I suggest that that is not correct. I, as an individual member of this Assembly, may have a quite different view from Mr De Domenico about some particular aspect of this building. I think it is not sufficient to say that the Liberal Party is represented on the Administration and Procedures Committee and therefore on the proposed Speaker's Committee, and that that is a sufficient way for other members of the

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Assembly to express their views. It was one of the points that I made from the outset. Just as I was quoted in terms of the three preconditions, I also did say that there ought to be some sort of a committee to represent the interests of the members in putting this building together. The members seem to have been excluded in some fashion, or perhaps they are some of the "others", and I think that needs to be examined a bit further.

Madam Speaker, there are many recommendations, some of which vary the Government's proposal, and I do not know the net effect of that in terms of cost. The Government's original proposal was costed at some \$12m. The changes that have been proposed have not been costed. Although we have a fairly comprehensive report, we do not now know what the ultimate cost of this proposal is going to be. It is an unknown factor. That is a matter that needs to be pursued in some detail too. On balance, Madam Speaker, it is a reasonable report. It seems to take into account the important factors and, by and large, I find the recommendations to be quite acceptable.

MS SZUTY (10.50): Madam Speaker, I would like to thank members of the committee who have referred in complimentary terms to the work done by me and my private secretary, Ms Karen Nicholson, in preparing submissions for the consideration of committee members.

I am pleased to endorse the committee's report, with one reservation. It does concern me that the committee, while not accepting that the Assembly will be housed in the South Building for only 15 to 20 years, only commits the Assembly to occupying the refurbished building for the longer term. Within the report this seems to imply around 50 years, but I feel that we need to approach this important task with the view that there will not be another move in the future. I feel that if we are to give the people of Canberra a symbolic Assembly, to reflect the true status of the Assembly as the Territory's legislature - quoting from Mr Trevor Kaine's submission - we must approach this task from the point of view of the move being permanent. This is not to say that we should not take into account the need for refurbishment at various times in the future, but we should not see this task as being only a stage in the longer process. I agree with the Public Sector Union's submission that drew on the example of another well-known temporary parliament which outlived its capacity by several decades. Our approach should be that this is the ACT Legislative Assembly's permanent home.

With regard to the report overall, I feel that it is a balanced document which touches on the major needs of an Assembly and quite rightly draws the parameters for refurbishment. Once the steering committee has been formed its task will be a large one, obtaining and reviewing more detailed proposals as to how to bring about the change in the South Building from its present unworkable status to a functional, efficient building which Canberrans can identify as their seat of government. Many comments from my submission about the importance of public facilities for aged people and people with disabilities and children, I hope, will be taken on board by the steering committee when they examine the detail stage of the move. I am also pleased that the need for major broadcasting infrastructure will be taken up in the proposal and, again, I would hope that the detailed technical work as proposed by Ms Karen Nicholson also will be closely examined by the steering committee at the detail stage.

In conclusion, Madam Speaker, I endorse the report of the Standing Committee on Administration and Procedures which recommends the relocation of the ACT Legislative Assembly to South Building for what I hope will be our permanent home. Again, I thank members of the committee for the endorsement of many of the recommendations suggested by me and Ms Karen Nicholson, and again I hope that many more of the detailed suggestions regarding amenities will be taken up at the time of the examination of the details by the steering committee.

MS ELLIS (10.53): Madam Speaker, I would like to commend the members of this committee for coming to such a concerted report. Examining such a broad brief would not have started out as a very easy job. There are several aspects of the report that I think, from the Canberra community's point of view, when carried to fruition are going to be most valuable to this community. I would like to refer to those very briefly, particularly the recommendations concerning the glassed-in section of the gallery to be devoted to public use for school groups.

One of the frustrations that I feel as a member of this Assembly at the moment is that, as much as I would like to invite school groups and other members of the community into the Assembly, the logistics here are such that it is fairly difficult to do so. That is, from a community point of view, one of the most important aspects. The other one is the provision of an informal area where school groups can be addressed by members and other officials of the Assembly on the role of the Assembly. One of the important things that we need to do here - I think we are all conscious of this - is to educate the community at all levels on the workings of this place and the sorts of responsibilities that we carry as members of the community through to the Assembly. I think that, in the planning and the provision of the refurbished South Building, one of the most important things is going to be community and public access. At the moment we are almost devoid of it.

The last thing I would like to refer to briefly is the proposed Speaker's Committee.

MADAM SPEAKER: Order, Ms Ellis. Members, if there are to be those sorts of discussions, there is a room available. Could I please direct you to that.

Mr Kaine: It is occupied by the Government all the time.

MADAM SPEAKER: Order, Mr Kaine! It is difficult to hear Ms Ellis whilst there are discussions going on. Please continue, Ms Ellis.

MS ELLIS: Madam Speaker, I was referring to the creation of a Speaker's Committee. I, for one, as a backbench member of this Assembly, look forward very much to contributing as much as I can to the deliberations of that committee, both from my own point of view and also from the point of view of staff who work for us here. I should imagine that staff, through unions and through their own individual efforts, will have a contribution to make to that committee. I would urge people in this place, in all categories referred to in that recommendation, to take their role in relation to consultation during the early stages of this project very seriously. We have an opportunity here to create a very valuable public building, for the use of this Assembly and for the use of the community we serve. I thoroughly endorse everybody's participation at the appropriate level on that committee.

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MR HUMPHRIES (10.56): Madam Speaker, I welcome the general tenor of this report. I believe that it does provide at the end of the day for a considerably upgraded level of accommodation for the ACT Assembly. As one of those who have persevered with this building for some time, it is useful to know that others quickly concede that this building is not up to the purpose of a parliamentary building of any kind.

I think, Madam Speaker, that I might put on record my disappointment that more attention was not given to the question that I raised in my own submission about the use of the old provisional Parliament House. People's views are well known on that subject and therefore there is not much point in going back over that argument. It does distress me - I suppose on another side of this question - that that building remains unused and unoccupied at present, substantially anyway, and that as an important part of the heritage of this city it continues to deteriorate. I certainly hope that some government, whether it is the ACT Government or the Federal Government, is able to make a decision soon about putting that building to appropriate use.

It is unfortunate, Madam Speaker, that it is not possible within the new Assembly framework to provide some hospitality both to members and to guests of members and visitors to the ACT. Clearly we are much too small a place to afford a parliamentary dining room or parliamentary members bar or non-members bar or whatever. I think that the Northern Territory enjoys some of those facilities, but I do not think that the Northern Territory is a very good model for us to use.

Mr De Domenico: Their facilities are not appropriate.

MR HUMPHRIES: No. The \$80m that I understand they are spending in that place certainly goes well beyond what the people of the ACT would be prepared to wear. Indeed, I suspect that even the \$13m being spoken of here is going to greatly try many people's patience with the Assembly.

Nonetheless, I think we have to stand by the view, if we hold that view, that it is important to be able to provide for members carrying on work within the building when it is not possible for them to get out of the building for various reasons. Sometimes work demands that you do not take a long time for lunch or dinner and to be able to have access to some eating facilities, for example, is very helpful. I therefore welcome the recommendation that there be some public eating facility, a coffee shop or whatever, within the building for use by the public and by members of the Assembly. That would be, I believe, a valuable way of providing some accessible and affordable means of refreshment for members in particular, and obviously also for members of the public. I am sure that that establishment will be very well patronised if it is up to standard.

Madam Speaker, I hope that we can establish a consensus on what needs to be done and on how quickly it needs to be done to provide the ACT Assembly with a suitable home. That would be, in my opinion, a small way of bringing self-government into a focus which is acceptable to more Canberrans than perhaps is the case at present or was the case three years ago. Having a place that people understand and recognise as being the home of the Assembly would make it more accessible. I still, when speaking to people on the telephone, have to tell

them where to find the ACT Assembly. They do not know. They are surprised to know that this big white building that they often pass houses, in fact, the Legislative Assembly chamber. Having a place which is only the Assembly, and identifiably only the Assembly, would be a help in people focusing on where to go to get access and what kind of organisation we are.

MRS GRASSBY (11.00): Madam Speaker, I would like to say that the old Parliament House would be very nice, but we all know that it is not in our jurisdiction and that we would not, I am quite sure, be given it by the Federal Government. Also, I understand that the cost would be enormous because it is full of asbestos. We are spending \$10m as it is and people will get upset about that. I think the less we spend the better. The fact that we are moving into one of our buildings is one of the savers. We will be saving rent for the general public. I am not sure what the rent is for this building, but if I had my way we would be paying nothing for it. I find it absolutely impossible to work in it.

It is, as Mr Humphries went on to say, also difficult to tell people where we are. When people ring up I find the same problem in explaining exactly where the building is. People do feel diffident about just walking in here off the street. It is not as though you can walk in and sit in the gallery, which people should be able to do. After all, this is their government, their Assembly, and they should be able to know what is going on. I have suggested to people that they come along on Tuesday nights and see exactly how it works. Only a couple have come, and they said that they do feel rather self-conscious because it is an odd entrance. It is an odd way to get in here and it is not very welcoming.

I understand that every member will be consulted by the committee on exactly what they think about having our own building, and I think this is important. Each of us sitting here knows exactly our thoughts on how the building should work and the way it should be for us. We may not always get what we want, but I think that if we can all have an input it will be very good. I understand from the Speaker that that is what will be done. I look forward to seeing us in a new building. I find the lifts in this building absolutely impossible. Public servants also have to work in the building. It is difficult also for them when we are trying to get up and down in the lifts. This is not the sort of place where you should have an Assembly, particularly with government offices in the same building. We should be in a building on our own.

The Government will save a lot of money by putting us in a building that we already own and in an area which will be very handy for people. They will be able to walk in off the street and find out how their government works. That is impossible now. I understand that people will not be able to drive four-wheel-drive vehicles into the new building; so we will not have any worries in that regard, Madam Speaker. We will be able to stop that sort of thing - not that I think anybody would want to drive a four-wheel-drive vehicle into our Assembly. I look forward to the new building. I have been told that it is a couple of years away. I would like to see whether we can hasten that because of the amount of rent we are paying.

Mr Kaine: I would like to see it in my time.

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MRS GRASSBY: Exactly, Mr Kaine. I feel exactly the same way. I would like to see it in my time too. If there is any chance of hurrying that up it would be a very good idea.

I agree with Mr Humphries that we do need somewhere where we can bring people to sit down and have a cup of tea and talk. I think we also need somewhere where we can all sit down, parties aside, and talk to one another as normal human beings. We all know what goes on in the house, but that does not mean to say that we cannot walk out of the house and talk to each other as normal human beings while having a cup of coffee or a cup of tea and interact together. I think that we need that. I think that we need that sort of interaction, and at times it would cool things off.

Up on the hill they have a couple of very good places - the members dining room and the members and guests dining room. They also have an area downstairs, cafeteria style, where they just pop in and help themselves. I know that we cannot have what they have up there. With 17 members it would not be possible. But I agree, and I think the Chief Minister agrees, that there should be somewhere for us to sit down and talk to each other. She has said that in the old Assembly there were times when they had sandwiches and coffee and worked right through the night. People were able to use a room at the side if they wanted to have a cup of coffee and talk about things. We have nothing like that here. As has been said, we do have one room on the side, but it is not good. It is on one side of the house, but there is nothing on the other side of the house. This is very bad for all members. If they want to talk to one another they have to walk across the house and try to speak quietly, or they have to stand outside the house. That also makes it difficult.

There are many problems with this building. There are problems with the air-conditioning. One part of the building is freezing cold while the other half is boiling hot. It really has not worked from day one. This room itself is a dreary room. I think we all feel a lot better when we get out at lunchtime. We can feel some fresh air coming in. I hope that all this will be taken care of in the new building. As the Speaker has said, there will be a committee of all members. They can put in their bids as to how they would like to see it. Hopefully we will all get what we want. I look forward to that day. I hope that it is in my time, just as Mr Kaine hopes that it is in his time. I hope that we get a chance to be in there and enjoy something a little bit better than this, and also save the people of Canberra money, because that is what we will be doing. We will be saving rent. We will be in one of our own buildings, where we really should be. It would be all very nice to erect a brand new building, but I do not think that we should be doing that. When we are asking people to take cuts we should be trying to make as many savings as we can. By moving to one of our own buildings we will be able to do that.

MR LAMONT (11.06): Madam Speaker, if there are no further speakers from the Opposition, I seek leave to make a further short statement.

MADAM SPEAKER: Is leave granted? There being no objection, you may proceed, Mr Lamont.

Mr Kaine: In connection with what?

MR LAMONT: In relation to the question currently before the Assembly.

Mr Kaine: Why don't you just speak to it like everybody else?

MR LAMONT: I have spoken to it already.

MADAM SPEAKER: Leave has been granted. He has spoken to it once. He is allowed now to speak to it again. Proceed, Mr Lamont.

Mr Kaine: He has not been granted leave yet, Madam Speaker. I was inquiring as to what it was that he wanted to be given leave for.

MR LAMONT: In relation to the question before the house.

Mr Kaine: In that case, I am happy to give leave.

MR LAMONT: Thank you, Mr Leader of the Opposition. You, sir, raised a number of points in your comments this morning in relation to the recommendations that have been made about social interaction within the foyers of the Assembly and the spare space which may be available initially. It was the assumption of the committee that the Speaker would be responsible for the allocation of such resources; and that it would not be a permanent arrangement for any particular community group, but would allow for displays and/or information programs to be established in the confines of the Assembly to encourage interaction between the community and the Assembly.

The second question you raised was in relation to electorate offices. The matter was raised in the committee as a topic of discussion only. I do not believe that any particular agenda was being pushed by anybody. I think it was a recognition that this will be the last time we have a single electorate in the ACT. The probability is that we will go to the Hare-Clark three-electorate system.

Ms Follett: An absolute certainty, Mr Lamont.

MR LAMONT: I am assured with great conviction by the Chief Minister, quite appropriately, that there will be three electorates. It was in that regard that that was raised. It was taken no further than that, Mr Kaine, so I would suggest that nothing sinister can be read into it.

Madam Speaker, it is hoped that today we will adopt this report. As I said when previously speaking to it, I would hope that this matter is adopted unanimously by the Assembly, but I can understand that there may be one of our number who does not wish to do that. Madam Speaker, in conclusion, I would also like to draw the Assembly's attention to the attendance in the chamber today of students from Lyneham High School. I understand that their visit is part of a program on understanding the operations of parliaments. I welcome them here.

Question resolved in the affirmative.

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TOURISM AND A.C.T. PROMOTION - STANDING COMMITTEE
Statement by Presiding Member

MR DE DOMENICO: Madam Speaker, I seek leave to make a statement regarding the Standing Committee on Tourism and ACT Promotion's visit to the south-east region from 1 to 3 September 1992.

Leave granted.

MR DE DOMENICO: Madam Speaker, during last week's Assembly recess the committee visited the south-east region of New South Wales as part of its ongoing responsibility for promoting the ACT and establishing a basis for recommendations to the Assembly about exploiting the tourism potential of Canberra and the region. Ms Szuty and I made the visit, accompanied by the committee secretary, Mr Symington. Unfortunately, an unforeseen family circumstance made it necessary for Mr Lamont to withdraw. As planning for the visit had involved commitments by a number of people in the region, Mr Lamont asked the committee to proceed without him.

The committee's itinerary covered a significant area of the south-east region, ranging from the Snowy Mountains to the south-east coast town of Bega and beach resorts of Merimbula, Eden, Tathra, Narooma and Batemans Bay. Over the three days, Madam Speaker, the committee met with representatives of region shires, owners and operators of tourism facilities, and representatives of the New South Wales Tourism Commission. In all, the committee had discussions with some 31 people in 11 separate meetings.

In the Snowy Mountains area, Madam Speaker, the committee met with executives of the Alpine Australia Group at the Bullocks Flat skitube and Blue Cow Mountain resort, the New South Wales Ski Areas Marketing Group, the Perisher Centre, the Kosciusko National Park and the Snowy Mountains Marketing Corporation at Perisher-Smiggin, the Thredbo Alpine Village, and the Snowy River Shire Council and Snowy Mountains Marketing at Jindabyne. We were accompanied by Ms Anne Foster, regional manager, Snowy Canberra, who is based in Cooma. The committee, Madam Speaker, expresses its gratitude to Ms Foster for arranging quality contacts which allowed for wide-ranging discussion of the issues with those at the heart of the alpine tourism industry.

Madam Speaker, the committee travelled to Bega on Thursday, 2 September, for meetings with the Bega Shire Council. Again, the committee expresses its appreciation to Mr Ian Cameron, south coast representative of the New South Wales Tourism Commission, and Ms Margaret Nowaki of the Bega Shire Council - a former resident of Canberra, by the way - for developing the program of meetings and discussions on the Sapphire Coast. The committee benefited substantially from the discussions with Bega Shire president, Councillor Mick Allen, the shire managing director, and other council staff. Further meetings were held at Merimbula and Eden with area promotions and Chamber of Commerce representatives.

Madam Speaker, on Thursday, 3 September, the committee travelled to Narooma for discussions with tourism operators and tourism promotion representatives. A further meeting was held at Durras, near Batemans Bay, with Eurobodalla Shire councillors, tourism operators, and council and other government officials,

including a Shoalhaven Shire Council representative, before committee members returned to Canberra that evening. The committee appreciated the assistance of Mr Phil Jones, the Eurobodalla Shire tourism officer, in arranging this part of the program.

Madam Speaker, two factors stand out from the wealth of experiences encountered by the committee over the three days. These are the overwhelming tourist potential of the region and the cooperative efforts being made by regional operators and officials to broaden the tourism base for the benefit of the whole region. The tourism potential is limitless. It would defy rationality in almost any other part of the world, let alone in Australia, to accept that one can, as the committee did, emerge from heavy snowfalls and blizzards and ideal skiing conditions at 8.30 am and two hours later be at a seaside resort in 20-degree swimming weather on the south coast. Madam Speaker, this conveys something of the opportunities and the challenges open to Canberra and the region, namely, to manage this substantial tourism resource in such a way that all of the Canberra and south-east region can prosper from promoting the myriad attractions it has to offer.

Madam Speaker, some eight million Australians live within a day's drive of the region, and Canberra is a maximum of three hours' drive from any part of it. How the ACT community can take advantage of its unique central position and work cooperatively with regional shire and New South Wales tourism authorities to develop its own potential will be included in the committee's report on its tourism reference which will be presented to the Assembly in the near future. Madam Speaker, in the meantime, the committee has been invited to a meeting of the Canberra Region Tourism Marketing Group in Queanbeyan on 11 September, tomorrow, when ideas about enhancing tourism returns will be discussed. The committee also plans to visit other areas of the region, including the alpine region, during the summer to assess the tourism side benefits for the ACT.

MR KAINE: Madam Deputy Speaker - - -

MADAM SPEAKER: No, I am the Speaker.

MR KAINE: Madam Speaker - - -

MADAM SPEAKER: Thank you. I would gladly be the deputy, but I do not have that option.

MR KAINE: I do not know whether he moved that the paper be noted. If not, I will seek leave to make a statement in connection with the matter to which Mr De Domenico referred.

Leave granted.

MR KAINE: Thank you, members. It seems to me, Madam Speaker, that this visit by Mr De Domenico and the members of his committee is probably one of the more important things that members of this Assembly have undertaken in recent months. I think that we have long recognised the interrelationships of Canberra and the surrounding area. It was for that reason that the South East Economic Development Council was established - to look at the resources jointly possessed in this region; the human resources and other resources which, by being brought together, constitute a very significant economic unity and social unity.

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The South East Economic Development Council has done a number of studies that have to do with the development of tourism within the area. They have been looking, for example, at the road system in the area. They have made some recommendations to the effect that the road system needs to be upgraded, not just to facilitate tourism. It would draw together all of the things that Mr De Domenico spoke about so that Canberra can become a destination for tourism in its own right and can exploit the hinterland, rather than just being on the periphery. Places like Sydney and Melbourne are tourism destinations and we are just on the outskirts. If a tourism operator sees fit to put some of those foreign tourists into a bus that comes down to Canberra for 24 hours or so, that is okay, but that is not enough. We should be a tourism destination in our own right.

That involves such things as upgrading the Canberra Airport to a point where it can take international flights. It is perhaps not widely known that international flights of a charter nature have come into Canberra Airport. It has not been unknown. There is a general view abroad, perhaps, that Canberra Airport is not sufficient to handle international traffic. This is not so. It can do so, and it has done so. There is a lot of development to be done to encourage overseas tour operators and charter operators to come into Canberra instead of going into Melbourne or Sydney. Perhaps that is something that the Government should be taking on notice as part of its tourism marketing campaign. Get the tourists here first.

I think that the sort of work that Mr De Domenico and his committee are doing is excellent. It brings forward more and more knowledge about the resources that are out there. It brings on public discussion about how we can bring them together, not only for the benefit of us people who live in the ACT but also for the benefit of people who live out there in the region, many of whom are in desperate economic straits. I will not say that the ACT is yet desperate, but our economic situation is not all that good. If we could improve our tourism dramatically it would - - -

Mr Berry: It is because we have a Labor government. That is why it is doing better.

MR KAIN: Nothing has happened under this Labor Government yet. You just took \$1m out of the tourism budget; so do not talk to me about your Labor Government, Mr Berry. I am suggesting that the Labor Government ought to get some strategies and figure out how it is going to deal with this - not just sit up on the fifth floor and do nothing, as it has been doing. We need a strategy to deal with it and part of that strategy is to get the airport upgraded, if necessary. That may even require the input of a little bit of money.

Mr Berry has lots of money for some projects that are dear to his heart, but I do not see too much going into the development of tourism or the development of the ACT economic infrastructure. I think it is time that we had some action from this Government. Stop talking about abortion and drugs and prostitution and circuses - all of those things that you have been absolutely obsessed with over the last five months - and let us look at some economic strategies. It will be fascinating to see, Madam Speaker, whether this next budget, which is to be

brought down on Tuesday, makes any better contribution than their last one to the plight of the unemployed and the plight of small business in and around the ACT. I congratulate Mr De Domenico and his committee for taking this initiative and, first of all, getting out there and letting people know that we are interested in them and, secondly, attempting to bring those resources together for the mutual benefit of all of the people who live in the area.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE
Report on New Capital Works Program 1992-1993**

MR BERRY (Deputy Chief Minister) (11.19): Madam Speaker, I move:

That Assembly Business, order of the day No. 2, relating to the Planning, Development and Infrastructure Committee's report on the 1992-93 new capital works program, be postponed.

This is a matter which will be considered in the budget context. It is not something that needs to be debated here today.

Question resolved in the affirmative.

**AUDIT ACT - STATEMENTS OF VARIATIONS TO APPROPRIATION ACT 1991-92
AND MINISTER'S ADVANCE
Papers**

[COGNATE PAPERS:

TREASURER'S QUARTERLY FINANCIAL STATEMENT - PAPER
TREASURER'S ADVANCE - PAPER]

Debate resumed from 11 August 1992, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

MR KAINE (Leader of the Opposition) (11.20): Madam Speaker, I suggest, that, if members agree, orders of the day Nos 1, 2 and 3 be debated cognately. They all deal with financial reports of one kind or another brought forward by the Government.

Mr Lamont: Can't you write three speeches?

MR KAINE: I can read the same one three times, if you like. It would be just as appropriate. I am simply putting it to the Assembly, Madam Speaker. If members do not want to do it, I am prepared to read my speech three times.

MADAM SPEAKER: Is it the wish of the Assembly that these three matters be considered together? There being no objection, proceed, Mr Kaine.

MR KAINE: I am glad that they have seen the good sense of what I was proposing. If they listen to me they will discover that my proposals are always based on good commonsense and practicality.

Mr Lamont: Are you going to go for your full time?

MR KAINÉ: I may even seek an extension of time, since I am making three speeches in one.

Madam Speaker, the financial statements tabled in the August sittings by the Treasurer refer essentially to mechanical requirements under the Audit Act 1989 with which in principle the Opposition has no dispute. However, when the Treasurer associates them with claims by her of a \$6.7m surplus last year, it does raise some questions that should be brought to public attention. The Treasurer announced the \$6.7m as a financial triumph. That was supposed to be a surplus. Such a surplus might have been a triumph in the context of the financial tragedies in Victoria and South Australia; but in my view it is not good enough in the context of ACT financial management. The Territory has not suffered a dramatic collapse of its major State financial enterprises in the depth of the worst depression since the 1930s, such as has happened in Victoria and South Australia. So you would expect our performance to be better.

I would have admired the Treasurer's financial management skills had the sense of triumph been real rather than merely a sigh of relief on her part. In fact, it was little more than that. The credit for the surplus does not lie with the Treasurer; it lies largely with external forces over which the Treasurer has no control whatsoever. The surplus does not arise from those elements of recurrent funding over which the Government exerts control. For example, it is not in salaries or that part of the running costs subject to alteration by government decision. From her own statement, it is clear that the surplus had nothing to do with the exercise of financial management skills by the Treasurer.

It is obvious to everyone that the surplus was the result of serendipitous increased tax receipts to the extent of \$17.2m, due in part to increases in property valuations yielding \$2.1m from rate increases and higher than anticipated petrol tax receipts of \$2.4m. In major part, the increased receipts were also a result of the provision by the Commonwealth of additional funds for specific purpose payments - that is \$5.4m recurrent and \$2.1m capital - and for agency services that the ACT Government performs on behalf of the Commonwealth. A significant contribution was made by a \$2.25m dividend payment from Totalcare Industries, a government business enterprise established by the Alliance Government. I am sure that, if this Government had had any control over it, it would have retained it in its old, inefficient and unproductive form.

The Treasurer's media statement indicated that government expenditures were greater than the budget provision, and that is the point on which attention ought to be focused - not these unplanned windfall increases in revenue and money coming from the Commonwealth. How did the Government perform in controlling its expenditures? By her own admission, they were considerably greater than the budget provision at the beginning of the year. In fact, the financial outcome for the Consolidated Fund was rescued from the jaws of a major deficit by unexpected recurrent and capital receipts. You might call it a Treasurer's equivalent of a lottery win. That good fortune does not, or should not, be allowed to obscure the Government's excess expenditure, management of which is within the power of the Treasurer. Indeed, it is a responsibility of the Treasurer to keep control over all expenditures. There was excess recurrent expenditure in the health program to the tune of \$7.7m. Mr Berry talks about budgetary control. He does not have any control over it at all.

Mr Berry: A surplus.

MR Kaine: Let me repeat: There was excess recurrent expenditure in the health program to the tune of \$7.7m. How you can convert that into a surplus is beyond my thinking, but with Mr Berry's creative accounting he might be able to do it. We do not know how much of that additional expenditure was neatly agreed to in advance through the operation of these mysterious business rules. The Government has never explained why this free availability of funds for Mr Berry should be granted while other managers elsewhere in the Public Service are still required to live within their budget allocations. It is a very curious arrangement where Mr Berry is the only Minister who has this free access to money. All he has to do is ask for more money and it mysteriously appears.

Mr De Domenico: That is only whilst he is Health Minister. When he changes over he will not have it.

MR Kaine: That may be so. It serves to give the Health Minister a smokescreen that he can hide behind, but it is hardly justification for deliberately setting aside good management practice. He would do better to focus on management practice and stop trying to obscure the whole issue.

Current and historic overexpenditures on health and education - \$3.2m over budget in the government schools program in 1991-92 in particular - have contributed significantly through the processes of the Grants Commission to a \$7.1m reduction in the level of the general revenue grant from the Commonwealth. We have poor management resulting in our being brought to account by the Grants Commission. Members should further note that, of the so-called \$6.7m surplus, \$5.4m was by way of extra recurrent specific purpose payments from the Commonwealth. In other words, the Commonwealth gave us a bit more money and because of that we ended up with a surplus. The Chief Minister is claiming credit for this.

Of that \$5.4m, \$3.7m was received after 5 June, according to the financial statements recently tabled in the house. Not only was the surplus a lucky lottery result; financial salvation arrived at the front door just before the creditors and repossession agents. The Chief Minister, again, was very fortunate. It may be seen by some, though they would not be reasonable people, as churlish to criticise a Treasurer who scraped into surplus with a last minute pools result. Regrettably, the Treasurer pretends to financial competence when the reality is far removed from that.

The Treasurer's lack of acumen in these matters is reflected in her presentation of the statement on additional appropriations in terms of specific purpose payments. She surely must know that payments for services provided to the Commonwealth are not specific purpose payments; they are cost recovery payments made under arrangements with the Commonwealth for the provision of municipal services in the ACT and Jervis Bay. The difference may have been only a clerical error; but, when the lower case letters in the Audit Act give a significantly different meaning to the words, I would have expected the Treasurer and the Treasury to come up with a more correct and more precise statement.

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While I am about making corrections on detail, I refer the Treasurer to page 8 of the quarterly report. In program 1, of the expenditure for the year ended 30 June 1992 there is reported recurrent expenditure of \$3.716m and capital expenditure of zero. Yet if you add the two columns up, according to the Treasurer's report, it comes to \$3.808m. To me, \$3.716m plus nothing does not add up to \$3.808m. Again, it is probably an error that was not picked up in editing, but one would expect the Treasury and the Treasurer to be a bit more precise when reporting on the financial affairs of the Territory.

I am concerned that, in addition to these small errors, the Treasurer has claimed a surplus that has had the effect of giving misleading comfort to this community. The inference to be drawn from the media statement she put out was that the ACT was in good financial health, with a modest excess of revenue over expenditure. That statement is partly true, but it fails to point out that receipts from specific purpose payments are not available for general application. They are confined to the programs for which the funding is provided under an agreement with the Commonwealth. It is true that more and more of these programs are becoming untied, but that merely gives managers of the programs an ability to meet needs more flexibly. It does not give them the ability to shift money from the program to other areas such as running costs, salaries or other activities not included in the ambit of the specific purpose program. A claim based on half-truth is not a valid claim.

What we see displayed in the Treasurer's media statement is a chimera. The benign face belies a savage stinging tail, but that is not inconsistent with the Government's view on financial management. The Treasurer continues to delight in taking a lottery attitude to the Territory's financial capacities. Schools with fewer than 100 students continue to operate, having been reopened last financial year at a cost of about half a million dollars. Yet the Government objects to spending a similar amount of money, on their own claim - and I do not agree with it - by amending the Rates and Land Tax Act to exclude those who should not be taxed but have fallen foul of poor drafting and an intransigent government attitude towards finetuning of the legislation. It is left to the Opposition to take the initiative on this matter. The Government has just brought down its own Bill, but it does not remove the social injustices. What it does is tighten things up so that the Government can get more revenue and make the Act even more inflexible. But they do not mind spending half a million dollars reopening and maintaining schools that need not be reopened.

The better cities program is being pursued with enthusiasm to attract some \$13m in funds from the Commonwealth, at the same time relying on the private sector, still reeling under the Labor-produced mother of all depressions, to supply the other \$58m. The Minister for Planning has said that he hopes to raise all of that amount from the private sector. If that outcome is not achieved, perhaps he can win another lottery to raise the balance needed. This may well be necessary because the Government on this issue, as on many others, does not appear to have consulted with the private sector to see whether they are ready and willing to meet the Government's expectations of a \$58m investment.

Mr Wood: That is what I said. I have no doubt.

MR KAINE: Well, I do. You do not have the money yet and you have not got any commitment for it. The Government has also made much of their no-borrowings policy last year. Again, this is a chimera. While we did not borrow last year, we did use up the balance of the transitional funding money from the Commonwealth - \$53m - and we did consume the transition reserve set aside by the Alliance Government, an additional \$25m. So we used up \$78m worth of reserve money in the one year.

While we did not have to pay interest on it, as we would have had to do if we had borrowed the money, we do not have it to invest and earn interest, either. I suggest that it is more than a zero sum. It is a negative sum. That \$53m from the Commonwealth was a once-only payment, a real asset that could have been used to underpin borrowings or to fund structural change with a future benefit, or even to meet emergencies over a long period. Instead, it was used to present a false image of a government in control of its budget in one year. Now it is time to pay the piper. We have another budget coming down next Tuesday and we will see whether this no-borrowings policy holds good this year. The image and the policy were both flawed, and the ACT will live to rue the day the Treasurer adopted them.

I am also concerned about the statement that deals with transfers to the Minister's Advance. Most of the amounts are being rolled over from last financial year to this current year. I have no objections in principle to that, but I am concerned to know what the roll-overs are for and why the money was not spent in the year for which it was appropriated. Is this mismanagement? Is it the inability of the Government to get things done - again? What is the justification? I know that in some cases the funds are for development projects extending over several years. I am aware, however, that some of the programs concerned with systems development have been going on for several years. I would have expected that by now there would have been more progress, in so far as I can extrapolate from the size of the roll-overs indicated in this statement. As is often the case with this Government, what is revealed is perhaps less than what is not revealed.

These financial statements indicate that, while the ACT still manages to stay on the positive side of the ledger, the economy is very flat. We have been very fortunate; the Chief Minister and Treasurer has been very fortunate. We cannot continue to rely on increased taxes and Commonwealth payments to rescue the Territory's accounts. Next year it is likely that the Grants Commission will again reduce our general revenue grant and interest rates will probably remain low, although not necessarily as low as they are today.

In bringing down its budget next week the Government must do a number of things. It must address the loss of the \$53m transitional funds. You have spent them; you do not have them any more. You have to relieve the burden of taxes on business by way of payroll tax, land tax and conveyancing costs to encourage the growth of business and to encourage the creation of jobs.

Mr Berry: Just like you did. What a joke!

MR KAINE: You cannot create jobs. In fact, you are cutting down jobs, or so you claim. They must review regulations that impose costs on economic activity. The surplus should be put to immediate employment producing programs, if there is a surplus. (*Extension of time granted*) The surplus the Chief Minister claims should be put to immediate employment producing programs. They have to deal

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with the Acton Peninsula and the Kingston foreshores planning so that we can get something going there. Capital works projects must be undertaken more swiftly to provide employment. The committee has recommended a \$15m increase in that program, and I am sure that Mr Lamont will support me on that request. Longer-term initiatives such as the creation of the freight link at Canberra Airport, the updating of the airport to take tourists, and the revival of the very fast train project should be pursued actively by this Government.

The Government has a clear choice to capitalise on the surplus or to let the ACT wallow in the economic morass in which we are increasingly mired under this Labor Government. I sincerely hope, Madam Speaker, that the Government will show some initiative and resolve and take the first choice, not remain inactive and preside over the second by omission, as they have demonstrated consistently they are prepared to do.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.36): Madam Speaker, that was a joke of a speech that can essentially be described as the bleating of a frustrated opposition that is going nowhere. I will deal with a couple of the matters raised by Mr Kaine in relation to the health budget - matters that were presented in a way to create the impression that something was wrong when it is not. Mr Kaine tries to create the impression that there is something untoward going on when he refers to "the mysterious business rules". They are not mysterious, Mr Kaine. You are wrong. They are a set of business rules that have been made available in this house, a copy of which you should have read, and they would not have been mysterious to you.

Mr Kaine: It is not mysterious to me, but it is a bit shonky.

MR BERRY: It would be mysterious to you because you do not pay attention very much. Mrs Carnell gets agitated about this because she too is frustrated and sets out to talk down the health system, attack the public health system and show the Liberals' general upset about public enterprise in the ACT. They are fanatics when it comes to applauding the private sector. They are similarly fanatics when it comes to putting down the public sector. That sort of fanaticism is aimed at talking down successful public enterprise. The mysterious business rules Mr Kaine referred to are not mysterious. They are only mysterious to him.

Mr Kaine: Why do you not apply them to DELP and to Urban Services and all the rest, if they are so good?

MR BERRY: What happened with the Liberals was that they created such a mess in health that we had to create a set of circumstances to demonstrate to the community of the ACT exactly what was going on. We were able to do that. We put them on the table in this Assembly, but Mr Kaine did not take the time to read them. He made another inaccurate statement, again a statement which will mislead if it is seen by a reasonable person in the street. He said, "Mr Berry was the only Minister who had access to excess funding". That is untrue.

Mr Kaine: That is not quite what I said, but you can interpret it that way if it suits you.

MR BERRY: That is what you said. Supplementation is available across the board. Mr Kaine, the failed former Treasurer, ought to know that and he ought not to say something that is inaccurate and attempt to mislead people into a conclusion that is incorrect. That is what he set out to do. That is the sign of

a frustrated opposition that is going nowhere. If you do not have anything positive to say, say nothing. It would be better if we were not burdened with speeches of the sort we have just had to wear.

Supplementation is available to all programs from the Treasurer's Advance. You know that; you ought to remember - it was not that long ago. I just cannot comprehend how these people can continue to act in such a frustrated way. Why are they not coming up with something positive? They cannot think of anything. They have no initiative, except to attack the public sector. It is always easy to come up with good ideas. You would, would you not?

Mr De Domenico: Someone has to come up with them. You do not.

MR BERRY: Yes, that is right; you are full of bright ideas. We heard an example of it yesterday. The truth of the matter, Mr Kaine, is that, unlike in the period when you were the Treasurer, in health at least there was a program implemented which ensured that the budget was properly managed. The budget was properly managed, supplementation was properly managed, and at the end of the day there was a small surplus. Supplementation was made in accordance with the business rules. What you will never ever be allowed to forget is that there was no unapproved funding, as there was in your day.

Let us not forget the picture of the Treasurer standing up there saying, "I do not know what is going on in health; they will tell me if something is wrong". Something was really wrong because the money was flowing thick and fast. You did not know what was going on as it fell to pieces underneath you. Your Health Minister was so unconcerned about the disarray in health that he could not even be bothered to put the resources in to find out what was wrong. That is the situation.

Mr Kaine: We did put the resources in. It was we who hired Mr Enfield.

MADAM SPEAKER: Order! Mr Berry, you will address your remarks to the Chair and the interruptions will cease.

MR BERRY: That was the true situation. The whole of Mr Kaine's speech was a classic example of frustration. He had nothing positive to say, only negatives. It is a bleating opposition that is really going nowhere.

MR DE DOMENICO (11.43): Madam Speaker, I rise to endorse once again what the Leader of the Opposition has said. For Mr Berry's information, the figures the Leader of the Opposition used were not the leader's figures; they were not even Mr Berry's figures, thank God.

Mr Lamont: Mr De Domenico, even the children will not listen to you.

MR DE DOMENICO: Madam Speaker, that defies even me saying anything. We are used to stupid statements from Mr Lamont; another one is not going to matter. There are a heck of a lot of other children out there that do not like Mr Lamont either, because he has banned circus animals; and Mr Lamont knows that as well.

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To get back to the issue at hand, Mr Kaine was quoting not Mr Berry's figures, not Mr Kaine's figures, and luckily not Mr Lamont's figures. It is a fact that external forces did play a great hand in the so-called \$6.7m surplus. For Mr Berry's edification, quoting the Treasurer's own figures, there were increased taxes of \$17.2m. Property valuations had a lot to do with that. There was an increase in the petrol tax, Mr Berry. Mr Connolly is putting in Bills saying, "We are going to control petrol prices; petrol prices are too high in the ACT" - and you made \$2.4m more than you were supposed to on petrol! If you want petrol to come down, Mr Berry, take off the \$2.4m, plus the other 3c a litre you promised you would take off and then changed your mind on. You cannot have it both ways. You have more moves than Boris Spassky, Mr Berry.

As I said before, Madam Speaker, the best way to make a big business into a small business is to put it into the hands of Mr Berry. He will do it for you every time. To pull him out of the mire, they will give him the business rules and they will give him some more money out of the business rules. I am suggesting that Mr Berry has not long to go before he will not be able to control health. They will be shifting him out to urban services or into the back boondocks somewhere and he will not be able to do it again.

Mr Kaine also said that there was \$5.4m and \$2.1m in extra payments from the Commonwealth. There was a \$2.25m dividend from Totalcare. That is also interesting. Madam Speaker, you will realise that, once Totalcare was corporatised, the backroom committee said: "No more corporatisation or privatisation". As long as you, Mr Berry, are in the Labor Government, there will be no more corporatisation, although the board would be delighted to have ACTEW corporatised. Madam Speaker, I will bet that there will be moves to change the chairmanship of that board, or there will be discussions about changing the chairman of that board, because he happens to agree that ACTEW ought to be corporatised. That dividend provided an extra \$2.25m. In the words of the paper, "Expenditure was greater than the budget provision". They are not Mr Kaine's words; they are the words that were provided to us by the Chief Minister: "Expenditure was greater than the budget provision". If anyone can tell me how that means that we are doing a good job I would like to know, because obviously he can also reinvent the wheel.

A lot has been said by Mr Berry about the business rules. Call it business rules, call it excess funds, call it whatever you want; but it was \$7.7m down the gurgler, under you, the Health Minister. Then they gave you this other little fund and said, "Listen, in case you do not do a good job, Wayne, here is some more money you can use. We will make you look good because you can say, 'I have this wonderful surplus under the business rules' ". No-one else understands the business rules. The way the Health Minister describes them, no-one can understand the business rules; but luckily he can and we can convert a \$7.7m deficit into a healthy surplus. So much for handling the funds of the ACT. For all of those reasons, Madam Speaker, I am happy to endorse the comments made by the Leader of the Opposition.

MS FOLLETT (Chief Minister and Treasurer) (11.47), in reply: Madam Speaker, I would like to thank members for their comments on these documents that have been presented to the Assembly. As Mr Kaine started out to say, the documents are pretty straightforward matters. They are records of measures taken by the Executive in accordance with the Audit Act and, as Mr Kaine said, they are pretty standard mechanisms. The measures allow the Executive a degree of flexibility to enable appropriations to be varied during the year.

The first of the statements deals with changes to the Appropriation Act to on-pass increases in Commonwealth funding, under section 49A of the Act, and to transfer funds that are no longer required in certain programs to be used in other programs. In other words, it provides a degree of flexibility, which does allow you to manage well. The second statement concerns an increase in the amount available to the Treasurer's Advance to allow funds to be made available for various programs. To do Mr Kaine credit, he did at least allow that these flexibilities are necessary tools for use by government to reflect the changing needs that arise in the course of the year. At about that point, I think Mr Kaine and I would part company.

I will turn to some of the comments made by Mr Kaine. I can appreciate Mr Kaine's extreme chagrin over the surplus we have achieved on the recurrent budget for last year. Our modest surplus does, of course, stand in contrast to the small deficit in Mr Kaine's one and only budget. I did not make a huge song and dance about Mr Kaine's deficit because it was not a large one, and I think Mr Kaine ought to be gracious enough to allow that a surplus, and particularly one that is modest, is a good thing and can reassure the community that their financial situation is being well managed. As I said, I can understand Mr Kaine's extreme chagrin on this matter. What I cannot understand is his extreme flexibility on the question of how that surplus ought to be represented by him as, presumably, the alternative Treasurer.

Mr Kaine started off by making comments to the effect that the surplus should have been higher. Because, as he rightly commented, we do not have the problems that are being experienced in Victoria or South Australia, he seems to think that we should have had a higher surplus. Mr Kaine variously referred to the surplus as modest, as not high enough and, finally, as something that should have been spent anyway. I am at a loss to explain Mr Kaine's real views on the fact that we have achieved a surplus, other than that he is extremely chagrined, and I can well understand that. Mr Kaine made a couple of other comments that I think deserve to be addressed. He claimed that in some way the ACT's expenditure on education would, or should, result, or has resulted, in a reduction in funding through the Grants Commission process. I am sure Mr Kaine knows that this is a pretty silly proposition. In fact, it is absolute nonsense. The Grants Commission's assessment is conducted independently - certainly independently of the ACT's expenditure policies.

I would like to comment also on Mr Kaine's remarks about health being the only area of supplementation. If he had a close look at the documents he would see that that is just not the case, and it is silly to suggest that it is. It is true to say that the health budget has been brought under control and that we will never again see the likes of the \$17m blow-out that we saw under Mr Kaine's and Mr Humphries's carriage of that portfolio. The supplementation to health, education, and so on was in accordance with normal processes, and in fact applies to all programs, for example, for wage and salary increases, and in the case of health the business rules codify this matter. The business rules, I believe, are necessary, given that there can be large changes in the parameters in health, such as, for example, the major impact of changes in the patient mix. It would be a poor financial system indeed that did not allow you to take account of those major parameter changes.

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Mr Kaine also commented on roll-overs, and I would like to respond to that by advising that in the case of roll-overs for commitments that are entered into but for which expenditure is incurred after the end of the financial year - I think Mr Kaine does appreciate that - we are dealing with a timing issue only. There has been no change to the practice Mr Kaine adopted as Treasurer, and the documents we have before us indicate a normal situation, which Mr Kaine himself also presided over. Where there are payments from the Commonwealth that have been changed, very often those changes are a response to Commonwealth policy changes. For example, in the asbestos area there is clearly a change, and that has to be reflected in the way that it has been. The mechanism for on-passing these matters is set down. Perhaps if Mr Kaine wants a closer explanation of that it would be possible to arrange it, but I believe that he might only have been making debating points on those matters.

I thank members for their comments. I believe that the outcome is one that does credit to the Government and, in particular, to the Treasury. In a very difficult situation of reducing funding they have managed to put the documents together extremely well. Members have clearly taken them on board pretty well and have not made enormous or substantive comments upon them. I thank the Treasury for their work on all of those documents and, of course, for their continued assistance in the good management of the ACT's financial situation. Very briefly in closing, Mr Kaine has scored a point relating to page 8 of the Treasury's quarterly financial statement. The figure of \$3.808m under the ACT Legislative Assembly program description is an error. Two figures have been transposed; that figure ought to read \$3.716m, as I am sure Mr Kaine knows full well. I mention that because, if I do make an error, I am only too pleased to own up to it and correct it where that is possible, and to pay Mr Kaine, or perhaps his office, the credit for having read these figures very closely. I thank members for their comments.

Question resolved in the affirmative.

TREASURER'S QUARTERLY FINANCIAL STATEMENT Paper

Debate resumed from 20 August 1992, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

TREASURER'S ADVANCE Paper

Debate resumed from 20 August 1992, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

**DEPARTMENT OF THE ENVIRONMENT, LAND AND PLANNING -
ANNUAL REPORT FOR 1991-92
Paper**

Debate resumed from 19 August 1992, on motion by **Mr Wood**:

That the Assembly takes note of the paper.

MR KAINE (Leader of the Opposition) (11.56): I am pleased to be able to talk this morning about this report. I believe that the departmental officers who compiled it should be congratulated, on two counts. First of all, it is an excellent and comprehensive report; and, secondly, it was delivered within the three months' period established by the Chief Minister's guidelines for the presentation of departmental reports. The department and those people who compiled the report are to be congratulated.

Having read the report very thoroughly, there are some things I would like to make particular comment about. First of all, other departments could take note of it. It is an attractive report and it makes a great deal of information available. It has a variety of illustrations, including 28 photographs and eight other illustrations. I understand that the Chief Minister's guidelines call for simple documents that report on the departmental performance over the year, referring specifically to objectives and performance indicators in other accountability documents such as the budget papers, forward estimates and corporate plans. The annual reports, I understand, are not to be used as promotional tools or as political documents. The presentation of this report does raise a question about whether it is only an accountability assessment paper or a marketing tool. I make that point because in some cases I think it goes beyond accountability and assessment. It is a matter the department may care to review.

Without going through a count of the people in the photographs, I wonder whether they fulfil the Government's view about equal promotion of the value of women and men in the work force. The men probably outnumber the women in this book, and maybe we need a little better balance next year. A very cursory glance at the illustrations supports the fact that there is a male dominance, and perhaps that is not reflected in the department itself. It may be that the compilers got the balance wrong. I would like to comment on one other aspect in connection with the photographs, however, and that is whether or not the report has been politicised to some extent. There are 10 photographs of politicians in this book. Mr Wood appears five times - I do not blame him for doing a bit of self-advertising - and Ms Follett appears twice. Interestingly, Mr Howe, a Federal Minister, appears once; Mrs Kelly appears once; and Mr Hawke, the ex-politician, appears once.

Ms Follett: And Dame Pattie Menzies. You missed Dame Pattie.

MR KAINE: She is not a politician. There is a very broad spread of politicians, but I notice that they all belong to the same party. Maybe in terms of equality and equal participation, we will have lots of other photographs in next year's report. I might have to have a word to the secretary - if I am allowed to talk to him - to see whether we can get equal time and equal opportunity next year.

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In the summary of major achievements, we should draw attention to the recognition received by the department and its officers last year. They won a planning award at the 1992 Royal Australian Planning Institute congress; and two gold medals in the government technology productivity awards scheme for their computerised irrigation system, which I am told will yield 20 per cent savings in water, and for the distributed geographic information system, which will have a major impact on environmental management. The department and its officers should be complimented on those achievements.

I also commend the department for the professionalism with which their planning documents are produced - there is a nice map here that is part of that - and the access this gives to the community for consultation. The response to the draft Territory Plan indicates the degree to which this department is moving towards community consultation and community involvement. I note the creation of the ACT Office of Sport and Recreation, resulting from the Hartung report; but I do question the necessity for the following report, which has just been completed, and how it relates to the Hartung report and its recommendations. I guess that we will just have to wait till next year to get the answers to that.

In general, a look at the provision of general and specific objectives for 1992-93 is useful; but, in respect of the measures for program evaluation, the indices leave a great deal to be desired. We have talked in other forums about program evaluations, performance indicators and the like. In both the ACT and the Commonwealth, over a number of years performance indicators have been questioned, but not a great deal of progress seems to have been made in remedying their deficiencies. They are still stated in very general, broad terms and often in terms that cannot be quantified.

I suppose that the deficiencies can be summarised by saying that they are too general, they are too subjective, they fail to provide measurable assessments, and they are not comparable from one year to the next. That is perhaps an outcome of our inability to quantify them. I recognise the difficulty in measuring much of public sector activity. I have been involved in attempts to do it over many years, over decades. But I would have thought that in a department that deals in real services it would have been easy to make some progress towards objectivity, quantification, comparability and linking performance to objectives and to departmental activities.

I note in the access and equity appendix that the department has a program at Calthorpes' House museum to assist the visually impaired, which I think is an important initiative and one we can commend. I do wonder whether such assistance could be provided at other museums and with reference to other program activities for both the visually impaired and those suffering from other impairments. Measures to assist the ageing and the disabled are to be commended.

Appendix D deals with consultants employed by the department, and among the consultancies, many of which are interesting, there are some that I think need to be looked at because they make me a little curious. The first is the review of the ACT Office of Sport and Recreation carried out by Deloitte, Ross and Tohmatsu at a cost of \$29,600. I have already referred to my concern that it may have simply duplicated much of what was in the Hartung report, and I wonder whether this one was needed at all.

I am concerned that \$2,972 was spent on training provided by the Australian Trade Union Training Authority. I wonder what training this department required from that organisation. Perhaps it was training OH and S safety officers; I do not know. I certainly do not see the reason for the environment and conservation program funding a history of self-government undertaken by the University of Canberra at a cost of \$30,000. I wonder how that relates to the role, function and responsibilities of the Department of the Environment, Land and Planning. What form does this history take? Who is its author or authors? Why is the department undertaking a consultancy on it at all. What will we get from the \$30,000 expenditure? I will be seeking clarification of those issues separately, although the Minister might be able to answer the questions.

I was a little curious to know the details of the services provided by ACT Sport and Recreation as a consultant to the ACT Planning Authority in respect of the Fairbairn Park acoustic study. Do we have experts in acoustics in the sport and recreation organisation? Are they going to bring to bear their massive knowledge of the noise of a thousand hockey pucks being battered about or perhaps the roar of a band of demented football fans out at the stadium as a contribution to the Fairbairn Park acoustic study? It is rather interesting to see that they are making such an input.

On a more serious note, I notice that the Territory Planning Authority has engaged ACTEW to provide consultancies on water quality. I am happy to accept that ACTEW has considerable expertise in this area, but I wonder about the process by which the consultancies were determined. I would be very concerned to know whether the process was in any way closed or exclusive to ACTEW. Was it an open tendering process that led to ACTEW getting that contract? I am sure that there are people in the private sector who could perform those consultancies just as well. The only question is whether they were given an opportunity to do so.

In appendix E, under the heading Court Cases, I find it a little extraordinary that of all the possible actions that might be brought for pollution of various kinds - environmental damage, planning matters and the like - of the 26 matters listed, 24 refer to dog control. It is a rather curious statistic. Some interesting things emerge from reading these reports quite closely.

I am concerned that, according to appendix N, under the Occupational Health and Safety heading, of 183 accidents during the year, 47.5 per cent were for strains and sprains, 22.4 per cent for open wounds, 8.7 per cent for bruising and crushing injuries, and 8.2 per cent for other and multiple injuries. Only 13.1 per cent of accidents involved other kinds of injuries. These seemed to be accidents of a kind that one would expect in an industrial work force, and certainly the department has a large component of that.

I believe that the statistics show a need for industrial accident prevention training as a major OH and S initiative, and maybe that expenditure I referred to, which was quite minimal, was aimed at directing this. If it was not, there appears to be a need for some OH and S training at the worker level rather than concentrating on OH and S committee members. Clearly, staff need to be aware of and know how to deal with occupational health risks. Perhaps these statistics will change dramatically for the better in this current year.

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Lastly, I am curious to have an explanation of the difference between two figures. The reported recurrent expenditure on Floriade of \$701,000 appears in the report, whereas in the quarterly financial statement, which we discussed earlier, the figure is \$715,000. Perhaps the Minister can explain where the other \$14,000 went to. Madam Speaker, I have traversed the report in some detail; but I come back to the point that, although there are some things that need to be pursued as a result of it, generally speaking it is a good report, a comprehensive one, and I congratulate the department and the Minister for producing such an excellent report.

MR MOORE (12.08): Madam Speaker, it is with pleasure that I rise to speak on the annual report of the Department of the Environment, Land and Planning. Both last year and, as I recall, the year before, I took time out at the Estimates Committee in particular to compliment this department on their report. In those cases and again this year, it is the earliest report out. Mr Kaine has obviously taken the time to go through it thoroughly and is therefore in a better position at the time of the Estimates Committee to ask detailed questions and also to avoid questions where the answer is already in the annual report.

Mr Kaine: This department became very professional under my tutelage as Minister.

MR MOORE: Indeed. It seems to me that there is a lesson for many departments. It is a message that I put across last year in the Estimates Committee, and I take this opportunity to do so again. The accountability of government is so much more effective when members have available to them a report of this calibre. It gives us the background and the understanding of how the department is working and how it has worked over the previous year, its aims and objectives. It is important that we compliment the department for the work they have done in presenting the report. I do not intend at this point to go into the detail that Mr Kaine has gone into, although I compliment him on that. I look forward to doing so in the Estimates Committee; perhaps we will see some reasonable questions then.

I took some interest in the way the report dealt with planning. Perhaps there should have been more about strategic planning and the results of the reaction to the draft Territory Plan. It would be reasonable for most of that work, I suppose, to go into the next report. One of the great achievements of this year was the new Land (Planning and Environment) Act. That Act is so extensive that there will be a need for constant review to ensure that it is working. I have no doubt that the Minister is already finding that some areas of that complicated Act need reviewing. Perhaps there was further consultation on the draft Territory Plan because that legislation is so complicated. One of the reasons why it was readvertised - in addition to the reason given at the time, namely, that more people have moved into Canberra and they might like to comment - was that legal questions could have been raised over the validity of that process under the Act. The Minister might like to comment on that.

I take an interest in a very small statement at page 70 about motor sport. The Minister may also like to comment in his reply about a major review of motor sports facilities, including a consultancy study on Fairbairn Park and the Sutton Road driver training circuit that was undertaken. I wonder whether that has been completed. Is it available to the public? Will the Minister make it available to me?

Madam Speaker, I am sure that the Minister and Ms Follett are delighted to have their photos appearing in that report, and I look forward next year to seeing whether Trevor Kaine's photo appears six or seven times.

Mr Kaine: It will be in the frontispiece.

MR MOORE: He has probably presented the department with a difficulty. He wants his photo and the Liberals' photos in there six or seven times, but he also wants a better gender balance. It is going to present a little difficulty because the Liberals have only one woman in their ranks.

Mr De Domenico: And you do not have any in yours.

MR MOORE: I suppose the reason we may see a change to that could - I got distracted a little by the interjection, Madam Speaker. It is rare that I get distracted. I must confess that in my own grouping, my own Independent grouping sitting at this desk, there is just me and I am indeed a male. I must say, though, that I was delighted to have been described earlier this year in the *Canberra Times* as a person who did take a feminine approach to politics - something I was very proud of - in the way that I do things. It is something I do not attempt to resile from. I am quite confident and happy in my own manhood and in the way I deal with it.

Having dealt with that interjection, Madam Speaker, I will be interested in comments from the Minister on those little issues I raised. I will be very pleased to seek more detail in comparing the annual report with the estimates for the coming year. That will give a better insight into how the department operates, how the money has been spent in the previous year, and why it has been spent in the way that has been decided in the current budget. In summary, the annual report is an opportunity to provide accountability for departments. I hope that more departments will take note of the sort of report we have had consistently from the Department of the Environment, Land and Planning, and that we will see this sort of approach throughout the Government Service, at least by next year.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (12.15), in reply: Madam Speaker, I thank members for their comments and their congratulations to me and to the department, and indeed, I would judge, to the Government. It is a good report. It is the first of the reports to come through this year. I have always maintained the view, and I did this as an opposition member, that there is much to be learned from reports. It is my wish as a Minister that reports indicate areas of difficulty. Too often, reports will gloss over areas where there are particular problems. We know that nothing ever goes perfectly smoothly, and where problems may be emerging I believe it is useful to point to them.

Mr Kaine made a number of comments. He wondered whether the report had gone beyond the guidelines into some marketing. I have not considered that aspect. It may do; I would not complain if it did, because it is a very important part of our Government. I have used as a speaking point around the traps that the Department of the Environment, Land and Planning is what Canberra is all about. Those areas make Canberra what it is, and if there is an element of promotion and marketing in that report I think it is justified. Mr Kaine said that it did not reflect enough in the illustrations in terms of women, and I thought

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Mr Moore countered that quite well. It may reflect the actual gender balance, although, under my direction, all my departments are looking very carefully at gender balance and equal employment opportunities programs. We on this side of the house regard them as very important - witness our own balance.

Mr Kaine made a comment about photographs. They are small, Mr Kaine, I think you will agree. Indeed, somewhat facetiously I said to the secretary of the department, as this report was in preparation, that I did not want any photographs of me in it at all. I suppose it is inevitable that there is some photographic record, not least because I am out and about in the activities the department promotes. If you look at the photographs - it was only when you mentioned them that I made my own perusal of them - you will find that at least two of them show me in the company of school students. I think it is fair to mention that the photographs show lots of children and lots of people. People are very much in evidence in these photographs.

Mr Kaine: Are you going to reproduce the same photographs in the Education Department report?

MR WOOD: It may well do so. Let me make the comment here that this department is quite active in taking its planning work into schools to talk to students on what planning is about, as well as its environmental activities. It is heavily into schools; and it has sponsored some play activity, some drama activity, free activity by students in schools. It is doing an excellent job to complement the great work our schools do. It is such a good program that I think it is worthy of mention. The fact that so many people are shown in the photographs is clear evidence that the ALP Government, through this department, is heavily into the community consultation that is so important in Canberra.

Mr Kaine raised the issue of program evaluation. It is one that comes up at every Estimates Committee and I have no doubt that it will come up again on this occasion. You can be sure that this Minister and others will be able to answer those questions. We have to look at how much detail we can provide. Do you provide a whole check list of what you have to mark things against? I am not sure that you can go that far. Maybe there is a limit to the fine detail you can provide in documents upon which evaluations may be made.

Mr Kaine also raised the matter of a consultancy of \$2,000 or so for a TUTA course. Mr Lamont tells me that he believes - I will provide confirmation or otherwise for you - that this could well be a result of the dispute that arose with the unions as an outcome of the PRB report. Because there was some need for training of unionists, this could well be at the direction of the then Chief Minister and Minister for planning. I will get back to you on that, Mr Kaine.

As to the money that had been provided to draw up the history of self-government in the ACT, that is a matter that interests me, and I have asked for a copy of that history. I am not sure whether it is yet available, but as soon as it becomes available I am sure it will be of interest to all members in this Assembly.

Mr De Domenico: Including Mr Stevenson.

MR WOOD: Perhaps not Mr Stevenson.

Mr De Domenico: He should get a copy, though.

MR WOOD: He will get a copy. I am sure you have attended some of our functions. There was one at the Causeway that is illustrated here. A wonderful pictorial history of the Causeway was produced. Other social histories have been prepared by Jill Waterhouse, who does an excellent job in that area. In the heritage unit and in the department we set about recording our history, and it seems to me entirely logical that we should be recording the history of self-government. What better time to do it than now, when all the accounts are fresh in people's minds? I was offered the opportunity some two or three years ago to make any comments I wanted to that history. It may have been that history that was being prepared.

Mr Kaine made some comment about a consultancy on water quality that is provided by ACTEW. To my knowledge, off the top of my head, there is no comparable facility in the ACT to that which ACTEW has. With water quality it is important to test the water as soon as possible. Indeed, when I have been on site with the inspectors when they have been taking water samples, they pack it in ice, even for a relatively short trip across to ACTEW. Once out of its natural environment, if it gets heated up or changes temperature it can affect the test readings. It is important to do it locally and as soon as possible. I think ACTEW is the only agency that can do it well, but it is a point I will take on board, Mr Kaine.

I note that the dog control prosecutions were a matter he raised. Maybe the lack of other convictions is due to the good monitoring we do and to the nature of Canberra, which is not a heavily polluted city. I was reading with interest the occupational health and safety statistics. We have a pretty heavy industrial work force in the department, if we go out to the engineering workshops at Kingston. It is a large area; there are workshops and depots all over the town. I was not surprised by those statistics. I have not checked this, but I think they would be diminishing year by year because quite extensive training is undertaken.

The final point from Mr Kaine I will comment on is the figure for Floriade. It is likely that it is simply a matter of the timescale taken in the recording of expenditure, but I will get back to you with a definitive answer on it. I am actually disappointed that you did not ask me what "limnology" means; there is a consultancy for limnology.

Mrs Carnell: We knew.

MR WOOD: I thought Mr Kaine would ask me. I did not know, let me be honest.

Mr Kaine: Can I ask you what it is?

MR WOOD: I thought someone here might be able to tell me. It is actually to do with lakes. (*Extension of time granted*) Having found that out and been ready to give you the answer, you did not ask me.

Mr Lamont: By the way, Mr Kaine is in a photograph in the book, reflected in the mirror on page 126.

MR WOOD: On page 126 we can see your reflection, we believe, Mr Kaine. So you have not missed out.

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Mr Moore made some comments, again pointing out that the scope of this report is a lesson for many of the departments. Inevitably, he had some comments about planning, and I will be waiting for his questions in the Estimates Committee. He raised the question of the further advertising of the draft Territory Plan. There was no secret about that. I think I or my people had spoken about that in Ms Szuty's office. There was no question of keeping that quiet; it was fairly public knowledge.

Sutton Park is a matter that will come to government fairly soon. There has been a consultancy on that. We did seek a report because it is an issue that has the interest of many people. There are groups who are hotly contesting the use of Sutton Park.

Mr Moore: The Government would make that report available, would it not?

MR WOOD: I quite agree with that. It will become available.

Mr Moore: Before the decision is made.

MR WOOD: You ask that question. I received it only a little while ago and I am looking at it. I am certainly using it in the report I will be making to Cabinet. I will come back to you on that, Mr Moore. We will be making a decision on that before much longer, and I think it will be a decision that will satisfy all the potential users of that important facility. Madam Speaker, I thank members for their comments and their praise and, indeed, in a sense, for their additional praise in that the comments or criticisms they have made - criticisms in particular - are of a fairly minor nature, reflecting the quality of the report and the quality of the administration.

Question resolved in the affirmative.

Sitting suspended from 12.29 to 2.30 pm

QUESTIONS WITHOUT NOTICE

***Canberra Times* - Police Investigation**

MR KAINE: I address to the Chief Minister a question in connection with the police raid on the *Canberra Times* offices of recent times. It has been said publicly by members of the Government that the action was initiated by a senior public servant. In fact, two different officers have been named by different government members. Does the Chief Minister maintain that this very serious action was initiated by a public servant without reference to any member of the Government and without the endorsement of any member of the Government?

MS FOLLETT: Madam Speaker, I thank Mr Kaine for the question. I repeat that the investigation was initiated by the Head of Administration in conjunction with the Secretary of the Department of Health. I was advised of that and the Minister for Health was advised of that. My memory is that I was advised early on Monday morning that that investigation had been initiated. I can only repeat what I have said many times, which is that I do not direct the police in operational matters. If members seriously hold to that view, they should think

through its corollary, which is that I could, in their view, just as easily direct the police not to investigate a matter or not to question or speak with particular persons in the course of an investigation. That is, I believe, not a sustainable proposition. As I have stated many times, the Head of Administration and the Secretary of the Department of Health undertook this investigation in conjunction with the Australian Federal Police. My view is that we should let them get on with it. I certainly look forward to hearing in due course what the results are.

MR KAINE: I have a supplementary question, Madam Speaker. It appears now that members of the Government were aware that this investigation was taking place. Can we assume that the investigation proceeded with the full knowledge, understanding and consent of the members of the Government?

MS FOLLETT: I have answered that question. I was advised formally on Monday that this investigation was under way. Mr Kaine seems to persist in the belief that I could, in some way, prevent the police from questioning certain people in the course of an investigation. I think that is a foolhardy suggestion for the Leader of the Opposition to be putting forward. It is simply not the case. The police investigate. Their operational matters are matters for them. It is not for me to try to influence the police either to investigate or to speak with particular people, just as it is not for me to tell them not to speak to particular people. That would, I think, be completely overstepping the bounds of propriety.

Boxing Day Holiday

MRS GRASSBY: My question is addressed to the Deputy Chief Minister. Does the ACT Government intend to follow the New South Wales Government and not provide a substitute holiday for Boxing Day, which this year falls on a Saturday?

Mr Kaine: Gee, this is important stuff.

MR BERRY: Mr Kaine says, "Gee, this is important stuff". He is right again. It is important stuff for ACT workers. Madam Speaker, it was wrongly reported in the media today that the ACT would follow New South Wales and not transfer the Boxing Day holiday from Saturday, 26 December, to the following Monday. Most ACT awards provide that when Boxing Day falls on a Saturday the public holiday is transferred to the following Monday. Further to this, the Government amended the Holidays Act earlier this year so that a similar substitution could occur for workers not covered by awards.

What is going on in New South Wales is typical of what the Liberals will do to working conditions arbitrarily when they are in power. These people will get rid of Santa Claus and the Easter bunny, I am sure, because they are prepared to go to any lengths to reduce the conditions of workers. There will be no change to past practice when Boxing Day falls on a Saturday. Monday, 28 December, will be a holiday for all ACT workers - because we have managed to keep the Liberals out - and that will be achieved by one of the means mentioned. This will mean, Madam Speaker, that arrangements in the ACT will be different to those in New South Wales on that day. In fact, they will be much better.

Government Service - Provision of Information to Assembly Members

MR MOORE: Madam Speaker, my question is directed to the Chief Minister. According to the draft *Hansard*, yesterday Mr Humphries asked whether a directive had been issued to all ACT Government Service officers concerning the provision of information to non-executive members of the Legislative Assembly. Chief Minister, in your statement at the start of business today you stated that no directive has been issued to all ACT Government Service officers on this matter. This morning the *Canberra Times* reported that a spokesman for your office said that Mr Harris had not issued such a directive as that dated 7 September that was circulated through at least one government department. I ask whether the following directive has been issued to any public service officers:

The Secretary of the Chief Minister's Department Mr. Bill Harris has directed that:

- (a) requests to officers of the A.C.T. Government Service (A.C.T.G.S.) from non-Executive Members of the Legislative Assembly for information, other than publicly available factual information, should be directed to the office of the relevant Minister; and
- (b) that the office of the relevant Minister be kept informed of any occasion where publicly available factual information is provided to non-Executive members of the Legislative Assembly.

MS FOLLETT: Madam Speaker, I thank Mr Moore for the question. It is indeed the case that Mr Humphries's question did relate to all of the ACT Government Service. I can confirm yet again that I have not issued such a directive; nor has such a directive been issued. Madam Speaker, in order to clarify this matter once and for all I made a statement this morning which, in fact, outlined what the general guidelines applying are, and I tabled those guidelines. To the best of my knowledge, no such directive has been issued to all ACT government servants; but, Madam Speaker
- - -

Mr Moore: My question was "any".

MS FOLLETT: I am coming to that. Since the beginning of question time I have been provided with what appears to be an internal minute in the Government Solicitor's Office which reads as Mr Moore has outlined. It is dated 7 September. I can only say that this is a particular officer's interpretation of the guidelines that applied and that still apply.

Mr Humphries: It says "Mr. Bill Harris", does it not? He issued this directive.

MS FOLLETT: Madam Speaker, the signatory to the minute is Mr Allan O'Neil. The answer that I have given and that I continue to give in this matter is correct. There exists an internal document within a part of one agency which fits the bill that Mr Moore has outlined. To the extent that members feel that that is contrary to answers that I have previously given, all I can say is that I do not believe that it is. It is an internal memo that has not issued from a Minister's office, or indeed from the Head of Administration's office. It is internal to the Government Solicitor's Office.

MR MOORE: I ask a supplementary question. The internal memo to which Ms Follett refers begins, "The Secretary of the Chief Minister's Department Mr. Bill Harris has directed". Is the Chief Minister suggesting that Mr Bill Harris has been incorrectly reported, or that he did not issue a directive to that effect?

MS FOLLETT: Madam Speaker, as I said, it is an internal memo, and it does read as Mr Moore says; I have no query with that. I can only say that I have advice from Mr Harris, and I will quote from it:

Following my advice to you yesterday -

and the advice is dated today -

that I have not issued a directive in relation to the provision of information to non-Executive Members of the Assembly, further enquiries have been made of other ACT agencies.

Mr Harris goes on to assure me that no directive of the character outlined by Mr Humphries in question time yesterday has been issued. So, I take it, Mr Moore, that if this has been duly issued in the Government Solicitor's Office it was not at Mr Harris's instigation.

Mr Humphries: Madam Speaker, I ask Ms Follett to table the document from which she is reading.

MS FOLLETT: I do so.

Government Service - Provision of Information to Assembly Members

MR HUMPHRIES: My question of the Chief Minister concerns her last answer. Chief Minister, how is it that the officer concerned from the Attorney-General's Department would be in a position to state categorically, as you have just quoted, "The Secretary of the Chief Minister's Department Mr. Bill Harris has directed that", when, on your interpretation of events, there has been no directive? On what basis has that statement been made to officers of the Attorney-General's Department by that senior officer of the department, if no directive has been given? Does this not lead to the impression that in fact there was a directive, and that the directive indeed came from, as the officer suggests, Mr Bill Harris?

MS FOLLETT: Madam Speaker, I am unable to answer for the officer who signed this internal memorandum. I am happy to make further inquiries, if that is what members wish. I can only repeat that it is an internal document. It has not been issued by a Minister or by the head of an agency. It is clearly an officer's interpretation of the guidelines - and, I might say, a pretty correct interpretation of the guidelines. But, as I say, I will make inquiries on it and advise.

Australian National Training Authority

MR LAMONT: My question is directed to the Minister for Education and Training. Today's *Canberra Times* carries a report which says that Canberra is "unlikely to win the contest to be the home of the new Australian National Training Authority". What is the Government's position in relation to the location of the authority, and when will the decision be made?

MR WOOD: Madam Speaker, ANTA will be an important body, and it is certainly true that there is something of an interstate contest going on about the ultimate location of ANTA. I think a factor that we should be aware of is that it is expected, though by no means certain, that a reasonable number of Commonwealth officers may be applicants, probably strong applicants, for various positions in ANTA. The authority will run up to some 40 people. Members would be aware that ANTA is the body about to be established to handle the new funding arrangements for TAFE and training across Australia.

It was expected that a week or so ago a postal ballot would have been held to determine the location amongst the competing States. The main competitors, I suppose, were Brisbane, Canberra and Melbourne. That postal ballot did not proceed. There certainly were claims and counterclaims about deals having been made. The ballot did not proceed, but the matter will emerge again. I believe that it is the Federal Minister's hope that it will be concluded at the next AEC and MOVEET meeting, which is scheduled for Monday and Tuesday, the week after next. Certainly it will be debated, although there will be some confusion because one State will not be represented there. But there will be a lot of continuing lobbying, and perhaps parameters will be set around that argument.

The ACT's approach has been that, rather than argue for a city, we should establish the criteria that should determine the location. Where is it most strategically to be placed? Perhaps that was the sensible argument for us because we believe that, if such criteria were established, they would determine that the ACT should be the location. That is the situation, Madam Speaker. I believe that the ACT is logically the place. We would run, I suppose, a low-key approach, expecting that if other cities fell off the list - certainly Brisbane did not appear to be a logical choice - then we would be the preferred choice. The matter will be heavily debated at AEC. I will let you know the outcome at that time.

Teenage Drinking

MR STEVENSON: My question is addressed to the Chief Minister, Rosemary Follett. It concerns the promotion of "cheap" or "free" drinks or "all you can drink" advertised at hotel and nightclub promotions. In 1991 a Federal government survey found that more teenagers were drinking hard liquor and that 70 per cent of those who did were consuming liquor to excess. The survey showed that the huge increase - and this is of most concern - in the drinking of spirits among 14- to 17-year-olds was linked to heavy exposure to alcohol advertising. I think a lot could be done in the area of self-regulation. I well understand that some of these nightclubs are not members of the Hotels Association and so do not come within their voluntary code, but what has been done or is being done to discourage the practice of advertising "all you can drink", "free" drinks, et cetera?

MS FOLLETT: Madam Speaker, I thank Mr Stevenson for the question and also for giving me notice of it as it does, in fact, cross over a number of portfolios and it is a matter that the Government is extremely concerned about. In the area of alcohol advertising and its impact upon young people, we are active in preventive education for young people who are exposed to the dangers of alcohol consumption, and there is no doubt in my mind that those dangers are very real in the ACT.

Last week I launched a campaign called Thrills without Spills, which is a joint initiative of the Department of Health and the Department of Education. This is an anti-binge-drinking project which promotes the responsible use of alcohol and provides in-service training to teachers and to senior students in order that they may have the skills and the knowledge to develop anti-binge-drinking programs in the classroom. One of the skills that it is clearly necessary to pass on is the ability of young people to evaluate advertising, to make a judgment about it.

The Government has also been promoting the message "How will you feel tomorrow?" through the Rock Eisteddfod, in which 24 local schools took part, and also through the ACT Darts Association, which will host an alcohol-free inter-high-school darts challenge. In addition, the TTT program continues to be popular in schools. This program provides peer education training so that young people have the knowledge and the skills to teach a younger age group about responsible attitudes to the use and abuse of both alcohol and drugs.

The Alcohol and Drugs Service has also been publishing articles in the Canberra University newspaper on issues such as drinking and driving, the effects of alcohol and drugs, and alcohol and sex. Madam Speaker, educating our young people on the dangers of alcohol and binge drinking will have the most beneficial effect in the long term. Along with these measures, the Department of Health is also at present developing a youth alcohol strategy which encompasses policy and action strategies in relation to the use of alcohol by young people.

These programs and the initiatives that I have outlined are concrete examples of the Government's approach to the problem of young people and alcohol abuse. As Mr Stevenson points out, this is a real problem. It is as much of a problem in the ACT as anywhere else. In fact, the recent study that was conducted of binge drinking behaviour amongst a very young age group in the ACT more than justified all of these programs.

MR STEVENSON: I have a brief supplementary question specifically regarding the industry. Could something be done to educate the industry and to get to the people who are advertising alcohol - Mr Connolly might like to take up this particular point - not necessarily by introducing legislation, but certainly by encouraging some responsible behaviour within the industry? I think the vast majority of people within the industry would be perfectly happy to take that on.

MADAM SPEAKER: Mr Stevenson, I think I have just indulged you by allowing you a second question; but Mr Connolly may choose to answer.

MS FOLLETT: I will take the question, Madam Speaker. Where examples of this kind of advertising have been drawn to my attention - as I believe they have also been drawn to the Minister's attention - I have written to the outlets concerned. Mr Connolly has also advised me that he has had the practice of sending inspectors around to outlets where there has been an advertisement for what we would term binge drinking or advertising that is aimed particularly at young people and in an immoderate way. So action is being taken, Madam Speaker. If Mr Stevenson has another example which he would like the Government to take action on or take up with the particular outlet concerned, then I would be happy to do so.

Government Service - Provision of Information to Assembly Members

MR WESTENDE: My question without notice is directed to the Chief Minister. I refer the Chief Minister to an article on page 3 of today's *Canberra Times* about the issuing of directives to the public service. Will the Chief Minister explain to the Assembly her understanding of the concept of ministerial responsibility under the Westminster system of government?

MS FOLLETT: I think that what Mr Westende is getting at is the exact same point that Mr Kaine raised in his earlier question without notice. It relates to the ability of Ministers to issue instructions to the police on operational matters. Madam Speaker, I say again that we simply do not have that ability, any more than we have the ability to issue instructions to the police not to carry out their investigations in a particular way. Madam Speaker, I believe that Mr Westende's question is a little bit misdirected. Quite obviously, the buck stops with Ministers. That is quite obvious to me. We take responsibility for these matters. But on the question of initiation of a public service inquiry by the public service, Madam Speaker, I have made my position and the Minister's position abundantly clear.

Emergency Rescue Services

MS ELLIS: My question is directed to the Minister for Urban Services. What is the Government doing to resolve the longrunning dispute between the ACT emergency services?

MR CONNOLLY: I thank Ms Ellis for the question. I think Mr Humphries asked a question on this some time ago. Since then I have met with both the Chief Police Officer and the Fire Commissioner and with the Australian Federal Police Union and the United Firefighters Union. We will be modifying the existing agreement, which was recently renewed in order to ensure continuity for 12 months, so that on both sides of the lake the nearest emergency vehicle on the scene with a trained crew can get to work and hand over when the service with primary responsibility arrives.

Let me explain what this means. For the southern side of Canberra, for South Tuggeranong, for example, there are in fact three fire stations in the Tuggeranong Valley but two in South Tuggeranong - at Chisholm and Greenway. If there is a serious motor vehicle accident in South Tuggeranong and a fire tender gets to the scene before the police, which is highly likely because the police rescue vehicle is stationed at Weston, that trained fire crew can get to work to stabilise the vehicle, gain access for the paramedics and start some rescue procedures until the police arrive. The police will then take primary responsibility. On the north side of Canberra the Fire Brigade have primary responsibility. If the police rescue vehicle is closest to the scene on the north side of Canberra - it is regularly on the north side because the police rescue squad are directed not only to road rescue; they have a range of other responsibilities - and they get there first, they will get to work and hand over to the fire service when they arrive on the scene.

By overcoming the artificiality of the arrangement we inherited from the Alliance, we will avoid the absurdity of the potential situation where a trained crew has to stand by and watch inactivity while people are trapped in a motor vehicle. I think this is a commonsense solution. I am pleased that the police union and the

fire union both accept this commonsense, first response solution. It guarantees that both emergency services will continue to be involved in rescue work, and I hope it means that they will continue to cooperate very effectively. Generally, of course, the working relationship between all members of the emergency services in this town is very good because they are all dedicated professionals serving the public.

Government Service - Provision of Information to Assembly Members

MRS CARNELL: My question is addressed to the Minister for Health, Mr Berry. Recently I rang the office of the Chief Executive of the Board of Health to check some factual information which I wanted to use in an MPI speech. The Chief Executive was not in her office, so I left a message for her to ring me - a fairly normal procedure, I would have thought. Within minutes of my call I had the Minister's office on the telephone asking me what I wanted to speak to Ms Biscoe about and basically what my excuse was for making the call at all. Does the Minister believe that this sort of procedure encourages good government?

MR BERRY: It sure does.

MRS CARNELL: I have a supplementary question. Was Ms Biscoe's office responding to a directive from you or from anyone else?

MR BERRY: She was responding to the need for good government.

Department of Education and Training - Secretary

MS SZUTY: My question is directed to the Minister for Education, Mr Wood. On 19 August, during the last Assembly sitting period, the Minister stated in response to a question without notice from me that a decision on the selection of the permanent Secretary of the Department of Education would be made "very soon". The Minister also said that interested members "should stand by for an announcement". As no such announcement has been made to date, can the Minister inform the Assembly when interested groups such as the Australian Teachers Union, ACT branch, and members of the community will be informed who the new secretary is to be, and explain the delay?

MR WOOD: Madam Speaker, stand by for an announcement. This is an important position. It is one that we take a great deal of care in establishing - - -

Mr Cornwell: You are having arguments again, aren't you, about who it should be?

MR WOOD: No, there are no arguments. The matter is being dealt with according to the proper procedures and with the due consideration that it deserves, and we are not far from a decision and a public announcement.

Canberra Times - Police Investigation

MR DE DOMENICO: My question is addressed to the Chief Minister. In media reports of recent times Ms Gillian Biscoe is mentioned as the public service officer who authorised raids on the *Canberra Times* by the police. However, other reports over the past few days tend to say that Mr Harris was responsible. On television, Ms Linda Webb was mentioned as a possibility of being responsible. Can the Chief Minister now please tell us which of her public servants authorised Tuesday's raid on the *Canberra Times*? In other words, who is responsible?

MS FOLLETT: Madam Speaker, may I say again that the investigation into the alleged leak of information to the *Canberra Times* was instigated by the Head of Administration in conjunction with the Secretary of the Department of Health. I do not know how often I have to say that. Of course, there was no raid on the *Canberra Times*. I think that kind of sensationalism is regrettable. Madam Speaker, quite clearly, people are smarting over this issue; but I, for one, fully support both the public service and the Federal Police in the correct exercise of their duty. I am amazed that members opposite continue to try to beat up this issue into something which it is not and continue to try to raise the temperature of the whole debate in a way that is unhelpful and in a way that I think does them no credit.

Quite clearly, the Government's interest is in protecting sensitive information and discovering the source of alleged leaks. We have no interest in making life difficult for the *Canberra Times* or indeed for anybody else; but it is important, as our administration has quite clearly acknowledged, that confidential and sensitive information remain that way. That is the purpose of this investigation. I, for one, have full confidence in the administration and in the police to fully explore the matter in a responsible manner. As far as I am aware, that is exactly what they are doing.

Assembly Precincts - Police Investigation

MR CORNWELL: Madam Speaker, my question is directed to your good self. I ask it as much for my own guidance as the Deputy Speaker as I do for information. It relates to the police raids on a member's office in this Assembly. I ask: Which member's office was raided and who authorised the raids upon these Assembly premises? I sincerely hope that, in view of the Chief Minister's answer recently, it was not the Secretary of the Department of Health or the Head of Administration. You as Speaker, as presiding officer, have responsibility for the activities in the Assembly precincts. Therefore, I also ask: Was the Leader of the Opposition advised of the presence of police on Assembly premises? If not, why not?

MADAM SPEAKER: Mr Cornwell, I indicated yesterday that I had had police advice that they were to interview people in Mr Berry's office yesterday and that they had been in the building the day before. I indicated that that was within the guidelines of the protocol that we had established. In my capacity as Speaker, I did not inform the Leader of the Opposition; that is correct. I will double-check the protocols on that and, if indeed it was an omission, I will undertake to do so in the future.

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

LABOUR FORCE AND THE ECONOMY
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek leave to make a ministerial statement on the ACT labour force.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, a number of ACT economic indicators released over the past week show signs of improvement for our economy. Whilst these results should be treated with some caution, next week's budget will see the Government put in place appropriate initiatives to ensure that these positive trends are maintained.

Today's release of the Australian Bureau of Statistics labour force survey for August shows some positive early signs of employment growth resuming in the ACT. In the last month employment has grown by 400, and 1,200 jobs have been created already in the ACT this financial year. Madam Speaker, it is important to note that job growth in the ACT is occurring at a faster rate than is occurring nationally. Unemployment for the ACT is still much lower than the national level of 10.6 per cent and lower than the level in most other States and Territories. Significantly, in the month of August the rate of unemployment in the ACT fell from 8.4 per cent to 7.8 per cent. While there is clearly no room for complacency, I would like to focus on two areas of activity which demonstrate the practical signs of recovery and improvement in business confidence.

I turn first to building and construction. Madam Speaker, it is important to note that the building and construction industry is currently performing well in Canberra, and the initiatives taken by my Government and the Commonwealth Government will see this continue. These initiatives include the accelerated capital works already announced, the establishment of the casino, major construction of offices announced in the Commonwealth budget for the Department of Foreign Affairs and Trade and the Australian Taxation Office, and major office refurbishments at Scarborough House. To assist the housing industry to become more efficient, the Government has removed the requirement for permits and approvals on minor building works. For the year ended March 1992, the latest period for which data is available, the total value of construction work was \$870m - an increase of 5.5 per cent in real terms compared to a decrease of 11.3 per cent nationally.

My second example, Madam Speaker, is the tourism industry. Tourism is providing encouraging signs for the future prosperity of the ACT economy. Results from the 1991-92 Canberra visitors survey show the number of visitors to the ACT increasing by 15 per cent over the previous year to 1.3 million. This will provide substantially improved prospects for the industry and provide the economy with a major injection of expenditure. The target of 1.5 million visitors to the ACT per year by the year 1994, set by the ACT Tourism Commission last year, should be achieved if the current trend is maintained. In conjunction with an increase in visitor numbers, the accommodation sector of the ACT tourism industry has experienced an increase in room occupancy rates of four percentage

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points to 56.9 per cent. Room occupancy rates are now the highest in Australia, indicating the good prospects for this sector. The accommodation sector is consolidating its position following a significant increase in the supply of rooms during the late 1980s.

The improvement in the tourism industry will provide substantial benefits to the ACT economy, especially job opportunities for younger people. Madam Speaker, the recruiting drive undertaken by the Canberra casino is an obvious example of employment opportunities created by the tourism industry. The recent trends in the building and construction industry and the tourism industry are indicative of the positive long-term business environment for the ACT. These encouraging signs will provide businesses in the ACT with confidence for growth and expansion, and, most importantly, for recruitment of new staff.

Madam Speaker, the Government has a proven record of caring for those people most affected by the recession, that is, the unemployed. The Government has been actively addressing the unemployment situation through a number of employment and training initiatives. These are aimed at increasing the employment opportunities and the skill levels of people in the ACT. My Government recognises the particularly tragic issues of youth unemployment, and we have provided funding for a number of programs to help young people gain skills to enter the work force. Funding has been increased in the Jobline and Involve programs to assist young people with short-term employment. People will receive training to enhance their future job prospects.

The Government has also secured funding for the ACT for 270 places under the Commonwealth Jobskills program. This program provides paid work experience and training opportunities for long-term unemployed people aged over 21. Young people will also have the opportunity to increase skill levels through the innovative venture and development program introduced by my department. Women's employment is high on my Government's priorities, and I have already announced initiatives through the tradeswomen on the move program and expanding training opportunities for women to re-enter the work force.

In conclusion, Madam Speaker, this ministerial statement puts on record the high priority that the Government gives to employment and the positive signs which are emerging in our labour market. This commitment and priority will become even clearer after the budget is announced next week. My Government is also concerned with the future of those persons most affected by the recession, that is, the unemployed. We recognise the need to support these people and to provide training so that they will be better placed to obtain jobs as the labour market improves. The labour force statistics released today provide cautious optimism about economic recovery and the resumption of employment growth in the ACT. As I have said, already in 1992-93, after only two months of data, there has been significant job growth, with 1,200 new jobs created for the people of Canberra.

Madam Speaker, the Government recognises that the future of Canberra depends largely on the future expansion and development of the private sector. This recognition of our commitment to job growth will be reflected in next week's budget. The Government is working closely with the private sector to ensure that the investment environment is right and that business and industry are given every encouragement. This contrasts with the Opposition's plans for Canberra.

The Fightback proposals would hit private enterprise in Canberra as much as the public sector, reducing confidence and making many fewer employment opportunities. I present the following paper:

Labour force and the economy - Ministerial statement, 10 September 1992.

I move:

That the Assembly takes note of the paper.

MR DE DOMENICO (3.09): Madam Speaker, let me first of all say that the Liberal Party welcomes any decrease in unemployment as a relief to the desperate people out there in the community looking for work. Having said that, I also agree with the Chief Minister that, whilst the figures today show some slight improvement, we should be looking very carefully at those figures. What the figures say is that unemployment in the ACT is down from 8.4 per cent last month to 7.8 per cent this month. However, if we take it a step further, the youth unemployment figures, albeit not seasonally adjusted, say that youth unemployment is up 1.7 per cent from 27 per cent in July to 28.7 per cent this month.

The number of people looking for work, of course, is reduced; but that is because many have given up, I am suggesting. Nationally, the seasonally adjusted unemployment rate has gone from 11 per cent last month to 10.9 per cent this month. Youth unemployment, 15- to 19-year-olds, is 34 per cent. These are figures that we cannot boast about. If we compare the unemployment figure in the ACT to the one in August last year, which was 5.9 per cent, we cannot say that we have been doing a great job. In one year under the Labor Government, the figure has gone from 5.9 per cent to 7.8 per cent. That, to me, is nothing to crow about.

But let us have a look more deeply at what the unemployment statistics and the ABS tell us. They tell us more than just unemployment statistics. The employment figures will not improve dramatically until the cost of employing people is reduced. There is no doubt about that. National trends - and once again I am quoting ABS statistics - show small employment increases over the last four months, but they also show that these increases have slowed over the last three months. Employment figures are sluggish. They will not show any change until both Federal and local governments do something about the situation. They must take responsibility for a lot of things, but let us look at the labour costs. They are 6.9 per cent higher this year than they were at the same time last year. Let us have a look at the breakdown, too. Once again, these are ABS statistics, not mine. Earnings - wages and salaries - are up 6 per cent to an average of \$26,225. Superannuation is up 18.1 per cent to \$1,647. Payroll tax is up 11.5 per cent to \$1,029. Workers compensation is up 3.8 per cent to an average of \$630. Fringe benefits tax is up 17.3 per cent to \$203.

Let us have a look at the public sector increases in labour costs as well. In the public sector employers saw average labour costs per employee increase by 6.6 per cent to \$34,309 nationally. The ACT Government cannot avoid these issues either, because it has the worst record for allowing public sector employment costs to skyrocket. In fact, their costs are the highest in Australia.

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Whilst the national average is \$34,309, the average cost of employing one ACT public servant - ABS statistics once again - is \$40,040. Queensland recorded the lowest cost per employee, at \$31,653. Employers in the private sector reported their average costs per employee as \$27,788 - an increase of 6.5 per cent over the 1989-90 figure of \$26,086.

The Chief Minister talked about the tourism industry. Let us see what the ABS statistics show about the tourism industry that was not mentioned by the Chief Minister. The recreation, personal and other service industry recorded the greatest increase in labour costs - up 14.2 per cent to \$17,520. The construction industry saw a decrease of 9.7 per cent. The Chief Minister said how important the tourism industry is to the ACT economy - and it is, and we all acknowledge that. She also mentioned how important it is to employ young people - and it is, and we all acknowledge that. What the Chief Minister did not say, though, was that the increase in people staying in Canberra over the past 12 months had something to do with the Rubens exhibition. We are not getting exhibitions such as that every year or every month.

The Chief Minister also said how important the private sector is and how closely the Government liaises with the private sector - with the tourism industry in particular. Perhaps she should tell Mr Berry that, because Mr Berry certainly does not liaise closely with the tourism industry. Although Mr Berry brought up some legislation in this place on occupational health and safety, he did not talk to anybody at all in the tourism industry about it. When we are debating that in the future, Mr Berry, I will show you that that statement is not as outlandish as you might now think. In writing, we had people saying, "Hey, listen; as he has targeted us in particular for this legislation, why doesn't he come anywhere near us and talk to us?".

Whilst we are talking about tourism, Madam Speaker, perhaps the full story should be put on record. Let me also talk about superannuation costs. As I said before, they have increased by 18.1 per cent. In the private sector, for the first time ever superannuation costs have passed payroll tax as the major component of labour costs other than earnings. They are up 29.5 per cent to \$1,140, in comparison to \$992 per employee for payroll tax.

The Government stands up in this place and says that it has done all these wonderful things about employment. The Opposition says that any improvement in the unemployment situation is more than welcome, but that there is more that could be done; that the full story must be realised. Let us not hide from the fact that youth unemployment in the ACT is continuing to rise. From time to time this Government boasts about its consultative mechanisms; yet industry is saying to us, in writing, "Hey, listen; before you come into this place and legislate against us, at least give us the opportunity of making an input".

Question resolved in the affirmative.

GOVERNMENT'S REACTION TO PUBLIC CRITICISM
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received letters from Mrs Carnell, Mr Cornwell, Mr De Domenico, Mr Humphries, Mr Kaine, Mr Westende and Mr Stevenson proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mrs Carnell be submitted to the Assembly, namely:

The ACT Labor Government's abnormal tendency to suspect and mistrust others as exemplified by its reaction to public criticism.

MRS CARNELL (3.16): Madam Speaker, the editorial in today's *Canberra Times* says it all. This ACT Labor Government, without a doubt, has an abnormal tendency to suspect and mistrust practically everyone. Let us look at some examples. There are a number of areas where this Opposition has led the way and the Government has reacted in an almost neurotic fashion - for example, on methadone, on land tax, on Hare-Clark and, of course, on the technopolis. This hypersensitive Labor Government has obviously decided that nothing being put forward by the Opposition will be treated on its merits.

Mr Berry: A very sensitive government.

MRS CARNELL: Mr Berry says, "Very sensible". That is very interesting. We see Mr Berry going to unusual lengths to avoid the sensible methadone distribution system in place in other States. He wants to avoid it because he sees some opposition leadership in this matter. Of course, he cannot do anything that might give the Opposition some credit, so he goes to unusual lengths to reinvent the wheel and bring forward his own proposals - may I say that it is the only time he brings forward any of his own proposals - even when these proposals are not the ones put forward by his own department.

These are the reactionary games played by this Labor Government. It is amazing how quickly Mr Berry can take action when he is prodded by the Liberal Party. We are still waiting for action on "scheduling by reference" legislation which would bring our drug laws into line with NHMRC recommendations and would save ACT residents substantial amounts of money on a particular anti-histamine at this hay fever time of the year. Actually, chemists in this case would make less money, Mr Berry. The public would be saving money. We are still waiting for action on mental health reform. We have been waiting a very long time for that. We are still waiting for action in a whole range of areas.

So it is amazing what happens when we bring forward proposals to improve the ACT methadone program. Mr Berry's whole motivation seems to be his obsession with not letting any credit flow to the Liberal Party - or to anybody else, for that matter. The same thing could be said of the Chief Minister when it comes to land tax. Madam Speaker, I suggest that Mr Berry and Ms Follett should stop playing silly political games and start to think about the legislation and policy direction that the people of Canberra so desperately need. That means being able to accept suggestions, even when they come from other quarters and not from the Labor Government. The public even might have some ideas.

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Madam Speaker, the events at the *Canberra Times* this week were only one example of the ongoing paranoia of this Government. The problem is not a new one. When a member of Mr Humphries's staff went to collect for me a press statement from Mr Berry just prior to the election he was told in no uncertain terms to go away because "you are the enemy". In fact they were not the words used. The language was far stronger than that. When I finally met with Mr Berry in his office after the election, after a three-week wait for a meeting, he again told us that we were the enemy. This meeting took three weeks to arrange. I had asked for a full briefing with Mr Berry and his senior bureaucrats. I got to speak to Mr Berry and his personal assistant. We were then told that we would have no opportunity to be briefed by public servants from within ACT Health and, in fact - -

Members interjected.

Mr De Domenico: Madam Speaker, I am finding it increasingly difficult to hear Mrs Carnell because of Mr Lamont. Could you please tell him to stop having a debate with Mr Humphries?

MADAM SPEAKER: From my observation, there seems to be a secondary conversation going on. Could I point out that you are in the chamber. It is Mrs Carnell who has the floor.

MRS CARNELL: As I said, we were then told that we would not be briefed by public servants from within ACT Health and, in fact, we could wait until Estimates Committee time. We would have a perfect chance then, we were told. In fairness, this approach is different from the more open and consultative approach adopted by Mr Connolly, who is always happy to give briefings to opposition members.

Mr Connolly: Through my office.

MRS CARNELL: Yes, unlike Mr Berry, who will not allow that to happen. Bureaucrats seem to be under instructions not to speak to us, or risk losing their jobs - or that is what they say. As I said in question time, when we phone somebody in the public service, we are told to immediately contact the Minister's office, even when we are talking about factual, publicly available information.

Mr Berry: Fair enough, too.

MRS CARNELL: Mr Berry says, "Fair enough". Great! In all cases we are simply seeking factual information. Is this Labor Government saying that we are not entitled to make inquiries on behalf of our constituents for factual information? Has the Government decided to make Canberra's own public service inaccessible to the people of Canberra? I think this approach is high-handed in the extreme and certainly not the hallmark of a consultative government. It contrasts dramatically with the guidelines under the Alliance Government, when members were welcome to make such phone calls for factual information.

This Labor Government's approach is that it should very strongly control or, it seems, stop the flow of information. This very strongly suggests the approach of a government which has an abnormal tendency to suspect and mistrust others. There is a medical name for this condition. It is called paranoia.

Mr Berry: Wow! Good one!

MRS CARNELL: Just for interest, Mr Berry, there are some other symptoms of paranoia - delusions of grandeur and arrogance, which I think you show quite regularly, especially in question time - straight out of the medical dictionary.

The Government does not seem to trust its own senior bureaucrats. This could be why they seem to need to be monitored. Could this be why, when I visited Woden Valley Hospital recently - the only time I have been given any opportunity by Mr Berry to see anything - somebody from the Minister's office, and not just one person but also somebody from the Board of Health, was in attendance, as well as senior administrators from the hospital and from the redevelopment project. No doubt they were all there to watch each other. The Government obviously did not trust their own senior bureaucrats to give the right information. All I wanted to do was look at a construction site. I would hate to think of what it cost ACT ratepayers for one simple meeting.

The approach to information control is totally unacceptable, and it certainly does not lead to good government. It is unreasonable for Mr Berry to insist that Liberals are running a scare campaign. He is the one who is running a scare campaign by controlling information. One could actually say that this is very similar to what could have happened under a Stalinist government. They probably think that is a nice thing to say. This Government has set the groundwork for a hostile approach. This is not the way to approach public debate. Public debate should be open and there should be a willingness to listen to both sides.

Mr De Domenico: Only if you agree with them, though.

MRS CARNELL: Of course. This means that information must be provided and valid criticisms should be acknowledged. Today's editorial in the *Canberra Times* says it all. This used to be a government that made great play of being relaxed and open. If that was ever the case, it certainly is not now. The shutters are now coming down, according to the *Canberra Times*. In fact, in health they are already down. As the *Canberra Times* so rightly points out, why is the Government so acutely sensitive? Does it have something to do with the self-importance some members feel in their position? That is another symptom of the medical condition I mentioned earlier.

Mr De Domenico: Paranoia.

MRS CARNELL: That is the one. Ted Mack, the Federal Independent MP, said in relation to the raid on the *Canberra Times*:

This sort of pomposity and righteousness on behalf of any government must be stopped.

Perhaps the Labor Government's sensitivity covers up for the lack of a real strategy to deal with the problems Canberra faces - like the need to reduce expenditure in line with the Grants Commission process; like the need to increase sustainable employment and to improve our economy; like the need to assist business in making the ACT a welcome place in which to invest. There are so many areas that need to be addressed in the health and community services area - like improving the facilities for our intellectually disabled, establishing a hospice, improving palliative care, reducing administrative overstaffing, reducing waiting lists, putting case-mix funding into place. I could go on and on. This is really to mention just a few.

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There has been no action on these very important issues. But when I brought forward a proposal to improve a problem in a particular area, our methadone program, the Government went to unusual lengths to find ways to avoid the Liberal approach and submissions put forward by all sorts of people. They used tactics that were consistent with the aforementioned medical condition, and played the man - or the woman in this case - and not the ball. I sometimes wonder whether we in the Liberal Party should actually mount a case and argue for nationalisation of anything. This Government, in its neurotic way, would probably then adopt privatisation; and, if they did that, then maybe some of Canberra's very real problems would be solved.

This is a reactionary government, focused on political gamesmanship and playing up to the interests of the Left, rather than taking any action on the very real problems this city has, as the *Canberra Times* rightly pointed out. The raid on the *Canberra Times* shows how acutely sensitive they are. This is a government with a siege mentality. That is how we can summarise it. They are acutely sensitive to criticism, and to public discussion, if the public have the temerity to actually disagree. They are not open to any ideas that are not their own. The proof lies in the instructions that have been given to public servants about inquiries from opposition members. It lies in the raid on the *Canberra Times*. It lies in the unusual reactionary lengths to which the Government has gone in order to avoid opposition proposals. In every sense, this is a government which has a very abnormal tendency to suspect and mistrust others - all others - a condition called paranoia.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.30): The matter which is described as a matter of public importance talks about "the ACT Labor Government's abnormal tendency to suspect and mistrust others as exemplified by its reaction to public criticism". The public are not criticising us too much. The only people who are criticising are the *Canberra Times*. The carping speech that we just had from Mrs Carnell is a clear demonstration of people with a born-to-rule mentality who just cannot get used to being in opposition. Well, get used to it, because you are going to be there for a long time. You will remain uncomfortable, as far as I am concerned, because while you are not smiling I reckon I am doing my job. I have not seen much the Liberals would do in the Territory that would keep many of the people in the ACT smiling. The Liberals would wind back the ACT. They support the likes of Dr Hewson and so on.

Mrs Carnell went on about one or two things. She has been very keen to represent her former calling here in the ACT, and she complains that the Government does not service her demands properly. Witness what she told us about her visit to the hospital. High-level people were there to assist her in every regard, and she still complained. You can never be pleased, Mrs Carnell. If you do not like the attention you get, do not ask for any assistance; that is the best way. We will be happy and you will be happy. That is what you ought to stick to. Once the Liberals get used to opposition, we may be able to measure their performance on some sort of a scale. It does not rate a mention thus far. As I said this morning, it is a bleating Opposition that is heading nowhere.

The Liberals have always been very sensitive to criticism, too. Their failures as the Alliance Government forced the Labor Opposition, media and public to often uncover unsavoury truths about their style of government. Mr Kaine would remember that. The Liberals in government became very sensitive to criticism. And well should they have, because the truth always hurts. They have to live with their current leader. So sensitive to criticism were they, that their Ministers would look for scapegoats for their own mistakes. Mr Humphries knows a little bit about this. At the time of the infamous health budget blow-out, the now Leader of the Opposition, Mr Kaine, exonerated Mr Humphries and passed the blame on to the bureaucrats. He stated that he would sack senior health bureaucrats if he found them to be derelict in their duty. Of course, many other things were discussed in the furore of that debate. But one thing Mr Kaine would not do was sack the Minister who failed.

This demonstrates the Liberals' reaction to public criticism - passing the buck and blaming those who are not publicly accountable. You do not like it, do you? After criticism of the budget blow-out, Mr Humphries described health accounting procedures in the hospital as a dog's breakfast. However, what did he do to solve the problem? He blamed others. Mr Humphries was so upset by the leaked documents and criticism that he stated in the *Canberra Times* on 24 April:

That leak has done a lot of damage to some people's reputations - - -

Mr Humphries: Mr Deputy Speaker, I raise a point of order. This is very edifying and very amusing; but it is not to the point of the matter of public importance, which is the ACT Labor Government's abnormal reaction to criticism, not ours.

MR DEPUTY SPEAKER: Yes, I must uphold the point of order. Could we get back on to relevancy, please.

Mr Connolly: Can I make a submission on that point of order, Mr Deputy Speaker?

MR DEPUTY SPEAKER: Yes, certainly.

Mr Connolly: For probably four minutes of the 10 minutes or so for which she spoke, Mrs Carnell debated the merits of a methadone program. I ask you to show the latitude that has been shown so far in this debate; but if you are not prepared to do so we will, of course, accept your ruling. But *Hansard* will show the relevance from that side and from this side.

MR DEPUTY SPEAKER: Mr Connolly, I am aware that Mrs Carnell referred to the methadone program. I would not put a time of four minutes on it. I would not put any time on it. I am also aware that Mr Berry has spoken of past matters which are not relevant. I believe, however, that the contributions of both members who have spoken so far are about equal in terms of irrelevancy. That is why I am upholding Mr Humphries's point of order.

MR BERRY: One always has to determine a particular position by comparison with some sort of benchmark. I am establishing for consideration by this Assembly the benchmark that was created by the Alliance Government under the leadership of Trevor Kaine. Mr Deputy Speaker, after I have illustrated the performance that was put on by those who were formerly in office, you will

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notice very clearly that the issue placed before this Assembly by the Liberals is not a matter of public importance at all. One has to have something to measure the matter of public importance against. Otherwise, how does one debate the issue? If I am able to draw comparisons between the Alliance Government and the Labor Government, it will be edifying for all in the Assembly - - -

Mr Humphries: But not relevant.

MR BERRY: Mr Humphries says, "But not relevant". His poor performance and bad reaction to public criticism are supposedly not relevant, so we cannot use them as a measure. That is fair enough.

Mr De Domenico: He at least consulted widely, Mr Berry, unlike you.

MR DEPUTY SPEAKER: Order! I think the comparisons have been made, Mr Berry; but please continue with your address.

MR BERRY: First of all, there has been no public criticism of Labor in relation to this matter. The *Canberra Times*, of course, has made a criticism, and that is entirely up to the *Canberra Times*. Some entirely inaccurate and emotive statements have been made here this afternoon. It has been claimed that there was a raid on the *Canberra Times*. This is something that the Liberals have hung their hat on. As the Liberals are likely to do, they have tried to mould this issue in a way that would mislead the people of the ACT; but they cannot. It was not a raid.

According to the papers, some police officers with a warrant entered the *Canberra Times* in accordance with the law. The Liberals complain about the pursuit of the law. What have they done to repeal the law? I say that they have done nothing. They did nothing about it when they were in office and they have done nothing about it since. So one can assume from that that they support the law. Assuming that they support the law and given their undying support for our police - they have always demonstrated support for our police - one would expect them to support the police pursuing the law and, of course, pursuing people who may have broken it.

Are the Liberals saying that the police should not investigate alleged breaches of the law? I will bet they are not saying that. Why do you not come out and say it - that the police should not investigate breaches of the law? There has been no denial in this place that the laws in place apply to officers where it has been alleged that breaches have occurred. So the Liberals have been quite phoney on this issue and have tried to beat this matter up into something that it is not. I have dealt on other occasions with their performance. They have always behaved badly when they themselves have been criticised.

This matter of public importance is nothing more than a stunt. The carping complaints of Mrs Carnell have not added to the quality of the debate at all. I will deal with some of the issues she has raised. In terms of her methadone program for her friends in the pharmacy business, she is entitled to put her view and the Government is entitled to oppose it - and the Government does, because the Government does not support an expansion in the private sector. It supports the well thought out proposal to retain the program in the public sector in order that the community and those people who need the services will receive them appropriately.

Mr Deputy Speaker, there is not a matter of public importance before this chamber. This is a farce. The Liberals are trying to milk every drop out of something which has been blown out of all proportion with their assistance.

Mr Kaine: What do you mean by "with their assistance"? We didn't soil the police onto the *Canberra Times*.

MR BERRY: Who was it who read the *Canberra Times* letter into the record last evening? The Liberals have been the greatest bleaters when they have been criticised about anything. They bleat and whinge and cry. Witness Mrs Carnell's performance now that a well thought out, complete, better program has been proposed for the provision of services to the community.

Mrs Carnell: One that your department did not know anything about.

MR BERRY: Mrs Carnell complains and bleats and cries about something better being put on the agenda. Talk about whingers! If there is a bit of objective criticism of something that the Liberals put forward, all we hear is bleating and crying. She did not attempt to search out the issues which she has attempted to raise in her matter of public importance. It is quite clear that the Liberals could not be trusted to pursue an agenda which would be supported by the Labor Party. That is true - we would not allow you to do that. That is why we pursue an agenda which we have said is born out of social justice.

Mr Kaine: Like fixing the land tax Act after we started to do it.

MR BERRY: The land tax is a good tax.

Mr Kaine: It is all those greedy people that you are going to take the money from.

MR DEPUTY SPEAKER: Order! Relevance, members, please.

Mr Moore: The tax we share with the rich.

MR BERRY: Mr Moore agrees with me that the land tax is a good tax, and the Labor Party will be applauded for that. We react well to applause. As I have said to you before, we will continually introduce into this Territory laws which have a basis in social justice. We will be applauded for that and we will react favourably to that applause.

We have changed the laws in relation to access to health services for women in the ACT, and we were applauded for that. Even one of your own members applauded us for that. We will be applauded for many things we do. To say that we are being publicly criticised because our managers and our senior executive officers have pursued good management practices within their portfolios and have reported alleged breaches of the law to the police is a bit of an overstatement. It is a bit of an overstatement to say that the Labor Government has done something wrong. In fact, what has occurred is that sensible managers have made a decision about the management of their relevant bureaucracies, and they have reported alleged breaches of the law to the police. I understand that the Liberals would support the police pursuing legal matters and - - -

Mr Humphries: Not when they have been improperly referred to them.

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MR BERRY: The police will decide that.

Mr Humphries: No, they will not. You have to refer it to them in the first place to make them decide.

MR BERRY: They have investigated the matter and they will report in due course.

Mr Humphries: Not unless it is reported to them.

MR BERRY: So Mr Humphries is saying that we should not report crime.

Mr Humphries: We did not report most of the leaks that came to us.

MR BERRY: You said:

That leak has done a lot of damage to some people's reputations, and to the Government's position, and I think it needs to be tracked down if that is at all possible. If someone is found to have been leaking information then clearly their head will have to roll no matter who it is.

Mr Humphries: That was yours.

MR BERRY: No, that is you.

MR DEPUTY SPEAKER: Order! Somebody else will have to do the chasing up, then, Mr Berry. Your time has expired.

MR MOORE (3.45): Mr Deputy Speaker, this issue that we are talking about today can be summed up as being about open government. There is no question that the Labor Government, in coming - - -

Mr Berry: I raise a point of order, Mr Deputy Speaker. You have already dealt with the issue of relevance. If you want to put something on the agenda - - -

MR DEPUTY SPEAKER: Order! There is no point of order.

Mr Berry: Hang on! I have not raised it yet. Let me raise the point of order. A little while ago, Mr Deputy Speaker, you dealt with the issue of relevance when it comes to a matter of public importance. Mr Moore says that this is clearly a matter about open government. We are perfectly happy to have a debate about open government, but this debate is about a matter of public importance that has been submitted for discussion by Mrs Carnell, namely:

The ACT Labor Government's abnormal tendency to suspect and mistrust others as exemplified by its reaction to public criticism.

I am sure that you will rule to ensure that the debate is relevant.

MR DEPUTY SPEAKER: I will not uphold the point of order. Mr Moore has spoken for barely 20 seconds, so I have had no opportunity to know whether his remarks are relevant or not. I call Mr Moore.

MR MOORE: Thank you, Mr Deputy Speaker - and well ruled indeed. The reason for that point of order is that Mr Berry is worried that somebody might identify something in his Government, and that is exactly the point we are debating. Even he demonstrates the point in jumping to his feet at this particular time because he is very worried that somebody might talk about open government. That is, of course, within the context of the matter of public importance. A normal person - and you, Mr Deputy Speaker - - -

Mr Berry: Yes, that is right; I am glad that you separated them.

MR MOORE: Mr Berry interjects that he is glad that I separated them. Therefore, I withdraw any inference that could possibly be contained in what I said, Mr Deputy Speaker. We are talking about open government. Some people were fortunate enough to hear some of the comments made by Ted Mack this morning on the Matthew Abraham show. He was not speaking just from imagination. Ted Mack, as mayor of North Sydney, ran an extremely open council at the time when his council had the greatest number of property developments of any - - -

Mr Connolly: I raise a point of order, Mr Deputy Speaker. Could you explain to me why the North Sydney Council is relevant to this debate, whereas Mr Berry's description of the Alliance Government was held to be irrelevant to this debate?

MR DEPUTY SPEAKER: Mr Connolly, as I said earlier, there have been some references to other matters in this debate. I am giving Mr Moore the same amount of latitude in terms of time as I gave to Mr Berry and Mrs Carnell.

MR MOORE: Perhaps I should explain that open government is the exact opposite to what has been described in the matter of public importance. As such, the two work as a corollary of one another. Therefore, it is quite appropriate to talk about what is possible as opposed to what actually happens.

In North Sydney - and I shall dwell on it only briefly - when matters that would in almost every other place be considered commercial-in-confidence were brought to the council, they were simply put on the public record and anything on the public record was available for anybody to see. In fact, there was no such thing as commercial-in-confidence. Of course, that is often considered the extreme in terms of an open government. Generally it is said, "Yes, we can have open government, but we must still retain commercial-in-confidence". That is something that has been questioned. The experience has been very positive in North Sydney, and some of the practices there could be applied to the ACT. The difficulty that is faced here is the fact that, the more a government closes down its shutters, the more it will need to close its shutters and the more paranoid it will become. There are certainly some indications that that is happening in some sections of this Government.

Mr Connolly took a point of order a short while ago. It was quite right that Mrs Carnell should have identified Mr Connolly as being very open in his dealings. That is true. Mr Wood also has adopted a very open policy, for example, for members visiting education establishments - schools and so forth. The other day I was fortunate to go out to what used to be called the behavioural unit - we now have a nice new term that is much better - at Dairy Flat. What is the term we use now, Mr Wood?

Mr Lamont: The Dairy Flat establishment.

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MR MOORE: I have visited a couple of other schools just recently without needing to let Mr Wood know, although I did let his office know on one occasion. That is quite appropriate. That contrasts with Mr Humphries when he was Minister. Although there was never any restriction on visits, he put out a directive that we should let his office know. In Mr Wood's case we do not even have to let his office know, although I try to remember to do it as a matter of politeness.

A question was raised with Mr Wood in debate this morning on the Department of the Environment, Land and Planning report. It concerned a consultancy report on Sutton Park, about which there is going to be some angst over a decision because citizens are involved. That consultancy report should be made available to the public - we should know when this project is to go ahead - but that is yet to be done. I hope that Mr Wood will do that very shortly.

I would like to put another good example on the record. A couple of weeks ago I phoned the Woden Valley Hospital to ask about sterilisation. I had been told that women being sterilised required the permission of their spouse, but that men did not. That proved to be incorrect. I thought it appropriate to ask for the policy. I was not given the policy, but I found out some days later that in fact Mr Berry's office had been approached and told about my inquiry.

Mr Berry: By your office.

MR MOORE: No, you were approached by my office later. The Minister then took action to change the policy - which was a good result - so that a partner's permission, although it should be encouraged, is not an absolute necessity for sterilisation.

Mr Berry: Did you want to do a stunt or fix it?

MR MOORE: Mr Berry asks me whether I wanted to do a stunt, and then have it fixed. I thought it was appropriate, Mr Berry, that I be in a position to decide whether I wanted to raise the issue publicly or not publicly. On many occasions I approach you privately to see whether I can have something changed, and on occasions there is a response to that effect. On other occasions I think it is in the public interest to ensure that a broader debate takes place. It is my prerogative to make that decision as a member of this parliament. If I am approaching an officer of your department to ask simply for a policy, then I should be provided with something. It is not a very difficult thing at all.

This "shutters down" Government was aptly illustrated by the response of the Chief Minister to Mr Humphries's question, "Were all public servants given a directive about providing information to non-executive members of the Legislative Assembly?". Ms Follett's response was no - working very much on the "all", instead of adopting a fairly relaxed and open approach which may have come up with the answer, "No, all public servants were not; but in fact I do not know whether there was a directive to this effect, and therefore I shall take the question on notice". That would have been a much more reasonable way to go about it and would have reflected the sort of openness that we have seen from the Chief Minister on many other occasions. I cannot help wondering what it is that is bringing about this closing down attitude at this time.

MR HUMPHRIES (3.55): We have heard from the Deputy Chief Minister that this is no matter of public importance. He has said that about every matter of public importance that we have raised in this place. His remark today is no different. The fact is that this is an important matter. It is important because it is already in the public domain. It has already been raised in public as a matter of concern. You might shift in your seat, Mr Berry, and shuffle your papers; but the fact is that it is a matter of public concern as expressed not just in the *Canberra Times* but also in other places.

Mr Ted Mack's comments indicate a very real concern about this sort of thing from a parliamentary point of view. I think this will manifest itself in the next few days in letters to the editor by the general populace. Mr Mack said this morning, "I hope there will be a very strong reaction from the people of Canberra about it", referring to the raid - I use the word advisedly - on the *Canberra Times*.

Mr Berry: It was not a raid.

MR HUMPHRIES: You have come back, Mr Berry, have you? Fine. Mr Deputy Speaker, this matter of public importance states that the Government has an abnormal tendency to suspect and mistrust others. As I was browsing through my dictionary this morning, I discovered that the phrase "abnormal tendency to suspect and mistrust others" defined paranoia. If only I had realised that, I would have used that word. The fact of life is that in the last few days we have seen many signs on the part of this Government of a desire to crush or dispel opposition and a desire to make sure that this Government's position is not criticised, as it properly would be in the present circumstances, either by the general community or in this Assembly - measures designed to make sure that the Government is immune from the sort of criticism which makes for healthy government.

Let us look at the last few months and the mounting evidence of a siege mentality on the part of this Labor Government opposite. The flow of information to opposition members has, in some cases, been extremely unfortunate. I do not make that comment of all Ministers in this Government; some are better than others. In particular, Mr Berry has a desire to make sure that nothing reaches the Opposition. It is not in the interests of good government in this Territory that we have an opposition starved of information. Mr Berry might think it is a great hoot to say, "Let's not give them anything; let's keep them in the dark; let's not invite them to any functions; let's not give them any information about what is going on. That is our way". That is a really great laugh and it makes him feel very big in his boots. But if you have an opposition which is ineffective you have a government which is ineffective as well. The Government's success in many ways can be measured first.

Mr Kaine: In this case the ineffective government came first.

MR HUMPHRIES: Indeed. But in many ways a poorly operating opposition leads to a poorly operating government. If a Minister gets up in this place and says, "We have nothing good coming from this Opposition; they are always telling fibs; they are always misrepresenting the situation; they are chasing cheap headlines", he must in part accept responsibility for that situation because he, and his Department on his instructions, have said that we are not to be given any information. Naturally, on occasions, that will lead to mistakes.

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Most of the things that the Opposition has chased up, or chased down, as the case may be, in recent times have in fact proven to be absolutely accurate. They have been denied first by the Government and then proven to be absolutely accurate. I name just three. The announcement by the Opposition of the closure of pathology services at the City Health Centre, denied by this paranoid Government, in fact turned out to be true.

Mr Berry: No, it was not true.

MR HUMPHRIES: Yes, it was. In respect of the closure of some health services at the Weston Creek Health Centre, the Government said, "No. You are beating it up. You have nothing to run on here. You are making a mountain out of a molehill". In fact, those services were to be closed, and Mr Berry had to reverse that decision. If it had not been brought to his attention by the Opposition, what might have happened?

Mr Berry: Why didn't you ring me up, instead of doing a stunt? I would have fixed it straightaway.

MR HUMPHRIES: Yes; we bet. I refer also to the idle speculation that there was going to be a 2 per cent cut in the health budget. I wonder what next Tuesday's budget is going to bring us. I have a funny feeling that we already know much about what is going to happen in the health budget. Mr Deputy Speaker, another example of the siege mentality of this paranoid Government is the release of figures about the performance of the health budget. With great fanfare, Mr Berry announced, "Yes, we are going to give you monthly statements of the figures". When do they come out? When do we actually get them? Every month at about 4.30 to 5 o'clock on a Friday afternoon, after the media have gone home, after the *Canberra Times* have packed up, after the television stations have gone following their stories - exactly the time when you hope that the least impact will be made by the announcement of that information. That is the sign of a government which is paranoid. That is the sign of a government which has something to hide. That is the sign of a frightened and furtive government. That is what we have here.

The *Canberra Times* yesterday accurately described the behaviour of this Government as "tin-pot fascism". Those comments are not lightly made. They are made in circumstances where you know that you bungled, and you bungled badly, because you have escalated a matter which many governments, both in the ACT and elsewhere, have faced over a long period of time into a matter of far more seriousness than it deserved. It has been a long time since any Australian government sent police in to chase down a budget leak - or any other sort of leak, for that matter. Mr Berry said that it was not a raid on the *Canberra Times*. If sending the police in to seize documents and interrogate people about what had gone on, and coming unannounced, is not a raid, then what distinguishes it from, for example, the famous Murphy raid on ASIO in the early 1970s? What is the difference? There is no difference. It is exactly the same. A raid is when the police come in unannounced and seize documents and interrogate people. That is what happened on Tuesday of this week.

Mr Berry: Go away. They went in with a warrant.

MR HUMPHRIES: You tell me how that is different from what I have just defined as a raid. Then we see this extraordinary memorandum to public servants. Mr Deputy Speaker, we were told today - - -

Mr Berry: It is the same as your policy when you were in government.

MR HUMPHRIES: No, it is not. I am glad that you said that. Mr Berry says that it is the same policy as the Alliance Government had when it was in office. That is not so.

Mr Berry: Isn't it?

MR HUMPHRIES: No, it is not. Let us look at the document Ms Follett tabled this morning. This is the policy of the Alliance Government when it was in office:

Requests for information are usually made through the responsible Minister, but it is recognised that direct approaches to officials for routine factual information on constituency matters, are traditional and appropriate.

In any event, an official should inform the Agency Head of any request for information and the response, and inform the Minister of any matter which is likely to involve him or her.

What did this minute to members of the Attorney-General's Department say the other day? It said:

- (a) requests to officers of the A.C.T. Government Service ... from non-Executive Members of the Legislative Assembly for information ... should be directed to the office of the relevant Minister; and
- (b) that the office of the relevant Minister be kept informed of any occasion where publicly available factual information is provided to non-Executive members of the Legislative Assembly.

That, Mr Berry, is different. On every occasion that one of us makes a request for information, no matter how mundane - even a request about library opening hours - your office or the office of the relevant Minister has to be informed. That was not what happened during the time of the Alliance Government.

Mr Berry: Then we can ring you straightaway and see whether we can help you out. We rang you to try to help you out. You did not want to be helped.

MR HUMPHRIES: Do not try to distort the situation and mislead. What happened in the Alliance Government's time is not what happens now. We now have a government which is not an open government; it is a government of reaction. It reacts to what we do, it reacts to what the public says, and the reaction is usually, "Let's close down the shutters".

Mr Lamont: Mr Deputy Speaker, Mr Humphries was obviously quoting extensively from documents. I ask that those documents be tabled.

MR HUMPHRIES: Ms Follett tabled them this morning, but I will table them again very happily.

MR DEPUTY SPEAKER: Thank you, Mr Humphries.

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MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.05): Mr Deputy Speaker, in addressing this matter of public importance, I will make extensive reference to the practice of the Alliance Government. Of course, you will recognise the relevance of those references, because the MPI refers to abnormal tendencies to secrecy, and the dictionary defines "abnormal" as "not conforming to rule; deviating from the type or standard". So it is clearly necessary for me to refer extensively to previous governments in order to debate the issue of what is or is not abnormal.

Mr Deputy Speaker, the pathetic attempts of the Opposition to beat this issue up derive from the obvious fact that the Opposition have no other criticism to offer of this Government. This Government is proceeding on the big issues. The Chief Minister referred only this afternoon to our progress on employment issues. Next week this Opposition will be shown to be hollow when this Government brings down its budget dealing with the difficult issues confronting the Canberra community.

I turn to the issue of openness of government and access to government information. When I was in opposition in this chamber, this place must have been a different one and the then Government must have been a different one from the one that I observed. Access to information held by that Government when I was an opposition member conformed, to my recollection, to the standard that I was familiar with as a departmental officer in a Commonwealth department which quite often had access to sensitive information - that is, opposition members did not have direct access to government officials.

Mr Westende referred at question time to the principles of ministerial responsibility. Mr Deputy Speaker, the principle of ministerial responsibility is, of course, that the bureaucracy puts into effect government policy and is the area where the citizen comes into contact with governments. Citizens rarely come into contact with Ministers. The bureaucracy is answerable to Ministers, who are answerable to the elected representatives, who are answerable to the people. That is the principle of ministerial responsibility. I am not aware of any parliament anywhere in Australia - although Mr Moore would hark back fondly to the North Sydney Council - where the bureaucracy, the government, is accountable to individual members of parliament, where individual members of parliament feel that they have an open channel to the bureaucracy to give directions that information be prepared for them.

Mr Humphries: You are going to extremes.

MR CONNOLLY: I am not. It gives me concern, and I would have thought it would have given Mr Humphries concern, that the minute from the Government Solicitor's Office has been leaked to the Opposition. It gives me concern because I, like Mr Humphries, have worked in the past as a government legal officer. I worked, as I am sure Mr Humphries did, for a period under a Federal Liberal government, in the Department of Foreign Affairs; and Mr Humphries worked for many years under a Federal Labor government. I am sure that Mr Humphries would never have leaked to outside persons information that he came into contact with as part of his duties. Nor would I.

Mr Kaine: Is that a secret government document that cannot be revealed?

Mr Humphries: Is that a secret document?

MR CONNOLLY: There is much agitation and opposition members are asking, "Is that a secret document?". Generally officials who get information hold it within their department. If Mr Humphries thinks that it is a good thing for a departmental officer to run around handing documents to opposition politicians, that is very sad. As I say, I am sure he would never have done that himself when he was a departmental officer under a Labor government, even though he was at all times an active member of the Liberal Party - at one stage, president of the party. I am sure he would never have taken official departmental documents, whether they be classified as top secret or unclassified general instructions, and passed them to his political colleagues to play politics with. However, unfortunately, that seems to be going on within one of my departments.

I would like to mention a directive which did go from my office to my department agencies in relation to access to information. It is directed to the two agency heads. It is over the signature of my senior private secretary, dated 8 September, and says:

It has come to our notice that non-Executive Members and staffers are still approaching departmental officers for information and/or advice without contacting this office in the first instance.

The Minister has asked that officials be reminded that such requests are to be channelled through this office.

I table that instruction. That is the standard procedure. That is the procedure that applied under the Alliance; that is the procedure that applies under this Government. Opposition members who have spoken have said that, in relation to dealings with my portfolios, that has not caused them problems. I expect to know when opposition members are seeking access to my officials, and I will make the decision. In most cases I am happy for them to proceed. That is what this so-called "leaked" minute says - that the office of the relevant Minister should be kept informed of any occasion when publicly available factual information is provided. That is similar - indeed identical, I would say - to the guidelines handed down during the period of the Alliance Government, which Mr Humphries referred to and which Ms Follett tabled this morning.

The principle of ministerial responsibility that Mr Westende referred to in his question demands that officials be accountable to Ministers, who are accountable to parliaments - not that officials be accountable to opposition or private members of parliament. The system breaks down if it works that way. The Opposition are getting agitated because we wish information held by government officials to be channelled through ministerial offices. Their strange position is beyond comprehension, because what is happening now is precisely what occurred under their administration. Are we peculiarly sensitive to leaks or criticisms?

Mr Humphries: According to the *Canberra Times*, yes.

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MR CONNOLLY: According to the *Canberra Times*. Let me refer to the *Canberra Times*. Mr Berry referred to a report of 24 April 1991. Mr Humphries, as Minister, said:

That leak has done a lot of damage to some people's reputations, and to the Government's position, and I think it needs to be tracked down if that is at all possible. If someone is found to have been leaking information then clearly their head will have to roll ...

Ms Follett: Who said that?

MR CONNOLLY: Minister Humphries. Today he has been ranting and raving about tin-pot dictatorships and ranting and raving about open governments. Yet he said that people's heads would roll if they were found to have leaked against his Government. That was his approach.

We are told that the Alliance had a mature, open, relaxed approach to government. We all recall the Capital Television pictures of the then Chief Minister running away from Capital Television's cameras with a particular Capital Television journalist in hot pursuit. We all recall the bunkers. Opposition members should note this. When the Liberal Party was in government, it was the pattern for members coming to work to have to go through a barrage of television cameras and journalists down at the car park because that Government bunkered itself to the point that it would not talk to the media. The only time the media could get near Ministers was when they were going into the car park. To speed up their progress, Ministers invested in the magic button so that they did not have to stop. Mr Deputy Speaker, you do not see that sort of doorstopping these days, because this Government is open. When Mr Kaine was the Chief Minister, that was the closest the media could get to him.

Let us look again at the Liberals' sensitive approach to criticism. We are being attacked as being oversensitive to public criticism. I refer to the *Canberra Times* of 1 November 1990, and an article by Mr Uhlmann under the headline "Canberra media's fairness needs urgent review; says Collaery". Mr Collaery, the then Attorney-General, proposed a sort of Canberra censorship regime whereby - -
-

Mr Humphries: You are not quoting Bernard Collaery as an authority for anything, are you?

MR CONNOLLY: He was your Deputy Chief Minister and Attorney-General. Mr Westende referred to the principles of ministerial responsibility. I refer to the principles of Cabinet solidarity. Your Attorney-General was ranting and raving in November of 1990, saying that urgent attention needed to be given to legislative measures - - -

Mr De Domenico: And he ended up being fired, by the way.

MR CONNOLLY: That was some six months later. He said that we needed to have legislative measures to control the *Canberra Times*. He said that it needed urgent attention. According to him, some people were suffering unfairly in articles that were not defamatory, so we needed to control the *Canberra Times*;

we needed to regulate the *Canberra Times*. This was Mr Kaine's Deputy Chief Minister and Attorney-General. Was there any criticism, any refusal or rebuttal of that from the Alliance Government? No, there was not. This is the government that bunkered itself in, that reduced the media to a picket outside the basement car park trying to get close to Ministers. Now these people are ranting and raving about open government. This is a pathetic absurdity of an MPI.

MR KAINE (Leader of the Opposition) (4.15): It is quite clear that this Government has the shutters down. The almost hysterical response that Mr Connolly just made is a classic example of a government on the offensive when it is under attack and under siege. There is no doubt about it at all.

MADAM SPEAKER: The time for the discussion has expired.

LEGAL AID (AMENDMENT) BILL (NO. 2) 1992

Debate resumed from 8 September 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (4.16): I am not sure of what point I had reached in my remarks on the last occasion in respect of the Legal Aid (Amendment) Bill (No. 2). I think I was talking about the danger that some applicants for legal aid might encounter when they make their application and receive a grant of aid in that, by doing that, they are, in effect, signing a document which is akin to a mortgage document. Those people, by undertaking to contribute towards the cost of their own legal case, might find themselves liable, under the rules now being promulgated in this legislation, to have their property charged against in the Register of Titles and in fact sold up as a result of their application for aid. I have indicated that, against that desire, on the part of this Opposition at least, to make sure that people's rights are protected as far as possible, there is the very real need to make sure that the Legal Aid Commission does have the capacity to recover money owing to it. I believe that in all the circumstances the interests of marshalling resources for legal aid in this community support the measures being taken by this Government.

I might also say that the commission has a power conferred in this legislation, in effect, to garnishee money held by a solicitor - presumably a new solicitor for the applicant who was previously supported by legal aid - and to obtain that money from that solicitor in the form of a debt owed to the Legal Aid Commission, again without the necessity of any order of the court. Normally if I, for example, am owed a debt and I wish to recover it, and I have a court order, a judgment, for a debt, I have to go back to the court and obtain an order of the court, a garnishee order, by an official of the court, at the very least, and to go back to, for example, a person holding money that is owed to the person who is in debt to me and have that solicitor hand that money over to me to satisfy my debt. In this case, in the first place there is no need for the court order that there is a debt owed to the Legal Aid Commission; and in the second place there is no requirement for a court order for garnishee.

That is again a fairly serious extension of the capacity of individuals outside the parameter of the courts to obtain the assets or money of other persons. Again that is a matter that is treated with some considerable caution on the part of this Opposition, but it is not a matter that the Opposition is disposed to argue against. On this occasion we will support this provision because we believe that it is in the interests of marshalling the greatest resources for our Legal Aid Commission. I say, as I said the other day, that legal aid is a vital institution in this community. Those who provide legal aid in the Legal Aid Commission, and perhaps elsewhere - for example, lawyers who do work on contract for the Legal Aid Commission - often work under extremely difficult circumstances, and they deserve our sympathy and our support. I believe, Madam Speaker, that the provisions of this Bill will go some way towards furnishing that support in a tangible way.

I do hope, however, that this Bill is a precursor to greater attention on the part of the ACT Government to the needs of the Legal Aid Commission. In particular, I hope that that greater attention manifests itself in the way of greater financial assistance. I said on the previous occasion that resources in this area are stretched to the limit, and that in an ideal world it should be possible to expand the operation of legal aid to perhaps make it available to those in higher socioeconomic groups than are currently covered by the legal aid principles, or to cover cases which are not presently possible under legal aid guidelines. For example, I understand that certain sorts of personal action against certain people might not be within the parameters that provide assistance under the Legal Aid Commission. As I recall the guidelines when I used to do work for the Legal Advice Bureau, the guidelines are basically that the person has to have either their home or their job or their liberty at risk because of some legal process before they can obtain a grant of aid. The exception to that, I think, is certain Family Court proceedings, but even they are not always open to grants of aid.

So, Madam Speaker, there is a real need for us to find ways of giving better resources levels to legal aid. I would like to think that the budget coming down in a few days' time might do that, but I am not really very hopeful. I hope, Madam Speaker, that we will see attention to matters of this kind brought in the future by this Government. Madam Speaker, I have an amendment to one clause only of this Bill, but I will speak to that when we reach the detail stage.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.22), in reply: I thank Mr Humphries for his remarks which, generally speaking, were supportive of the legislation. I think Mr Humphries was essentially right when he said in his opening - although it was a couple of days ago, it is still clear in my mind, Mr Humphries; we pay close attention to what opposition members say on these matters - that essentially this piece of legislation is making the Legal Aid Commission more efficient, and in a sense more businesslike. That is pretty right.

It has been a challenge in the ACT, Madam Speaker, to maintain funding for the Legal Aid Commission. In a lot of other jurisdictions in recent years there have been quite substantial cutbacks to the availability of legal aid funding; but in this Territory we have managed to keep up a substantial effort in public funding of legal aid, as well, of course, as the other source of funding for legal aid, which is interest on the solicitors' trust accounts.

Despite the fact that we stand up very well in comparison with other State jurisdictions in terms of legal aid funding, the system remains under considerable pressure. It is essential that the Legal Aid Commission, with the responsibility of providing assistance to Canberra citizens, and to others, act in as efficient a way as possible. I say "and to others" because from time to time there is criticism when the Legal Aid Commission provides legal assistance to persons who come into conflict with the law in the ACT but are not Canberra residents or Canberra citizens.

It is sometimes suggested that government should impose directives that say that only a Canberra citizen should be entitled to ACT legal aid. That system would be in conflict with principles around Australia. If we were to say that somebody visiting Canberra who comes into conflict with the law is to be denied legal aid here, even if they are imprisoned here, we would also be saying that Canberra citizens or residents who travel interstate and come into conflict with the law are to be denied legal aid. So the principle of providing legal aid in the criminal context to persons who may not reside in Canberra but have come into conflict with the law here is an important one and must continue.

These reforms will allow the Legal Aid Commission to operate in a more efficient manner. We are reducing somewhat the size of the Legal Aid Commission, which will allow it to operate more effectively. The important power, which Mr Humphries referred to extensively, is that ability of the commission to secure contributions by a charge over property. Mr Humphries this afternoon suggested that that may need to be closely watched. We obviously would not want to see persons being taken advantage of by such a power. Theoretically, I suppose that that could happen, but I am confident that the commission would not operate in such a manner. At the conclusion of Mr Humphries's comments on that point I think he expressed a similar confidence, but we will obviously keep an eye on how that operates. Madam Speaker, there was an amendment foreshadowed. Is that to proceed?

Mr Humphries: Yes.

MR CONNOLLY: There is an amendment foreshadowed which I will refer to at this point.

Mr Humphries: I have not yet referred to it.

MR CONNOLLY: I will deal with the amendment when it comes up. Madam Speaker, I commend the Bill to the Assembly as a way of strengthening the already very effective Legal Aid Office that we have in this Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (4.26): I move:

Page 4, clause 8, line 1, proposed subsection 31A(5), omit the subsection.

Madam Speaker, the proposed new subsection (5) says:

Subsection 48(1B) of the Real Property Act 1925 does not apply to a notice under subsection (1).

That is a notice where the commission has put a charge on the Register of Titles and gives notice to the person who has been an applicant for legal aid that at the end of 12 months that person's property against which the charge has been laid might be seized to satisfy the debt to the Legal Aid Commission. This is a small point; but subsection 48(1B) of the Real Property Act provides that each instrument, other than certain exceptions, presented for registration shall be attested by a witness. I would argue, Madam Speaker, that it is important that we not exempt this particular kind of instrument from the provision that it be attested by a witness. This is a document of considerable significance to the individual against whose property it is being registered. This is a person who stands to lose his or her own property by virtue of the fact of owing a debt to the Legal Aid Commission that has not been paid. Therefore that person may ultimately lose his or her property. So this is a pretty significant document.

I would say that in those circumstances people would expect a fair amount of care to be taken in the way in which the Government, which is effectively what the Legal Aid Commission is, proceeds to recover that debt owed to it. To dispense with the normal requirement that the instrument be attested is not a helpful provision. In fact, I would suggest that the requirement is even greater in the case of a government official who may handle many such documents and whose care therefore might not always be as great as it might be in other circumstances.

The Attorney kindly has provided me with a minute from an advice that he received which suggests that the requirement for the witnessing of this instrument is not so great as it might be in other cases. The advice points out that having a signature on an instrument is to ensure that the signature is not forged or given under duress. The suggestion is that with a government official that is unlikely to be the case and therefore there is not the requirement to have that signature witnessed. I would say, Madam Speaker, that there is an additional thing which a signature serves to do; it serves to act as a guard against mistake. Officers of the Crown, unfortunately, do have the capacity, as we all do, of making mistakes. In those circumstances it is appropriate, particularly where the consequences of a mistake are very severe, for us to take some small step towards protecting and guaranteeing ordinary citizens so that those sorts of mistakes will not occur.

The Real Property Act contains a small measure to offer that protection. It is a requirement that an instrument lodged on behalf of the commission that has the effect of seizing somebody's property be witnessed. That is all it says; that it be witnessed by somebody else. So some other officer of the department presumably will come in and witness this instrument before it is sent to the registrar's office to be filed in the register. I think, Madam Speaker, that that is not a large thing to ask. This is a small measure to guarantee a certain level of consistency. We should not get into the mentality of saying that government officials are different from the rest of humanity; that they do not have to comply with the same rules. Let us adopt a standard which says that the rules are there for the protection of everybody; let us try to make them standard across all applications of the law and ensure that we do not have exceptions created to those basic rules.

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: I require the question to be put forthwith without debate.

Question resolved in the negative.

LEGAL AID (AMENDMENT) BILL (NO. 2) 1992 Detail Stage

Debate resumed.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.31): Madam Speaker, contrary to the rhetoric that we had half an hour or so ago about exchanges between the Opposition and the Government and whether people are ever receptive to suggestions, this amendment is one which is becoming the custom here. Mr Humphries had the courtesy to show me some weeks ago that he thought there was a problem with the Bill. I took the proposal away, as is my practice, asked my departmental officers for advice on the matter and received an advice on the merits of the proposal. I gave a copy of that to Mr Humphries with a note to him saying that we would not be supporting the amendment. I think similar advice has been shown to Independent members. We are not supporting Mr Humphries's amendment; but we are not going to say that the world would change and collapse, and the sky would fall in, if the Assembly were minded to pass it.

The principle that Mr Humphries refers to, that the Government ought to be treated no differently from the citizen in matters of litigation and compliance with the law, is one that we would embrace. Indeed, yesterday I brought into this Assembly a piece of legislation that will regulate the relationships of the Crown

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and the citizen, and make it clear that the citizen in the ACT can sue and bring legal actions against the Crown in the same way as any other citizen. So the matter of principle that Mr Humphries raises is quite right. The question is whether certain notices which are lodged with the Registrar of Titles for registration of caveats or interests in land should be required to be witnessed.

As Mr Humphries indicated, section 48 of the Real Property Act requires that instruments presented for registration at the land titles office be witnessed to ensure that they are not fraudulent, or that they are not being given under duress. As he said at the time, there are certain exceptions to that already in relation to certain government documents. The purpose of the witnessing is to ensure that a citizen is not being put under duress or that a citizen's signature is not being forged. If you can forge one signature, you can forge two signatures; but it makes it much easier to prove that a signature was forged if there is a requirement for a witness.

That requirement, I am advised, does not apply to government documents, and that makes sense to me. The exemptions under that section 48 apply to certain government documents already. A whole range of government notices are not required to be witnessed. An example of that is ministerial notices in the *Gazette*. So the Government will not be supporting this amendment. The practical effect of putting the amendment in would be to marginally increase the bureaucratic steps necessary to achieve a registration and, perhaps, marginally increase the verbiage in ACT law. The consequences of that would not be drastic, but the Government is not convinced that this is a good case.

On a number of occasions in the past Mr Humphries has made suggestions which the Government has supported, but this is not one of them. Where the Opposition puts forward proposals which we think, on balance, will improve legislation, we are happy to embrace them. Where the Opposition puts proposals which we think would detract from legislation, we will vigorously oppose them. Where there are proposals which we think do not add but do not have a serious deleterious consequence, we will say that, and this is one of those proposals.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

LAW OFFICER BILL 1992

Debate resumed from 13 August 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Employer of the Year Awards

MS ELLIS (4.35): Members may recall that some time ago in this house I brought to the attention of members the work done by JobMatch, through the help of City Parks in Kambah, in the employment of some people from Koomarri. I also mentioned at that time that JobMatch, the people from Koomarri, had nominated City Parks for the Prime Minister's Employer of the Year awards. I would like to take this opportunity to follow up that particular discussion. As much as I would like to have seen the Kambah people to whom I referred earlier win, I was very pleased to see that the ACT winners of the Prime Minister's award were Masterman Kitchens Pty Ltd and the Corporate Services Bureau registry. Masterman Kitchens won the award for firms with fewer than 100 workers, and they employ a person with an intellectual disability as a trades assistant. The Corporate Services Bureau registry, which won the award for firms with more than 100 employees, has six people with disabilities in their employ.

I would personally like to pass on my congratulations to both Masterman Kitchens and the Corporate Services Bureau registry. I think that encouragement of employment of people with disabilities and impairments needs to be recognised by this community. The awards sponsored by the Prime Minister are to be commended. I would like this Assembly to take note of the awards won by these two organisations in Canberra. We hope to see many more companies take up the example given by these employers, including City Parks, and employ more people from our community in this way.

Government Service - Provision of Information to Assembly Members

MR LAMONT (4.37): Madam Speaker, I rise to correct the record in relation to a number of comments made by Mr Humphries this afternoon during the MPI discussion. Mr Humphries quoted from a document which was tabled by the Chief Minister in her response earlier today. That document, stamped 10 September 1992 by the secretariat, is a letter signed by Mr Stephen Hunter and dated 8 March 1991. To paraphrase the introductory letter, that document outlines a range of guidelines covering requests for information by members of the Legislative Assembly to ACT Government Service staff and officers of statutory authorities. Mr Humphries this afternoon went on to quote from that document, saying that those were the guidelines issued by the Alliance Government, and that they were different from the guidelines issued by this Labor Government.

Madam Speaker, the best construction I can place on that is that Mr Humphries misread the second part of the document tabled by the Chief Minister. That is probably the best construction. The worst construction I could place on it is that it was an attempt to mislead - - -

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Mr Humphries: Madam Speaker, I raise a point of order. The suggestion that someone has misled the Assembly is a suggestion which has always been disallowed as being unparliamentary. I ask you to do the same to - - -

Mr Berry: No, that is frivolous. He has not said - - -

Mr Humphries: He has. He has said that I have attempted to mislead the Assembly.

Mr Berry: You have not heard him. You cut him off mid-sentence.

MADAM SPEAKER: Mr Berry, I am about to rule. Mr Lamont, I warn you that Mr Humphries is correct. If you do say that he attempted to mislead the Assembly, I will ask you to withdraw it.

MR LAMONT: I will withdraw, at your request, Madam Speaker, any imputation that Mr Humphries deliberately misled the Assembly this afternoon. My most generous suggestion is that he did not do full justice to the document that was tabled. The document that was tabled by the Chief Minister, which was signed by Chris Eccles, Assistant Secretary, Cabinet and Policy Coordination Branch, on 2 January 1992, is word for word, comma for comma, dot for dot, exactly the same as that which was endorsed by the Alliance Government. There is not one comma different in those two documents. He went on to say that a document, which I will seek leave to table at the conclusion of this adjournment debate - - -

Mr Humphries: It has been tabled twice already.

MR LAMONT: I understand that this one has not been.

Mr Humphries: That one has not, no.

MR LAMONT: I will seek leave to table this. It is signed by Allan O'Neil, the Acting Chief Solicitor, and is dated 7 September. The most generous interpretation would be an interpretation which had been placed on this documentation by an officer of the service. It does not reject the policy of this Government in relation to that document that was issued in exactly the same terms - the Alliance Government document and our Government's document of 2 January this year. Madam Speaker, I seek leave to table that document.

Leave granted.

Government Service - Provision of Information to Assembly Members

MR HUMPHRIES (4.42): Madam Speaker, Mr Lamont has been mischievous in suggesting that I have - - -

Mr Berry: That is an improper imputation, I think.

MR HUMPHRIES: It is perfectly all right. Do not get so sensitive. He has been mischievous in suggesting that there was some kind of distortion in what I had to say. Mr Lamont did not listen very closely to what I had to say earlier today.

What I said was that the policy of the Alliance Government was as annexed to the memo or the minute of Mr Stephen Hunter, which Mr Lamont referred to, of 8 March 1991. Indeed it was. I quoted in full from the first two paragraphs of that document.

I contrasted that not with the other minute of 2 January, which indeed is the same as the minute of 8 March 1991, but with the minute which the Chief Minister at first denied even existed. She then conceded today, in answer to prodding questions from the Opposition and from Mr Moore, that it did exist. That does say something quite different from what was said in either the minute of 8 March 1991 or the minute of 2 January 1992. That was the point I was making. I still think, Madam Speaker, that this document, which is simply an extract - - -

Ms Follett: I have never seen that document.

MR HUMPHRIES: It is an extract from the one you tabled today. It is the same thing.

Ms Follett: How would I know that?

MR HUMPHRIES: It is an extract from that document. The Chief Minister still has to explain how it is that that document came to be released, supposedly on the instructions of Mr Bill Harris, Secretary of the Chief Minister's Department. Someone here has made a very big mistake. The Chief Minister says that it is not her. Okay, we will accept that for the time being. She also says that it was not Mr Bill Harris's mistake. Well, someone, some apparently highly trained, highly paid lawyer, has made a very large mistake because he has paraphrased or summarised the earlier rules in a quite different way from the way that I would summarise them or that anybody else in this chamber would summarise them. He has taken those rules a great deal further than anything which is contained in the documents that we have seen here today.

Mr Berry: I do not think so.

MR HUMPHRIES: Mr Berry does not understand the point. The point about those earlier minutes is that it is not necessary to refer everything to a Minister. The point of this minute is that it is necessary to refer everything to a Minister. That is the difference. This document says that regular approaches, and by implication, the disclosure of information on constituency matters to MLAs, are traditional and appropriate. That is what it says.

Mr Connolly: "In any event".

MR HUMPHRIES: Yes; and, in any event, in some cases you can refer things to agency heads only, not to Ministers. That is right. You can refer things to agency heads only, not necessarily to Ministers. That is not what this says.

Mr Berry: It means the same. The Minister hears about it anyway.

MR HUMPHRIES: I hope that Mr Berry's confusion is cleared up quickly. If what Mr Berry has to say is the case, this is an escalation of the previous policy. It was not the policy of the Alliance Government. I hope that the Chief Minister will disclose - - -

10 September 1992

Mr Berry: Will you table that document?

MR HUMPHRIES: Yes, of course. I hope that the Chief Minister will disclose whether the rules that Mr Berry seems to think are appropriate are now reflected in this new policy. If they are, and they are the same thing, then we may have had a serious departure from the Alliance Government policy. I would like to know, then, in fact what is the new policy of the Follett Labor Government. I seek leave to table that document.

Leave granted.

Canberra Times - Police Investigation

MR DE DOMENICO (4.46): Madam Speaker, I hear what Mr Berry said. He said, "Usually the Minister hears about it anyway". I rise to inform the Assembly of something to do with these sorts of things, like documents and members of the Australian Federal Police. I am informed by Mr Chris Uhlmann of the *Canberra Times* - I rang Mr Uhlmann to confirm this - that at 11.58 this morning, at his office in the *Canberra Times*, he received a visit from two police officers.

Mr Humphries: Not a raid?

MR DE DOMENICO: Not a raid. That is called a visit. These police officers asked Mr Uhlmann, "Who do you normally speak to as part of your job?". He obviously cooperated fully with the police officers and told them. The other question was an interesting one. It was, "Do you normally get sensitive documents over a fax machine?". Mr Uhlmann said no, but from time to time these sorts of things do happen, as they do in any other job and in any other portfolio area in which he had worked. He also said that from his experience in the house on the hill he is aware that from time to time even governments themselves use the leaked document situation to get things done.

Mr Berry might inform the Assembly at some stage whether he knew in advance that the police officers were going to visit Mr Uhlmann. He might inform us - - -

Mr Connolly: Of course not. That is an outrageous allegation. It suggests that he is directing the police.

MR DE DOMENICO: It is not an allegation. I am asking him a question. I want him to tell the Assembly whether he knew in advance that Mr Uhlmann was to receive a visit by the Australian Federal Police. If he did not know, would he find out for us who advised the Federal Police to go and see Mr Uhlmann, if anybody?

Mr Connolly: If you people ever get your hands on the police in this State it is going to turn into a dictatorship.

MADAM SPEAKER: Order! Mr De Domenico has the floor.

MR DE DOMENICO: Madam Speaker, I rose to say that I wish the Assembly to be informed of that fact. Once again, it goes on and on. One wonders who is next.

Canberra Times - Police Investigation : International Strategic Marketing Competition

MS FOLLETT (Chief Minister and Treasurer) (4.48): Madam Speaker, we have heard evidence from Mr De Domenico of the Australian Federal Police conscientiously and professionally going about their duty. I realise, Madam Speaker, that Mr De Domenico and his colleagues opposite will never accept the fact that I do not direct them who to make inquiries of, nor do I direct them who not to speak to. I assume from the comments opposite that Mr De Domenico feels that it would have been appropriate if I or Mr Berry had directed the police not to speak to anyone at the *Canberra Times*; that they should speak only to people that they will not upset. Really, how childish!

Madam Speaker, I would like to comment further on evidence of our ACT administration officers achieving a high level of professionalism and competence. I refer to a team from the Economic Development Division who have been very successful in an international strategic marketing competition called Markstrat. The team from the Economic Development Division consists of Noelene Scott, Debbie Van Aalst, Natalie Dodds, Michael Hore and Christopher Scaife. The team, Madam Speaker, were among the competition leaders in rounds one and two - this is a national competition - and they recently contested the Australian final for Markstrat in Sydney. I am very pleased to report that our team came second in the Australian final.

Madam Speaker, this is a management competition whose major sponsor is the *Business Review Weekly*. It is a quite noteworthy competition. As a result of their success, our team will now go on to contest an international competition in Port Douglas. They will be competing with eight teams from other countries. Madam Speaker, I am sure that all members, if they could pull themselves together enough, would wish to join me in congratulating our team on their success so far, and would wish them the very best in the international finals in November.

There is one further point that I would like to comment on, Madam Speaker, in relation to our team, and it is something that involves mixed emotions. In the Australian finals for this management competition our team, which includes three women and two men, contributed the only women contestants to the Australian final. On the one hand, I am very proud of our officers and their achievements; but on the other hand, Madam Speaker, I would like to see a lot more women, particularly professional and career women, competing and taking their place in the management stream alongside their male counterparts.

Canberra Times - Police Investigation

MR KAINE (Leader of the Opposition) (4.51): I do need, I think, to put in perspective some of the comment that has been made by the Chief Minister on several occasions today in connection with the Australian Federal Police. She constantly asserts that we expect her to direct the police. Nothing is further from the truth, Madam Speaker. We would certainly not expect the Chief Minister or any member of a government ever to direct the police as to how they conduct an inquiry.

10 September 1992

Mr Berry: Well, why do you keep blaming us for doing it?

MR KAINE: I am glad that you asked the question, because I will answer it. What has happened is a clear demonstration of what happens when you turn an inquiry loose. It does not always go in the direction in which you want it to go. It is rather curious that one of the first places the police went to was the Minister's own office. By all accounts, they took a photograph of his fax machine and checked out the way things are done in his office. They must have had a darn good reason for going there. These things can backfire on you. It has long been known in government that you do not start an inquiry unless you have some idea of what the answers are going to be.

Mr Connolly: That might be your approach. We investigate crimes without such fear.

MR KAINE: It is interesting that Mr Berry and Ms Follett turn loose a police investigation. Look where it has got them - the front page of the *Canberra Times* and the editorial of the *Canberra Times*. Every news media in Australia is talking about this Government and its draconian attempts to stop its public servants leaking a document. It has been properly said that if you have a problem on this matter - - -

Ms Follett: I raise a point of order, Madam Speaker. Mr Kaine has referred to our desire to stop our public servants leaking a document. We have reached no such conclusion. I would ask him to withdraw that inference.

MR KAINE: I will withdraw that. It may have been a public servant, or it may have been a staffer, or it may have been a Minister.

Mr Connolly: It may have been stolen.

MR KAINE: Stolen? I see; somebody is stealing your documents. Now we are getting to the nub of the matter. The way that this Minister expects this inquiry to go is very interesting. The fact is, Madam Speaker, that no member of the Liberal Party in opposition has suggested that the Chief Minister or any other Minister should direct the police. It would be improper for them to do so. I wanted to correct the record in response to the repeated assertion by the Chief Minister that this is what the members of the Opposition have said. We have not said that and we would not have a bar of it. We would be the first ones to try to nail your hides to the wall if we suspected that you had been doing it.

Canberra Times - Police Investigation

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.55), in reply: Mr De Domenico raised the issue of whether the Government would know about what the police were doing before they visited particular people around the town. Well, Ministers did not know about it. Will that keep you happy? We did not direct them and we did not know about it.

Mr Humphries: Not entirely.

Mr De Domenico: You did not know about it?

MR BERRY: We did not know about it. How would we know about it? The police do not come to me and ask me who they should investigate. They do not ask us and we do not direct them.

Mr Humphries: We are not saying that you do direct them.

MR BERRY: You were trying to impute that. You try to impute that sort of thing. The Government is not responsible for the investigation.

Mr De Domenico: I did not try to impute anything. I asked you a question.

Mr Kaine: You asked Mr Connolly a question; but Mr Berry feels constrained to answer it, which is very interesting.

MR BERRY: I was asked to answer it by your fellow member and colleague Mr De Domenico. He said, "I would like to know"; so here I am again, trying to help out and all I get is criticism.

Ms Follett: You give them the information and they do not know what to do with it.

MR BERRY: That is right. I am always happy to help out. If you want to do a stunt, do not come near me; go and use your own sources. If you want me to help out, come near me and we will fix it. The most interesting part of the comments of Mr Kaine was, "Do not start an inquiry until you have the answer".

Mr Kaine: No, that is not what I said.

MR BERRY: I think that was a pearler.

Mr Kaine: I think you will find when you check the *Hansard* that you are transliterating.

MR BERRY: That is on record. We will frame that one. "Do not start the police on an investigation until you know what they are doing", says Mr Kaine. What sort of a place would it be to live in, with his sort of philosophies loose amongst the police force? That is why the people in the ACT are content with the Labor Government. They know that we will not interfere with the operations of the police. Mr Kaine implies that he would. Never start an inquiry; do not call the police until you know what the result is. That is the name of the game. This is the way that Mr Kaine operates. Madam Speaker, the police operation is clearly one for them, not one for the Government, and it is not one that we are concerned with. It is an issue that was raised, it has been said here repeatedly, by senior executive officers in the service. They raised it with the police. The police are properly investigating the matter. The Libs have tried to beat the daylight out of this and beat it up into something big and fluffy. Well, good luck to them. But we will be here when they are gone.

Question resolved in the affirmative.

Assembly adjourned at 4.57 pm until Tuesday, 15 September 1992, at 2.30 pm

10 September 1992

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**ANSWERS TO QUESTIONS
SPEAKER OF THE LEGISLATIVE ASSEMBLY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 121**

Legislative Assembly - Tuesday Night Sitings

MR CORNWELL - asked the Speaker on notice on 12 May 1992 -What was the cost in full-time and part-time staff salaries of the Tuesday night sittings of the First Assembly:

MADAM SPEAKER - the answer to Mr Cornwells question is:

Based on a survey of ten Tuesday night sittings where the average adjournment time was 10.20 pm, an average cost per sitting is \$1500. This figure includes overtime, meal allowances and cab fares and are based on both Secretariat staff and Members staff.

As there were 48 Tuesday night sittings in the First Assembly, an approximate cost based on the assumptions outlined above would have resulted in an overall cost for the 3 year period of the First Assembly of approximately \$72,000.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 225

Service Stations

Mr De Domenico - asked the Minister for the Environment, Land and Planning

- (1) How many service stations are there in Canberra.
- (2) Where are they located.
- (3) When was the land auctioned for each service station site and how much was the land sold for at auction.
- (4) What planning restrictions exist which disallow convenience stores and other entrepreneurial activities at service stations. ..

Mr Wood - the answer to the Members question is as follows:

- (1) There are currently 85 service stations operating in Canberra.
- (2) (See Attachment A.)
- (3) (See Attachment B.)
- (4) Activities carried out at service stations are subject to the planning policy for service stations which was revised in 1988. Under the revised policy, convenience store retail is restricted to a floorspace of fifty square metres. Retail in excess of this fooscap standard requires a lease variation to the purpose clause to allow for general retailing. Each application for general retailing or other activities at a service station site is considered on its individual merits.

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10 September 1992

Electronic copy of this page is not available but it is included in the printed version of Hansard.

ATTACHMENT B

DETAILS OF ACT SERVICE STATIONS SITES
SOLD AT AUCTION

DIV. BALKIEST DATE AREA PRICE SID
SOLD SQ.NT

BELCONNEN 2/24 APR 84 2878 1,265,000
WINIASSA 15/127 OCT 84 3378 2,610,000
KAMBAH 2/274 AUG 85 4216 2, 940, 000
KALEEN 26/120 AUG 85 2160 1 , 450, 000
TUGINONG 6/7 APR 86 3130 3,900,000
WRONG 3/3 APR 86 2950 3,200,000

N8: The above details refer only to services stations sites sold at auction.

2233

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Question No 227

Housing Trust - Supported Accommodation Properties

MR CORNWELL - asked the Minister for Housing and Community Services

In relation to "supported accommodation" properties owned by the Housing Trust

(1) How many such properties are there in the ACT.

(2) For what is each property used. - -

(3) Do any supported accommodation organisations operate more than one of these properties; and if so (a) how many supported accommodation organisations do so; and (b) how many properties do they operate in each case.

(4) What was the purchase price of each property.

(5) What is the annual maintenance cost of , each property.

MR CONNOLLY - The answer to the Members question is as follows:

(1) There are 29 houses and 33 flats operated under the Supported Accommodation Assistance Program (SAAP) in the ACT.

(2) The properties are used to provide supported accommodation and related support services for the SAAP target groups.

(3) Yes.

(a) 12 organisations.

(b) 1 organisation operates 5 houses, 1 operates 4 houses, 2 organisations operate 3 houses and 4 organisations operate 2 houses. 4 other organisations operate 15, 9, 5 and 4 flats respectively.

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(4) This information is not readily available. I am not prepared to divert the considerable resources necessary to compile this information.

(5) This information is not readily available and the diversion of considerable resources would be required to compile it.

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10 September 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
FOR THE AUSTRALIAN CAPITAL TERRITORY**

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 251

Rental Bonds Trust Fund

MR CORNWELL = Asked the Minister for Housing and Community Services upon Notice on 11 August 1992:

In relation to the operations of the Rental Bond Board, at 30 June 1992

- (1) How much money was held in escrow by the Board.
- (2) How much has been paid out to landlords anyhow many bonds does. this figure represent.
- (3) Is the money held in escrow .by. the Board being invested and, if so,, for what purposes) is the interest-being used and how mach interest is involved:

MR. CONNOLLY - The answer to the members question is as follows:

(1) At 30 June 1992; the ACT Office. of Rental Bonds Trust Account held \$10,232,870:

(2) Claims for refunds of bonds totalled 5,117 to 30 June-1992. This . represents \$3,280,781 However; segregated figures for refunds are . not yet available: However; a partial survey, of bond records indicates that approximately 40% of claims involved some deductions from bonds for landlords, and approximately 16% of the total monies paid . out from the Trust Fund have gone to landlords.

- (3) - Bond monies held in trust are invested through the ACT Borrowing and Investment Trust administered by the Treasury. The Landlord and Tenant (Amendment) Act 1991 requires that any interest earned on investment of bond monies will be used to cover the operational costs of the Office of Rental Bonds. Any surplus beyond these costs may be applied to: -

- the provision of landlord and tenant information programs
- facilitating assistance in the provision of residential accommodation.

At 30 June 1992, \$486,630 had been earned from investing monies taken into the Trust Fund. These earnings are fully committed to repay the appropriations provided by Treasury in 1990-91 and 1991-92 to establish the Office.

2236

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 252**

Housing Trust Properties - Occupation by Families of Tenants

MR CORNWELL - asked the Minister for Housing and Community Services -

- (1) Do procedures exist to ensure families not eligible for Housing Trust accommodation do not move into Trust properties occupied by their parents.
- (2) If procedures do exist, what are they and what penalties apply to offenders.
- (3) If procedures do not exist, why not.

MR. CONNOLLY - The answer to the Members question is as follows:

- (1) Yes.
- (2) All tenants are required to declare in their tenancy agreement the names of all persons residing at the premises and to seek the written permission of the Commissioner for Housing for any other person to reside at the premises. They are also required to notify the Commissioner in writing should any person whose name is not specified in the agreement commence to reside in the premises. These requirements are explained clearly to all tenants at their registration interview and on signing their tenancy agreement.

All tenants receiving a rental rebate are required to declare in their application for rebate the names and income of all persons residing in the premises.

While failure to notify the Housing Trust of additional persons taking up residence in a Housing Trust property is a breach of the tenancy agreement, there are no specific penalties in relation to this particular clause.

- (3) Not applicable.

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10 September 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 253**

**Housing Trust Properties - Occupation by
Adult Children of Tenants**

MR. CORNWELL - asked the Minister for Housing and Community Services -

(1) Does the Housing Trust allow the adult children of Housing Trust tenants to move into the "family home" upon the death or transfer of the parent(s).

(2) If so, why is this permitted.

(3) If so, how many such moves have taken place from 1 July 1989 to 30 June 1992.

(4) If so, are such adult children means tested as to their eligibility to be Housing Trust tenants.

MR. CONNOLLY - The answer to the Members question is as follows:

(1) & (2) Yes. Adult children of Housing Trust tenants who are permanent residents in the home at the time of a death or transfer, may have the tenancy transferred to them if they qualify for a dwelling of that size.

In the case of adult children not permanently resident in the dwelling at the time of a death or transfer, they must be registered for public rental housing and eligible for housing of that size. Their application would be dealt with according to normal procedures and they would not necessarily be granted the tenancy of the parental home.

(3) This information is not readily available.

Yes.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 255**

**Housing Trust Properties -
Geographical Distribution**

MR CORNWELL - asked the Minister for Housing and Community Services - How many Housing Trust properties, ie (a) houses; (b) flats; and (c) Aged Persons Units are there in the ACT by suburb.

MR CONNOLLY - The answer to the Members question -is as follows:

The Housing Trust does not publish statistical information on the distribution of public housing by suburbs. The Housing Trust stock, by region, as at 30 July 1992 is:

Houses Flats Aged Persons
Units

Inner Canberra 2 098 1 567 382

Belconnen 2 465 351 193

Woden/Weston 1 689 1 061 389

Tuggeranong 1 946 73 56

8 198 3 052 1020

TOTAL 12 270

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10 September 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 256**

Housing Handbook for Women

MR CORNWELL - asked the Minister for Housing and Community Services -

- (1) What was the cost of producing Housing Handbook for Women (2nd Edition) May 1992.
- (2) Who paid this cost.
- (3) Why was a handbook specifically for women produced.
- (4) When will a handbook be produced specifically for (a) men and (b) families.

MR CONNOLLY - The answer to the Members question is as follows:

- (1) \$3 579.00
- (2) The Womens Information and Referral Centre Chief Ministers Department and the ACT Housing Trust.
- (3.) The Handbook was published in response to the many housing enquiries made by women to staff of the Womens Information and Referral Centre, and on the basis that women as a group face substantial discrimination in our society.
- (4) It is not intended to produce a handbook specifically for men or families.

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**ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL
TERRITORY**

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 279

**Attorney-General Portfolio -
Public Relations Consultants**

MR KAINÉ - Asked the Attorney General upon notice on 13 August 1992:

What consultants have been engaged in public relations, media, advertising, promotional and related tasks in

- (a) the Attorney Generals Office;
- (b) the Attorney Generals Department;
and
- (c) each agency for which the Attorney General has responsibility in the period 1 April 1992 to 30 June 1992.

MR CONNOLLY - The answer to the members question is as follows:

- (b) Nil
- (c) Nil

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10 September 1992

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 298**

Reading Recovery Program

MR CORNWELL - asked the Minister for Education and Training on notice on 13 August 1992:

- (1) Did the Department of Education and Training assist in organising the First International Reading Recovery Institute Conference in Hawaii in July 1992
- (2) If so, what was the cost of this assistance.
- (3) If so, why was the Department not officially represented at the Conference.
- (4) Is the current ACT Reading Recovery Program to be changed and if so, why.

MR WOOD - the answer to Mr Cornwells question is:

- (1) I am advised that one of the current ACT Reading Recovery Coordinators, Mr John McIntyre, was a member of the organising committee responsible for the First International Reading Recovery Institute Conference held in Hawaii on 10-12 July 1992. This was undertaken on a personal basis as a, part of his own professional involvement and commitment to Reading Recovery, not on behalf of, or as a representative of, the Department.
- (2) The Department was not involved in any way in the costs of organising the event.
- (3) No official representation occurred as there was no official Departmental involvement in organising the Conference.
- (4) There is no plan to change the Reading Recovery Program in the way it is practised in the ACT. The Department is currently developing an integrated policy for delivering assistance to mainstream primary school students with special needs. The resultant Learning Advancement Program is designed to enable schools to deliver their Reading Recovery and Resource Programs in a more coordinated way. One advantage of this approach will be increased flexibility for schools to respond to the specific needs of their students from year to year. In fact, in a year when a significant number of Year 1 students require Reading Recovery, a school will be able to increase the allocation of staff to its Reading Recovery Program from its pool of Learning Advancement points.

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APPENDIX 1:

(Incorporated in Hansard on 8 September 1992 at page 2009)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

9 APRIL 1992

MR MOORE: MY QUESTION IS TO ROSEMARY FOLLETT, CHIEF MINISTER IN HER CAPACITY AS BEING IN CHARGE OF THE PUBLIC SERVICE.

- WHAT KIND OF PACKAGES ARE OFFERED TO SENIOR OFFICERS A, B AND C IN THE A.C.T. GOVERNMENT SERVICE; AND
- ARE INCENTIVES BEING CONSIDERED TO USE PUBLIC TRANSPORT TO AND FROM WORK.

MY ANSWER IS:

SENIOR OFFICERS IN THE A.C.T. GOVERNMENT SECTOR ARE CLASSIFIED AS TRANSITIONAL STAFF UNDER THE

AUSTRALIAN CAPITAL TERRITORY (SELF-GOVERNMENT) ACT 1988 AND ARE EMPLOYED UNDER THE PUBLIC SERVICE ACT 1922 (CAW). THE PACKAGES OFFERED TO SENIOR OFFICERS

GRADES A, B, AND C ARE THE SAME AS THOSE DIFFERED TO ALL AUSTRALIAN PUBLIC SERVANTS.

THE STANDARD PROVISIONS FOR REMUNERATION INCLUDE, IN ADDITION TO SALARY, SUPERANNUATION AND THE USUAL CONDITIONS OF EMPLOYMENT RECREATION LEAVE, MATERNITY LEAVE, AND SO ON). IN 1991 AN ADDITIONAL PACKAGE OF THREE COMPONENTS WAS AGREED BETWEEN THE COMMONWEALTH AND THE PUBLIC SECTOR UNION.

THESE WERE:

- REIMBURSEMENT OF WORK RELATED EXPENSES UP TO \$1800 P.A. AND \$1000 P.A. FOR SENIOR OFFICER GRADES A AND B (AND PROFESSIONAL EQUIVALENTS), AND SENIOR OFFICER GRADE C (AND PROFESSIONAL EQUIVALENTS RESPECTIVELY ;
- PERFORMANCE APPRAISAL/PERFORMANCE RELATED PAY; AND
- A SPECIAL ALLOWANCE IN RECOGNITION OF THE SPECIAL NATURE OF SENIOR OFFICER WORK.

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DETAILS OF THE LAST TWO COMPONENTS ARE STILL SUBJECT TO NEGOTIATION,
AND RATIFICATION BY THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

REIMBURSEMENT OF EXPENSES INCURRED BECAUSE OF THE NATURE OF WORK AT
THE SENIOR OFFICER LEVEL WAS EFFECTIVE FROM 1 JANUARY 1992, .AND
PROVIDES FOR REIMBURSEMENT FROM A SPECIFIC MENU OF ALLOWABLE
ITEMS:

NEWSPAPERS AND MAGAZINES;

PROFESSIONAL LIBRARY;

PURCHASE, HIRE AND OPERATION OF HOME COMPUTING EQUIPMENT;

MEMBERSHIP OF PROFESSIONAL ORGANISATIONS AND COMMUNITY
ORGANISATIONS;

AIRLINE BUSINESS LOUNGES;

CHILD CARE AND OTHER CARING RESPONSIBILITIES ASSOCIATED WITH THE
SPECIAL REQUIREMENTS ON SENIOR OFFICERS (FOR EXAMPLE, AGED AND
DISABLED DEPENDENTS); PARKING;

HOME TELEPHONE RENTAL PLUS 240 LOCAL TELEPHONE CALLS P.A. (AND ANY
ADDITIONAL CALLS MADE IN THE COURSE OF EMPLOYMENT);

BRIEFCASE, LUGGAGE AND OTHER ITEMS NECESSARY TO REPRESENT AGENCIES;
AND COSTS OF ATTENDANCE AT EDUCATIONAL/DEVELOPMENT PROGRAMS, E.G.
CONFERENCES NOT OTHERWISE REIMBURSED.

THE ITEMS ON THIS MENU ARE PART OF A NATIONAL AGREEMENT BETWEEN THE
COMMONWEALTH DEPARTMENT OF INDUSTRIAL RELATIONS AND THE PUBLIC
SECTOR UNION (NATIONAL EXECUTIVE). ADDITIONAL ITEMS MAY BE INCLUDED
ONLY WITH THE AGREEMENT OF THE SECRETARY OF THE DEPARTMENT OF
INDUSTRIAL RELATIONS. THE MENU WILL BE REVIEWED AFTER 12 MONTHS.

INCENTIVES FOR THE USE OF PUBLIC TRANSPORT WILL BE CONSIDERED WHEN THE
MENU IS REVIEWED.

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