



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

17 November 1992

Tuesday, 17 November 1992

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MADAM SPEAKER (Ms McRae) took the chair at 2.30 pm and read the prayer.

PETITIONS

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

By **Mrs Carnell**, from 152 residents, requesting that the Assembly release for parking the vacant land adjacent to Building 10 of Woden Valley Hospital.

By **Ms Ellis**, from 2,015 residents, requesting that the Assembly ensure that the residential development in Tuggeranong proceeds only on the basis that the significant heritage values of Tuggeranong Homestead are preserved and protected.

The terms of these petitions will be recorded in *Hansard* and copies referred to the appropriate Minister.

Woden Valley Hospital - Parking

The petition read as follows:

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly the inadequacies in parking at Woden Valley Hospital for staff, patients, blood donors and visitors.

Your petitioners therefore request the Assembly to release for parking the vacant land, supposedly set aside for landscaping, adjacent to Building 10.

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Tuggeranong Homestead

The petition read as follows:

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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

That the ACT Government's policy of urban renewal will lead to more efficient use of infrastructure and thus help constrain taxes and charges to the community;

Notes that the Minister for Environment, Land & Planning has announced as part of the urban renewal policy the proposal for a residential development adjacent to the Tuggeranong Homestead;

Your petitioners therefore request the Assembly to:

ENSURE THAT THE RESIDENTIAL DEVELOPMENT PROCEEDS ONLY ON THE BASIS THAT THE SIGNIFICANT HERITAGE VALUES OF TUGGERANONG HOMESTEAD ARE PRESERVED AND PROTECTED.

Petitions received.

PAPERS

MR STEVENSON: Madam Speaker, I seek leave to present a petition which is not addressed to the Legislative Assembly for the Australian Capital Territory.

Leave granted.

MR STEVENSON: I present a petition from 63 residents requesting that the Publications Control (Amendment) Bill 1992 be passed.

MS FOLLETT: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not contain a request.

Leave granted.

MS FOLLETT: Madam Speaker, I present a petition from 303 residents requesting that public toilets be provided at the Deakin shops.

MR KAINE: Madam Speaker, I seek leave to present a petition similar to that presented by the Chief Minister.

Leave granted.

MR KAINE: Madam Speaker, I present a petition from 73 residents requesting that public toilets be provided at the Deakin shops.

MR HUMPHRIES: Madam Speaker, I seek leave to present a petition from interstate petitioners.

Leave granted.

MR HUMPHRIES: Thank you, members. I present a petition from 131 petitioners praying that the Assembly ban the distribution of X-rated video material and the possession of child pornography in the ACT.

QUESTIONS WITHOUT NOTICE

Building Standards

MR KAINE: I would like to address a question to Mr Wood, the Minister for the Environment, Land and Planning. I draw Mr Wood's attention to a report in the *Canberra Times* of Sunday, 15 November, in which he warns builders, developers and architects that poorly designed homes will no longer be approved just because they meet the design and siting regulations. If that is an accurate report of what Mr Wood said, can he please explain to the Assembly how he is going to hold builders, architects and developers to some unspecified building standards that they are unaware of and cannot be expected to comply with?

MR WOOD: Madam Speaker, I will get Mr Kaine a copy of the media release I made on that matter. It has been a concern to me, and for many, I think, for a long time, that, while lots of our medium density homes and our standard homes fit all building guidelines and all design and siting requirements, they are, nevertheless, not appropriate to today's needs. You have only to drive around the newer parts of Canberra to see a demonstration of what I say. The situation has not particularly changed over the years. There are many houses of poor design in older suburbs that are now well and truly hidden by trees.

I note what Mr Kaine says about imposing requirements that are not set in place. This is an area that I am taking up with the Planning Authority, and I will be doing so increasingly with the building industry because I realise the concerns they have to know what can be approved and what cannot be. It may be that we need to amend some of our design and siting requirements. It may be that we should carry out, as I have been doing now for a year, a program to try to educate the builders to be more aware of current needs. I can assure you, Mr Kaine, and the builders that our requirements will be quite clear and will be well understood.

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MR KAINE: Madam Speaker, I ask a supplementary question. I understand the intent of the Minister's response, but he still implied that there would be requirements not specified in the design and siting regulations. If that is the case, how can the Minister require any builder or any developer to comply with some requirement that is not set down in the law and in the regulations? How can builders, in any way, know what is expected and what is likely to be approved or rejected by the Government, unless it is clearly set down?

MR WOOD: I will say it again. We are in a pretty long process with builders. For example, there is a discussion paper on our energy guidelines out there, on which the industry is being asked to comment. That is one specific area. That will come back eventually - I think later this year or early next year - and we will put that into place as a clear document. I think that when I send you my media statement, Mr Kaine, you will see that there is no need for the industry to be concerned about any lack of clarity.

Tourist Drive Signage

MR LAMONT: Madam Speaker, my question is directed to the Chief Minister. Can the Chief Minister explain the new tourist drive signage that is currently being installed around the ACT?

MS FOLLETT: I thank Mr Lamont for the question, Madam Speaker. I think it is relevant to note that successive ACT governments have wrestled with the problems of tourist signage in the ACT. It has been an issue that has been raised in a number of surveys of tourism here in the Territory. The ability of people to get around the Territory is fundamental to their enjoyment as visitors to our city.

I am sure that members will welcome the fact that there is a new signage scheme being implemented. In fact, six tourist drives have been created which will allow visitors to see all of Canberra's major attractions, as well as guiding tourists to a number of our naturally scenic areas. Each tourist drive is numbered and given a unique colour code. It is hoped that visitors to Canberra will find that their journeys are made easier by the presence of this new signage. The tourist drives can be driven in either direction and they are designed to channel the bulk of tourist traffic onto roads which are designed to cope with that sort of through traffic.

The system features a central tourist route linking Parliament House, Russell Hill and the city area. The five other routes begin and end on the central drive and take visitors to all areas of the ACT. Drive 1 is the central route and it is marked in gold. Drive 2 is along western Lake Burley Griffin and is marked in blue. Drive 3 is in the Duntroon area and is marked in red. Drive 4 is North Canberra and is marked in violet. Drive 5 is in South Canberra and is marked in burnt orange. Lastly, drive 6 takes you past the embassies and that route is marked in green.

Madam Speaker, the installation will take place over the next year or so and I believe that it will make a substantial contribution to enabling our ever-increasing numbers of visitors to find their way easily and enjoyably around Canberra and, particularly, the tourist venues and sights which they would wish to see.

Electoral System

MR HUMPHRIES: My question is to the Chief Minister also. The Chief Minister will be aware that the Territory is abuzz with rumours that her Government is planning to dump or tamper with key elements of the Hare-Clark electoral system which was favoured overwhelmingly by ACT electors in February. I ask the Chief Minister: Will she take the opportunity I now present to her to dispel those rumours and to categorically and unambiguously commit herself and her Government to present legislation which reflects the Hare-Clark electoral system as outlined in the referendum options description sheet which was circulated to all electors prior to the election in February this year?

MS FOLLETT: Madam Speaker, Mr Humphries has sought to make an issue of this matter. As he referred to rumours which are rife, may I say that he started all of them and he has kept them all going. There is absolutely no doubt what my commitment on this issue is. I might say that I made that commitment long before Mr Kaine did. My commitment, made before the referendum, after the referendum and at every point since, has been to implement the wishes of the Canberra people in their vote on that referendum. Madam Speaker, that is what I will do and, of course, that involves us in bringing forward legislation with a Hare-Clark system, as outlined in the referendum document, and the other aspects of the preferred electoral system as outlined in that referendum document. My commitment there is unequivocal, Madam Speaker, and it always has been.

I deeply resent the implications made by Mr Humphries that there is some sort of backtracking going on. There most certainly is not. I notice that he has made much of that in the media; that there is some secret agenda. I can assure you that there is not. The commitment to the referendum result is one which I hold very dear. I would like to say, Madam Speaker, that on that referendum result I really do believe at this point, given that both Mr Kaine and I have given a similar commitment on it, that it really is a matter that is somewhat above politics. I do not believe that it is an appropriate matter for this kind of stuntsmanship that Mr Humphries is indulging in. I think that if we can implement that referendum result in a manner that involves as much consensus as is possible we will all be regarded in a better light by the community, who have made their views on the matter quite clear.

MR HUMPHRIES: I ask a supplementary question, Madam Speaker. I am greatly reassured by the Chief Minister's answer to that question. I therefore ask: Can she therefore clarify any last lingering doubts in my mind and assure us that the ballot-paper that appears under the Hare-Clark system as espoused by her Government will be as indicated in the Hare-Clark option sheet in the referendum, that is, without any boxes appearing above the line?

MS FOLLETT: Madam Speaker, I do not have that document before me. As I have said, I have a commitment to implementing the system that was selected by the people of Canberra in the detail that is involved in the referendum description sheet. Beyond that, I think that Mr Humphries is clearly casting a net and trying to anticipate some debate, which I think we will have in due course.

Sexual Harassment

MR MOORE: Madam Speaker, my question is addressed to the Chief Minister. Chief Minister, considering your stance on sexual harassment and your responsibility for all ACT public servants, what disciplinary action has been taken about an incident involving a secretary of an ACT department and the sexual harassment of a public servant on the fifth floor? What action have you taken to determine whether this is an isolated incident with a particular departmental secretary, and how does this sort of behaviour from such a senior public figure affect the implementation of your policies on sexual harassment?

MS FOLLETT: I thank Mr Moore for the question, Madam Speaker, and I thank him also for giving me some notice of it. It did enable me to do some checking on this issue. I have been advised that there has not been a complaint lodged on this matter. Nevertheless, Madam Speaker, if a complaint is made, I can certainly assure the Assembly that it will be handled quickly and with the utmost seriousness, and using the same processes as are used for public servants.

On the more general question of sexual harassment, the Government's policy on that matter, Madam Speaker, is simply that it will not be tolerated. I do not believe that there is any excuse for it and I believe that it must be eliminated in the ACT Government Service, as in all other workplaces. I believe that we do have good systems in place to respond to any complaints, and especially to support any person making a complaint. There is a network of trained sexual harassment contact officers, and policies and procedures are readily available to all employees. Madam Speaker, finally, I would refer members to the Public Service Commission document entitled "Eliminating Sexual Harassment", which is what I would be using in addressing a question such as Mr Moore has raised, should a complaint be lodged.

Health Budget

MRS CARNELL: My question is to Mr Berry, the Minister for Health. My question concerns the recently released September quarter activity report for ACT Health. Page 1 of that report is purported to provide financial information about ACT Health, but in reality very little information is presented. The information we do have indicates that ACT Health is currently running over budget, but we have no indication as to the precise extent. Can the Minister now tell us what the precise budget overrun is at this time?

MR BERRY: You say that you have information that shows that the budget is overrun?

Mrs Carnell: Well, that is what your information shows - the first page of the activity report.

MR BERRY: Madam Speaker, the activity report that was provided to the people of the ACT is one of a series which is planned and which will provide a large amount of information about the performance of our hospital system. It contains financial information, and a whole lot of other activity information as well. I have to add that, across Australia, it is the only hospital system I know of which provides information in that shape and form and to that degree.

Mr Kaine: Because the Assembly required it of you. That is why it is produced.

MR BERRY: Mr Kaine says that it is because the Assembly required that of me. Well, he is wrong again, because that was the last Government. This is a new Government and it has been - - -

Mr Kaine: We will do it again if you keep this up.

MR BERRY: It was voluntarily provided, Mr Kaine. It was volunteered. There was no obligation on the Government to provide information other than what is provided for all other departments and that usually turns up at about estimates time and in the budget papers. Health in the ACT provides more information than any other hospital system that I know of across the country, and I think that is good.

I would also add that under Labor, of course, we have been able to manage our finances, which was something that severely embarrassed Mr Kaine when he was Treasurer because he had to make unapproved payments as a result of the incompetence of his then Health Minister.

Mr Humphries: Relevance, Madam Speaker. We asked a question about the present budget.

MADAM SPEAKER: Order!

MR BERRY: When it comes to unapproved expenditure, Mr Kaine is the expert, because he has made more than anybody else - - -

Mr Kaine: I made no unapproved expenditure, Minister.

MR BERRY: You gave Mr Humphries \$6m to cover up unapproved expenditure. I can say - - -

Mr Humphries: That is not true.

Mr Kaine: You came up with \$8m last year; so I am in front.

MADAM SPEAKER: Order! I think Mr Berry would like to be able to answer the question; so let us have a bit of order, please.

Mr Humphries: I take a point of order, Madam Speaker. The question was quite clear. It was, "What is the size of the present budget blow-out?"; and we have not had an answer to that yet, although he has been five minutes into the question.

MADAM SPEAKER: I will continue to watch the time. Please continue, Mr Berry.

MR BERRY: And about five minutes' worth of interjections as well.

Mr Kaine: Well, you deserve them.

MR BERRY: There you go. I deserve some interjections, so may I interject back? No, I do not.

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The first report on the health budget shows the figures as presented by the Board of Health. The next report will be presented three months from the other report and you can draw conclusions from it; but it will contain all the information that was provided in the last one, unless you ask for more. I am quite happy to give you any information that you want about the health budget. If you want it monthly, just ask; but at this point we will be providing it quarterly. You have your first quarterly report, and your second quarterly report will come three months after that.

MRS CARNELL: I have a supplementary question. Maybe I can make it a bit simpler. Mr Berry, is the budget blow-out \$8m at this time?

MR BERRY: What is she talking about?

Mrs Carnell: Is the budget overrun \$8m at this time, in Health?

MR BERRY: What budget blow-out are you talking about?

Mrs Carnell: Where the line that you have drawn of actual expenditure against - - -

MR BERRY: I have answered the question.

Tuggeranong Homestead

MS ELLIS: Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. Has the heritage significance of the Tuggeranong Homestead complex been fully considered in the light of the recent proposed urban renewal?

Members interjected.

MS ELLIS: Do I need to repeat that, Madam Speaker?

MADAM SPEAKER: I am afraid you might have to. Would members please cease their conversations and let Ms Ellis continue.

Mr Cornwell: Does the Minister not have a copy of the question she is asking?

MS ELLIS: I was afraid he may not have heard it, Mr Cornwell. My question is directed to the Minister for the Environment, Land and Planning. Has the heritage significance of the Tuggeranong Homestead complex been fully considered in the light of the recent proposed urban renewal?

MR WOOD: Madam Speaker, probably the correct answer to give is that it is being very carefully considered. Tuggeranong Homestead and the site are on the Register of the National Estate and they are being considered for nomination to the ACT Interim Heritage Places Register. Obviously they are very important. For that reason the Government commissioned a comprehensive conservation study that has only just landed on my desk, and I will make it available to all interested people. That is the way that we have proceeded here to ensure that the

values of the homestead, the surrounding buildings and various plantings are very carefully preserved. At the same time we have put out an urban renewal proposal that indicates that maybe some of that fairly large area might be appropriate for residential development or other development. Obviously, what we will do will be influenced by the conservation study and by other suggestions that are made to us.

If we proceed further we will issue a draft variation that will allow for further community debate, because there has been quite a deal already, and so that the whole proposal will be very carefully examined. I have had a quick perusal of that conservation study and it does indicate that maybe some areas might be suitable for residential development; maybe others will be suitable for some other appropriate use. It is all up in the air still; it is a matter for further discussion.

Refrigerants

MR STEVENSON: My question is to the Minister for Health, Wayne Berry, although I realise that it will also be of concern to the Environment Minister, Bill Wood. There is a report in the *Melbourne Age* of 4 November 1992 which quotes Professor Alan Knight, of Griffith University, as saying that refrigerants under consideration to replace CFCs may be even more dangerous than CFCs. He refers to the most likely of several related chemicals to be used to replace CFCs as being highly toxic to mammals in trace quantities. Is the Minister aware that this chemical, sodium monofluoroacetate, is actually the deadly poison used to kill rabbits and dingoes and known as 1080? Is he also aware that there is no known antidote and its effects are irreversible 30 minutes after ingestion, inhalation or injection? What is being done to prevent the ACT's headlong rush to restrict the use of CFCs from turning into a disaster that widespread use of the 1080 chemical could cause?

MR BERRY: It sounds a bit like the old "no hole in the ozone layer" stuff. But you are right, Mr Stevenson, in one respect. It is not - - -

Mr Stevenson: About the ozone layer? Thank you. I have finally had an acknowledgment. Wonderful!

MR BERRY: No; you are right in one respect, in that it is a question you should have directed at Mr Wood because it is a matter which he will appropriately deal with as it is part of his portfolio. That is what I have done; I have referred it to him, and he will respond in due course.

Mr Stevenson: I raise a point of order, Madam Speaker. Could you allow Mr Wood to answer that question?

MADAM SPEAKER: I believe that he is taking it on notice.

Mr Stevenson: Thank you.

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Fringe Benefits Tax - Car Parking

MR DE DOMENICO: My question without notice is to the Chief Minister in her capacity as Treasurer. I refer the Chief Minister to the Federal Labor Government's decision to charge fringe benefits tax on car spaces provided to employees. I ask the Chief Minister: How much extra will it add to the ACT budget? How will any deficiencies be funded?

MS FOLLETT: I thank Mr De Domenico for the question, Madam Speaker, and I am delighted to throw what light I can on this issue. This is a piece of Commonwealth legislation and it relates, I am advised, to two measures: Firstly, changing the basis of assessing the fringe benefits tax liability; and, secondly, extending the fringe benefits tax liability to include employer car parking to employees. So we are pretty clear on that. As States and Territories do not pay Commonwealth income tax, the first measure could, in effect, double the cost of the fringe benefits tax to those governments, including the ACT, and the impact on the ACT is estimated to be an additional \$1m. The extension of liability to include car parks provided to employees could also impose additional costs, again in the order of an additional \$1m from the Territory. The amount depends on the definitions that are finally adopted in the Commonwealth's guidelines in relation to exemptions. Bear in mind that we have not seen every detail of that legislation at this point. The combined measures will certainly add to costs.

I heard a figure of some \$20m bandied about on the ABC. I think that is a figure that is way out of kilter with the actual impact which, as I have said, is probably of the order of an additional \$2m, and that is based on the current ACT experience. The full extent of our liability is yet to be established. We are going on the best advice that we have at the moment. We do need to see the Commonwealth legislation in its entirety to see what exemptions may be available and also, of course, to see the progress of that legislation through both houses of the Federal Parliament. So there are still several uncertainties about.

Madam Speaker, bearing in mind that cost of some additional \$2m, and bearing in mind that we are not likely to have to meet that until well into the financial year, I do not think that it is going to be a problem for the current budget. If it were to come to fruition it would have to be budgeted for in the forthcoming budget. But, Madam Speaker, as I say, I am not in a position to be definitive about it because there are so many uncertainties. I should say, however, that I do, on this occasion and on other occasions, rather resent the Commonwealth unilaterally imposing this additional cost on the ACT without consultation and without compensation, and I think that it is appropriate that I make those views known to the Commonwealth.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. Does the Chief Minister, therefore, after answering that question, concede that her claims about presenting a balanced budget have now been torpedoed by her Federal Labor colleagues, whether it is \$2m, \$10m or \$20m?

MS FOLLETT: No, Madam Speaker, I do not concede that. I will not concede that, for this reason or for any other. As I have said, in what remains of this financial year, if this tax is passed, and given that we are looking at a proportion of some \$2m, our ability to find that is reasonably good, and I do not expect that it would have an impact on the achievement of a balanced recurrent budget. That is my stated aim, and it has, in fact, been achieved by me in all budgets that I have brought down.

Removal of Trees - Palmerston

MRS GRASSBY: My question is to the Minister for the Environment, Land and Planning. Could the Minister provide to the Assembly details of the recent unauthorised removal of trees in Palmerston? What measures have been taken to ensure that there is no repetition of this action?

MR WOOD: Madam Speaker, there was a little publicity some few weeks ago when about 10 quite mature trees were removed from a building site in Palmerston. It was done without approval. They were on the plans as staying there in any development. At the time I registered my strong disapproval of it and the relevant building groups advised their builders that this sort of thing should not occur. Subsequently I have become more concerned because the two builders concerned - there are two lots and two builders - brought back plans seeking to put more units on that land where those trees had been. It was quite clear to me that it was a deliberate act just to try to increase the value of their property by putting more units on it. Obviously they got a very strong answer from the ACT Chief Planner refusing any permission for additional units, and we will be very strict in our requirement that there are replacement trees made available on that site.

I am very keen to register the Government's strong disapproval of such measures. We will never retrospectively or in any way agree to such removal by subsequently allowing extra houses to be put on a site. We value mature trees in the ACT. There are not a great number of them on those residential sites in Gungahlin and we will not allow builders arbitrarily to remove them.

ACTION Services - Palmerston

MR WESTENDE: My question without notice is directed to the Minister for Urban Services, Mr Connolly. The 1991-92 ACT Department of Urban Services annual report states that bus services will be planned during the year to serve the new suburbs in Gungahlin. Would the Minister indicate when the residents of Palmerston can expect a bus service, albeit a skeletal one, when they, like all other households in the ACT, are contributing heavily for the privilege of having ACTION bus services?

MR CONNOLLY: Yes, for quite some time now ACTION has been planning bus services into Gungahlin. The pattern will broadly follow the pattern of Tuggeranong's development, starting off with fairly skeletal services and building as the population builds. At this stage the final route and timetable have not been determined. It is likely that there will be a service operating about every hour through that area of Palmerston which is now rapidly developing. It is anticipated that we might have something up and running over Christmas and through into the New Year period. We are getting fairly close to a service. When that is finalised I will make an appropriate announcement and let Mr Westende's office know.

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Music Office

MS SZUTY: Madam Speaker, my question without notice is to the Minister for the Arts, Mr Wood. There have been moves to set up an ACT music office in Canberra to promote contemporary music, particularly rock and other popular music forms. Without an office promoting Australian contemporary music in Canberra, young musicians in the ACT are unable to tap into the projects of the Ausmusic network which has been established in other States to promote Australian talent in the rock music area. Can the Minister inform the Assembly on to what extent the ACT Government is prepared to support the establishment of ACT music, and when it would see that help being forthcoming?

MR WOOD: Madam Speaker, I am aware, as is Ms Szuty, of the developments in this area. I have no doubt seen the same people that she has in recent times. Indeed, I am doing a launch for them in some weeks' time. We give them at this stage strong encouragement, but there is not yet any money attached to that. In a short time I will announce the ACT arts grants for the coming year. Obviously they are not part of it because it is a very new body and is just emerging. We would like to do all we can for them, as we would for a whole range of bodies. There will be many other groups disappointed because they have not been able to receive grants this year. There are very few groups I do not support. We would like to do a great deal more than we can. I am continuing to meet with these people, and in every way that we can help them we will certainly do so.

HIV and AIDS - Notification

MR LAMONT: My question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Can the Minister clarify the confusion surrounding the notification of HIV or AIDS in the ACT? Can he tell us what action the Government will be taking or already has taken?

MR BERRY: Madam Speaker, I thank Mr Lamont for the question. AIDS has been a notifiable disease in the ACT since 1983. There have been some differing views over the years about the notification requirements for people who have HIV infection but who have not developed AIDS. These conflicting views have resulted in some comment in the community. The Government has been concerned about that because of the effect that it has on people who might be living with AIDS and who might be contemplating seeking attention, or people who might consider themselves at risk and who might also be considering some advice from the medical profession and who might be concerned about taking those sorts of approaches in the light of any controversy which is kicked up in the political sense. I have been very mindful of that because of the effect that that might have on the overall campaign against AIDS throughout Australia.

As a result, we have acted on a recommendation from the HIV/AIDS Related Legislation in the ACT Review Committee and the AIDS Advisory Committee to sort out the difficulty. The ACT Government has amended the Public Health (Infectious and Notifiable Diseases) Regulations so that HIV is notifiable in all stages, including HIV category 4, known as AIDS. All notification will be in coded form so that individual privacy can be protected. The notification requirements are in line with the recommendations in the national AIDS strategy and the Intergovernmental Committee on AIDS working party final report which was ratified at the October meeting of the Australian Health Ministers Advisory Council.

MR LAMONT: I have a supplementary question, Madam Speaker. Can the Minister explain how the Medical Officer of Health is to trace someone who is posing a risk to public health if the only information available to them is in code?

MR BERRY: The Medical Officer of Health can contact the treating medical practitioner if further details are required. The Medical Officer of Health has sufficient powers under the Public Health (Infectious and Notifiable Diseases) Regulations to take any necessary public health action.

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

LIGHTNING RIDGE STUDY TRIP Paper

MADAM SPEAKER: Members, I present, for your information, a report provided to me from Mr Lamont, MLA, on his study trip to Lightning Ridge which he undertook from 25 to 27 September 1992.

AUSTRALIAN VIETNAM FORCES NATIONAL MEMORIAL Paper

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, for the information of members, I present a letter dated 8 October 1992 from the Deputy President of the Senate transmitting the text of a resolution agreed to by the Senate on 6 October 1992 relating to the dedication of the Australian Vietnam Forces National Memorial and the contribution made to the occasion by the citizens of Canberra.

SUBORDINATE LEGISLATION Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, regulations and commencements of certain Acts.

The schedule read as follows:

Animal Welfare Act - Notice of commencement of sections 6, 76, 78, 79 and 109 (G44, dated 4 November 1992).

Casino Control Act -
Casino Licence for Interim Casino identified by designated notice (S180, dated 9 October 1992).
Certification of authorised games.

Credit Act - Declaration - Determination No. 163 of 1992 (S205, dated 17 November 1992).

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Epidemiological Studies (Confidentiality) Act -

Epidemiological Studies (Confidentiality) Regulations - No. 24 of 1992 (S198, dated 9 November 1992).

Notice of commencement of sections 3 to 14 (S188, dated 27 October 1992).

Financial Institutions Duty Act - Financial Institutions Duty Regulations (Amendment) - No. 20 of 1992 (S182, dated 22 October 1992).

Land (Planning and Environment) Act - Determination of criteria for direct grants of crown leases - No. 162 of 1992 (S195, dated 4 November 1992).

Public Health Act -

Determination of fees - No. 159 of 1992 (S187, dated 30 October 1992).

Public Health (Infectious and Notifiable Diseases) Regulations (Amendment) - No. 22 of 1992 (S193, dated 3 November 1992).

No. 27 of 1992 (S204, dated 17 November 1992).

Public Place Names Act - Determinations -

No. 157 of 1992 (G43, dated 28 October 1992).

No. 160 of 1992 (G44, dated 4 November 1992).

No. 161 of 1992 (G45, dated 11 November 1992).

Rates and Land Tax Act - Determination for the purposes of the Rates and Land Tax Act 1926 - No. 155 of 1992 (G42, dated 21 October 1992).

Supreme Court Act - Supreme Court Rules (Amendment) -

No. 21 of 1992 (S189, dated 28 October 1992).

No. 23 of 1992 (S194, dated 3 November 1992).

Weapons Act - Revocation and Determination - No. 158 of 1992 (S186, dated 29 October 1992).

LAND (PLANNING AND ENVIRONMENT) ACT LEASES Papers

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Pursuant to the Land (Planning and Environment) Act 1991, I present leases in accordance with the circulated list.

The list read as follows:

Leases granted pursuant to the *Land (Planning and Environment) Act 1991* for -

Belconnen, block 1361

Charnwood, section 27, block 4

Chisholm, section 533, block 21

Fraser, sections 41 and 63, blocks 36 and 1, respectively

Griffith, section 2, blocks 9 and 23

Higgins, section 24, block 14

Kambah -

section 103, block 33

section 105, block 9

section 106, blocks 7, 11, 12 and 32

section 108, blocks 19 and 20

section 110, blocks 4 and 14

section 114, block 2

section 119, blocks 4 to 7, 14 and 15

section 120, blocks 2, 4, 8 and 9

section 156, block 31

section 162, blocks 11, 21, 30 and 32

section 176, blocks 6 and 7

section 178, blocks 3, 4, 7 and 11

section 183, block 3

section 184, blocks 3, 5 and 6

section 185, blocks 1, 6 and 9 to 12

section 186, blocks 6 to 9, 11 to 14 and 16

section 197, blocks 20, 21, 46 and 48

section 461, block 29

Lyneham, section 28, block 6 Lyons, section 3, block 16

Narrabundah, section 104, block 16 Ngunnawal, section 2, block 1

O'Connor, section 59, block 7 Rivett, section 22, block 12

Wanniassa, section 151, blocks 19 and 20,

together with executive statements.

LABOUR MINISTERS CONFERENCE

Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport), by leave: I would like to report to the Assembly on the conference of Commonwealth, State and Territory Labour Ministers which, I am pleased to say, was held in Canberra on 30 October. I can report that this ministerial council was not diverted from its important agenda by the alarming events taking place in Victoria as the Kennett Liberal Government set about that State's industrial relations system with chainsaws.

Mr Humphries: Union power with chainsaws.

MR BERRY: Here we go. They cannot help themselves.

Mr De Domenico: Lop away all the dead wood.

MR BERRY: Do you support the Liberals who do not expose the agenda? Here is a government that exposed the hidden agenda after the election. The Victorian Ministers, of course, were unable to attend the council meeting but remained in Melbourne to meet the well-justified criticism of their announced intention to reduce the employment conditions of workers and to remove the support of the award system and the Victorian Industrial Relations Commission. I should say,

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Madam Speaker, that at about that time they were also thinking about improving their own wages. I wonder whether the Liberals opposite would support that view - rip into the workers and put up your own wages. Meanwhile, in Canberra, representatives of the other jurisdictions were able to debate a number of important issues in the field of labour relations.

There has been a steady rate of progress in the completion and certification of enterprise agreements. These agreements reflect workplace bargains that have enabled the introduction of a range of reforms to work and management practices that have increased productivity and improved efficiency. Since the Ministers for Labour Conference, the Federal Minister for Industrial Relations has announced the successful completion of an enterprise bargain covering the Australian Public Service. The ACT Government is seeking to ensure that a mirror agreement will apply to its own public sector.

Members of the Assembly may be aware that the Prime Minister announced on 27 July 1992 a national employment and training plan for young Australians. Included was a new career start traineeship. This traineeship provides a bridge from existing training arrangements to the proposals put forward in the Carmichael report on entry level training. It combines work with structured off-the-job training. An award has already been made which enables the introduction of career staff traineeships into ACT Government employment. Arrangements are well advanced between the Confederation of ACT Industry and the Trades and Labour Council to finalise award changes so that the traineeship can apply in the ACT private sector. The ACT legislative framework will enable the application of complementary arrangements for unpaid work experience of up to 240 hours a year for senior school students.

As regards the construction industry, Labour Ministers have a key role in implementing reform through participation in the national strategy. They have particular interest in workplace reform, workplace bargaining, model projects and the code of practice, as well as particular responsibility as regards workers compensation, redundancy pay, and other employment conditions. Significant progress has been made in improving Australia's record as regards ratification of ILO conventions. The ACT has been particularly active and, in recent months, has advised the Federal Government that it can agree to the ratification of a further 16 conventions.

When I reported to the Assembly on the previous Labour Ministers Conference held in Perth in April this year I advised that all Ministers had reaffirmed their commitment to making every effort to remove barriers to the achievement of mutual recognition in occupational health and safety through national uniform outcomes by the end of 1993. I am pleased to report that, in the meeting just held, good progress towards this objective was reported. The National Occupational Health and Safety Commission is well advanced in seeking to achieve harmonisation of existing standards. A report was also presented on work towards developing legislative consistency in the field of occupational health and safety. I am pleased also to report that the modern occupational health and safety legislation put in place by the first Follett Government provides an appropriate framework for the adoption and implementation of the new reform standards when they are endorsed and promulgated at the national level.

The Federal Minister for Industrial Relations informed the conference of the Commonwealth's decision to extend the coverage of the Commonwealth Employees' Rehabilitation and Compensation Act to enable continued coverage of privatised government business undertakings. The Minister showed his preparedness to respond to the concern raised by some States about further extension of that legislation to the private sector competitors of privatised enterprises by agreeing to limit the reach of his proposed amendments until an examination had been made of the implications of going further.

The conference was informed of the conclusions reached in the review of the effectiveness of the Affirmative Action (Equal Employment Opportunity for Women) Act 1986. Among other things, it was recommended, as a result of that review, that Labour Ministers should be asked to consider action to ensure coverage of all government employees by equal opportunity employment provisions and for the adoption of contract compliance policies by State and Territory governments. Assembly members will be aware that the ACT Government has already decided to introduce EEO provisions to cover all employment in the ACT government sector and that it will no longer deal with suppliers who do not comply with the requirements of the Affirmative Action (Equal Employment Opportunity for Women) Act 1986.

In addition to the specific issues I have mentioned, useful information was exchanged on other labour relations matters. I shall take the opportunity to raise some of these matters at the forthcoming meeting of the ACT Industrial Relations Advisory Council, which next meets on 2 December. The ACT Government is committed to consultation as the way to bring about the necessary reforms if we are to improve the efficiency and competitiveness of ACT industry and to create meaningful and satisfying employment opportunities for Canberra job seekers.

Our commitment, Madam Speaker, to consultation and to working in cooperation with both sides of industry sets us poles apart from the industrial relations vandals on the other side of politics. They have demonstrated their capabilities in Victoria. Victorian workers are far worse off as a result. What more elements of a hidden agenda will appear under the Liberals in Victoria? Of course, the Liberals in the ACT squirm when Kennett is mentioned, because he is an embarrassment. At the very same time he shows up the style of these sorts of politicians. These are the sorts of politicians who go to the people with hidden agendas, with secrets under the belt; but immediately they are elected they think about their own pay rates and conditions and slash workers' wages and conditions to pay for their own excesses. That is what Kennett has done, and that is what these people will do and that is what Hewson will do. Madam Speaker, that is what sets us poles apart from the Liberals. I present the following paper:

Labour Ministers Conference - Commonwealth and State - Conference, Canberra - Ministerial statement, 17 November 1992.

I move:

That the Assembly takes note of the paper.

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

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CULTURAL COUNCIL - ARTS GRANTS PROGRAM
Ministerial Statement and Paper

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, I seek leave of the Assembly to make a ministerial statement on the work of the ACT Cultural Council and the announcement of the ACT arts grants program.

Leave granted.

MR WOOD: Madam Speaker, it is my purpose today to announce the major ACT Government arts grants for activities which will occur in 1993. I am doing this by way of a statement because too often these significant grants, and I think other grants as well, simply slip by without people noting them. Madam Speaker, I ask that the papers be circulated. In doing this, Madam Speaker, I wish to acknowledge and commend the work of the ACT Cultural Council and its co-opted artform committees. More than 30 people have spent a great number of unpaid hours carefully examining many grant applications. The task of assessing applications in an environment of high quality proposals against a limited budget is an exacting, time consuming and often thankless task. I have a considerable amount of praise for the people involved in this process. My confidence in their work is reflected in the fact that I have supported all their recommendations.

It is timely at this point to reflect on some of the rhetoric which surrounded the formation of the Cultural Council. Its formation was one of the major recommendations of the Select Committee on Cultural Activities and Facilities. The select committee was established in August 1989. An interim report was tabled in October 1990 and the final report was presented in June 1991. While the inquiry was activated by the need to examine redevelopment proposals for section 19, the investigation into cultural activities and facilities was much broader.

The key recommendation to emerge from the report was the formation of a cultural council to "improve administration and planning, and to provide a more powerful voice for the arts". In June 1991 the ACT Cultural Council was a concept. In November 1991 its proposed framework was presented to this Assembly. In December 1991 its membership, which was always intended to reflect broad rather than specific cultural interests, was announced. This new peak advisory body has wide-ranging terms of reference. To quote briefly from my speech to the Assembly about a year ago:

It will be expected to foster and encourage excellence and achievement in the arts and cultural activities. It will be expected to promote the development and continued growth of a creative, diverse and dynamic cultural sector in the ACT, with appropriate input from the community.

We must remember that the council held its first formal meeting in February this year, barely 10 months ago. Its achievements have been considerable, although they have not always been publicly conspicuous.

From the beginning the council chose to work to a strategy of a preferred future for the cultural activities in the ACT. It is seeking to set a vision of what kind of cultural life the Territory should have, and then setting out to achieve that vision. The council is considering how it can deal with matters such as broad cultural planning issues, cultural industry development in the ACT and how best to present a positive cultural image of Canberra. It is working to link its activities with other areas both within and external to the ACT Government. The first major step in this work will be a completely new and quite significant policy document which will be released in February next year. These new policies will shape the Government's future support for cultural development and I am delighted to note that there has been a very high level of community involvement in the policy development process.

While financial grants to the cultural community are undoubtedly important, the vision for the Cultural Council is far more than a glorified grants body. The council is looking beyond the grant program to other areas of government and the private sector that can have an impact on cultural activity. I would like members to note that the Australia Council estimates that throughout Australia governments provide only 10 per cent of the overall support to the cultural industry. The remainder comes from earned income, the community and the private sector. This is not to say that grants are not a critical part of the Government's efforts in supporting cultural activities in the ACT. The Government is committed to sustainable funding to cultural activities and in the most recent budget the funds to the arts grants program were increased by a 2 per cent inflation factor, \$51,000 to assist artists and administrative staff with compulsory superannuation and a further \$20,000 to enhance the ACT Literary Award.

I would like to turn now to the specific grant decisions. Applications for almost \$3m were received, for around \$1.5m in available funds. After careful consideration I have accepted the Cultural Council's recommendation for the funding of 17 operational grants totalling \$1,047,000 and 18 major arts projects totalling \$365,000, giving a total of \$1.4m. For the information of members, I have tabled a copy of the list of grant recipients. I can assure you that they cover the full gamut of arts activities in the ACT. The operational grants category offers support for the annual program of key arts organisations which provide an ongoing service to the ACT. The major projects, for grants above \$10,000 category, offer support for large, one-off arts activities. As previously mentioned, grant applicants will receive additional funds for payment of superannuation to artists and administrative staff.

These grant decisions demonstrate a comprehensive addressing of the competing bids across the various artforms. Inevitably, of course, grant applications are not always able to be met. I wish we could do more. The operational and major projects categories, while the two largest of the cultural grants, are but two of a number of categories which constitute the arts and special events grant program. I announced grants in the special events and festivals category earlier this year. Applications in the remaining categories are currently being assessed and I expect to receive the recommendations from the Cultural Council by early next year.

In focusing on the future, the Cultural Council is looking to 1993 to be a year for change. Let me assure you that these changes will be far-reaching. Past practices, where organisations have come to expect a certain level of support, will not necessarily be maintained. One clear message I have given the Cultural

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Council is that I want it to retain the capacity to respond to new initiatives. The council will be looking to forge links between client groups and with a range of organisations, both within and external to the Government. It sees one of its major roles as providing leadership and vision in its assistance to arts and special events interests in the ACT.

There will be grant applicants who are disappointed with the result of their application. This is unavoidable. Many worthwhile projects were not supported because of the historical difficulty of demand versus available funds. I have every confidence that the Cultural Council has provided the best possible balance of funding within the available budget, and that the Territory's cultural development will continue to be fostered. I present the following papers:

Cultural	Council	-	Arts	Grants	Program	-
	Ministerial		statement,		17 November 1992.	
	1993 Arts Grants.					

I move:

That the Assembly takes note of the papers.

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

GOVERNMENT SERVICE - ACCESS BY NON-GOVERNMENT MEMBERS **Discussion of Matter of Public Importance**

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

The lack of direct access to the ACT Public Service by non-Government Members pursuing constituency matters.

MR CORNWELL (3.27): Madam Speaker, here in the ACT we still fly a flag which carries the words "For the Queen, the Law and the People". While the Australian Labor Party has made it publicly known that it would like to exclude the Queen from our processes of government, there appears to be a far more sinister move at hand also to exclude the people from that process. As members of the Assembly, we formulate and pass the laws and regulations by which these very people live their lives. We debate at length the conditions under which people of the ACT will park their cars, walk their dogs, plan their homes, operate their businesses, educate their children, attend to their health, pay their rates, and even plan their leisure. We undertake to represent the electorate of the ACT; that is, we undertake to represent the individual citizens of this fair city and Territory.

We would assume, then, that we, as members of the ACT Assembly, could approach any relevant member of the ACT public service to seek information or action on behalf of our constituents. I speak not simply of Labor members. Bear in mind that over 50 per cent of those who voted in our recent election did not vote for ALP candidates. They voted for Liberals; they voted for Independents;

they voted for unsuccessful candidates. So far as Liberals and Independents in this chamber are concerned, they actually dominate this Assembly but do not, however, hold government. Those voters who voted for the Liberal members and the Independents, nonetheless, have the democratic right to approach a member of this Assembly, be that member Independent, Labor or Liberal, and expect that member to be able to address their queries or problems.

However, this is not the case; hence this matter of public importance, namely, the lack of direct access to the ACT public service by non-government members pursuing constituency matters. This matter is brought forward for a twofold purpose: Firstly, to highlight this Government's increasing paranoia towards any information reaching non-government members that the Government itself has not vetted; and, secondly, to highlight how this obstructive behaviour is preventing non-government members from speedily and efficiently representing their constituents.

I think it is pertinent to remind members of this Government's much heralded openness and its commitment to community consultation. Yet from day one of taking office it began effectively to lower the shutters, while still ostensibly professing its openness and commitment to consultation. As evidence of this Government's failure to live up to its promises to community consultation, I quote question on notice No. 41 from me, which was lodged on 7 April this year and which concerns community consultative meetings. I asked the Chief Minister:

- (1) How many such meetings were held following the first meeting on 21 June 1989 at the Northside Community Centre, Ainslie.
- (2) Where and when were each of these other meetings held ...
- (3) Were non-Government Assembly Members invited ...
- (4) Is it your Government's intentions to hold such meetings during the term of the Second Assembly ...

That question, still unanswered, is now eight months old. Some community consultation!

As to this Government's much vaunted openness over these past eight months, I have to agree that, whilst the build-up was slow, it appears, with the benefit of hindsight, that its openness has not really been practised. Largely, it has been a time of this Government monitoring and assessing the effectiveness of the performance of the non-government members of this Assembly. Clearly, we have proved to be very effective. The questions we asked, the issues we raised for debate, the legislative initiatives we took against a slothful government, all proved worrying to the Follett Government. The Government reacted typically by underestimating the quality of this Opposition. Rather than accepting that it faced formidable and worthy non-government representatives capable of putting together a well-researched case, the Labor Party started looking for someone else it could blame for the Opposition's success, and its suspicions fell upon its own work force, the ACT public service.

Mr Connolly: What success was this?

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MR CORNWELL: The result was the gradual adoption of a siege mentality, Mr Connolly, by your Government. Rumours began to circulate that members were getting the run-around from departments, that there was a reluctance by public servants to provide information.

There were even allegations that public servants were obliged to report all requests for assistance to the relevant Minister's office, and there were several celebrated cases - which gave credence to these allegations, I might add - where the Minister's office phoned a member only minutes after that member had been in touch with the department. Is that not remarkable? The paranoia, as we all know, culminated shortly before the September budget in the infamous police raid on the *Canberra Times*. That incident might have represented the high-water mark to date in this Government's obsessive fear of unauthorised information getting into non-government hands. The tide, however, still remains too high for most non-government members, who are still doggedly treading water on this matter.

Unfortunately, strongly influenced by its own factional infighting, this Labor Government imagines that everyone else, including its own public servants, cannot be trusted. The public servants cannot be trusted, in this Labor Government's view. Why else would it ban departmental officers from speaking directly with non-government members and their staff?

Ms Follett: Madam Speaker, on a point of order: Mr Cornwell has clearly made an imputation either that public servants cannot be trusted or that the Government believes that they cannot be trusted. Either way, I think that is an offensive imputation, and I would ask that that be withdrawn.

Mr Humphries: Under which standing order?

MADAM SPEAKER: Unparliamentary language, Mr Humphries.

Mr Humphries: Madam Speaker, can I address you on that point of order?

MADAM SPEAKER: Let me take the first point of order and get it clear. It is not unparliamentary language. Ms Follett has said that there has been an imputation made - - -

Mr Humphries: Against a member of this Assembly or somebody else, not against a public servant.

MADAM SPEAKER: That is quite right, Mr Humphries - the inference being that Ms Follett does not trust the public servants, I believe. That is what the imputation could be taken to mean. That is what I understand the point of order to be about, Mr Humphries.

Mr De Domenico: We are finicky, aren't we?

MADAM SPEAKER: We have a point of order; let us just deal with it. We are not supposed to make unfair imputations against members of the Assembly, and that is what the point of order is about. Mr Cornwell, you may choose to reword your statement or withdraw the statement, as you choose.

MR CORNWELL: Madam Speaker, I said that this Government imagines that everyone else, including its own public servants, cannot be trusted. That is a personal view of mine. I think the word I used is quite reasonable, Madam Speaker. I did not say that this Labor Government believes that everyone else cannot be trusted. I said that they imagine that. I think that is a perfectly reasonable comment. If I had said "believed", most certainly I would have been in error.

MADAM SPEAKER: Mr Cornwell, you are effectively telling me that you had no intention of imputing improper motives to Ms Follett, and you are withdrawing that?

MR CORNWELL: Indeed; by no means, Madam Speaker.

MADAM SPEAKER: We will let the matter settle, then. Please continue.

MR CORNWELL: One does have to ask why the Government would ban departmental officers from speaking directly with non-government members or their staff. Why would the Government insist that every single constituency inquiry has to go through the relevant Minister's office? Thanks to these absurd directives, I submit, constituency inquiries are delayed; I think public servants probably feel intimidated - - -

Ms Follett: Madam Speaker, on a point of order: I think the inference Mr Cornwell is clearly drawing is that Ministers intimidate public servants or that public servants feel intimidated by their Ministers. That is an objectionable statement, and I think it should be withdrawn.

MADAM SPEAKER: The consideration comes under standing orders 54, 55 and 56 and around that area of our standing orders. Whilst I can understand Ms Follett's objections, I think the use of the words is not serious enough for me to warrant asking you for a withdrawal, Mr Cornwell; but I would caution you to consider the possible offensive imputation that could come from your words.

MR CORNWELL: I understand, Madam Speaker. May I say that, thanks to these absurd directives, constituency inquiries are delayed. Perhaps the public servants could feel that they are intimidated. I make no stronger comment than that. Non-government members most certainly are frustrated in the performance of their duties to the electorate. That is unequivocal. It is all so unnecessary.

Non-government members are well aware that matters of policy must be referred to the Minister's office and to the Minister. We accept that. In the event that they overstep the mark at any time, we have no doubt that the public servants they are speaking to would soon apprise them of that fact and ask them to speak to the Minister. We want access to departments only on relatively straightforward electoral matters. This is by no means an unusual request. Mr Berry is nodding agreement and saying, "Yes, hear, hear". It is by no means an unusual request. It operated effectively and efficiently in the earlier Assembly. What is preventing it operating now is the attitude of this Government, its desire to control all information and the providers of such information. I submit that this mania is a clear indication of the Government's paranoia.

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Any lack of trust in the ACT public service by anybody is clearly an insult to the professionalism and the integrity, I would suggest, of those public servants, and I do not believe that it will be forgotten when the next election comes around. This Government's failure to expedite constituency inquiries - - -

Mr Lamont: Under Fightback there will not be any of them left.

MR CORNWELL: Madam Speaker, could you ask the dog over there to stop barking, please.

Government members: Oh!

MR CORNWELL: I withdraw. The Government's failure to expedite the constituency inquiries from non-government members, I believe, further shows a contempt for the electorate it purports to serve. I also believe that it brings the risk of political - - - (*Extension of time granted*) Madam Speaker, I venture to suggest that whoever introduced this clumsy and autocratic system does not even have the support of all the Ministers and their staff. I say this because I believe that there are reasonable Ministers - - -

Mr Berry: Thank you, Greg.

MR CORNWELL: I did not name them, Mr Berry - who within the constraints of these directions do provide the responses we seek. So too do their staff, notwithstanding that those staff are busy enough without taking aboard these simple constituency matters that under any rational government could be referred direct to the departments for attention.

I believe, as I have said, that the directive insults the integrity of people in the public service. I believe that it wastes the time of already busy ministerial staff. It slows down the response time of legitimate electoral inquiries. It obstructs non-government members in the performance of their duties. I believe that it introduces an eavesdropping approach to political service to the electorate that I personally find repugnant. Further, it serves no useful purpose. What possible value to the Government - even to the smiling Mr Berry - is there in knowing that I made a housing inquiry on behalf of a constituent? Or that Mr Moore asked about bus timetabling alterations? Or that Mrs Carnell sought progress information on a nursing home application? For heaven's sake, there is no advantage or benefit to the Government at all - not even idle curiosity, I submit - in knowing about such matters, the answers to which should be available to all.

I will now acknowledge an earlier interjection by Mr Berry, who said, "Well, the Opposition, the non-government members, get the same service as the public". That is just the point: We do not. This is another argument against these absurd directives. They do not apply to the public. We therefore have the ludicrous situation that an elected representative must direct all electoral matters to a department through the relevant Minister, but a constituent can approach the department direct.

Mr Humphries: It is bizarre.

MR CORNWELL: It is quite bizarre, Mr Humphries. Perhaps the non-government members should be flattered that the Government views us as such dangerous opponents that we must all be kept in isolation in case we seduce or suborn the public servants to whom we are speaking. If so, Chief Minister,

perhaps you will advise me whether these off-limits will apply to conversing with ACT public servants at government functions, or in the street, or when we get into the lift with them. In other words, are non-government members allowed to speak to ACT public servants at all, or are we somehow breaking a directive of this Labor Government?

The directive against non-government members and their staff dealing directly with departmental officers on constituency matters serves no useful purpose and it should be repealed. It is time consuming; it denies constituents the democratic right to have their problems dealt with quickly; it is insulting to those involved on both sides, I submit; and it does this Government no credit. I believe that it reveals, despite the Government's empty rhetoric about openness and community consultation, that it is petty, paranoid and extremely mean-spirited.

MS FOLLETT (Chief Minister and Treasurer) (3.47): Madam Speaker, Mr Cornwell's invective masks the fact that this matter has been debated fairly recently. Indeed, I thought at that time that members had been made aware of the situation that applies and the guidelines that are there to be followed. Before I go into that, I want to touch on two issues. The first is the extreme reluctance of members opposite to commit themselves to paper - in other words, to write a letter on behalf of their constituents. For my part, with the exception of Mr Kaine, I never get a letter from them. One of the basic problems is that they seek to rely at all times on this sort of informal contact, which does make for difficult relations. I would ask them, if they have an issue of substance, to write a letter. That is what most of our constituents do, after all. It is a sign that they are serious, and it also makes sure that the response given to the member is a properly considered response and is dealt with in the proper timeframe.

The other issue I would like to touch on is the fact - and it is a fact - that under a Westminster system the public service is accountable to the Government and the Government to this Assembly. The public service is not there to work for members opposite. They may do so, but they are basically there to serve the Government. I think members opposite, and Mr Cornwell in particular, in accusing us about their lack of direct access to the ACT public service, are absolutely right. I have no problem with that.

The issue of access by non-government members to the information held by the ACT Government Service officers has been debated, and I find it very surprising to see the issue resurfacing today. Mr Cornwell is confused about open government and an open public service. We have not campaigned on the basis of an open public service, nor could we ever do that. We have here a Westminster system. We have open government, and that means that the Ministers are responsible, and they are responsible to this Assembly.

Members might recall from the previous debate, though clearly some of them do not, that the Government has reaffirmed the substance of the guidelines that are used to assist ACT Government Service officers in handling the requests they receive from members of the Assembly for information. The guidelines have previously been circulated by the administration, and circulated under successive ACT governments, including the Alliance Government. The guidelines have as their cornerstone the principle that requests from members for information, other than readily available or routine or factual information, should be pursued with Ministers. That is a fact. The guidelines also contemplate informing Ministers of requests for information, and quite rightly too.

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It is very important to reiterate the point that the guidelines adopted by the ACT reflect the guidelines that continue to apply in the Commonwealth and are entitled *Guidelines on Official Conduct of Commonwealth Public Servants*, in particular paragraphs 61 to 67 of Part D of Appendix A of that document. That part, which has been tabled, is headed "Access by Individual Members of Parliament to Public Servants and Officers of Statutory Authorities". The Commonwealth guidelines are contained in an appendix to an ACT handbook, *ACT Government Participation in Parliamentary and Other Inquiries*, which was adopted by the Alliance Government. I fail to understand the point of members opposite. They are being hypocritical in the extreme in taking this stance.

To return to the guidelines, while there are not any hard and fast rules as to what information falls into the category of publicly available factual information, the guidelines certainly do provide some assistance. If I could read briefly from them, as members appear not to be able or willing to read them themselves, Part D states:

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

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

When a request by a member of parliament amounts to no more than a request for readily available factual information, the information should obviously be provided.

There may be other occasions where, in the judgement of officials, a member's request raises sensitive issues, for example, where expressions of opinion are sought of government policies or alternative policies, as distinct from explanation of existing policies. Officials will not be expected or authorised to express opinions on government policies, policy options or matters of a Party political nature. Information provided may, however, include details of administrative arrangements and procedures involved in implementation of approved policies or legislation.

Where a request is made which seeks expressions of opinion on government policies or policy options, it would be appropriate to suggest that the member pursue the matter with the Minister. Similar action would be appropriate if a request raised other issues of a sensitive nature, or where the answering of a request would necessitate the use of substantial resources of the department or authority.

Care should be taken to avoid unauthorised disclosure of classified or otherwise confidential information, for example, where a breach of personal or commercial privacy could be involved.

Where an official considers that the terms of a request would require going beyond the authorised scope of the above arrangements, the official should so indicate to the Member, and will be at liberty to raise the matter with the Secretary to the department or authority and the Minister and, if desired, with the Public Service Board.

Madam Speaker, those are the rules that apply. Mr Cornwell, in what was an extremely ill-natured and vituperative attack on the Government, was not able to point to a single instance where the information he was seeking had not been supplied. Perhaps he does have such instances. If he does, I am happy to hear about them.

Mr Cornwell should take particular note of the fact that the legitimacy of direct approaches to officials for routine information, particularly on constituency matters, is expressly considered in those guidelines. Those guidelines have been endorsed and utilised by successive governments, including the Government formed by some members opposite, as is the provision of the detail of administrative arrangements and procedures involved in the implementation of approved policies or legislation. That sort of routine request should be contrasted with matters of a sensitive nature.

I find that a contrast can quite readily be made there, and a member of Mr Cornwell's political experience, I am sure, could equally make that contrast. Where there are, for instance, requests for an expression of opinion on a government policy or policy options, or requests that would involve the use of substantial resources, or requests relating to classified or otherwise confidential information, they are clearly requests of a sensitive nature.

Direct access to the ACT Government Service by non-government members seeking routine information on constituency matters is secured by the current guidelines. If members opposite believe that they have been disadvantaged, it is quite open to them to directly approach the Minister. One member, Mr Moore, has made such an approach to me, and I have undertaken to Mr Moore, whilst adhering to these guidelines, to see whether there is any way in which I can streamline or facilitate the provision of information to members. I do that in a genuine spirit of wanting members to have available to them the sort of information to which they are entitled. I draw the line at Mr Cornwell's apparent position that, freely and without restraint, he should have available to him direct access to public servants. You simply cannot; you simply may not, except in accordance with the guidelines I have outlined.

It suits members opposite to whinge about this matter. It points to the paucity of real issues they have on their plate at the moment. The fact is that only one of them has ever raised this issue with me, and that is Mr Moore. Almost none of them - and the exception is Mr Kaine - ever bother to write a letter. On an issue of substance, I expect that members with the staff and resources that they have would commit themselves to paper. It surely is not beyond the wit and wisdom of members of this Assembly to deal with an issue in that way. I am sure that those of them who have had experience in political life, and particularly those of them, limited though they are, who have been Ministers, will be aware that in many instances the best way of getting an answer, particularly on a sensitive or complicated matter, is to write the request down, to make sure that the information provided is accurate and appropriate.

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I repeat my invitation to members, if they have matters on which they have requested information and have not obtained that information, to approach the Minister. I do not see why they are reluctant to do that. The only conclusion I can draw is that they wish to debate this issue over and over again - not because they want the information for their constituents, but merely to politicise the whole issue and to attempt to pour scorn on the public servants. I heard Mr Cornwell say over and over again that the public servants felt intimidated, that the public servants were this, that and the other. I take the gravest exception to the way in which he debated that matter. It is simply not true.

The public servants are aware of the guidelines that control their behaviour and their official conduct in relation to requests by members who are not government members and members of the Opposition and they abide by those guidelines. I have not had brought to my attention a single instance where the opposite is the case. As I have said, members are free to raise those issues with me or with the relevant Minister, as and when they arise.

Mr Cornwell: Could I ask that the guidelines be tabled, Madam Speaker?

MS FOLLETT: They have been tabled before.

Mr Cornwell: Yes; if you would not mind doing it again, Chief Minister?

MS FOLLETT: Madam Speaker, I will table the guidelines as often and as regularly as members require, on the sole proviso that they read them.

MR HUMPHRIES (4.01): Madam Speaker, I am pleased to join this debate because, once again, we have the Chief Minister telling members of the Assembly how wonderful her Government's performance is in this area and telling members of the public, who I think would be inclined to accept that much of what she says indicates the practice of the Government, when we on this side of the chamber know that it does not.

Mr Berry: You have to get used to the fact that people do not trust Liberals, and for good reason. Look what happened in Victoria.

MR HUMPHRIES: I will come back to that interjection from Mr Berry, because he has put his finger on the point here. It is all about Liberals. It is all about Liberals asking for information, is it not? Liberals do not deserve to be told; that is the message Mr Berry is giving us. I will come back to that.

We will spend about \$3.7m in this financial year on maintaining the Assembly, Madam Speaker, as I am sure you are well aware, being the person responsible for that budget. It includes the salaries of members of the Assembly, and particularly the MLA salary allowance simpliciter. We are asked on occasions to justify the expenditure we incur in that capacity from time to time. We play a number of roles as members of this Assembly. We are scrutineers of government legislation and administrative action. We are initiators of our own legislation from time to time. We are monitors of community issues and concerns to the general public, particularly in respect of our committee work.

But fundamental to our role in this place is our role as representatives of our electors, the people who put us in this place. We see it as our role to protect their needs and interests, defined as broadly as possible. That is a role common to all of us - Ministers, backbenchers, members of the Government, members of the Opposition. But critical to that role is the question of the access we have, whether as backbenchers of the Government or as members of the Opposition or those on cross benches, to decision makers. That is critical to our performance as members of the Assembly.

Mr Berry: That is us.

MR HUMPHRIES: Not just you, no. It means Ministers and bureaucrats, because you do not make all the decisions in the Government; you delegate.

Mr Connolly: We are responsible for their decisions.

MR HUMPHRIES: You are responsible for some decisions, but you do not make them all. You make some; you delegate some to public servants. It is essential that we have good access to the decision makers in order to be able to play our role as members of this Assembly.

There are huge resources given to this Assembly to perform those roles. We have cars; we have telephones; we have staff. They are all designed to provide us with a capacity to play that role as conduits between decision makers and our constituents, but we are inhibited in playing that role by the standards of this Government. Unquestionably, the policy of this Government and of the ACT administration it administers has changed in recent months in response to that. Those opposite say that this is nonsense, that there has been no restriction on the access by members on this side of the chamber to decision making. I say, Madam Speaker, that that is nonsense. Mr Wood said, "We are doing the same thing you used to do". That is not so. The Chief Minister quoted earlier today from the policy which was circulated at the time of the Alliance Government and which she says is the policy of her Government. It said, and I quote it again:

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.

As members are well aware, a minute which circulated in the Attorney-General's Department earlier this year said something quite different.

Mr Connolly: In a central policy department. The Government Law Office is a big constituency area!

MR HUMPHRIES: I will come to that. It said something quite different, namely:

requests to officers of the ACT Government Service ... from non-Executive Members of the Legislative Assembly for information ... should be directed to the office of the relevant Minister;

There is no distinction between those two cases referred to in the previous minute, no distinction between routine factual information on constituency matters and other things. Everything is in the same basket. What that

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represented was a significant escalation in the closed shop mentality employed by this Government. It was a bringing down of the shutters. It was a way of saying, "You are not getting the information because", as Mr Berry put it before, "you are Liberals". That is what it was all about.

Mr Connolly has made much from across the chamber about the fact that this was a tiny part of the Government Service which did not represent typically what was going on in the rest of the Government Service. On that basis, you could assume that perhaps some officer erred when he wrote that minute. That might be the case, except for the fact that Ms Follett defended that minute and characterised it as an accurate expression of the policy of her Government. I quote from the *Hansard* of 10 September this year, when she referred to that Law Office minute we just referred to:

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.

In other words, she was saying that this minute reflects government policy. She had the chance there to repudiate it, but she did not. Mr Connolly has fallen silent; but I would like to hear him explain how that is reconciled.

Mr Kaine: He has fallen silent because he is speechless.

MR HUMPHRIES: Obviously so. We cannot operate effectively as representatives of our community if we do not have access to those kinds of decision makers and decision making. We must have it. We are, without it, merely an expensive pimple on the face of the body politic of the ACT. When I say that, I am referring to all members of this Assembly who are not members of the Government. That is unacceptable.

Let me make it clear that I am not attacking the performance of all Ministers to the same extent. Clearly, there are Ministers in this Government who pursue a policy that is far more open, far more accessible, than that of other Ministers. But the fact that there are such Ministers indicates what a vast gulf there is between the practices of some Ministers and those of others. Rather than heap praise, which is not my practice, I will point out the more damaging, the more derelict, practices of some of those opposite.

Mr Berry: I bet I can guess who.

MR HUMPHRIES: Yes, I am sure you can, Mr Berry. Poor Mrs Carnell has been told, in no uncertain terms, that she is not going to get so much as the opening hours of a public health centre from anyone in the ACT public health system. We know what the policy is, Mr Berry. Mrs Carnell is *persona non grata*. Nothing goes to Mrs Carnell from the ACT Government. Nothing goes to her that this Minister does not know about beforehand, and very little of that.

Mr Kaine: And even if he knows, he will not tell her.

MR HUMPHRIES: If he knows, he will not tell her. We will have an opportunity to debate later the thing Mr Berry said today in question time. That is another matter; but it is typical, I would suggest with respect, of what goes on in the minds of some members of this Government.

Madam Speaker, we cannot tolerate that as an institution which has a vested interest in protecting the interests of our community. It is our role in this place to keep Ministers and governments accountable and responsible. We need to be able to deal with broad political issues on the floor of this Assembly by attacking government policies; that is one role we play in this Assembly. But there is another more important role - perhaps not more important, but certainly as important - and that is to protect the interests of our constituents, to go out there in the marketplace, as it were, find out what is concerning people, and take their interests back to the Assembly and the Government and address those problems. We can do that more effectively by getting regular access to those within the bureaucracy who deal with those problems on a day-to-day basis.

Mr Cornwell drew attention to the very obvious fact that, under the guidelines issued and practised by this Government at the present time, members of the Opposition actually have less access than ordinary people in the street.

Mrs Carnell: Or none.

MR HUMPHRIES: In fact, in some cases, as Mrs Carnell interjects, we effectively have none. That is just unacceptable. It lowers this Assembly's position in the eyes of the community because it makes us appear as being unable to help people with their day-to-day problems. If we cannot help them with their day-to-day problems, we do not deserve to be here. I think we should rectify that situation. We should find ourselves of more relevance by being given the access we need to the real decision making processes of this Government.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.11): Madam Speaker, the Liberal Opposition are wont to bleat excessively about the so-called closed shop mentality of this Government putting up the shutters. Mr Humphries, in his passionate peroration, referred to the need for his colleagues, as representatives of the people, to have access to the real decision makers. They have that in the Estimates Committee. It is the best opportunity opposition members get to cross-examine not only Ministers but also their advisers.

I had the extraordinary experience, in my time before the Estimates Committee, of being dealt with not by opposition spokespersons but by other opposition members, because half the Opposition were not around. On the occasion of the one opportunity opposition members had to get senior officials in front of them to answer questions at length, to cross-examine officials, they were scattered to the four corners of the compass. This very passionate annoyance they have at our closed shop policies, our closed door and our shutters down, really does not stick with the fact that when they had the big opportunity they were not around. They were, however, as they are keen to point out, around to vote on the decisions: "We were not here to hear the evidence, but we were sure as heck here to vote on the decisions condemning the Government". Anything they say about accessibility or the closed nature of government has to be taken with a very substantial grain of salt.

This is an issue I can deal with fairly briefly. As the Chief Minister indicated, we have been here and done that in the last sittings of this Assembly. We had exactly the same debate. It does rather show the paucity of issues that the Liberals have to bring before the community. I thought I would refer opposition members, who seem to have a rather confused idea of the role of a private member, to a fine

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old textbook which I tracked down in one of the second-hand bookshops. I thought Mr Humphries in particular would be interested in this, given his interest in antiquarian law and the like. It is good old Sir Ivor Jennings's book *The Law and the Constitution*. I have a 1943 edition. There are earlier ones, but this is a good enough starting point.

Mr Moore: If you cannot read any of it, you can use Dennis's dictionary to interpret it.

MR CONNOLLY: Yes, indeed. He makes the point:

Our language assumes that administrative acts are performed by ministers. But this is almost as much a fiction as the statement that the king governs the Empire. For it is clear that no minister who has to be in his place in Parliament, to make speeches in the constituencies ... can take part in even a substantial fraction of the work of his department.

He goes on:

Each minister is responsible to Parliament for the conduct of his Department. The act of every civil servant is by convention regarded as the act of his minister.

There we have, stated in fine old language, the basic proposition of how a Westminster democracy operates. The people elect a parliament. One party wins and one party loses, or in a three-party system one party is elected to Executive office, with the support of Independents. The self-government Act enshrines that in respect of this Assembly. The Chief Minister appoints Ministers; the Premier appoints Ministers; the Prime Minister appoints Ministers. Those Ministers administer departments and are accountable to opposition members for the actions not only that they themselves take but that every civil servant takes.

Opposition members attack Ministers if they want answers. They get answers. They get access to the bureaucracy through the ministry, not by willy-nilly rampaging through the bureaucracy. That is not how the system works under this administration; it is not how the system has worked under any administration.

Mr Cornwell: So the Chief Minister's guidelines are wrong?

MR CONNOLLY: No, the Chief Minister's guidelines set out the proposition that Ministers are responsible and that oppositions go through Ministers. If you are unhappy with the Minister's answer, that is a political issue and you agitate it politically. In general, you go through Ministers for information, and your ways of doing it are questions on notice or questions in the house.

I have on a number of occasions offered briefings to opposition members, rather than go through a prolific session of questions on notice. But it is within one's rights to keep putting questions on notice, and we will leave that as it is. There is, however, a practice referred to in the Chief Minister's guidelines that on constituency matters there can be some level of access. I must indicate that within probably the largest constituency area, the Housing Trust, there has been

some recent change in practice - essentially, a change in practice directed from management, which I support. At the moment, no-one in the Housing Trust below the level of the regional manager will deal with constituency inquiries from opposition members, from government members, or from my office.

Mr Cornwell: Why?

MR CONNOLLY: I will come to that. We have had a problem, or I have felt that there is potential for a problem, in the way Housing Trust constituents' inquiries can be actioned by very junior officers. Public housing is clearly a scarce resource, and we can debate the issue of public housing.

Mr Cornwell: Scarce? You have 12,000 clients.

MR CONNOLLY: Mr Cornwell seems to think we have too many public houses, and that is an interesting point.

Mr Cornwell: You said that it is a scarce resource. You have a long waiting list.

MR CONNOLLY: It is a scarce resource in so far as we have a large waiting list. I was concerned at practices developing where individual members or their staff were ringing very junior officers and agitating the case for housing of Smith or Bloggs; that Smith or Bloggs should have a house. My senior officials were concerned that a situation could develop where a very junior officer may think, "Because a member has agitated Smith's case, Smith's case should be elevated". Everyone would agree that that is not the correct practice. It is most appropriate for any member to put forward the case of a constituent, but that case should be considered on its merits.

I have supported my administrators in wanting to ensure that there is a system in place in the Housing Trust where it can never be suggested that someone achieved a partial benefit as a result of an intervention by a government member, an opposition member or an independent member. As a result, the regional manager or above will take calls from my office or from members. I understand that Mr Cornwell may have spoken with the commissioner only this week in relation to some constituency matters. A response will be provided to the member, but it will be provided through the departmental liaison officer in my office. I do not clear those responses or see those responses, but a paper trail is thus generated. A record is kept of the inquiry and the response goes back. I would be happy to entertain discussion with independent members or opposition members about finetuning that process, but I believe that it is appropriate that that level of records be kept when there has been intervention by a member on behalf of constituents. I stress that that is not in any way impugning the motives of any member but is done in order to guard against an allegation that may be made in the future.

I can understand - if it is the Housing Trust that Mr Moore has raised with the Chief Minister - that that may cause some frustration. That is essentially the reason, as I have put to the Chief Minister, why we are doing this. I would be happy to discuss it with Mr Moore, as the Chief Minister offered to enter into a discussion, or with opposition members. I believe that it is important that in that area in particular we avoid a situation where direct responses are the order of the day. Many allocation decisions are taken by officers who in public service terms are very junior, and we should avoid making allocations simply on the

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basis of telephone calls. I am happy to defend that practice as it stands, or at least the basis for the practice. I would also be happy to enter into discussion with members as to the way that can be improved. It is certainly not our intention to put barriers in the way of members performing their duties in advocating on behalf of the constituent. We all do that; we will all offer to write on behalf of a constituent putting forward a case for priority housing, but we would all expect that that case be examined on the merits.

In relation to the Housing Trust, that is the practice that has been put in place. It applies uniformly to opposition, independent and government members. Indeed, I make it the practice in my office also not to go down to that case level, but to channel everything through the departmental liaison officer. I can accept that the recent change in practice in the Housing Trust may have been a cause of frustration from some members. Nobody had raised that with my office, although Mr Moore, I understand, raised it with the Chief Minister, and I have determined that that is why we have done it. I would be happy to deal with any other member on that.

The general principle remains that opposition members must accept that the public service is accountable to them and to this parliament through the Assembly, through Ministers. The public service is not there to serve opposition members in relation to requests for policy advice and information in the same way that it is there to serve Ministers. It does not serve us in our personal capacity; it serves us as we represent this Assembly. I would reject an argument that this Government is being unduly secretive or unduly uncooperative in its level of access to information. It is acting in accordance with Commonwealth practice, as the Chief Minister indicated, and with what I understand to be the practice in other States. In the early days of this Assembly, at least from the time I first came in, there probably was a much higher level of contact between individual members and bureaucrats than would have applied in any other parliament. I think we are now at an appropriate level of access.

MRS CARNELL (4.21): Madam Speaker, I was very pleased, as I am sure everybody on this side of the house was, to hear Ms Follett's statements about what the proper situation should be. I do not believe that one person on this side of the house disagreed with that. Unfortunately, that is not what is happening. This Government, by adopting not their official policy but an unofficial one, is preventing all those on this side of the house from doing the job they were elected to do. Mr Cornwell appropriately said that that was disenfranchising 60 per cent of Canberra voters - the 60 per cent that did not vote for the Labor Government.

Community expectations of members of this Assembly are quite easy to spell out. They expect us to represent their interests, to respond to their concerns and to listen to them; but, more importantly, to act on their behalf. Fascinatingly, frequently that can be on something very small. Their requests, their complaints, are often very small in nature and a simple telephone call will fix them. Often all they require is for us to show them how to use the system, to pave the way for them through the quite dramatic red tape that this city has a great capacity to produce, and I suspect all bureaucratic systems are the same. A small phone call, just ringing somebody to make sure that they know how to get through the system, is all that is required.

The other major area of concern is with communication problems - constituents who have misinterpreted information they have been given or who have misunderstood directives, letters or whatever they have received. Again, they are things that can be solved very simply. Fascinatingly, that information is usually publicly available, but people in the community very rarely know how to use government well, how to use the bureaucracy well. It is our job to show them how to do that - to make phone calls on their behalf, to make representations on their behalf to the people who are actually running the programs with which they have problems.

Ms Follett said that that sort of request, that sort of constituency concern, is something we should be able to satisfy. Unfortunately, that is not what is happening. What we have to do - certainly this is the case in health - is to commit those sorts of requests to writing to the Minister, or alternatively to ring the Minister's office, and then wait and wait for some form of response. Regularly, the sorts of problems I am talking about are things that have very definite timeframes. In health particularly, the complaints are emotional and urgent in nature. They are not things that can wait on the notice paper for three months. They are about nursing home placements for elderly mothers. They are about dementia cases, with people who feel that they will become suicidal if something does not happen. This might seem to Mr Lamont, from the look on his face, terribly emotional; but that is what we are talking about.

Mr Berry: How many of those have you rung us up on?

MRS CARNELL: Quite a number; a number, anyway. What we could achieve if we could get a response quickly - in a few days, or possibly a few hours in many cases - would be dramatic, but we are talking about a few months. In fact, when we write to the Minister's office, often we get back a copy of the letter the Minister has sent to the constituent. The whole reason the constituent wrote to us or got in touch with us is that he or she had not been terribly impressed by a response - a very bureaucratic response - from the Minister. Where does that place people on this side of the house? It places us in a position where we just cannot respond to the very reasonable requirements of the public.

The other thing I find totally remarkable in this situation is that the judgment of senior bureaucrats - people who have been in this system through a number of governments, often through the Commonwealth control of this Territory as well - seems to be questioned by the Health Minister particularly, but by other Ministers as well. Their judgment seems to be questioned on what is a constituency matter, what is sensible policy material, what is information that should be readily available to the public. This creates severe questions about how Ministers view their bureaucrats - and notice that I did not use the words on which you were ruled against, Mr Cornwell. Everybody in this Assembly has friends, colleagues and contacts within the bureaucracy. A number of our staff have actually worked in the bureaucracy. We all know people with whom we are friendly, possibly whom we live next door to. We have a situation at this moment where a number of those people are telling us that they are in fear of losing their jobs if they discuss anything - and I mean anything - with anyone on this side of the house. This is approaching a police state attitude to information. The insecurity and paranoia of this Government, this view that information is the only sort of power that they can possibly rely on, is totally amazing. Open government is about information flow, and this Government have turned it off.

MADAM SPEAKER: The time for discussion of the MPI has expired.

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

MRS GRASSBY: I present reports Nos 16 and 17 of 1992 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the reports.

Leave granted.

MRS GRASSBY: Report No. 16, which I have just presented, was circulated to members on 27 October 1992, pursuant to the committee's resolution of appointment. Report No. 17 contains the committee's comments on nine pieces of subordinate legislation and three government responses. I commend the reports to the Assembly.

**DRUGS - SELECT COMMITTEE
Alteration of Resolution of Appointment**

MR MOORE (4.29): I ask for leave to move a motion altering the resolution of appointment of the Select Committee on Drugs.

Leave granted.

MR MOORE: I move:

That paragraph (3) of the resolution of appointment of the Select Committee on Drugs be omitted and the following substituted:

"(3) The Committee shall report on or before the last sitting day of June 1993."

MR DE DOMENICO (4.29): Madam Speaker, the Opposition will not be supporting Mr Moore's motion. We believe that Mr Moore has had enough time to conduct his current inquiry. We acknowledge that he thinks he needs to talk to people in secondary schools. With that in mind, I think a reporting date of the end of March 1993, albeit that that is more time than is necessary, ought to be given. I therefore move as an amendment to Mr Moore's motion:

Omit "June", substitute "March".

MR KAINE (Leader of the Opposition) (4.30): Madam Speaker, I would like to speak briefly to the amendment Mr De Domenico has put forward. I should make it clear to the Assembly that the Liberal Party has considered very carefully the proposition put to us by Mr Moore that his terms of reference should be extended until June. We have to take into account the original terms of reference. The committee was asked to do three things. Two of those have already been completed and the report on the second aspect, I understand, is currently being prepared. A great deal of the public consultation in connection with the third

aspect, that is, youth and alcohol, has already taken place. Mr Moore has explained that he wants to consult further on that issue, and we accept that there is a legitimacy to what he intends to do; but we believe that that can be completed and the report submitted without any difficulty by the end of March.

That being the case, we see no point in extending the terms of reference of the committee beyond that time. Its purpose will have been fulfilled. The three reports in connection with the three elements of the terms of reference will have been satisfied. The committee has no other responsibilities; so we do not see the need to extend it to the middle of the year, as Mr Moore is proposing. We do not believe that that approach is unreasonable. We believe that the job should be finished, it should be wound up, and the report should come to the Assembly for its consideration.

MR MOORE (4.32): Madam Speaker, I think I can speak to the amendment without closing the debate, can I not?

MADAM SPEAKER: Yes, you can.

MR MOORE: Madam Speaker, I appreciate that the Liberals are prepared to extend the time for the committee. The Select Committee on Drugs and its predecessor - the Select Committee on HIV, Illegal Drugs and Prostitution - have brought down a number of reports that have been of a very controversial nature. The reports have been detailed and members have taken great care in their preparation.

It seems to me that it is appropriate that, in dealing with an issue that affects our young people, we take equal care to ensure that we consult as broadly as possible and also to assess what is going on in other States. The method the committee proposes in this case is to attempt to conduct a meeting of drugs committees from other parliaments as part of this Assembly. That is the main reason we felt that it was appropriate for us to extend the date to the end of June. It could be a contribution to our Assembly as a whole for us to have a meeting that includes committees that deal with these issues in the rest of Australia. I have had approaches and discussions, mainly informally, with people in New South Wales, Queensland and the Northern Territory, and I propose to do the same with South Australia before Christmas. There was a very receptive initial meeting on this issue.

I believe that such a meeting could contribute to our understanding of the issues involved. It would also be of benefit to this Assembly in that it would reinforce the fact that this Assembly has a role to play with other parliaments in Australia. I had had an opportunity to discuss that extra issue only briefly with Mr Kaine, and I was hoping that members would recognise it as being an important part of our role in ensuring that our report to this Assembly is broad-ranging and deals with the issue in the fullest possible way.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.35): Madam Speaker, I have had the opportunity to listen to this intense debate on an issue of some significance. The Government has had the opportunity to think about the proposal put forward by Mr Moore because we had some advance notice. I have to say, after listening to the Liberals, that their contribution was most unconvincing. The Government will be supporting Mr Moore's motion and, because of the absence of any weight in the argument put by Mr De Domenico for his amendment, we will decline to support that.

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MR CORNWELL (4.36): Madam Speaker, I support the amendment. I take this opportunity to raise a matter which I trust Mr Moore will respond to shortly. I understand that one of the reasons for extending this term of reference was that the committee wished to interview further young people from our schools, and in fact had extended the inquiry and interviewing of young people from the college area down to the high schools. I have some reservations about that, and Mr Moore, when he makes a response, may give me an answer. Whilst college students are what can best be described as young adults, quite capable of making decisions for themselves, I am a little apprehensive that interviews may be being conducted at the high school level with students who are 14 years of age or perhaps even 15. I would like confirmation, if Mr Berry would allow Mr Moore to listen to me, that procedures are being taken to ensure that parental permission, if required for under-age students, is being obtained for this type of thing.

Mr Wood: He should get into non-government schools too, of course.

MR CORNWELL: It is a matter of approaching the schools, Mr Wood, as you are aware. At the same time, it is not simply a matter, I would suggest, if you are dealing with 14- and 15-year-olds, of getting the approval of the principal. I would like to have confirmation from Mr Moore that, even if the principal's view has been sought, a further step has been taken in relation to parents.

The other point I would like to make in support of Mr De Domenico's motion is that nothing Mr Moore has said about forming some sort of grand design with other parliaments is relevant to this reference. There is nothing to stop Mr Moore getting together with other parliamentarians across the country and having a discussion or an inquiry or a convention, if he wishes, on alcohol or on drugs. But I do not believe that it is relevant to have a grouping of parliaments from across Australia on this specific reference, relating only to this Assembly and to the ACT. Therefore, I do not believe that Mr Moore's proposition of extending this reference until June is in any way justified.

MS SZUTY (4.39): Mr Moore has sought this extension of time for the life of the Select Committee on Drugs in his role as presiding member of the committee. He has made the judgment that the committee needs a longer time to complete its task, and I believe that in this instance his judgment should be supported. I urge members not to support the amendment proposed by Mr De Domenico.

Amendment negatived.

MR KAINE (Leader of the Opposition) (4.40): Madam Speaker, I am amazed, quite frankly, at the Government's position on this. What Mr Berry has done is specifically set aside the standing orders of the Assembly. The fact is that the matter Mr Moore wants the committee to take up is not part of its terms of reference. Mr Moore can keep on thinking up new terms of reference for his committee as long as this Assembly stays in place. That is setting aside our standing orders and the fact that we have a series of standing committees whose job is to take on most matters of concern to this Assembly.

This select committee that Mr Moore keeps on perpetuating has now had a longer existence than any of the standing committees of this Assembly. How absurd can you get? If Mr Berry is anxious to support Mr Moore in convening some sort of national convention, I submit that he should do it, but not through the medium of

the select committee. The two things do not go together. Mr Berry made it quite clear that he did not want to listen to any debate; he did not want to listen to any logic. Mr Berry did not want to know about the fact that the Standing Committee on Social Policy could easily take up this matter that Mr Moore now wants to take unto himself.

Mr Berry is dead keen to help Mr Moore through the means of a select committee. One has to ask why this Government is so keen to bend over backwards to keep on accommodating Mr Moore. It raises questions that somebody ought to be looking at. Mr Berry jumped up even before the debate was finished. He did not want to hear what members of the Opposition had to say. I thought this Government subscribed to the concept of a government and an opposition, but they did not want to hear what the Opposition said. They want to do deals with the crossbench members, and we are supposed to sit here and take this without any serious debate at all.

I think the Government is in error. If they want to perpetuate select committees for the next 10 years, then let us amend the standing orders; let us recognise select committees as being permanent committees and do away with the standing committees. What do we need standing committees for if we are going to allow select committees to go on ad infinitum - even, as in this case, beyond the life of one Assembly, or one parliament?

Mr Moore: That is not true.

MR Kaine: It is true. This committee has been going on for at least two years and you have been the chairman of it. There is no standing committee that has that sort of guarantee. The standing committees had to be reconstituted with the election of this parliament and will have to be reconstituted again with the election of the third parliament. But in Mr Moore's case, with the Government's connivance, the select committee goes on forever. Madam Speaker, it is an absurdity and it is unnecessary. As I said before, one has to ask why it is that the Government is so desperate to bend over backwards to support Mr Moore in his ambitions.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.43): I would not mind responding to what Mr Kaine has said. He almost had me convinced, until he started on the invective against the Government in an unrealistic way.

Mr Kaine: Don't tell me that you were actually listening to what I said, Mr Berry. I don't believe it.

MR BERRY: I had to drag myself to it. The argument Mr Kaine put in pursuit of his claim was empty. The committee was selected by this Assembly - - -

Mr Kaine: To do a job, which is finished.

MR BERRY: You had your turn. The committee was selected by this Assembly to do a job, and the Assembly has a choice whether it wants it to do more work. Quite simply, the position for people to judge is whether the committee's work is important or not. The Liberals obviously think the committee's work is not important enough to support its continuance. That is fair enough; that is up to them. As far as the Government is concerned, listening to what Mr Kaine has said has made me even more convinced that we ought to support what Mr Moore is doing in relation to this committee.

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Mr Wood: Is Mrs Carnell on the committee? She does not want to do it.

MR BERRY: She does not want to do it? I will bet Mrs Carnell turns up to every committee meeting, though.

Mr Moore: She has never missed one, as I remember.

MR BERRY: That is right. So I think there is a little bit of division there.

Mr Kaine: You never turned up to any committee meeting when you were in opposition.

MR BERRY: I was too busy looking after the mess that the Liberals created while they were in government. There had to be somebody out there defending the community while you people ran riot through the health and education systems. Heaven's above! Madam Speaker, notwithstanding all the effort Mr Kaine has put into the debate, it was rather hollow. He has not swayed the Government in any way in its commitment to support the motion proposed by Mr Moore.

MR DE DOMENICO (4.45), by leave: Madam Speaker, I crave your indulgence for a little while. Things were going along smoothly. Notwithstanding that there was a difference of opinion, Mr Moore thanked the Opposition for agreeing to extend the life of the committee to the end of March. But Mr Berry, in his usual way, stood up and purported to be the paragon of virtue in this place.

Mr Kaine: If there is a Liberal head up, you kick it.

MR DE DOMENICO: You kick it, even when you cannot see it, with someone of my size. If you can get a glimpse of it, you kick it as much as you can. If that is the way Mr Berry wants to conduct business in this place, that is for Mr Berry to do. Luckily, he seems to be alone, as Mr Berry is from time to time in all sorts of places.

For the reasons Mr Kaine put, this committee seems to be going on and on. The three members of the committee are doing their duty. Mrs Carnell, it was said, turns up every time; I dare say that Mrs Grassby turns up every time as well. They have done a wonderful job. Their terms of reference have expired. They have done what they were supposed to do. Mr Moore now says that he wants to interview kids in years 9 and 10, on the recommendation of people they have interviewed in years 11 and 12. They recommended that Mr Moore should interview younger students.

Mr Cornwell quite rightly said that perhaps Mr Moore should, first of all, seek the permission of the principals, and we have yet to hear Mr Moore acknowledging that. I dare say that he will do that. As someone who has children within the age group Mr Moore would like to interview - not that I think the school my children are with will give him permission, thank God - I would like to be consulted too. Everybody else might smile and say that they are prepared to have their children put through this sort of interview. I do not know what sort of interview Mr Moore and his committee are going to conduct with the children.

Mr Wood: But you know your attitude already. You do not know what he is going to talk about, but you know that you are against it.

MR DE DOMENICO: I would like to be consulted, and this Government, we hear from time to time, is a consulting government. As a parent of people that Mr Moore, Mrs Carnell and Mrs Grassby might like to interview, I would like at least the courtesy of being asked my opinion, as it is my children who may be interviewed.

Mr Connolly: Talk to Mrs Carnell.

MR DE DOMENICO: We have already spoken to Mrs Carnell. By the way, you will find that Mrs Carnell supported the Liberal Party amendment, Mr Connolly, just for your information. We do speak in the Liberal Party, unlike people opposite. For all those reasons, Madam Speaker, I agree with Mr Kaine. This committee seems to have run its life. We acknowledge that we should allow it to close up shop at the end of March, but the Liberal Party will not be supporting the extension until the end of June.

MR LAMONT (4.49): Briefly, Madam Speaker, it would be interesting to hear Mrs Carnell's view. It is interesting that, while Mr De Domenico spoke against this, a member of the committee from the Liberal side has not commented. That should be publicly noted.

MR MOORE (4.49), in reply: It gives me pleasure to respond to some of the comments made. Mr Cornwell raised a quite important issue. It was the recommendation of students at the colleges that we should speak to students in the high schools. That recommendation came with a whole series of very important ideas they presented to the community. Mr Cornwell may like to join the committee and have a look at what we have done and how our committee operated in those schools, in what I think were very effective and important discussions, from which we learned a great deal.

It was because of those recommendations of the students at the colleges that our committee felt that it would be appropriate to speak to students in high schools. I appreciate Mr Cornwell's comment that there may be some merit not only in getting the permission of the principal, but also in asking the principal to seek the permission of the parents of students involved. I think there is some merit in that.

With reference to the colleges, obviously there will be a different attitude. I would like to express my thanks to the colleges and to St Edmund's high school for inviting our committee in and allowing us to talk to the students. It was very interesting that in some cases the teachers were present; in other cases the teachers were not present. We received a very warm reception at the schools and colleges. Moreover, the people who dealt with us there commented to us that it was a good idea because their students were actually exposed to the parliamentary process. It was a very positive contribution to their understanding of democracy and how it works. It has been a very positive process and I hope that it will continue.

I have a couple of comments to make about Mr Kaine's lack of understanding of the committee system. It seems to me that the same person who talked not so long ago in the *Canberra Times* about strengthening the role of committees ought to understand - - -

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Mr Kaine: Standing committees.

MR MOORE: Now we are clarifying. Now we want to strengthen the role of standing committees but not other committees. That is his point now. Mr Kaine seems to misunderstand the standing orders - I think that is the case - and certainly he misunderstands what has happened with this committee. In the First Assembly, there was a Select Committee on HIV, Illegal Drugs and Prostitution, and the current committee is called the Select Committee on Drugs. They are two different committees. The Select Committee on HIV, Illegal Drugs and Prostitution brought down three separate reports, and this committee is also planning to bring down three reports on different topics within that broad area - and an important and expensive area it is for the community.

The committee has suggested that we would be able to bring down a better report with a short extension of time until June of next year. I am delighted that the Labor Party has seen the strength of the arguments presented this afternoon and is not going to be persuaded by the Liberal Party to make the extension only a brief one. It is interesting that, while Mr Kaine argued that we have finished the job, the amendment was actually to extend the time. The only difference of opinion is on whether it should be extended to March or June. That amendment has been lost, and I do not wish to reflect on a vote of the Assembly. It is now important for us to get on with the rest of the business of the house.

Question put:

That the motion (**Mr Moore's**) be agreed to.

The Assembly voted -

AYES, 11

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Moore
Mr Stevenson
Ms Szuty
Mr Wood

NOES, 6

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Westende

Question so resolved in the affirmative.

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE**

Inquiry - Tuggeranong Homestead and Environs

MR MOORE: Madam Speaker, I ask for leave to make a statement regarding the new inquiry by the Standing Committee on Conservation, Heritage and Environment.

Leave granted.

MR MOORE: I wish to inform the Assembly that on 29 October 1992 the Standing Committee on Conservation, Heritage and Environment resolved to inquire into and report on the cultural and heritage significance of the Tuggeranong Homestead and environs. The Minister for the Environment, Land and Planning today spoke in question time on the issue of the Tuggeranong Homestead. It seems to the committee that, as it deals with the heritage of the Territory, it is an appropriate issue to report on. Therefore the committee has taken the following terms of reference:

That the committee inquire into and report on:

The cultural and heritage significance of the Tuggeranong homestead, its associated buildings and environs to ascertain -

- 1) the site boundaries necessary to maintain the historical context of the heritage area;
- 2) the extent and means by which the cultural and heritage integrity of the site should be shielded from adjacent existing and planned urban development; and
- 3) the benefit to, and the implications for, the community in maintaining the homestead and environs as a site of cultural and heritage significance.

In taking on that reference, the committee is very conscious of the fact that the Minister and his department have already done a great deal of work on this. It is the intention of the committee not to repeat that work but, with the cooperation of the Minister, to look at that work and put it in context. We do not intend that the report should take a long time and be a delay to any plans the Government has, unless the findings are in conflict with what the Government plans to do with that land. We approach the matter with an open mind and look forward to reporting to the Assembly on this issue.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE**

Report on Draft Variations to the Territory Plan

MR LAMONT (4.59): I present report No. 7 of 1992 of the Standing Committee on Planning, Development and Infrastructure on draft variations to the Territory Plan, Wanniasa, section 151, blocks 17 to 21, and Bruce, section 33, blocks 3 and 4, and part of section 2, together with a copy of the extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 16 November 1992, pursuant to the resolution of appointment. I move:

That the report be noted.

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These are two of the more significant variations that have come before the Planning Committee since its creation by this Second Assembly. They are important for two reasons. First of all, in relation to Wanniasa, and in particular section 151, blocks 17 to 21, these blocks have on them existing Housing Trust houses which have been determined to be no longer appropriate for residential use. There are a range of reasons that have been debated at length within the Housing Trust and within the Government. The variation is to allow for medium density development on this site.

The Planning Committee was quite concerned at this proposal and questioned the officer in attendance from the Housing Trust, Mr J. Reynolds, who is the manager, property development. The committee satisfied itself that this was a new and innovative approach to the issue of public housing in the ACT. We questioned Mr Reynolds in some detail as to the consultative processes that had occurred, and the committee was quite satisfied with those. In regard to the architectural considerations, the committee was satisfied as to the process that all the groups involved - that is, ACT Public Works and the Housing Trust - had entered into. I would like to congratulate those officers for the amount of work they put into this variation.

The second variation is generically referred to as the Fern Hill Park redevelopment. It is proposed in Bruce, section 33, blocks 3 and 4, and part of section 2, to allow medium density development in a large area outside the existing precinct of the Bruce technology park. This came before the committee in a minor form in June of this year and was rejected by the committee on the basis that there were wider issues that needed to be answered. I must say that the committee, in receiving this proposed variation, was once again extremely appreciative of the work undertaken by Mr Tomlins, the Chief Planner, Mr Johnston, the principal planner in Belconnen, and the other two persons who attended the committee - Mr Peter Guild, First Assistant Secretary, Land Division, and Mr R. Nichols, the principal planner for Woden-Tuggeranong. The process they adopted to ensure the widest possible public consultation was consistent with every tenet of the existing planning legislation and with what we regard as good planning procedure.

Members will note that in our report in relation to Bruce we have made a number of suggestions. Firstly, the committee specifically notes that the survey of Aboriginal artefacts is to be completed before development begins. In the conservation report accompanying this variation, it was noted that further work needed to be done in this regard. We accept on face value the undertakings of the planning area of the Department of the Environment, Land and Planning that this will occur. As I have said, the committee was extremely appreciative of the way in which the department undertook the renewed investigation into this development. I commend this report to the Assembly.

MR KAINE (Leader of the Opposition) (5.04): I would like to comment briefly in connection with the recommendations by the committee on section 33, blocks 3 and 4, and part of section 2, Bruce. Anybody who is concerned about the processes of planning in the ACT - and there are some who have some concerns - ought to take heart from this case study. The first proposal for variation that came to the committee, as Mr Lamont has already pointed out, was confined to a very small area of ground where it was proposed to change the lease purpose from commercial to residential. In arriving at its recommendation, the Planning Authority had conducted only restricted public consultation. In fact, they

confined their consultation to only the institutions in the neighbourhood - institutions such as TAFE, Canberra University, and the Institute of Sport. That was done on the basis that they would be the only people concerned about this development.

When the committee examined that first proposal it pretty soon became obvious that this was not the only residential development that might take place in that area. There was a much larger area of land bordering on Ginninderra Drive which was earmarked for future residential development. The committee was concerned that observers might see this as development by stealth. Here was an area being developed for residential purposes - a complete change in the land use purpose - and no wide community consultation had been engaged in.

The committee asked the Planning Authority to go away, look at the broader ramifications of residential development in that area, and come back to us with a proposal that would explain to the community the whole of the ramifications, including the much broader area and what that would mean. That entailed community consultation with people living in nearby suburbs, including, for example, Kaleen. That consultation, by and large, was done through an existing body, the Belconnen Community Council, which was seen as being broadly representative of the community interests out there.

As a result of that second round, the variation proposal that came back to the committee was far more comprehensive. It encompassed the whole of the area that might be developed in future. There was a very detailed consideration of all the ramifications of that development, including the necessity for further streets to be built to give access to the ultimate development. There was a proposition that there could be between 500 and 850 residential units in that area in the longer term. That would make a much greater impact on the whole area than the original proposal, which was confined in scope and area.

Anybody who is concerned about the planning processes and who takes this as a case study should surely take heart because the process is such as to allow broader consideration. Something cannot simply slip through the system by default and result in a variation proposal, a planning decision that is not in accord with the wishes of the community or in the best interests of the community. I am very happy that this has been demonstrated to be so.

I know that there is much concern about the ramifications of the new planning legislation that Mr Wood is administering. There remains some concern about the fact that we still do not have a Territory Plan, although I am assured by the Government that that will be before us for consideration soon. I think it is worth noting that in this interim period, when there is no current Territory Plan, when we are still working - - -

Mr Lamont: There is a Territory Plan.

MR KAINE: I was just going to amend that to say that we are still working under arrangements we inherited from the NCDC. Our new Territory Plan, reflecting the wishes of this community today, is not yet in place. Given the reservations about the way the new legislation would work, it is most heartening that the system does work well, in my view, and I think most people in the community, looking at this case study, would agree with that.

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MR CORNWELL (5.09): I would like the presiding member or another member of the committee to elaborate a little further on the draft variations to Wanniasa, section 151, blocks 17 to 21. I asked by interjection, which I appreciate is out of order, Madam Speaker, why these blocks and sections were being redeveloped. I understand from Mr Lamont's comments that the area was previously occupied by Housing Trust properties. I have no argument with the proposed redevelopment to medium density. What I am interested in is why the existing Housing Trust properties are being redeveloped.

Mr Kaine: Have you had a look at them, Greg? If you have a look at them, you will know why.

Mr Lamont: I am happy to answer the question.

MR CORNWELL: Allow me to finish my question. The reason I am asking the question is that Wanniasa is not an established area in terms of redevelopment of Housing Trust properties. Mr Connolly and I frequently discuss it, and it concerns me that we may be looking at redevelopment of properties in relatively new areas. I would like, therefore, to know further details as to why these properties are being redeveloped. If they are in poor condition, I suppose the obvious question is: How did they reach that condition?

MR LAMONT (5.11), in reply: Madam Speaker, the answer is very simple and was given to Mr Cornwell's colleagues on the Planning, Development and Infrastructure Committee. However, if there is a problem within your party room in not being able to consult on these matters, I am prepared to answer it for the public record. As Mr Cornwell will note from the papers which went out for public comment and which were referred to his party at the time they were published, there is a whole series of reasons given by the Housing Trust and the Planning Authority for this change.

Mr Kaine: You just cannot remember what they were.

MR LAMONT: I can remember what they were, Mr Kaine, as you can; but the question was asked of me and I would appreciate the opportunity of answering it. The blocks we are referring to are in Hanna Street. The situation came about as a result of the belief of the Housing Trust, and the expression by Housing Trust tenants, that the existing dwellings were inappropriate, that they no longer suited the style and type of accommodation that was regarded as being appropriate for Housing Trust tenants to occupy. This is a very simple position which the Government and the Housing Trust have acknowledged, and which, with my compliments, the Housing Trust has quite properly rectified. The paperwork surrounding this variation was referred to your party. It was in the Government *Gazette* of 28 September. It was in the *Canberra Times* on 26 September, and it has had extensive public airings. We have had one public submission in support of the proposal and, as I understand it, that came from a nearby resident.

Those basically are the reasons why the Housing Trust, in consultation with the Department of the Environment, Land and Planning, has proceeded down this line. I assure you, Mr Cornwell, that the questioning, and indeed the information provided to the committee, were so significant as to convince even your colleagues of the appropriateness of allowing this variation to go through.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT -
VARIATIONS TO THE TERRITORY PLAN
Papers**

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present approvals of variations to the Territory Plan for Wanniasa, section 151, blocks 17 to 21; and Bruce, section 33, blocks 3 and 4, and part of section 2, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Sitting suspended from 5.14 to 8.00 pm

**ESTIMATES - SELECT COMMITTEE
Report on the Appropriation Bill 1992-93**

MS SZUTY (8.00): I ask for leave to present the Select Committee on Estimates 1992-93 report and to move a motion in relation to the report.

Leave granted.

MS SZUTY: Madam Speaker, I present the Select Committee on Estimates 1992-93 report, together with minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 6 November 1992, pursuant to the resolution of appointment. I move:

That the report be noted.

Madam Speaker, I have tabled the report by the Select Committee on Estimates on the Appropriation Bill 1992-93 for consideration by the ACT Legislative Assembly. In accordance with the terms of the resolution of appointment of the committee, the report was delivered to the Speaker on the afternoon of Friday, 6 November 1992. It is important for me to state this at the outset, in the light of comments I will be making with reference to the additional comments attached to the report by Ms Ellis, Mrs Grassby and Mr Lamont. I will now address these additional comments in the first instance, as I believe that they detract from the quality and scope of the task accomplished by the Estimates Committee this year.

The additional comments cum dissenting reports, as provided by Ms Ellis, Mrs Grassby and Mr Lamont, concern three issues, as I see them - the processes of the committee, the political nature of some of the statements expressed in the report, and purported inaccuracies in the report. These themes are pursued in varying degrees by these members, although I will address each of the additional comments provided in turn.

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First, I refer to the additional comments by Ms Ellis. Ms Ellis denies that she had the opportunity to deliberate on the endorsement of the report. Madam Speaker, the facts speak for themselves. Following the conclusion of the public hearings of the Estimates Committee and the writing of the report, four meetings were scheduled for consideration of the report. On 23 October the format of the report was discussed by members. On the following Friday, 30 October, the first draft of the report, which had been made available to members during the week, was discussed. Ms Ellis was in attendance at the meeting. As members had not had sufficient time to consider the draft report, the meeting was adjourned until 11.00 am on Monday, 2 November.

At Monday's meeting, which Ms Ellis also attended, the committee members spent almost two hours considering the draft report. Several members were invited by me, as chair of the committee, to draft comments about specific key issues they had pursued at length during the public hearings, for the purpose of strengthening the report. In fact, Mr Humphries circulated his proposed addition to the report on unresponsive answers during this meeting on Monday, 2 November. It was at this time, at the conclusion of the meeting, that members agreed to a further scheduled meeting on Thursday, 5 November, at 8.30 am, to consider the final report.

Despite Ms Ellis being present at the meetings of 30 October and 2 November, she asserts that she had not had time to deliberate on the report. The reason she puts forward is the time she was spending on preparing for Social Policy Committee hearings scheduled for Wednesday, 4 November, and Thursday, 5 November. Members may be aware that I am also a member of the Social Policy Committee. I was away for only one hour of the public hearings, predominantly dealing with Mr Lamont's and Ms Ellis's concerns, and managed to complete my preparation for those hearings in addition to assisting in the finalisation of the Estimates Committee report. I might add that at the time the dates were discussed for the Social Policy Committee hearings, some months ago, I pointed out to my fellow committee members that these dates were close to when the Estimates Committee was due to report. Nevertheless, these dates were confirmed.

On the evening of Wednesday, 4 November, Ms Ellis did, indeed, come to see me, asking that the meeting scheduled for Thursday, 5 November, which she had been aware of since Monday, 2 November, be deferred until Friday, 6 November - the day on which the committee was due to report to the Speaker according to the committee's resolution of appointment, proposed by the Chief Minister, Ms Follett, and passed by the ACT Legislative Assembly on 11 August this year. Members, I can only conclude that Ms Ellis, like us, did have time to deliberate on the estimates report if she had chosen to do so.

To address Ms Ellis's specific references attached to her letter, she says that paragraphs 2.10 to 2.15 should be deleted. These paragraphs are those relating to unresponsive answers described on pages 4 and 5 of the report. Ms Ellis says that she was told that these paragraphs were written by Mr Humphries. Indeed, Ms Ellis was present at the meeting of Monday, 2 November, when Mr Humphries circulated these paragraphs for consideration. In the end it matters not that the paragraphs were written by Mr Humphries; the important point to be made is that the committee accepted the paragraphs, following amendment, as worthy of inclusion in the report.

Ms Ellis supports her claims in the following way: There is no supporting evidence - reference footnote No. 4. On first inspection this did indeed seem to be the case. On closer inspection, however, it became obvious that the footnote had been inserted in the wrong place. This error was corrected in the final report. Thus the footnote refers to the information for which Mr Berry was responsible as being difficult to adduce. Members, if I quote from the transcript, on page 203, I think you would agree that some of Mr Berry's answers were difficult to adduce. The transcript reads as follows:

MR MOORE: We are talking about a broad, general survey. No, we are talking about broad general stuff, which would be a standard epidemiological approach.

MR BERRY: In principle I do not have any difficulty with the approach; I am just trying to anticipate some of the difficulties which - and there are, I think - - -

MR MOORE: It would be better to get - I mean, the question I am really raising is, there is anecdotal evidence that we have far greater waiting lists than we appear to have ...

MR BERRY: Well, the waiting lists themselves are not emergency ones. I mean, emergencies - they are elective.

Further, on page 322 of the transcript - - -

Mr Berry: Wait a minute; it goes on. Why don't you go on? It reads, "Well, the waiting lists themselves are - - -

MS SZUTY: I will run out of time, Mr Berry. The transcript reads:

MR BERRY: No, nobody is saying that we are only screening for two years. What we are saying is that a decision has to be made about future funding by some other budget cabinet further down the track.

MRS CARNELL: So you are saying to me that provision has not been made for mammography after two years because you have not - - -

MR BERRY: No, I am not - no, what that suggests is that we are not going to do it after the next two years. What I am saying to you is that you cannot draw from the fact that the Commonwealth funding runs out after two years that it will not be continued. I mean, it is going to be a decision for future governments - future cabinets.

These examples quoted from the transcript are, in fact, entirely appropriate and support the statements made.

Ms Ellis further comments on paragraphs 2.12 and 2.13 and asserts that the Minister acted with propriety in his handling of the answers to members' questions. Again, extensive examples are provided in the report to demonstrate that the conclusions reached by the Estimates Committee can be entirely substantiated.

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Paragraph 4.20 concerns the usefulness of performance indicators, particularly those of the Office of Public Sector Management. Mr Kaine's comment was an important one and a different point from mine. Ms Ellis quotes my view as being different. I would have thought that if the issue was important enough I would have sought to amend this paragraph myself. Necessarily, comments made during the course of public hearings as they later appear in the report are selective, otherwise the entire 67 hours of transcript would be included in the report.

Let me turn to Mrs Grassby's additional comments. Mrs Grassby also asserts that she was denied the opportunity to debate a range of issues prior to the adoption of the report. For the record, Mrs Grassby was also present at the private meetings of the committee on Friday, 30 October, and Monday, 2 November. It is interesting that Mrs Grassby advised Mr Lamont that she would be unavailable for the meeting on Thursday, 5 November, but neither me, the committee chair, nor the committee secretary, Ms Malmberg. Even though ill, Mrs Grassby managed to attend and participate in public hearings of both the Drugs Committee and the Social Policy Committee during that week. However, she was apparently too ill to consider the report of the Estimates Committee.

Mrs Grassby: I was not ill. I had a doctor's appointment. Tell the truth.

Mr Humphries: Madam Speaker, I raise a point of order. I believe that Mrs Grassby used the expression, "Don't lie". I think that is unparliamentary. I would ask her to withdraw it.

Mrs Grassby: I will withdraw it, but I would like Ms Szuty to say exactly what was said to her. I had a doctor's appointment which I could not put off. She was not told that I was ill.

MS SZUTY: That point was never made to me, Mrs Grassby. To address Mrs Grassby's specific references attached to her letter, the suggested inclusion at paragraph 2.9 expands the paragraph to add a little more information. It could well have been added, but really it is a minor matter. The issue of the Minister for Health taking on notice a question on waiting lists and then reappearing before the Estimates Committee at a later date was discussed during the committee's deliberations as to whether this statement was complete enough. The committee decided that it was.

There is no first dot point in paragraph 3.58. Mrs Grassby appears to have referred to paragraph 3.59 and the subsequent paragraph 3.60, which suggests that the Estimates Committee will have all the staffing information it wants by July 1994. Presumably in the meantime, members, the Estimates Committee should be satisfied with what information it is currently not being provided with. Mrs Grassby then refers to the draft report of the Estimates Committee for her next statement, which obviously contains typographical errors and is different from the final statement as it is included in the final version of the report. The subprogram information provided for program 12.2 Legal Aid supports the comments expressed by the committee.

Finally, let me turn to Mr Lamont's additional comments and address first the second letter addressed to me. This letter expressing concern about the meeting of the Estimates Committee on the morning of Thursday, 5 November, as decided on Monday, 2 November, by the committee, was delivered to my office while the meeting was in progress - a letter of which I was obviously unaware. Mr Lamont

says in his letter that at the meeting on 2 November, which he did not attend, large slabs of extra material were tabled by Mr Humphries. The information tabled by Mr Humphries has been referred to already, and all members, including Ms Ellis and Mrs Grassby, who were present at the meeting, had time to read and comment on the material. Subsequently, at the meeting of 5 November, the material proposed by Mr Humphries was amended by the committee, with me as chair trying to second guess the statements which may have been found to be objectionable, as at that stage no written comments had been forwarded to me or the committee secretary by Mr Lamont at any time.

To address the first letter, Mr Lamont first advised me that he would be unable to meet on the morning of Thursday, 5 November, to discuss the report of the Estimates Committee on the afternoon of Wednesday, 4 November, during the public hearings of the Social Policy Committee at which I was present. I indicated to Mr Lamont that I felt that the scheduled meeting, as decided on Monday, 2 November, should proceed, but that there was some merit in the proposal that the committee meet again on Friday, 6 November, to discuss any final concerns. It was the committee's decision at the meeting of 5 November to adopt the report. As I had no written material on amendments from Ms Ellis, Mrs Grassby or Mr Lamont to refer to at the meeting to relay their concerns to other members, the committee felt, quite rightly, I believe, that further comments should be received as additional or dissenting remarks. Mr Lamont says that minority reports should not dispute evidentiary fact; yet none was brought forward to the attention of the committee by Mr Lamont.

Mr Lamont calls into question the whole of the report on the basis of the evidence he has provided and accuses the committee, and presumably me, of lacking due attention to proper processes. On the basis of what I have said in this chamber today I totally and utterly reject this claim. I believe it to be reprehensible of Mr Lamont to comment as he has done, while not attending, himself, the meetings scheduled for 2 November and 5 November to discuss the report. To address Mr Lamont's specific references, paragraph 3.85 does not concern the Speaker's travel. Are you listening, Mr Lamont?

Mr Lamont: Yes, I am.

MS SZUTY: Paragraph 3.85 outlines recommendations concerning the adoptions unit. There is no second sentence or final sentence in paragraph 3.87. There is no first sentence in paragraph 3.88. Paragraphs 3.89 and 3.9 do not relate to the corresponding paragraphs of the report.

I have commented at length on the additional comments provided by Ms Ellis, Mrs Grassby and Mr Lamont. I reject totally and utterly the suggestion that due processes were not followed in the adoption of the report. I reject totally and utterly the suggestion that some of the statements expressed in the report are political in nature. Where sensitive statements have been made, they have been entirely supported by examples from the transcripts. Unfortunately, I cannot reject totally and utterly purported inaccuracies in the report. The ACT Ombudsman's Office has advised me in a letter dated 13 November that an error exists on page 39, in paragraph 4.13. As a result of this letter a corrigendum has been circulated - I hope that it is available to members - deleting the words "in relation to the ACT Ombudsman's Office". I would like to thank the ACT Ombudsman's Office for drawing this error to my attention and I hope that the error has not caused any undue embarrassment.

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However, in concluding my remarks on the additional comments provided, I would like to say that the noted inaccuracies in the additional comments themselves should be sufficient to demean their content. (*Extension of time granted*) Thank you, members. Of most concern to me as chair of the Select Committee on Estimates are the implied slurs on me. At all times I have attempted to treat all people involved in the process and all material presented to the Estimates Committee fairly, substantively and comprehensively.

Mr Connolly: You have just spent 10 minutes bagging everybody else for being dishonest.

Mrs Grassby: You are a bit precious, aren't you?

Mr Kaine: Madam Speaker, please protect the chairperson from this attack from the Government.

MADAM SPEAKER: Thank you, Mr Kaine. Please proceed, Ms Szuty.

MS SZUTY: Thank you, Madam Speaker. It is regrettable to me that these additional comments necessarily form part of what I believe is a credible, extensive and quality final report.

Madam Speaker, I now wish to address the content of the report itself, beginning with comments about the estimates process. The committee noted instances where information provided was different, for example, between annual reports and explanatory notes, and recommended that any errors be immediately notified to committee members. At no time should committee members be placed in a position where they are considering inaccurate information. The process whereby the Minister for Health inadvertently tabled inaccurate responses to a question taken on notice about hospital waiting lists is worthy of further comment. Mrs Carnell had alleged in a press release that Mr Berry had misled the Estimates Committee, even though the Estimates Committee had not met to discuss the issue. It is to the Minister's credit that he agreed to reappear before the Estimates Committee to clarify the situation. With the agreement of both Ministers and Estimates Committee members, I am hopeful that this process will be considered appropriate, at future times in future years, to resolve disputes.

Some attention has been paid to unresponsive answers provided by Mr Berry to the Estimates Committee. These were worthy of comment. However, at most times Mr Berry was obliging and cooperative in answering questions, as were other Ministers, the Speaker and senior officers. It could be said also that Mr Wood and Mr Connolly were generally in favour of questioning taking as short a time as possible, although Mr Wood specifically commented on the intelligent and extensive questioning by committee members on the arts.

Committee members commented favourably on the format of the budget papers and the timeliness of the receipt of the explanatory notes, and noted the possible appearance next year of a social justice supplementary budget information paper. The desirability of the receipt of final annual reports before the commencement of the estimates process was commented on, and the committee welcomes the Chief Minister's comment that future final versions of annual reports will be available by 30 September. Although questions taken on notice were generally

responded to within three working days, as requested by me, the committee noted that the Department of Health responded especially well, while the Department of Education and Training and the Department of Urban Services need to improve considerably in this area.

Madam Speaker, I now wish to address the key issues and accompanying recommendations of the report. The committee paid close attention to the process of budget supplementation and has recommended that the Standing Committee on Public Accounts have a future role in monitoring the budget supplementation process. The various locations of industrial relations arrangements across the ACT Government Service were queried, with a review being recommended. The Government could also consider the various locations of demographic functions across the ACT Government Service in this review. Although not clearly identified in the report as being an issue of concern, it was noted that several sections exist - for example, in the Chief Minister's Department, in the Department of the Environment, Land and Planning, and in the Department of Education and Training.

The committee was pleased to see ACTEW appear during the estimates process this year, and recommends that the remaining non-budget dependent entities - the Milk Authority, Natex, ACTTAB, Totalcare Industries and the Building and Construction Industry Long Service Leave Board - prepare themselves to be called in future years. The issue of performance measurement was again the focus of much of the Estimates Committee's attention this year and further comment was made on the somewhat arbitrary nature of program and subprogram structures in some cases, especially with reference to the ACT Legislative Assembly, Housing and Community Services, and Health programs. The committee made a number of recommendations concerning staffing. While the human resource management system, which will clearly identify staffing numbers and accompanying information, will be in place by July 1994, attention needs to be paid to doing more in the shorter term. It was suggested by a radio 2CN listener that perhaps all employees of the ACT Government Service should present themselves in a particular fortnight at the ACT Auditor-General's Office to receive their salaries. While this approach is probably not a practical one, it emphasises the community's frustration at the existing situation. The committee has commented extensively on staff training and also has asked that Ministers take responsibility for the 2 per cent across-the-board expenditure reductions to be achieved across most government agencies.

Madam Speaker, I now wish to address briefly the specific issues and accompanying recommendations of the report. The Estimates Committee has drawn the attention of the Government to a number of specific issues concerning the operation of a number of its functions. They cover ACT Government Service child-care, adoption services, Assembly travel, the Belconnen Remand Centre, HIV/AIDS notification, magnetic resonance imaging, the methadone program, postnatal depression and primary school size. Given more time, Madam Speaker, I am sure that the Estimates Committee would have wanted to comment further on a range of other issues. There is no doubt that the estimates process provides members of the ACT Legislative Assembly with time to extensively question Ministers and senior officers, and considerable information and understanding about government expenditure and operations is acquired, enabling the exploration of a number of issues in considerable detail. Once this has occurred, members may often have valuable comments and recommendations that they can pass on to government about current operations and agency functions and practices.

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Madam Speaker, section 4 of the Estimates Committee report, which appears for the first time this year, contains an overview of each government agency appearing before the committee. I believe that this section is a useful addition to the report and that it performs a number of functions. Firstly, it is easy for senior officers of government agencies to review the material presented about their operations and it allows them to continue the high standards they have already achieved or to improve in areas found wanting for next year's estimates process.

The breadth and range of issues covered by members' questioning gives government agencies and members of the wider community an understanding of why the process of public hearings takes so many hours - 67 this year - to complete. Particular issues mentioned by members in their questioning may lead to special and further consideration of these issues again by government agencies prior to next year's process. Again, given more time, this section of the report could be developed more extensively and comprehensively. Again for the first time, Madam Speaker, Appendix A not only identifies the dates and times at which particular agencies appeared before the Estimates Committee, but also includes the names of all officers who provided evidence.

Before I conclude, Madam Speaker, I would like to make a few closing remarks. (*Extension of time granted*) Madam Speaker, the estimates process which enables members to examine the expenditure proposals contained in the Government's Appropriation Bills each year is an important process. It is important that both members participating and Ministers and their officers participating regard the process as serious and an important and legitimate task of the parliament. If the process is approached in this way, the wider community can have every confidence that the ACT Legislative Assembly is acting in its best interests.

I especially wish to thank a number of people who made the completion of this task within the required timeframe possible. These people are the inquiry staff - Mr Greg McIntosh, Ms Karen Pearce, Mr Rod Power, Ms Vicki Salkin and Ms Katrina Wilson. In particular, I would like to thank Mr Simon McGill for his work in compiling the draft and final reports of the committee. Most importantly, I wish to pay tribute to the secretary of the committee, Ms Karin Malmberg, for her writing skills, in that she was able to produce a report of such high quality within a very short timeframe, for her organisational skills, which enabled the process to proceed in such an effective manner, and for her patience and understanding in providing an inexperienced chairperson - me - with the necessary wherewithal with which to complete the task.

Finally, I wish to thank the Ministers, the Speaker and their officers for their, in general, cooperative and helpful approach to the process, and my fellow members of the Estimates Committee for their commitment to the task and for the high standard of their own conduct. Madam Speaker, I commend the report of the Select Committee on Estimates to the Assembly.

MADAM SPEAKER: Members, I point out that in the very rapid process of granting Ms Szuty leave I breached standing orders. I seek your indulgence to allow that to have happened this time. In general, a second extension of time is very rarely granted. I concurred that that would be the Assembly's wish.

MR KAINÉ (Leader of the Opposition) (8.28): I must say that I find it rather incongruous that some weeks ago we had the situation where a Minister of the Government moved a motion to establish an estimates committee and nominated the chairperson of that committee. At the time I thought it was grossly improper for a government to nominate the chairmanship of the committee that was going to look at its estimates. It had nothing to do with the fact that that person happened to be Ms Szuty, but I think that that in itself should have raised some questions in people's minds.

It is rather interesting now, the report having been tabled, that we find the Government up in arms because the chairman that they appointed has the effrontery to criticise them. What sort of standards does this Government have? Presumably, they expected Ms Szuty to be some kind of puppet that would simply come back and say what they wanted. I am pleased that Ms Szuty has demonstrated that that was not the basis on which she took the job. The members of the Government can twist and squirm and complain and whinge, to quote the Chief Minister from her own debate today; but there is no question that the chair of the Estimates Committee has acted properly and has acted with fairness and with equity. She has been a consultative chairperson and has acted in the concept of social justice - the very things that this Government claims for itself. When it is turned back on them, they whinge and complain.

I have no criticism whatsoever of the contents of this report. I believe that it is an excellent report. It deals comprehensively with some of the faults in the estimates. It reports faithfully the proceedings where Ministers and senior members - - -

Mr Connolly: You were not there for the three days I was before the committee. I did not see you.

MR KAINÉ: We will come to that in a minute, Mr Connolly. You are a very strange person, I must say. I will come to that in a minute. But let us be clear - - -

Mr Berry: It sounds like the pumpkin has fermented a bit.

Mr Connolly: How can you say that it was accurate if you were not there?

Mr De Domenico: Your lot were not there when the guts of it was discussed, because you did not like what it was saying about you. Just let us get the thing back into perspective.

MR KAINÉ: I will come to him in a minute, Mr De Domenico. He is another whinger, another complainer; he does not like the report, so he attacks the messenger.

Mr Connolly: You just said that it was an accurate report, but you were not there for the three days I was there. How do you know that?

MR KAINÉ: I will come to that in a minute. The point is that you did not sit in on every day of the Estimates Committee. You went there only when there were matters that were of concern to you.

Mr Connolly: I am not a member of the committee. I am not allowed to be there.

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MR KAINÉ: Exactly. But you were there when you were required to be there. I will come to the attendance of - - -

Mr Connolly: You were a member of the committee. You should have been there for the whole proceedings.

MR KAINÉ: Madam Speaker, do I have to enter into a debate with this man? Will you please protect me from this?

Mr Connolly: You are the best interjector in the house. You are being protected from some very -

MR KAINÉ: And I have been suspended because of it. Now, what about him?

MADAM SPEAKER: Order! I am sorry, Mr Kaine; I misinterpreted. I thought you were enjoying it. I will protect you from here on.

MR KAINÉ: These people opposite - - -

Mr Berry: You can tell when he is not enjoying it - his eyes bulge.

MADAM SPEAKER: Order, members!

MR KAINÉ: If these people opposite are going to suspend me for interjecting, then let us have a bit of fairness.

MADAM SPEAKER: Members will cease interjecting.

MR KAINÉ: You talk about fairness and equity, Minister. You can chuckle; but you hate having the blowtorch on your belly, don't you, and that is what this report is about.

Mr Connolly: You were not there to apply the blowtorch.

MADAM SPEAKER: Order! Mr Kaine has the floor.

MR KAINÉ: Thank you, Madam Speaker; I appreciate that. The fact is that this report comprehensively presents to the Assembly the outcome of the Estimates Committee process. You can whinge and you can whine and you can twist and you can squirm, and three backbenchers of the Government can complain, but they have no right to do so. The estimates process was carried through properly and comprehensively under the chairmanship of Ms Szuty.

We come to this question of attendance at the Estimates Committee. The Government has taken great delight in pointing out that some members of the Opposition were not at meetings of the Estimates Committee on particular days. I remind them - - -

Mr Connolly: Two of my shadow spokespersons were not there at all.

MADAM SPEAKER: Order!

MR KAINÉ: I remind Mr Connolly that this Assembly approved leave for a couple of the Liberals who were not there. Why did you not stop the leave? If you did not want them to be away, why did you not stop the leave?

You gave leave. It is all very well to give leave, but then come back and say, "Ah, but you were not at the Estimates Committee; there is something wrong with you funny geezers because you were not at the Estimates Committee". The fact of the matter is, Madam Speaker, that at every meeting of the Estimates Committee responsible members of the Liberal Party were there. They asked appropriate questions - - -

Mr Connolly: They were not; not the shadow spokespersons.

MR KAINÉ: Who are you to determine who is responsible in the Liberal Party? You attended meetings of the Estimates Committee only when you, as the responsible Minister, had to be there. The Liberal Party operates on the same basis. We were properly represented at every meeting of the Estimates Committee. I will deal with my own case. Members of the Government have been heard to say, "Oh, Trevor Kaine did not attend at the Estimates Committee for a whole week; he was out of town for a week". That is not true. I was out of town for only one day on which the Estimates Committee sat.

Mr Connolly: I never said that you were out of town. I just said that I did not see you there, for the three days of my estimates.

MR KAINÉ: You were not there; so how would you know whether I was there? You have a double standard. The Estimates Committee report is so hard hitting that members of the Government are now squirming and trying to avoid the responsibility. To deny that the committee report is a good report is indicative of the very fact that the Estimates Committee hits home. The members of the Opposition and the Independent members of this Assembly were there, and they applied the blowtorch to your bellies and you do not like it. You can talk about who was there and who was not there. We will come to who was not there, and Ms Szuty has made the point at great length. Who was not there when the final report was being considered? I will tell you who was not there. Mr Lamont was not there, Ms Ellis was not there and Mrs Grassby was not there. Why were they not there? They were all too busy. But we have not - - -

Mr De Domenico: Mr Lamont was busy writing his letter.

MR KAINÉ: Yes. The other thing is about their letters. The only one of the three who later wrote a letter to the chairperson of the committee on the day on which the meeting actually took place was Mr Lamont. The other two did not even get around to writing a letter until the next day. Mr Lamont thought his first barrel was not good enough, so he fired his second barrel the day after the meeting took place. If you three were serious about the Estimates Committee, why were you not there? Do not give me the excuse about being too busy. No other member of this Assembly was too busy to be there on the day of the final committee meeting to determine the content of the report. You were all too busy. You talk about members of the Opposition not being at Estimates Committee meetings. You hypocrites! I withdraw that, Madam Speaker.

MADAM SPEAKER: Thank you.

MR KAINÉ: So, what are we on about? The reason why these three did not attend the last meeting was that they then reserved the right to criticise it because they did not like it. They were told to absent themselves from the committee so that they could then complain on behalf of the Government.

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Mr Lamont: Madam Speaker, I take a point of order.

MR KAINE: What is the point of order?

Mr Lamont: You are implying improper motive in a member of the Estimates Committee - - -

MR KAINE: No, I am not.

Mr Lamont: Yes, you are.

MR KAINE: I am not. I am merely saying that you were directed not to be there.

Mr Connolly: I raise a point of order, Madam Speaker. That is making a very serious allegation of a breach of privilege. For any member to be ordered not to attend to their duties, the person who gave the order would - - -

MR KAINE: Madam Speaker, I withdraw that.

MADAM SPEAKER: Mr Connolly, I believe that the point of order has been understood now.

MR KAINE: I happen to know that on the very morning of the meeting of 5 November when Ms Ellis could not be at the meeting, she happened to be sitting in another committee room waiting for a quorum to be established for the meeting of another committee. She was not available - - -

Mr Lamont: That she is the chair of and it was a public hearing.

MR KAINE: Now we are making a judgment about what is most important. Since she did not have a quorum she might have taken the trouble to come along to the Estimates Committee and to venture an opinion.

Ms Ellis: I take a point of order, Madam Speaker. There is a bit of misrepresentation there. I did present myself to the committee meeting that Mr Kaine is referring to before he arrived at 9 o'clock.

MR KAINE: She walked in and she walked out again without making any contribution to the meeting.

MADAM SPEAKER: Order!

Ms Ellis: Excuse me; I have not finished my point of order. I went into the committee, wrote a note to the secretary explaining what I had to do, and left. Mr Kaine arrived later.

MR KAINE: Now the blowtorch is on her belly. It is all very well to criticise Liberals for not being at Estimates Committee meetings. You get up and say, "The Liberals did not attend Estimates Committee meetings"; but when it comes to you not attending you do not like being accused of not being there, do you? Well, the circumstances are exactly the same. There were legitimate reasons why some Liberals could not attend meetings of the Estimates Committee on particular days. It in no way detracted from the value of the Estimates Committee process. If any one of the Ministers can tell me that they did not get interrogated fully on every day of the Estimates Committee meeting - - -

Mr Connolly: Mr Cornwell did a very good job, covering for all of you.

MADAM SPEAKER: Order! Mr Kaine has the floor.

MR KAINÉ: There were Liberals present on the day the final report was considered, but there were three Labor members who were not there. So do not let us have any of this hypocrisy about who was and who was not at meetings.

Madam Speaker, I simply reiterate that this is an excellent report. It is the result of a very rigorous review of the Government's estimates. It makes a number of very important recommendations which I hope some of the Ministers will look at seriously before they come back with their budget next year, assuming that they are still there to bring down the budget next year. I suspect that some of them will not be. By the time the Cabinet has been restructured there will be one or two who will not be there next year, but we will see. For them to suggest that the chairperson of this committee somehow has acted improperly, or that any other member of it has acted improperly, is something that they ought to be ashamed of. Let us recognise the fact that this year, as with the three previous years in the life of this Assembly, the Estimates Committee process has been properly conducted; that the chairperson has acted properly and that the other members of this Assembly have acted properly. Let us accept the results and get on with it, not try to hedge, not try to get off the hook and somehow say that the report is invalid because we were not there on the day that the final report was considered. That is a cop-out, and it is a deliberate cop-out, Madam Speaker.

MR LAMONT (8.40): I rise to pay a genuine compliment to the chair of the Estimates Committee. I do so because, as I chair a committee of this Assembly, I am aware of the pressures which are placed on chairs of committees to try to meet the competing needs of the members of the committee, the workload that you are required to get through, and the requirement to follow due and proper process. The Estimates Committee this year was marked by a genuine spirit of cooperation in relation to the conduct of the questioning. Members did not, as happened in previous years, interject and override each other. A great deal of decorum was exercised - - -

Mrs Grassby: You must have been at a different meeting than I was.

MR LAMONT: A great deal of decorum was exercised by all members of the committee when I was in attendance, Mrs Grassby. I found it a quite proper process for non-executive members of this Assembly to scrutinise the budget documents; to have before them the responsible Minister, and those responsible government employees, and to investigate the appropriateness of the administrative arrangements and financial arrangements which exist in the ACT public sector.

There was much debate, both in the formal processes of the committee and informally in discussions in the corridor, about the most appropriate way to deal with particular issues as far as the Estimates Committee was concerned. In fact, some of that debate took place prior to the Estimates Committee being formally established. We were quite aware that it was going to take a quite significant effort on the part of individuals, and particularly the chair and secretariat, to arrive at a report which, in general, is worthy of the support of this Assembly, for the committee has investigated a range of specific issues and it kept up that line of questioning throughout most of the hearings.

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I believe that there are a number of valid criticisms in relation to the way in which some departments conduct their business which need to be addressed. That is the reason why the Estimates Committee exists. I believe that, in the main, the majority of this report reflects that. My concern rests with a number of issues, and I will come to those in a moment.

In the first instance I wish to address a number of the positives. In particular, I was extremely impressed with the level of information and the quickness and appropriateness of responses to inquiries from the committee by the Department of the Environment, Land and Planning, particularly in relation to budgetary matters. This report goes on quite properly to compliment that department in relation to the provision of its annual report. As in previous years, it was one of the first annual reports presented to the Assembly. I must dwell for some time on just how significant the responses were. When there were fairly technical questions in relation to budgetary allocations within that portfolio, and across agencies in that portfolio, they were handled without delay and with a great deal of integrity. "Forthright" would probably be the best word to use to describe the answers which came from the employees of that department.

I also wish to compliment the Technical and Further Education College. The TAFE College, in the production of its material to the Assembly, I believe, leads the way in the manner in which information should be supplied to the Estimates Committee. It was readily identifiable. It allowed for proper scrutiny of particular issues that the Estimates Committee had indicated that it was interested in. It addressed such questions as staffing, staffing numbers, capital works and other budgetary allocations, and it did so, as I have said, in a way for which they are to be congratulated.

Madam Speaker, I turn to what has become the focus of this report, and it is sad that that is the case. The way in which the chair conducted herself is not something that I would want to criticise and to put on the public record, because I do not believe that in the main there is anything which warrants that criticism. As a member of the Estimates Committee - bearing in mind that other than the executive members and you, Madam Speaker, we are all members of that committee - I believe that I have the right to say, for a particular reason, that the ultimate consideration of this significant report, into which all members on this side of the house had a significant input - I acknowledge that - as did members on that side of the house and one crossbencher in particular - - -

Mr Connolly: On both sides of the house.

MR LAMONT: The crossbenchers on both sides of the house. It is a shame that the feeling which permeated all of our considerations was rent asunder in the final consideration of this report. I have heard some of the criticism which has been levelled by Ms Szuty. We, in fact, were asked to provide additional comments and information. I received today the minutes of the Estimates Committee that I requested on the day after the meeting, and that was on the Thursday. I asked what the resolution was that was determined on the 5th. I was told that it said that any additional comments or other reports could be made available and presented and that they would be printed with the papers the next day; that we could not have the meeting the next day because we needed to have any additional comments through the computer system and presented to the Speaker prior to midnight on the 6th, when the committee ceased to exist.

Mr Kaine: That is absolutely right. That was what your Government imposed on the chairperson.

MR LAMONT: The simple fact, Mr Kaine, if you would like to sit there just for a moment, is that in preparing the additional comments we addressed the draft which we had, the second draft dated 3 November. This was the draft that included the additional slabs of information. If you go through this copy, as an example, Madam Speaker, all you need to do is to look for where there has been a mark placed beside paragraphs. This shows where there have been either alterations or material added. They are significant. Some of it was a rearrangement of information as opposed to new and additional information. That is true. Some of it was a rearrangement of that information as opposed to the new and additional information tabled by Mr Humphries and discussed by others on the Monday. The simple fact is that our additional comments - that is what they are, additional comments - reflect that second draft of 3 November.

Mr Kaine: It is the one that everybody else commented on too.

MR LAMONT: You are dead right, Mr Kaine.

Mr Kaine: What is your complaint?

MR LAMONT: My complaint is that Ms Szuty, in her opening remarks, talked about non-existing paragraphs, particularly 3.85, saying that in the final report it refers to something else. It certainly does. But when I had to write comment in relation to this document I did not have the final document. I was denied the opportunity to comment on the final document. That is the simple fact. What we were proposing referred to this second draft. Indeed, the comments attached to our document, which has been printed in the Estimates Committee's report, equate to the paragraph numbers in this document. That is the first thing.

The second thing is this: I am also somewhat disturbed that there has been a suggestion by people from the other side that there was a breach of privilege. (*Extension of time granted*) There is a suggestion on the other side of this house that members on this side did not attend because we had been instructed not to, or because other people did not like what was in the report.

Mr Kaine: I withdrew that.

MR LAMONT: It was ultimately withdrawn, for a very simple reason. What also concerns me about the question of privilege is that I am aware, as other members on this side of the house are aware, and possibly another member in this house is aware, that this second draft, this confidential draft, was delivered to the *Canberra Times* at least on Friday, 6 November.

Mr Kaine: Well, why did you do that?

MR LAMONT: Madam Speaker, first of all, I seek to have that withdrawn. Madam Speaker, I seek to have that allegation withdrawn.

MADAM SPEAKER: Mr Kaine, the - - -

Mr Kaine: All he has to do is say that he did not do it.

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MADAM SPEAKER: Mr Kaine, the imputation was that it was Mr Lamont.

Mr Kaine: Madam Speaker, if Mr Lamont did not deliver it to the *Canberra Times*, all he has to do is say so and the matter will be resolved. There was no allegation, or anything else; it was a straight question.

Mr Connolly: I take a point of order, Madam Speaker. It was an outrageous allegation against a person. It should be dealt with by a withdrawal, not a denial. It is the "When did one stop beating one's spouse?" type of question.

Mr Kaine: Here we go again. Mr Kaine has to withdraw. Mr Connolly can get away with murder. I withdraw, Madam Speaker; but I note the difference in the attitude of the Minister when he is under attack and when I am under attack. I am required to withdraw; he is not.

MR LAMONT: Thank you, Madam Speaker. What I am suggesting, Madam Speaker, is something which I am confident that the chair of the committee knew nothing about. I am confident of that fact and I visit no imputation upon the chair of the Estimates Committee.

Mr De Domenico: Well, whom do you blame, then?

MR LAMONT: This is interesting, because the only people who had copies of this are in this room.

Mr Kaine: Whom are you accusing, Mr Lamont?

MR LAMONT: I am asking. I am simply asking. How would the *Canberra Times* - - -

Mr De Domenico: Put the money where the mouth is.

MADAM SPEAKER: Order!

Mr Kaine: Madam Speaker, Mr Lamont clearly is suggesting that some member other than himself leaked it to the *Canberra Times*. I was required to withdraw that imputation before. I require that he withdraw it now.

MR LAMONT: Madam Speaker, I unreservedly withdraw that, and I do so for a very simple reason. I unreservedly withdraw the allegation that somebody in this house leaked this document.

Mrs Grassby: How did they get it, then?

MR LAMONT: That is a question that needs to be answered. It may be something that the chair of the committee may take on board and may consider raising as part of another process. I am sure that the Assembly would give consideration to any suggestion that the chair of the committee may come up with to enable us to get to the bottom of this. I believe, Mr Kaine, that you would be as concerned as I am - and you obviously are - that a confidential second draft of the report found its way to the *Canberra Times*.

Mr Kaine: It is a bit like what happens on the fifth floor, isn't it?

MR LAMONT: Mr Kaine, you have been standing up and saying that you are better than those on the fifth floor. One would assume that your own people were far better at such security. Madam Speaker, I believe that the Estimates Committee process is a process which serves this Assembly, and any assembly or government, extremely well. I believe that the intention and activity of all members of this Assembly is above reproach in relation to the processing of the hearings, other than that some people may not have been able to be here. The question underlying all this is a belief, whether rightly or wrongly held, by a number of members that they were denied at least that final opportunity.

Mr Kaine: Only three.

MR LAMONT: Hang on a second; I am not saying whether it is 19 or 23 or 17. All I am saying is that after all of that good work there was a quite simple process which could have seen this report finalised in the manner in which we commenced our quite onerous task.

Madam Speaker, I mentioned a number of issues and hopefully some of them answered the original criticism of Ms Szuty. I would be quite pleased to show Ms Szuty, later on this evening, where all of the other quotes came quite properly from this second draft. I thank you for your consideration, Madam Speaker.

MR WESTENDE (8.55): Madam Speaker, as Mr Kaine has said, there were initially some misgivings in the Liberal Party about appointing Ms Szuty to chair this committee; but I can assure you that those misgivings were soon erased.

Mr Berry: How would you know? You were not here. You were in Holland.

MR WESTENDE: If you will allow me, Mr Berry, I will explain. If you can speak four languages, as I can, maybe you can answer in one. Madam Speaker, whilst the Government relishes making a meal out of the fact that certain members of the Opposition were not present during the Estimates Committee hearings, I must reiterate that my commitment to travel overseas was made long before I was aware of the Estimates Committee meetings.

Mr Connolly: Then you cannot comment on the Estimates Committee, because you were not here.

MR WESTENDE: Yes, I can. I could not change my dates of travel. I also want to reiterate that as a result of my absence from the hearings I did not abrogate my responsibilities in making some contribution to them, albeit indirectly. I am in the fortunate position of being able to engage outside help in the form of accountants and I read all the budget papers. As a result of that I was able to formulate the questions relating to my portfolio and to hand them over to my colleagues. I want to pay tribute to my colleagues, especially Mr Cornwell. I would rather pay out of my own pocket, which I did, for something that I feel I owe to the electors and that does not abrogate my responsibilities. That is what I did. As I said, in that regard I would like to acknowledge the excellent contribution of my colleagues.

Of course, I regret that I was unable to be here and I can assure the Government that that will not happen next year. I genuinely was not aware that the three weeks that we had in between sittings were going to be taken up by the Estimates Committee. That will never ever happen - - -

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Mr Berry: You could have cancelled your trip.

MR WESTENDE: I could not.

Mr Berry: Yes, you could.

MR WESTENDE: There were other reasons why I could not cancel. Later on this week we will table the report of the Environment Committee. While I was on holidays I did take some time to do some work for this Assembly.

Mr De Domenico: At whose cost?

MR WESTENDE: At my own cost. I have given the Minister whose responsibility it is some information on energy and on rubbish collection. But we will not talk about that because I am not one who wants to get every cent out of this Assembly. In fact I will be perfectly happy - - -

Mrs Grassby: You are not Robinson Crusoe. I paid for mine, too, and found out all about drugs.

MR WESTENDE: Very good; thank you very much, Ellnor.

Mrs Grassby: So you are not Robinson Crusoe.

MR WESTENDE: Good. As I said earlier, I have read all the estimates papers, and all the questions that were asked, and I am perfectly happy that my portfolio was adequately represented by other members of the Liberal Party asking the questions.

I would also like to mention that the Select Committee on Estimates is not the only opportunity for the Government to be questioned on its budget. It is not the only time that the Government must account for its program, its actions and its shortcomings. There are many other avenues and these are ongoing; and, of course, they are vital to the delivery of good accountable government. In many respects the answers provided to questions on notice are much more thorough than the answers given in the Estimates Committee process. I would imagine that they are a lot less costly as well. In this regard I am very mindful of the number of public servants who are tied up in the committee room for at times quite lengthy periods, often on the off-chance that their advice may be needed to answer a question. I am also mindful of the long sitting periods of the committee that involve overtime and extra costs in keeping the building open after hours.

As to the report before the house for consideration, I am satisfied that it is a good summary statement of proceedings and findings and that it adequately covers the range of issues and matters canvassed. The areas that could be improved in future are more to do with information that is provided to members prior to the committee hearings. In some cases this information, in the form of draft annual reports, was provided at very short notice, and in most cases the information in these reports was superior to that provided in the estimates papers. It really is a waste of members' time if the information provided to them for scrutiny is incomplete or inconsistent with other related documents. In this regard more attention could be given to the format of the information to enable it to be read. The report covers this adequately. I would recommend to this house that the chair and this report deserve acclamation.

MS ELLIS (9.03): Madam Speaker, I would like to speak specifically to my minority report, included as part of the 1992 Estimates Committee report. I have included in my report certain factual errors which appear in the Estimates Committee report and which Ms Szuty has referred to before. These are there for examination and I do not wish to debate them at this time.

During the 10 days of Estimates Committee public hearings, I attended most sessions and participated in a constructive and, I thought, very useful way. I strongly believe that the Estimates Committee serves a very important and, in fact, essential role. It is therefore vital that members of the committee attend and contribute to the best of their ability and availability. As we all know, the work of our committee system is an invaluable adjunct to the Assembly, and participation by all committee members should be encouraged for the sake of the important work undertaken by the committees. All non-executive members of the Assembly can nominate to participate in the Estimates Committee, regardless of whether they are government, opposition or independent members. I believe that we all have a contribution to make and we all deserve the opportunity to contribute. Giving members the opportunity to contribute has, in my experience, always been an important part of a committee's organisation and participation.

Following the estimates public hearings, there was a series of private meetings, including those held on 30 October, 2 November and 5 November. During these meetings the committee held detailed discussions and made deliberate decisions on its report. During the 30 October meeting many changes were initiated, and it was agreed that the draft report would be further considered at the next meeting - on 2 November. At that meeting on 2 November, chapter 1 of the draft report was agreed to by the committee, including me. The committee discussed chapters 2 to 4 and agreed to further consider these chapters at the next meeting, at 8.30 am on Thursday, 5 November. Some sections at that stage were to be partially redrafted and there was to be much to consider on 5 November. I was also aware at this time that it was quite likely that a further meeting might be held on Friday, 6 November.

The meeting on 5 November was scheduled, unfortunately, at a most inconvenient time for me. Due to public hearings of the Standing Committee on Social Policy, which had been planned months in advance, I could attend the estimates meeting for a few minutes only.

Mr Cornwell: Half an hour.

MS ELLIS: For a few minutes only I was there. As presiding member of the Social Policy Committee, my commitment to the public hearings and the members of the public who were contributing to those hearings had to outprioritise the Estimates Committee meeting, which had been scheduled three days earlier. This made it impossible for me to contribute in any way to that meeting. As other members of the Social Policy Standing Committee were involved in the Estimates Committee meeting, the Social Policy Committee public hearings scheduled for 9.00 am did not have a quorum for some time and therefore started late.

I suggested the following day - not on the evening of Wednesday, 4 November, as mentioned by Ms Szuty - that an additional meeting should be held on Friday, 6 November. I believe that it was my responsibility to contribute to that final report, but the committee not only had considered a wide range of changes to the

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draft report at the meeting I was unable to attend but also had adopted the report, obviously abandoning the suggestion of a meeting on Friday, 6 November. Might I also add here that other members of the Social Policy Committee, in order to arrange a quorum for our public hearing, also had to extricate themselves early from that meeting. It is up to them to worry about whether or not they felt that they were missing out in some way.

I believe that a certain amount of flexibility should be exercised in managing our committee timetable. With public hearings scheduled for some time, it is neither possible nor practical to attempt to change such an arrangement. It has been suggested to me that the Estimates Committee ranks in importance over all other committees. I am not quite sure that I agree with that assumption. All committees are important and vital to the running of the Assembly; but, even given that argument, how do we avoid such a clash? Do we not program other committees to meet at all during the probable life of the Estimates Committee? This would seem impractical, as the Estimates Committee does run for a considerable time each year. It also, I believe, immediately brings into question the importance of other committees, as I have just outlined.

I like to think that our committee system works very well. In the life of this Assembly, the committees I have been involved with work on the assumption that meetings are scheduled when members can be there within reason, are treated seriously by all members of the committee, work across party and crossbench lines and, therefore, achieve a great deal. Unfortunately, I do not believe that the final series of Estimates Committee meetings were run in this way. As a result, some members, including me, were unable to contribute to the extent we would usually expect, particularly in the formulation of the report.

It was noted earlier by Ms Szuty that other people had had time to do the amount of work needed to contribute to this report. I have not been given the opportunity to prove whether or not I had time. I believe very strongly that dissenting reports should be submitted only in extreme cases where members feel that they are unable to have their opinions and contributions included in the report. As I was not given the opportunity to contribute effectively to the drafting of that final report, I felt that I had no option and was compelled to draft my own dissenting report.

I add also that from the time the final report became available on the afternoon of 5 November - still during my public hearings - I was given only until 10.00 am the following day to submit a minority report. This, I believe, was unacceptable, and I can only hope that next year the Estimates Committee as a whole takes into consideration the time available and the commitments of all its members.

MR HUMPHRIES (9.09): Madam Speaker, it is unfortunate that in debating this report we have to some extent strayed from the substance and spoken more about the form of the appointment of the committee and the process whereby it reached its conclusions on the elements of the report. It would be unfortunate if we were to lose sight of the essential recommendations, the essential thrust of this report, and fail to have the Government act on that report.

Mr Berry: They are blurred by the cracks in it. It is flawed.

MR HUMPHRIES: Mr Berry makes a point that he has made before in the media. He used the words "a sham and a dud". He says that the report itself is no good because of the process that has been used.

Mr Berry: It is flawed.

MR HUMPHRIES: I think he has just confirmed that that is still his view.

Mr Berry: I did not use the words "a sham and a dud". They are the words you used.

MR HUMPHRIES: I did not say that they were your words. I said that they were words of the kind that you have used. You have impugned this report. You have said that the report is not worth very much.

Mr Berry: Indeed; that is right.

MR HUMPHRIES: Obviously Mr Berry still takes that view. I have to say, Madam Speaker, that that attitude distresses me greatly because, irrespective of the process whereby we have reached a stage of criticising the Government in this report - - -

Mr Berry: And I have to say that you were responsible for most of it.

MR HUMPHRIES: Just hang on. You will get your turn, Mr Berry. Irrespective of the process whereby that has come about, there are many important elements of this report that this Government cannot ignore. If you propose to throw out the whole report because you want to make an issue about so-called politicisation, we on this side of the chamber will not let you get away with it, for one thing. The rest of the Assembly, I suspect, will make sure that its efforts to address those same points are redoubled in the future until this Government picks them up and does something about them.

This is not the first Estimates Committee report to have criticised a government for its failure to be open and accountable to some degree in its appearances before the Estimates Committee. The suggestion has been made by those opposite, particularly Mr Berry, that somehow this process has been wrenched from its normal path, that there has been a deliberate attempt to subvert the process of making considered recommendations in the report, and that instead we have a report that is not worth very much. I refer the Assembly to the report of last year's Estimates Committee. I think it is important to quote from this because it does throw into context some of the things that have been said in this year's Estimates Committee report. I quote from the report at page 3:

The Committee considers that, by and large, Ministers recognised the role of the Committee and its importance. However, during the hearings Ministers displayed varying levels of insight into departmental operations and varying degrees of willingness to be forthcoming.

Again from the report:

The Committee is concerned that there appeared to be a lack of willingness to discuss forward planning and the distribution of services. The Committee believes that there should be a forward, proactive planning process for community health services.

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No guess as to whom that was talking about. Page 20 of that report states:

The Committee was concerned that in this area -

namely, monthly financial reports -

where considerable financial problems have been identified in successive years, the Minister for Health chose to avoid answering direct questions on the financial control and management of the health budget. The use of such "stonewalling" tactics makes the work of the Committee almost nugatory.

That is what we said in 1991. My party did not control the Estimates Committee then; we do control the Estimates Committee now. The fact of life is that the adverse comments made of Ministers in this 1992 report are all entirely deserved. In fact, in many respects the comments made in the report we are now considering were restrained. Look at the record. I do not ask you to accept my interpretation of events. Look at the record. Look at the words that are quoted on page 5 of this 1992 report:

Mr Humphries: I am certain Dr Scott knows the answer to this question.

Mr Berry: I shall ask them in due course.

Here is the Minister sitting before the Estimates Committee of the Assembly, accountable under the Westminster system to members of the Assembly for his stewardship of that department, and he says, "I shall ask them later. I do not want to ask them now. I do not care to give you an answer". The quote continues:

Mr Humphries: All right, would you ask them now?

Mr Berry: No.

That, Madam Speaker, is a contempt of the process, and it is not atypical, as today's answer to the question by Mrs Carnell about what is happening in the health budget is a clear indication.

Mr Berry: What?

MR HUMPHRIES: You know perfectly well what I am talking about, Mr Berry. Do not look so coy and shy.

Mr De Domenico: What about the \$8m deficit so far?

MR HUMPHRIES: The fact is that in many places this record speaks for itself. The transcript of this - - -

Mr Berry: More lies, Tony.

Mr De Domenico: On a point of order, Madam Speaker: Mr Berry was heard by everybody, I am sure, including you, to say, "More lies, Tony". I ask him to withdraw - - -

Mr Berry: It was advisory, not accusatory. I would not accuse him of being a liar. It was a warning. I withdraw it.

Mr De Domenico: I ask him to withdraw, Madam Speaker.

MADAM SPEAKER: He has withdrawn, Mr De Domenico.

Mr Berry: You should not believe lies.

Mr De Domenico: On a point of order, Madam Speaker: Mr Berry continues to - - -

Mr Berry: I am not accusing him. I am sorry. I withdraw any accusation.

MR HUMPHRIES: Madam Speaker, the transcript contains countless instances of blatant stonewalling by this Government, particularly by this Minister, and the report is careful to document many of those cases. Ms Ellis in her dissenting report said that she believed that the Minister acted with propriety. I am sorry; but, if that is her idea of what Westminster accountability is all about, I am afraid she is totally and utterly wrong.

Madam Speaker, many times the Minister for Health made comments such as "We are considering our position", "We will decide in the fullness of time" and occasionally "We will tell you". Many questions were answered on that basis. There was a disturbing lack of ability on the part of the Minister to bring forward information to the Estimates Committee in its entirety. Madam Speaker, the most blatant - - -

Mr Kaine: One can only assume that he does not know.

MR HUMPHRIES: Madam Speaker, I have to respond to Mr Kaine's interjection. Yes, we have to conclude that in many cases the Minister just did not know the answers to the questions and was not prepared to take his chances by asking a member of his staff, a member of his department, sitting next to him to answer a question for him because he did not know what the answer was going to be. I will come back to that in a moment.

Madam Speaker, comments such as "We do not know; we are still considering" are overused and overworked and constitute a way of denying this important committee of the Assembly access to information. They are a cop-out. I give a good example. HIV notification is a critically important question. In fact, Madam Speaker, without exaggeration, it is a matter of life and death. This matter has been raised by the Liberals in this Assembly and outside it consistently for months. We have said time and time again, "You are misleading the public of the ACT and you are misleading the medical profession about their obligations to notify particular diseases and conditions". We have made that clear time and time again. We have been attacked time and time again by this Government and this Minister for playing politics and for misleading the people; but, in fact, it turns out that we were right. You have legal advice that we were right. In the past you have given advice to medical practitioners which is not correct.

Mr Berry: No; you are not right.

MR HUMPHRIES: Yes; that is clearly what the report shows, Madam Speaker.

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Mr Berry: Why don't you take it to court, then, Gary? It is a bit late now.

MR HUMPHRIES: Mr Berry can weasel his way out of this some other time, Madam Speaker; but the fact of life remains that we have pursued and we have tracked down a matter of serious concern to this community, and still this Minister will not openly acknowledge as he should in this Assembly, to which he is accountable, what has happened under his stewardship.

Madam Speaker, obviously some members opposite, particularly those who sat on that committee, are not happy with what was said in the report. But I suggest to them that they were not present during many of the times when those matters in that committee report critical of government Ministers were debated and considered by the committee.

Mr Connolly: Your party was not present for half of the hearings.

MR HUMPHRIES: Madam Speaker, at all times when I was present at those committee meetings there were two and often three members of the Liberal Party present. There was generally only one Labor member, or occasionally two, present at any one time.

Mr Kaine: That was the duty stooge for the day.

MR HUMPHRIES: The duty person for the day. Madam Speaker, we were there on occasions when those opposite were not, and we heard things said which those opposite did not hear and which they now say should not appear in this report. They should take stock of their position. I seek an extension of time.

MADAM SPEAKER: Is leave granted?

Mr Berry: No.

MADAM SPEAKER: We need to move a motion, then.

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

That Mr Humphries be granted an extension of time.

Mr Kaine: Are you silent, Mr Berry?

Mr Berry: I am just not going to give leave.

MR HUMPHRIES: Some people will go to any lengths to make sure that they do not get criticised and the truth does not come out. It is really very sad.

Mr Berry: I am not going to be insulted with misleading things. I am just not going to cop that.

MR HUMPHRIES: I ask him to withdraw that, Madam Speaker.

Mr Berry: I will prove later that these are misleading accusations. I withdraw the remark, but I will come to the matter later.

Mr Kaine: I raise a point of order, Madam Speaker. The Minister is not entitled to tell Mr Humphries that he is misleading the Assembly. He must withdraw it.

Mr Berry: I did.

MADAM SPEAKER: Mr Kaine, I think Mr Berry understands that.

MR HUMPHRIES: Madam Speaker, the fact of life is that the comments by the committee which are being attacked by some members opposite tonight were all carefully documented and can be clearly substantiated to the satisfaction of any reasonable person.

I want to come back to that meeting which has been discussed already tonight, which I think took place on 2 November - - -

Mr Lamont: Monday.

MR HUMPHRIES: The Monday, yes. At that meeting there was consideration of some comments which I tabled in the committee concerning unresponsive answers. The impression might have been created for those listening to this debate that in some way these comments were advanced secretly or surreptitiously to the committee or dealt with in a way which denied some members of the committee who sit opposite the right to comment on them fully. I did table those comments in the committee. I was the only committee member to table his or her contribution at the time of the meeting, as opposed to afterwards, as some other members did.

Ms Ellis and Mrs Grassby were present at the time. We stopped and read through the comments I had made. There was some debate about references, particularly the use of footnotes; but the substance of nothing that I said was questioned by those present at the meeting. In fact, I came away from the meeting with the distinct impression that the comments would not be challenged or repudiated in the final report. But then something happened.

Mr Kaine: The Minister finally found out what you had said.

MR HUMPHRIES: Perhaps. Something happened, Madam Speaker. The net result was that suddenly there were great cries about this matter. Someone did not like the idea of the headlines that might be generated by particular comments which appeared in the report. That process is rather unfortunate, and perhaps Mr Lamont's inquiry into the leak to the *Canberra Times* could look into that question at the same time.

Madam Speaker, the final thing I want to do is indicate that some of the dissenters to the report tonight have, I believe, impugned some of the conduct of the chair of the committee. I, as Mr Kaine did, disagreed with the appointment by the whole Assembly of the chair of the committee. It does not happen in other cases. Committees are elected by the Assembly, and the committee itself then chooses a chair. But that did not happen in this case. The chair was appointed by the Assembly.

Mr Kaine: On the motion of the Chief Minister.

MR HUMPHRIES: On the motion, indeed, of the Chief Minister. But, Madam Speaker, despite that appointment, I think the committee did a good job. I would personally be quite happy to see Ms Szuty appointed again in 1993 to do that job.

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Madam Speaker, Ms Szuty was meticulous in examining the report. She went through it with what I could only call a fine toothcomb and examined the issues and the matters of concern to her. If she is accused - as she has been quite clearly, by implication at least - of being the stooge of the Liberals because of the way in which these reports have come forward - - -

Mr Lamont: Not so.

MR HUMPHRIES: Not by you perhaps, Mr Lamont, but by others. If that is the implication, I think it is extremely unfortunate. I remind people who are listening to this debate that the comments made here that are critical of Ministers were accepted unanimously in every case when they were first made before the committee - and that includes my comments on unresponsive answers - and ultimately, even when dissenting comments came in, they were opposed only by the three Labor members of the committee. The Independents who sat on that committee had no trouble, no hesitation, in supporting what is an obvious conclusion from the way in which many questions were answered - namely, that there was a lack of accountability to that committee. Madam Speaker, we must not allow that to continue. Our work in this Assembly is, as I said earlier today, of little value if we do not have access to information and to facts. While we have Ministers stonewalling in the Assembly and its committees, that situation will be to the eternal shame of the Assembly. We must turn that culture around, and this report is one small way of starting that process.

MR CORNWELL (9.24): Madam Speaker, I do not want to dwell on the dissenting reports at the back of the Estimates Committee report. I would, however, like to correct some matters. I refer specifically to the meeting convened at 8.30 am on 5 November that Ms Ellis referred to earlier. I do not accept that there was not time for Labor members to be present at that meeting for however short a period. The Social Policy Committee did not begin until 9 o'clock. The Estimates Committee was convened at 8.30 am. Ms Szuty is nodding her head in agreement. That would have given 30 minutes for members to make a contribution.

It is true that the Social Policy Committee did commence its deliberations a little late - 15 minutes at the maximum. I, in fact, made the quorum with Ms Ellis and Mrs Grassby. So, I put it to you that - - -

Mrs Grassby: I said that I would be in at 9 o'clock, not half past eight.

MR CORNWELL: Mrs Grassby has just confirmed that she was there at 9 o'clock. She could have popped her head in the door to the Estimates Committee as well. I would like to correct any impression that there was some problem about members of the Labor Party attending that meeting on 5 November. I did not have any trouble attending it and I do not believe that all of their members would have had difficulty.

I found the process of the estimates quite instructive. I do not believe, however, as has been suggested by some of our Labor colleagues opposite, that it was some sort of whitewash. I do not say that in a political sense, though I have no doubt that some of our Labor friends may see it in that light. I do, however, maintain that the Estimates Committee and the report that flows therefrom simply must

have some purpose; otherwise there is no point in going through the quite laborious exercise of the Estimates Committee. Therefore, we hope that some of the committee's recommendations will be picked up and acted upon. I am not convinced, incidentally, that that has been the case in the past, but I believe that we owe it to the Assembly and certainly to the electorate to ensure that the recommendations we have put down are in fact followed up.

I would have liked more time to examine the various programs within the estimates process. I do not say that we should extend the sitting times of 9 o'clock in the morning until 10 o'clock at night. However, it is a pity that we could not extend the sittings over a few more days - instead of 10 days, perhaps a fortnight or something of that nature. I appreciate that there are difficulties associated with doing that. Nevertheless, I think that merits further examination, because I believe that all members would get more out of the estimates process under such an arrangement. It would enable more intelligent questions, though I certainly found all questions asked while I was present to be extremely intelligent.

Mr Kaine: They were very intelligent.

MR CORNWELL: Indeed, particularly as the majority of them were asked by this side of the house. Trying to truncate these quite important estimates into a period of 10 days between the hours of 9 o'clock in the morning and 10 o'clock at night, with breaks for meals, is a little heavy going.

I also welcome the opportunity arising from the proof transcript of the committee proceedings to be able to raise further questions on notice or even in the house at question time. This is an extension of the estimates process which we should encourage and should follow. I would also welcome earlier receipt of draft reports from the various departments. I think most members who were involved found that receiving these draft reports - - -

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 9.30 pm, I propose the question:

That the Assembly do now adjourn.

Mr Berry: Madam Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

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ESTIMATES - SELECT COMMITTEE
Report on the Appropriation Bill 1992-93

Debate resumed.

MR CORNWELL: Draft reports sometimes arrive only 24 hours before a particular program is to be examined. I know that we have made a recommendation in the Estimates Committee report to try to avoid this in future. I commend that recommendation. It is rather irritating if you have already prepared a series of questions, you suddenly receive a draft report of several hundred pages and you have to go through and check out what you are proposing to ask. I end as I began. I found the process most instructive, and I hope that we can improve upon it at the estimates in 1993.

MRS GRASSBY (9.31): The Estimates Committee process is an important part of the Assembly's work, and we all know this. It allows members to scrutinise the work of the Government and to examine the budget in detail. We know how important the process is to the Federal Government. We saw quite a bit of it covered in the press, including one senator having a row with the chairman. At least we did not have to put up with that here. Members did, to a certain extent, behave themselves.

In the past most members of the Assembly have participated in the Estimates Committee hearings. However, fewer members participated this time. Mr Cornwell, Mrs Carnell, Mr Kaine and Mr Moore were present for most of the hearings. Unfortunately, other members were not. Labor Party members were present at the allotted times; but, unfortunately, the committee's report does not reflect that. Statements in the report made it difficult to recognise parts of the hearings for which I was present. The report says that Mr Berry responded to large numbers of questions with an answer to the effect:

We will consider the matter and then we will decide on a course of action. It is a matter for consideration.

But, in spite of the claim that there were large numbers of such responses, the report can quote only one example. The report cites 15 pages of transcript in support of its claims that the Minister would not answer questions. In those 15 pages there is only one example of the Minister refusing to answer a question. I would like you to go back and read the report, Mr Humphries. That refusal related to the Minister insisting that he be allowed to receive legal advice confidentially. That example was not in any way related to the budget.

It is interesting to note from reading the transcript cited in the report that the Minister was often unable to answer questions directed to him because certain members of the Liberal Party on the committee interjected continuously. As shown at page 220 of the transcript, during interjections by Mrs Carnell, the chair had to remind her that the Minister was trying to answer the question above all the noise that was coming from the Opposition. The trouble was that he could not get a word in edgeways.

It is also interesting that the committee cites as examples of the Minister's supposed reluctance to answer questions pages 221 and 222 of the transcript. On those pages the Minister said no fewer than nine times that the budget was premised on the same activity levels as last year. This was used as an example of his reluctance to answer questions. It is incredible, Madam Speaker. I found it incredible when I read it. I was there. That is not exactly how I saw it.

Mr De Domenico: Why didn't you say so at some of the meetings?

MRS GRASSBY: I would have liked a chance. Unfortunately, I was not given the chance to say so. It is a case of the Liberals getting the answers they do not like and refusing to accept them. That is normal. That is nothing different. We are used to that. We are used to Mrs Carnell getting the answer and, if she does not like it, not accepting it. The situation is completely the opposite of what the report claims. The fact is that the Estimates Committee findings in relation to the Minister for Health are not supported by transcript, even the pages cited in the report.

Madam Speaker, one thing that I really object to is the fact that the press had hold of this final report before I saw it. I think the chair should do something about that. This happened once before in this house. I was on the Hospital Beds Committee in the previous Assembly. Mr Humphries gave the report of that committee to the press before I had seen it and before it was presented in the house. It has happened again, and I think the chair should take responsibility for it and do something about it. She should find out who gave the report out before we had a chance to see it.

Public hearings of the Social Policy Committee were scheduled for the day the Estimates Committee met to discuss its report. Those hearings had been set down weeks and weeks before. We could not have gone through the Estimates Committee report in half an hour when public hearings for the other committee were due and people were waiting for them.

Mr Humphries: You did not even try.

MRS GRASSBY: We were not even given a chance to have another meeting.

Mr Humphries: Yes, you were.

MRS GRASSBY: No, we were not. You voted, and that was it. There was no chance to have another meeting because you did not want another meeting. You decided that that was the way you wanted to go, and that was it. As I have said, the report does not reflect what the Minister for Health said. It just reflects what you wanted to say. I am sorry that you had to be bored out of your mind, Madam Speaker. I do not blame you. Listening to this lot over here, I would be bored out of my mind too.

MRS CARNELL (9.37): Madam Speaker, I totally endorse the Estimates Committee report, but I must admit that I am particularly concerned about Mr Berry's response to this exceptionally useful and constructive document.

Mr Berry: You have not had it yet. You will be more concerned when I am finished.

MRS CARNELL: I am talking about your response in the press. He has charged the Estimates Committee - - -

Mr Berry: Wait until you get my real response. That is the one you will like most.

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MRS CARNELL: Do you mean that you did not say what you are reported in the press as saying? According to the media, he has charged the Estimates Committee with becoming politicised. What a farce, coming from someone who is such an expert at that sort of thing! The insights provided by this report are indeed hard hitting. Unfortunately, Mr Berry appears not to like that; but the Estimates Committee does not exist to mollicoddle Mr Berry or, for that matter, any other government Minister. The report did not shirk from criticism where criticism was necessary, and that certainly was not everywhere. There were lots of areas where the Estimates Committee did not criticise Ministers or did not criticise the process.

This report makes some very sound and very constructive criticisms, and Mr Berry should pay heed if he wants to lift his game and do a better job, which I am confident he does. Paragraph 3.47 of the report notes:

An accurate picture of the total number of staff employed in the ACT Government Service was difficult to determine as the information provided to the Committee across a range of documents was inconsistent and used different methodologies to calculate staffing numbers.

I could not agree more and, in fact, ACT Health is a very good case in point. Let us look at the mess in this particular area. Page 116 of the recent annual management report of ACT Health says that there are 5,095 people on the Health payroll. Apparently, this includes people in other ACT government agencies. On the opposite page, the personnel services productivity increase graph shows that there are 5,120 on the payroll. The figures for pay 26 in the estimates explanatory notes show that there are 5,723 staff in Health, or 4,822 if you exclude Calvary.

Mr De Domenico: So, there is a contradiction?

MRS CARNELL: We have not finished with all these strange numbers. Page 145 of the 1991-92 annual management report says that there were 4,831 staff in ACT Health as at 30 June. Again, that is a figure which probably excludes Calvary. So, there we have all sorts of different figures in all sorts of different areas. It is totally impossible to make any comparisons because some sets of figures are broken down into full- and part-time categories, whereas others are recorded in full-time equivalents. Basically, the way staff information has been recorded is a mess. The Government has to present staffing information more consistently and comprehensively if it wants to be called an open government and if it is to gain any credibility in this particular area.

Another concern was the fact that we did not have the 1991-92 annual management report for Health before us at the Estimates Committee hearing. As the Estimates Committee report notes in paragraph 2.41, it was the only ACT agency that did not have its draft annual report ready in time for estimates.

Mr Berry: But it had it ready on time.

MRS CARNELL: Not for estimates, though. Mr Humphries has already made some comments about HIV/AIDS notification. The Estimates Committee also revealed the glaring discrepancy between what the Minister had been saying on HIV notification and what his advisers at the Estimates Committee said. Mr Berry has for months been trying to justify notifying HIV in a way different

from that applicable to other notifiable diseases. We saw that again today with the changes to the regulations. He has been suggesting, as he did again today, that we do not want to drive AIDS sufferers underground. I believe that that is a very imaginary fear, but that is really not the point at all. On 17 June - - -

Mr Berry: Nobody else believes that. The experts all believe that it is a real problem.

MRS CARNELL: You mean all the people in South Australia, Queensland and Western Australia? In *Hansard* of 17 June Mr Berry is recorded as saying that HIV notification was voluntary and would be in coded form. At the Estimates Committee we had an acknowledgment from Dr Bob Scott that voluntary notification was illegal.

Mr Berry: The law has never said that. There are different views.

MRS CARNELL: Mr Berry, on 17 June, said that it was voluntary. Bob Scott noted that notification of HIV should not have been listed as voluntary in ACT Health publications and reports.

Mr De Domenico: I raise a point of order, Madam Speaker. I am finding it very difficult because of Mr Berry's interjections.

MADAM SPEAKER: I think there is a rather high level of conversation all round. Mrs Carnell, would you continue, please?

MRS CARNELL: Despite the fact that Mr Berry was sitting right next to Bob Scott at the time when Dr Scott made the comments, Mr Berry did nothing to take on board the advice he was given by his own senior bureaucrat. Mr Berry refused to clarify the requirement to notify HIV to ACT doctors, even after he was asked to do so. The committee disagreed with Mr Berry and recommended that he advise doctors of their legal obligations.

At the moment many doctors are definitely not clear about their obligations, and obviously those obligations change today with the changes to the regulations that Mr Berry talked about this morning. Again, that in no way suggests that doctors do not need to be told. They need to know what their legal position is, and that is what the Estimates Committee suggested. It was not a recommendation that was a political point scoring exercise. It was not a political recommendation, as Mr Berry would have it; it was a recommendation concerned with core issues of public health and individual rights both of doctors and of patients.

Another area of concern is the Commonwealth MRI program in which the ACT plans to participate, as we found out in the Estimates Committee. An MRI unit is planned for Woden Valley Hospital. We were told that and were very pleased to hear that a decision had actually been made, but we know that this technology is very expensive and has particularly high recurrent costs. It seems that the ACT and the Commonwealth have widely different views about their respective financial obligations. Nothing that was said by those appearing before the committee convinced me or other members that the ACT Government had a concrete view about what these financial obligations are. The ACT Government seems to think that they are getting a new MRI unit free, unaware of the fact that the ACT, as with all States, is supposed to be footing part of the bill both to buy the MRI and, more importantly, to run it.

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It seems that those appearing before the committee had little or no idea of how much money the ACT would have to contribute, of a definite timetable for installing the MRI unit or, for that matter, of the extent of usage that would justify the purchase and the recurrent costs that would be obviously picked up by the ACT ratepayer. It is this sort of decision which makes the people of Canberra particularly concerned about the accountability of ACT Health. It is very sensible for the Estimates Committee to comment about such a situation. That is what the Estimates Committee is for - to look at what money has been made available for projects that have been announced, whether the money that has been made available is appropriate, and so on. That is not a political statement, just the reason the Estimates Committee exists.

The Minister's tirade against the Estimates Committee report and his claims in the *Canberra Times* that the Estimates Committee became politicised are fatuous, especially when taken against his own performance. (*Extension of time granted*) His politicisation of the methadone issue is now infamous. The committee recommended that Mr Berry look at the requirements of the Drugs of Dependence Act because, as it stands, it looks as though his own preferred option put to the Estimates Committee does not meet legal requirements. It may mean that additional staff with appropriate qualifications will need to be employed, or it may mean that the Act needs to be amended. It all depends on the interpretation of the words "personally supervised" in section 80 of the Act. This recommendation is straightforward and to the point. There is nothing political about it. If the Minister does not like it because he failed to consider something when he put forward his own proposal, then that really is not the Estimates Committee's fault. It is just that the Minister has been exposed for making a mistake. This is the real reason, I believe, that he has attacked the committee.

The Government has also dithered around trying to find a justification for the provision of \$100,000 for child-care services for ACT government employees. I could understand the Government making these contributions if ACT government employees were to receive child-care at lower rates; but, instead, child-care services are to be managed by Southside Community Services. Those child-care places will be provided at normal commercial rates. One must ask whether the ACT Government should be putting \$100,000 into a service such as this when it would appear that ACT government employees are not getting anything for that \$100,000. I think it was appropriate that the Estimates Committee should ask whether ACT ratepayers were getting value for money and whether they were getting anything for their money.

Under ACT Health business rules, the only justification for wage and salary supplementation - as Mr Berry would well know - is in the event of changes to awards by the Australian Industrial Relations Commission. Mr Berry would be acutely aware of this, yet the Government has been providing - as we found out in the Estimates Committee - supplementation to cover the increased costs of visiting medical officers. VMO contracts, as Mr Berry knows, are a matter between ACT Health and the visiting medical officers and have nothing whatsoever to do with national wage decisions. Since VMOs are employed on a contract basis, it is quite clear that the ACT Government have been breaking their own business rules by allowing wage and salary supplementations for VMOs. Again, when the point was raised in the Estimates Committee, there was no satisfactory answer. This was another prime example of the unresponsive, dithering answers that certain Ministers have become famous for.

The recommendations of the Estimates Committee have proved to be particularly hard hitting, hence the squeals and the interjections from those opposite. I commend the report. I commend Ms Szuty for her very hard work and Karin Malmberg for her particularly hard work and for putting up with all of us from time to time when we complained. Again, I commend the report.

MR DE DOMENICO (9.51): Madam Speaker, I would like to start my remarks by also commending Ms Szuty, Ms Malmberg and all members of the Estimates Committee. Madam Speaker, unlike some of the people on the opposite side of the house, all of us on this side realise that estimates started on 11 August, which is a very important point.

Mr Berry: You have got a front. You were not even there.

MR DE DOMENICO: I will come back to you on that and tell you how wrong you are again. Estimates did commence on 11 August and finished not so long ago. In fact, we are debating them now. Ironically, for reasons of political expediency, members on the opposite side of the house waxed lyrical and tried to make fun of the fact that a number of members of the Liberal Party were not present at all meetings of the Estimates Committee. That is true.

Mr Connolly: Not present at all, really.

MR DE DOMENICO: Mr Connolly responds in his usual way. He might care to put his foot down and give the house the respect that it deserves. Mr Connolly is wrong. Mr Westende, I believe, was not there at all. I certainly was there at some times during the Estimates Committee hearings, Mr Connolly. I was not there when you appeared because it was not the area of my portfolio responsibility. However, let me tell you that, like Mr Westende - - -

Mr Wood: Shadow portfolio responsibility.

MR DE DOMENICO: Thank you, Mr Wood.

Mrs Carnell: It just seems like the real thing.

MR DE DOMENICO: It does. I can tell you, Mr Connolly, that, like my colleague Mr Westende, I asked some salient questions when I was there.

Mr Wood: Which were they?

MR DE DOMENICO: I will give you a copy of the questions, Mr Wood, if you are so interested. I will make sure that you get them tomorrow.

Mr Kaine: You did not have to answer any of his.

MR DE DOMENICO: No, that is right. When all of us were not there we were ably represented by Mr Cornwell, Mrs Carnell, Mr Humphries and Mr Kaine.

Mr Wood: Yes, better represented.

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MR DE DOMENICO: I would not go so far as to say that, but we were represented. Like members on this side of the house, certain members on Mr Wood's side of the house were not there. That is true of the meeting when the report was being considered. Three members of the Government have said, "Listen, we did not get a good chance of making comments on the things that we were concerned about". That is not true. On the morning in question Ms Ellis did come in for a while but then she walked out again.

Mr Berry: To a public hearing.

MR DE DOMENICO: Yes. I am suggesting that one of the reasons why she walked out may have been that, on seeing that no-one else from her party was there, she felt lonely. We know that members opposite from time to time feel lonely.

Mr Kaine: They always travel in pairs.

MR DE DOMENICO: That is right. For members opposite to have a go at members of the Liberal Party for not being present at all meetings of the Estimates Committee is double standards, to say the least and to be very kind. I repeat what Mr Westende and Mr Kaine have said. When Ms Szuty was first elected as chairperson of this committee on a motion by the Chief Minister, we were slightly concerned. Let me say, though, after the experience of sitting on the Estimates Committee and being at the meeting subsequent to the public hearings, that Ms Szuty did a wonderful job. It is unfortunate for the Government that they disagree - - -

Mr Kaine: That is demonstrated by the fact that Mr Berry does not like what the report says.

MR DE DOMENICO: That is right. It is unfortunate that Mr Berry does not agree with what the report says. It is no revelation, Madam Speaker, that Mr Berry was criticised in this year's Estimates Committee report. Things have not changed since 1991. As Mr Humphries quite ably said, even way back when many of us were not here, Mr Berry, you were not answering questions. Things do not change much. You have not answered questions this year and I dare say that on the off-chance that you are still Minister for Health - and I doubt that - you will not answer the questions next year either.

For anyone to say that this report came out with enormous revelations about this Minister is just sheer humbug, Madam Speaker. Mr Berry was seen to be deficient in the way he answered questions. That is true not only of the Estimates Committee. As members of the house and anybody who comes to question time would realise, it is no revelation to say that Mr Berry does not answer questions. Sometimes he even gets it wrong when he is reading from a prepared sheet after a dorothy dixer has been asked.

People may stand up in this house and say, "This Estimates Committee report is no good because poor old Mr Berry gets a shellacking". So be it. If the blowtorch burns too much on the belly, Mr Berry, I suggest that you get out of the kitchen.

Mr Kaine: You mean the workshop.

MR DE DOMENICO: Or the workshop.

Mr Connolly: I would not like to try the flambe at Tony's place.

MR DE DOMENICO: Talking of flambe, Mr Berry is a political pyromaniac. Everywhere he goes he seems to light political fires. I know that some members opposite agree with that. Mr Connolly, I am not suggesting that you do, but perhaps that is so. Madam Speaker, I get back to the Estimates Committee report.

Mr Connolly: What a good idea! Let us get relevant.

MR DE DOMENICO: What I am saying is in support of what Mr Kaine had to say. But I will get back to the Estimates Committee report. I am delighted that the report expressed some concerns in the area of industrial relations, for example - another of Mr Berry's portfolio responsibilities, we believe. A question was asked of DELP, Mr Wood's department. Mr Townsend, someone that everybody in this house knows, especially Mr Moore, said that in one area of DELP there were 24 employees and about 19 unions at one stage. The Estimates Committee quite rightly said that there has to be some way of rationalising that. Mr Cornwell asked the question, but nobody could give the answer. These are the problems that the Estimates Committee report brought out. Hopefully, the Government will take the report into account when they supply information for next year.

Mrs Carnell quite rightly pointed out the deficiencies in Mr Berry's answers in the health area. Once again, that is not new and that is no great revelation. It happens every day in this place. Some very beneficial points were also made about the training in the ACT public service being looked at as a whole instead of in the piecemeal way that various departments look at it. The Estimates Committee report came out with some very interesting and valuable recommendations that, hopefully, the Government will take on board. For people to say that they were not given an opportunity to put their point of view is sheer nonsense. The majority of the members of the Estimates Committee decided to do certain things. If the three members of the Labor Party, ironically, did not or could not find the time to attend various meetings, that is tough bikkies. Every other member of the Estimates Committee was prepared to turn up at 8.30 in the morning. If this Assembly is going to wait until Labor Party members have the time to turn up to meetings, we will not get anything done.

I commend Ms Szuty. I commend Ms Malmberg and the other people involved in the secretariat in presenting the Estimates Committee report. At the times I was there I certainly learned a lot. As people are aware, Mr Westende, Mrs Carnell and I are new to this place, and I can assure Mr Berry that we will continue to put him and his Government under the microscope, whether in the Estimates Committee, on the floor of this Assembly, or through the media. I commend the report to the Assembly. I commend Ms Szuty for the wonderful job she did as chair. That is all I need to say.

MADAM SPEAKER: Members, with your indulgence, before the next speaker is called, I refer you to standing order 69(j), which is the one we use to grant people extensions of time. It states:

... with the consent of a majority of the Assembly, to be determined without debate, a Member may be allowed to continue a speech interrupted under the foregoing provisions of this standing order for one period not exceeding ... 10 minutes.

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Until now I have allowed members to seek leave and I have been quite easy about it because that is open, on an interpretation of "the consent of a majority". It has been pointed out to me that the convention has been to move a motion. In that way, if the motion is agreed to, we do not have to move, as Mr Kaine felt he had to, for the suspension of standing orders. If I forget to ask for a motion to be moved, would members do that, or seek an extension for themselves, so that we are quite clear about the procedures. I apologise if before today I have misled people who are more familiar with this rule. From now on I will seek a motion under that standing order for an extension of any member's time.

MR MOORE (10.00): The interesting thing about that standing order is the extra little proviso that no extension of time shall exceed half the original period allotted. That is unlucky for those members who think they get 10 minutes every time.

MADAM SPEAKER: They have been thus far, Mr Moore, and that is the problem. We will cease doing that as well.

Mr Cornwell: We can probably begin with you, Mr Moore.

MR MOORE: I will not need the extra time at all. I feel very relaxed about it. Madam Speaker, this is a very strong report that makes some valid criticisms and, in general terms, provides a good assessment of the budget and the budget process. It appreciates the time and effort that Ministers and their public servants put in and makes some suggestions about possible ways to improve. That is the whole weight of about 98 or 99 per cent of the report.

Unfortunately, the debate this evening has dwelt on the other one per cent. I do not want to continue that practice, other than to refer to a couple of little comments that are just too much for me. In particular, the constant comments about Ms Ellis and her final meeting have been taken a little out of context. Ms Ellis did turn up; she did have a Social Policy Committee public hearing. I think some of the comments about Ms Ellis's participation have been churlish. Generally, I think members participate strongly in all committees, and we must not lose sight of that. Ms Ellis made a decision about her priorities - I think, a very valid decision. Unfortunately, the rest of us at that meeting felt that, because of the time restrictions on us, the committee report should be finalised and that there was an opportunity for members to make a dissenting report. That is what they were forced to do. In some ways that was unfortunate, but I think it was the most efficient way to deal with the situation at the time. That is why I agreed to that position, and I still think it was the appropriate one.

Another issue raised that was of some interest to me was the notion that there was a leak of this report to the *Canberra Times* and that something should be done about that. The members who raised that ought to be aware of standing order 71, because what you are talking about is a matter of privilege. Standing order 71 provides:

Upon a matter of privilege arising:

- (a) a Member shall give written notice of the alleged breach to the Speaker as soon as reasonably practicable after the matter has come to that Member's attention.

If members are aware of a breach of privilege and have not done that, they ought not to have any more to say about it.

In terms of the report as a whole, Madam Speaker, it seems to me that a range of issues have been raised and dealt with by members. I will deal with only one issue, that of ACTEW appearing before the Estimates Committee. I would like, first of all, to thank the Minister for offering to bring ACTEW before the committee. I think it is a very good precedent that has been set. It is a recommendation of the Estimates Committee that in future ACTEW should provide the same information in the same format as departments have done. The procedure for looking at the ACTEW budget will therefore be very similar to that for government departments. What happened was that very late on a Friday evening, I think it was - it was certainly very late one evening - we decided that we would bring the ACTEW people before us instead of having them come back again at another time.

In fact, if I recall correctly, we spent something like an hour-and-a-half with ACTEW, asking questions. I feel that in many ways we did it inadequately. We look at Ministers and how well they perform, and it does not hurt us to look at how well we perform in the Estimates Committee. I hope that next year we will ensure that we look at ACTEW much more carefully and ask them to work through their budget to the \$50,000 level, as we have with other departments. For ACTEW, in some areas that will be difficult. No doubt it will take two or three years to finetune, so that we are not asking the public servants who work for ACTEW, and other public servants, to spend an inordinate number of hours getting down to detail that is not really necessary. That does happen in some situations, and it is something that we need to finetune and be aware of.

It is with pleasure that I support this report. I emphasise that, apart from some small criticisms, the vast majority of us appreciate what the Ministers and the public servants did. For those of us who have sat on previous estimates committees, the vast majority of the information was significantly better, significantly franker, significantly easier to understand than in previous years. In fact, that made some of the questioning that went on in previous years quite redundant this year because we had the answers in front of us. I think that is an important part of the process.

As far as the process goes, I personally think that next year we should consider the possibility of dealing in depth with just one or two sections of each department and not worrying about the rest of the department, thus cutting down the time for public servants, the time for Ministers and the time for ourselves. That requires a different thinking in terms of the Estimates Committee - that we are not going to look at absolutely everything. The important part of the process is done before the public servants arrive in front of the Estimates Committee. Most of us recognise that the discipline that has been required gives the public servants the opportunity to look at what they are doing, to assess their performance, where they can, against performance indicators, and to be prepared to provide the information to the Estimates Committee. I think that is a process we ought to consider for the next Estimates Committee. I commend the report to the Assembly.

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MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.07): Madam Speaker, I want to raise one criticism of the report, and I ask members to put this criticism into context. I am picking out one matter that concerns me; I am not going to go through and say, "This is fine; this is acceptable to me", and so on. So members should bear in mind that it is one issue. I have read the document tonight and I will go through it more carefully with departmental people. I have noted the comments and I believe that it is appropriate that I attend to some of the matters that are raised. Indeed, as I reflect upon the agencies under my control, there is much more praise than there is criticism of how they have gone about their business.

I draw your attention to page 35, from paragraph 3.116 onwards, on primary school size. I want to express some concern about the manner in which this has been treated. In three sentences there is a debate, such as it is, about the size of primary schools. Then we have two recommendations. I think members would agree that that is simply an inadequate way to deal with a quite substantial debate. I have not had time tonight to read the Estimates Committee transcript. I recall that the matter was raised, but it was not raised in great detail, or in any significant detail at all. In fact, it appears that it was not raised in sufficient detail to rate a mention in the next section, "Overview by Agency".

There is a substantial debate to be had about the size of primary schools, and we have had a very extended debate in the ACT on the size of small primary schools. There are many in this Assembly, and I am one of them, who argue that a small number of students does not necessarily have a detrimental effect on the quality of that school. I have also argued, on the basis of some research, that, within limits, a large number of students in a school does not necessarily have a detrimental effect on the quality of that school. If there are members of this Assembly who are concerned about the size of those schools at Gordon and Conder, I do not think this is the place to say it.

Mr Cornwell: You know that there are members who are concerned, Minister.

MR WOOD: Mr Cornwell, I acknowledge that there are concerns, but to make recommendations without any substantive debate or without looking at the evidence and running through the research is not a proper way to deal with the problem. I can only suggest to those people who have an interest in this - I acknowledge it and I would welcome a debate - that they approach the Social Policy Committee, which is the relevant committee, and ask them at some stage to roster an examination of school sites. Any recommendations that may be forthcoming from that could be put down on paper with some confidence. I do draw members' attention to these two recommendations. They simply cannot be substantiated by anything in this text or in the Estimates Committee hearings. I ask members to note my concern about the way that debate has developed.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.12): I want to make only brief responses to the specific recommendations in the Estimates Committee report. At the outset, I must observe that most of the acrimony that has been generated in the debate tonight focuses on that last meeting. I was not a member of the committee, but it does seem unfortunate that the bulk of the work of the committee and the bulk of the positive suggestions for better housekeeping,

which are non-partisan - a few political points were made as well, and a colleague will get to that in due course - have been overshadowed tonight in an acrimonious debate as to who was where, and when, at the time of that last meeting.

I hope that in future estimates committees it will be possible to arrange the committee's affairs in such a manner that all the members who deliberate in the committee feel, rightly or wrongly, that they had an adequate opportunity to contribute to the final product. Then perhaps we can have a debate which is less acrimonious and bitter than the one we have had tonight. Most of that bitterness was focusing not on the merits of the bulk of what the committee had to say but rather on that last - as it would appear - less than half-hour's worth of meeting.

On the specific recommendations, ACTEW did appear for the first time this year as a result of a government offer. I note the suggestion from the committee, although not a formal recommendation, that other agencies that are off budget may appear in the future. I think that is positive and it is something that I would be quite happy to facilitate.

There is also a recommendation that there be a review of the processes involved in the construction of the special care units at the Remand Centre, including the involvement of both agencies within my control. It is obviously within the power of the Assembly to have such a review - probably the PDI committee would be the appropriate one. I can indicate to the Assembly that I will be seeking a departmental review and report on that. The units have now been operating for a couple of months and it is an appropriate time to see how they have gone. As would have been apparent from the questioning, I think I said that that was not a model of how one would expect a public works project to go. There were some problems with it; it did not move as quickly as it should have. That whole saga spanned several administrations. I would be happy to have some internal work done and report back to this Assembly in due course. What seems to be suggested is an internal review.

The other suggestion, which I cannot accede to, is that there be a review of the activities of the adoption unit. It focuses on allegations that that unit is overstaffed. I have had a meeting with the Adoptive Families Association - the group which up until the day before I met them had been known as the Adoptive Parents Association, and many of us would know them by that title - which is the community group that is representative of the vast majority of adoptive parents in the ACT.

They said that, were I to reduce the staffing level of that section, they would scream and shout very loudly. They feel that the responsibilities of those four full-time equivalent staff - it is scattered across part-time consultancy staff rather than four full-time staff - are such that they are spread very thinly on the ground at the moment. The enormous responsibilities of the process of adoption, which requires extensive pre- and post-placement counselling and in-home interviews and all the rest of it, could not adequately be carried out with any fewer staff. I believe that that organisation spoke to opposition members and Independents as well. That is their strong view, which leads me to believe that that is not an overstaffed unit and thus a review is unnecessary.

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The other point that must be made is that this Assembly will be debating in a week or so - I will be introducing it tomorrow - a vast new Adoption Bill. It will have provision for access to information at a far greater level, which will require a counselling service and an information clearing house, funds for which were provided in the budget; that is nothing new. What that means, of course, is that the adoption area will be assuming vastly increased responsibilities as from the date the Assembly votes on that Bill. So, a review of its current staffing, firstly, is not indicated by the community group most affected - indeed, they say that that is simply wrong - and, secondly, is about to be overtaken by events when the whole range of responsibilities change.

The only other thing to say is that the role of an estimates committee to some extent is to look for efficiencies and savings in the way that public resources could be devoted better. I note that the only target, the only savings option, Mrs Carnell was able to find - she is constantly calling on me to spend more money in community services - is that we have too many staff in the adoption unit. That has been totally refuted by the relevant community organisation.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.17): I open my contribution to the debate by saying that my Mum and Dad, and I think all my family, would be very proud of me tonight because not one Liberal had anything good to say about me. I am sure that when I ring them and tell them about that they will be very happy. They will say, "You are doing good, son".

The issues raised by Mr Connolly in relation to the substantial parts of the report were entirely correctly put. The substantial recommendations of the report are recommendations that people can look at seriously in the context of the way they manage their respective programs within the budget process, and that is fair enough. But we have to look at the political side of it, because some serious accusations have been made, by stealth, I suspect, in some instances, which are planned to do political damage and, therefore, demand a political response. Mrs Carnell's attitude to the entire estimates process can be found in the words she used - "exposed for making a mistake". There is an obvious political connotation there. It is a highly emotive political statement about making a mistake.

Mr De Domenico: What are you quoting from?

MR BERRY: If you had been listening to the debate instead of dozing off, listening to your comrades instead of dozing off into your dizzy land, you would have heard it.

Mrs Carnell: Where did it come from?

MR BERRY: Read the transcript tomorrow. You said it. I should also add, Madam Speaker, that this is a classic example of whether you can trust Liberals or not. This comes from page 475 of the transcript and is in relation to some figures I put before the Assembly. Some numbers were transposed and it was inaccurate; there is no question about that. The question that was asked was a bit off - a lot off; it came from a Liberal. Mrs Carnell says, as recorded on page 475:

What I am saying is that the figures are the wrong way around. Was the bit of paper that I tabled - that I have with me - that was given to the Board of Health for the figures at July 1991 - - -

The transcript continues:

MR BERRY: Can we provide you with an officer to reconcile the problem. We have got a problem with the question and the answer. If somebody would sit down and talk to you.

I said that in good faith. The chair, Ms Szuty, said:

Yes, that is helpful.

We were at the end of the debate on that particular issue and it was getting close to lunch. I said:

That gets us off the board.

There was no response to that. One would think that everybody was happy, that we were concluded. Mrs Carnell said - these are a Liberal's words:

If someone can do that, that will overcome the problem.

That was on 29 September 1992. On 2 October 1992, we see a press release that is a response to - -
-

Mr Kaine: On a point of order, Madam Speaker: Is Mr Berry talking about the Estimates Committee report? What is he referring to? He is talking about press releases and documents that he has not identified and that do not seem to have any relevance to the Estimates Committee process.

MR BERRY: Yes, they are relevant.

Mr De Domenico: It is all well and good saying yes. Which documents are you referring to?

MADAM SPEAKER: Order!

MR BERRY: "Mr Berry provided misleading answers with respect to hospital waiting lists" and so on, and she goes on about it. But at any time since Mrs Carnell said, "If someone can do that, that will overcome the problem", did she raise it as an issue with anybody? The answer is no.

Mrs Carnell: Yes, I saw the person involved 10 minutes later. You did not fix it.

MR BERRY: The answer is no. As I promised, the person I promised would do it fixed it; he told her the answer. Mrs Carnell complained to nobody, and that was the end of that. Then we go to a press release. Do not go to any of the other committee members - sleazy; she goes out by herself - sleazy.

Mr De Domenico: On a point of order, Madam Speaker: Can I suggest that Mr Berry should be asked to withdraw the word "sleazy".

MR BERRY: Well, shonky. I withdraw "sleazy".

Mr De Domenico: On a further point of order, Madam Speaker: Can I also ask him to withdraw the word "shonky", which you have ruled on before. Perhaps he would like to borrow Mr Stevenson's dictionary to find another word.

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MADAM SPEAKER: Order, please, Mr De Domenico! I ruled on "shonky deal", not the word "shonky"; but I will leave it to Mr Berry - - -

Mr De Domenico: So "shonky" is all right?

MR BERRY: It is, for a Liberal.

MADAM SPEAKER: Order, Mr Berry! I think we will rule "shonky" out of order. Please withdraw it, Mr Berry.

MR BERRY: I withdraw that. She ignores the committee members, rushes off to the press - no comment amongst other committee members, no requests to me, no requests - - -

Mrs Carnell: I can assure you that a number of the other committee members knew about it.

MR BERRY: That just goes to show you; you can never trust a Liberal. She said, "If someone can do that, that will overcome the problem". Well, it did not. We now go to the report, which says:

The Committee was particularly concerned that information for which the Minister for Health is responsible was in some circumstances difficult to adduce.

Some chitchat went on between me and Mr Moore when we were talking about a survey of waiting lists and so on and we interrupted each other a couple of times. I went on to say:

In principle I do not have any difficulty with the proposition; but I would not want to commit myself one way or another until I have had a close look at some of the difficulties which might arise - - -

Mr Moore said:

So, will you take that on and look into whether or not it is worth doing?

I replied:

Sure.

That cannot be described as information being difficult to adduce.

Mr Kaine: What did "sure" mean?

MR BERRY: I will do it. Somebody tricked the committee into putting this into the report. None of the other committee members would cop that because they know that the statement is inaccurate.

Mr Kaine: All of the committee members copped that, as you put it.

MR BERRY: Here we go again. That is inaccuracy No. 1. The report said:

For example, the Minister responded to a large number of questions with an answer to the effect ...

We go to page 322, where Mrs Carnell said:

So you are saying to me that provision has not been made for mammography after two years because you have not -

I said:

No, I am not - no, what that suggests is that we are not going to do it after the next two years. What I am saying to you -

this is very clear -

is that you cannot draw from the fact that the Commonwealth funding runs out after two years that it will not be continued. I mean, it is going to be a decision for future governments ...

That is a very clear position. Future governments will make a decision. This sounds to me as though Gary Humphries has been at work again, conning the committee into putting inaccurate information into the report. The report states:

For example, the Minister responded to a large number of questions with an answer to the effect ...

I have found one on page 263. I said:

As far as I am concerned, we have an advice before us and we are considering the matter.

Mr Humphries said:

I think that we are entitled to know what is going to happen. Are we going to see action taken on it?

I replied clearly:

We will consider the matter and then we will decide on a course of action. It is a matter for consideration.

Mr Humphries: We have heard that a lot, actually.

Mr Kaine: "And we will tell you in five years' time".

MR BERRY: Yes, but it refers here to "a large number of questions". Once. That is the third inaccuracy. We then go to page 216. There are heaps and heaps of inaccuracies in this report, which you are responsible for. (*Extension of time granted*) It is very amusing. This just shows up the inaccuracies in all of these sneaky statements which were included in the report by stealth.

Mr De Domenico: That is a reflection on the Estimates Committee, Mr Berry.

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MR BERRY: I am afraid that it is a reflection on the sneak that got them in. Here is a statement I made in response to a question about activity levels:

We expect, you know, activity levels to be about the same but we hope to do better.

That is a very clear statement.

Mrs Carnell: No, it is not.

MR BERRY: It is a very clear statement.

Mrs Carnell: It does not tell you what the activity rate - - -

MR BERRY: I said that we expect about the same as last year and we hope to do better. Nine times I told them that: We expect activity levels to be about the same. The chair of the Estimates Committee would know the answer because she probably had a look at the associated papers. You were told nine times. Liberals never like my answers, and I am quite proud of that. One of the things that I trust I will be able to do on each occasion when I am asked a question by a member of the Liberal Party is to expose them for what they are. What they have shown themselves to be, in relation to this Estimates Committee, is a bunch of shonks who are prepared to do anything - - -

Mr Kaine: Madam Speaker, surely you must pull him up. You do not have to wait for us to protest, surely.

MR BERRY: I withdraw that.

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

MR BERRY: A bunch of sneaks who are prepared - - -

Opposition members: Oh!

MR BERRY: No; that has never been ruled out.

Mr Humphries: Madam Speaker, on a point of order: It seems to me that Mr Berry is quite deliberately breaking standing orders. He has again and again used words which he knows are not parliamentary, which he knows he is going to have to withdraw, and which he knows you will, as you have tonight on several occasions, ask him to withdraw. If he uses another word which he knows to be unparliamentary, I ask that you name him.

MR BERRY: "Untrustworthy" is all right, then, is it?

Mr Kaine: No, it is not.

MR BERRY: I think it is. I think it is very appropriate.

Mr Humphries: Of you or us?

MR BERRY: Of you. Madam Speaker, I search my vocabulary for a word that would rest easy on the shoulders of the Liberals, but I do not have one. I am having great difficulty, and I apologise if I have offended the chair in any way with some of the language which I think is most appropriate. I think I have

drawn attention to the fact that very important elements of the estimates process have been soiled by the activities of the Liberals. In particular, I smell a bit of Mr Humphries amongst the stench of - - -

Mr Connolly: Instead of "sneak", you could say "bad person".

MR BERRY: Bad person, okay. "Sneak" I withdraw, but "bad person" is okay. There is a smell of undue political opportunity that has been taken in the report. You ought to be ashamed of yourselves. The report had the potential at one time to be a rewarding document for everybody in the Assembly, but I think the dirty marks that have been left on the estimates process have spoiled it. I hope you learn your lesson, but I doubt that you will. I have been trying to teach you for ages, but you are a bunch of slow learners and I do not expect any improvement over the next couple of years.

MS SZUTY (10.32), in reply: I would like to thank members for their comments on the Estimates Committee's report over the last two-and-a-half hours, which I found very interesting. I would like to comment on each member's contribution to the debate as I see it. Firstly, Mr Kaine quite rightly commended the estimates process. He believes that we should concentrate, in our remarks, on the proper conduct of members in the process. I believe that that proper conduct has been fulfilled in the majority of cases. I thank Mr Kaine for his comments on my chairmanship of the committee. He sees me as not being a puppet of the Government, and I am thankful for that, because at no time in the process did I consider myself to be a puppet of the Government in the chairing of the Estimates Committee.

I thank Mr Lamont for his comments on my chairing of the hearings. He made a number of positive comments about the Department of the Environment, Land and Planning, and TAFE, which were endorsed by the committee. He also spoke about his additional comments and said that they were based on the second draft of the Estimates Committee report. I would remind members that Mr Lamont could have asked the secretariat for a copy of the final report on Wednesday, 4 November, before we considered it at the meeting on Thursday, 5 November, at which he was not present, and he still would have had time to frame his additional comments in the context of the final report. Mr Lamont also suggested that we should somehow conduct an inquiry process into the leaking of the report to the *Canberra Times*. He suggested that perhaps I, as committee chair, could do that. As Mr Lamont would be aware, I am not chair of the Estimates Committee any longer. I ceased to be chair of the Select Committee on Estimates on 6 November, the day we reported to the Speaker of this Assembly.

Mr Westende made some comments on the estimates process and acknowledged that he was not here for all of the hearings. He did say that he contributed in a positive way to the report and produced some questions for other members of the Liberal Party to ask during the hearings.

Ms Ellis talked about her additional comments in a number of interesting ways, variously describing them as a minority report and further on as a dissenting report, which I found interesting. She also talked about her priorities as chair of the Social Policy Committee, which Mr Moore also alluded to during his remarks. I would suggest to members that Ms Ellis did prioritise her tasks during that week and the Estimates Committee on this occasion did not come out at the top of the list.

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Mr Humphries reminded us all that we needed to address the recommendations of the report and not only the additional comments which were volunteered by Mr Lamont, Ms Ellis and Mrs Grassby. He quite rightly made comparisons between this year's and previous years' Estimates Committee reports, which I believe were valuable in the debate. He also referred to comments about me being seen by some people as a stooge for the Liberals in terms of the substance of the report presented. I might put it to members that if I am seen as a stooge of both the Labor Party and the Liberal Party I must be doing something right.

Turning to Mr Cornwell's comments, I agree with Mr Cornwell that ample opportunity was given to Estimates Committee members to attend the meeting of 5 November, and I agree that recommendations arising from this report should be acted on. That is what the whole process is all about. He also commented on the length of time for which the Estimates Committee conducted its public hearings. I do note that we commenced our first hearing on 24 September and concluded on 13 October, which was some considerable time. We all need to be aware that certain factors impinge on the scheduling of the hearings, most significantly at times the availability of Ministers and senior officers. I am aware that we scheduled some of the public hearings to suit Mr Connolly in particular, due to the birth of his child, and also for the Chief Minister in her return to the Estimates Committee with Treasury officials on 13 October.

Mrs Grassby quite rightly identified the Estimates Committee process as an important part of the Legislative Assembly's work and drew attention to the absence of Liberal members from the hearings, and I agree that that is an important point. The estimates process will, in fact, improve with more of the opposition members present during the public hearings. She also referred to the transcripts and tried to give us some examples of Mr Berry actually answering questions. I think the Estimates Committee report speaks for itself in this regard. Mr Berry quoted from the same page that I was going to quote from in my remarks, page 222, and the six occasions when Mr Berry gave the same answer to various questions by Mr Humphries and Mrs Carnell.

Mrs Grassby suggested that I conduct an inquiry into the leaking of the document to the *Canberra Times*. I say quite categorically that it was not I who leaked the report to the *Canberra Times* as chair of the committee. Mrs Carnell said that the committee report is one of substance, which I was pleased to hear. There were lots of areas where the comments were positive, but criticisms are considered to be constructive and I believe that they were.

I thank Mr De Domenico for his compliments to me as chair during the inquiry process. Mr Moore made the comment that our Labor backbenchers chose different priorities for that final week when the report was being finalised and talked about the appearance of ACT Electricity and Water for the first time this year. I agree with his comments that the Estimates Committee should look at what we did well during the process and what we can improve on in future years.

I appreciated hearing the Ministers' comments about the various sections of the report that they had responsibility for. Mr Wood quite rightly raised the issue of primary school size. In fact this report was designed to do this very thing. It was designed to draw Ministers' attention to particular issues that the Estimates Committee is concerned about and perhaps will follow up in some way in

the future. I am sure that there will be several members of this Assembly who will take up his suggestion to talk about this particular issue further at another time. I also heard a suggestion that perhaps the Social Policy Committee could take this particular question on as a reference, and I would welcome that, should it come up for consideration in the New Year.

Mr Connolly also said that the process should be a genuine one, and I would agree, on this occasion, that the process was a genuine one and appeared to be so. He also commented on the non-budget-dependent entities and suggested that it would be a good idea for the Estimates Committee to consider them in future years. He also drew attention to the recommendations on the Belconnen Remand Centre. I am sure members will be pleased that a departmental review will be organised on that issue. He also commented on the review of the adoptions unit. I looked at the recommendations carefully when Mr Connolly was referring to those and in fact that is what the Estimates Committee did; it just recommended a review of the adoptions unit and not necessarily a reduction in staffing, although that point was made.

Mr Berry concentrated a lot on the political nature of the responses in the report and I believe that those comments are unfortunate. I believe that the Estimates Committee has done a fair and credible job with the task that it has had this year. It has given examples of where it believed that Mr Berry was unresponsive in terms of his dealings with the committee. In concluding, I would like to thank members for their contributions to the debate and ask that members support the motion that the report be noted.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Tuggeranong Community Festival

MS ELLIS (10.41): I would like to draw to the attention of the Assembly the success last weekend of the Tuggeranong Community Festival. In doing so I must declare an interest inasmuch as I am a member of the committee involved. With the indulgence of the Assembly I will explain. I seek leave to incorporate in *Hansard* a list of the committee members and, more importantly, the sponsors and backers of the festival. There are too many to name here tonight in the five minutes I have.

Leave granted.

Document incorporated at Appendix 1.

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MS ELLIS: Members may recall that a few months ago there was some debate over the funding or otherwise of the festival this year. As a result of some discussions that were held with the Minister, Mr Wood, it was decided that the funding would go ahead. I can assure Mr Wood that, on the response of the community in the Tuggeranong Valley last weekend, not only was that a very good decision, but also he is going to have to make an even harder one next year, and that is to consider increasing that funding slightly on the basis of the success of the festival. The festival went for five days, from 11 to 15 November. It involved a very wide range of activities aimed at almost every sector of the community. That range of activities included things like a fun run, dragon boat races, art shows, clowns and Punch and Judy for the children. Local school bands participated. There was a film gala night. Chamber music concerts were given. There were drama productions, sporting events as part of the normal local sporting competitions in the valley, rock-and-roll dances, and country music. Everything was there.

The main theme of the festival was on the Sunday, last Sunday being family day. I do not think I would be exaggerating to say that thousands of people attended. It was held around the lake and the foreshores of the award winning Tuggeranong Town Centre. There is a particular reason for drawing attention to that. We are fortunate in the valley that we have a perfect facility in which to hold such a thing as a community festival. Not only do we have that facility, but also the community helped us use it. I think it is very good for government to see that you can create these environments, but it is very rewarding to see them so well utilised. The weekend finished on Sunday evening with a concert. I think it was by Elton John, but people tell me that it was someone called Elton Jack. You could not get near that place for people. At the end of that there was a fireworks display for 15 minutes over the other side of the lake. I would like to commend to all members of the Assembly the people listed on this document for their participation. In standing here and commending the committee, I do so acknowledging that my part was very minimal and that the hard work was done by the rest of the committee and the sponsors and the backers on the day, particularly on Sunday. They are the people we should applaud, and I do that.

Tuggeranong Community Festival

MR DE DOMENICO (10.44): Madam Speaker, I rise very briefly to endorse the comments made by Ms Ellis as a fellow Tuggeranong resident and someone who did participate with my wife and children on Sunday, in particular. I was delighted to hear a little band called Double Jeopardy, for example, that played old fifties and sixties rock-and-roll, and country and western music. I think that Ms Ellis does not do herself justice by minimising the work that she has done on this committee. She has been on this committee for a couple of years now. She has worked very hard, as have all the other members on the committee. There ought to be a lot more occasions when we can stand up in a bipartisan way and congratulate someone for a job well done. Quite honestly, the best gauge of the success of things like a community festival is to see the smiles and the happy faces of those who participated. I commend the committee for its work. May Mr Wood listen very hard to the recommendation made to him by Ms Ellis. Hopefully the Tuggeranong festival will be bigger and better next year because of the extra government funds that will be provided to make sure that the community enjoy themselves.

Assembly Questions

MR CORNWELL (10.45): Madam Speaker, I rise to address a matter to you and to ask for your guidance. I do not expect it now. It is not a major matter. Earlier today in question time a question was asked, I think it was by Ms Szuty, about trees out at Palmerston.

Mr Wood: Mrs Grassby.

MR CORNWELL: Mrs Grassby. Thank you, Mr Wood. You have now endorsed the very point I am going to make. Ms Szuty has a question on notice relating to the Palmerston tree issue. I would ask, Madam Speaker, if you would examine this matter and see whether there are some procedures to avoid this situation occurring. I am sure that it was not done deliberately or anything of that nature.

Mr Wood: It should not happen.

MR CORNWELL: No, indeed.

Mr Wood: I did not know that there was a question.

MR CORNWELL: I am not making a complaint about this. Our standing and temporary orders do not really cover the matter, as far as I can see. I would refer you to page 524 of *House of Representatives Practice*, which, I have to say, sadly, does not entirely answer the question either. Nevertheless, I will leave it to your judgment.

MADAM SPEAKER: Thank you, Mr Cornwell.

Smoking

MR HUMPHRIES (10.47): Madam Speaker, the other day I received a pamphlet in the mail and I thought it might be worth quoting from it to members so that they can see the sort of thing we are up against. This document is entitled "Big Brother is watching in this, the fresh-breathed world order". It goes on as follows:

Consider this idea for a TV ad. A man lurches into a casualty ward. He is bloodied and pale, mainly because he carries his right arm in a K mart bag. Naturally, the hospital people are solicitous. As soon as the man has signed statutory declarations that he is an Anglican, that [he] has a next-of-kin who, unfortunately, now lives with a panelbeater, that he has health insurance and is not a Bosnian refugee, they let him see a doctor.

Doctor: "And how did we do that?"

Victim: "Chain saw slipped."

Doctor: "Do we smoke?"

Victim: "Yeah."

Doctor: "Impairs your reflexes, you know."

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Despite all this attention, the man dies. The doctor completes a form saying the cause of death is a smoke-related illness. In the final frame, he urges you to quit before the same thing happens to you. On reflection, don't think about that ad. You will probably be seeing it soon.

The campaign against smoking is old and respectable. Smoking is unhealthy: none of us needs to be told so by a doctor or a really dopey sportsman doing a community-service ad. The trouble is that in the past year or so a campaign has become a crusade. Crusades are different from campaigns. As Peter, the Hermit, liked to say, to win back the Holy Land you are allowed to cheat.

Others lacking imagination point out that smoking is legal, so legal it grosses governments billions in excise. They think it odd that governments hand dirty money collected from smokers back to sporting bodies, rather in the fashion of the Mafia making donations to the Salvos. Anyway, these critics have the wrong Mafia analogy. Cash received from smokers is first taken to a government factory to be laundered free of nicotine and death before being handed on to volley ballers.

Madam Speaker, this little publication is obviously a diatribe and invective against those in this community - including many of us in this place, I might point out - who have made serious attempts in recent years to address the enormous harm done to our community every year by the consumption of tobacco. Unfortunately, this document is published by Philip Morris Ltd. I would have expected some crackpot to be responsible; some subversive; somebody who felt that it was great fun, somebody who felt that they were leading some charge against the new world order or whatever; but, instead, we find here - - -

Mrs Grassby: You thought it came from Mr Stevenson, didn't you?

MR HUMPHRIES: No comment. We find a major company, a major cigarette manufacturer in Australia, publishing this kind of rubbish. Madam Speaker, this is the kind of thing which, unfortunately, is put out by those who continue to believe that the product that they produce, which kills millions in this country and overseas, is in some ways a respectable product which ought to be allowed to wend its evil way throughout our community and our society without any impediment. We do not believe that, Madam Speaker, I do not think. I do not think anybody in this chamber does. I hope that we are able to expose this kind of rubbish in the minds of people who might pick it up and think it is a serious attempt at debate on this important question.

Tuggeranong Community Festival : Assembly Questions

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.50): Madam Speaker, I will comment briefly on a couple of the matters raised tonight, one of which is the Tuggeranong festival. I am very willing to concede that my initial reluctance to agree to funding for that has been proved to be quite unwarranted. The festival went ahead and it has clearly been, I think, the most successful of the community festivals around the ACT. When I can, I get to them all.

I would like to comment in particular, though, that part of the success of that festival was its location on the built shores of the lake. There was a time when I was one of those people who were very hesitant about similar types of activity and construction on one part of the shores of Lake Ginninderra adjacent to the Belconnen Mall and the commercial centre. Having seen the success of the planning in Tuggeranong, my views have somewhat changed and I think that in the future development around as far as the Water Police station would be quite appropriate at Lake Ginninderra. If we could do one thing that would further improve that area, it would be to reverse what must be one of Canberra's worst ever planning decisions, and that was to put that Belconnen Mall car park where there are beautiful lake views. I cannot imagine any worse thing that ever happened in planning in the ACT.

Mr Cornwell raised, quite appropriately, I think, the matter of a question I answered today. There has been a quite substantial response to me, not surprisingly, about the knocking down of those trees. Ms Szuty has a question on notice, as you point out. I do not know whether the answer has passed through my hands. It did not occur to me immediately when you raised it that it had, but I have had such a response that I had better check and make sure that I am being quite accurate in what I say here, because of the comments that have been made. It was a very deliberate act of vandalism and one that I will see will not happen again. I note what Mr Cornwell raises in the Assembly. It generally has been the practice that, if there is a question on notice or some matter on the notice paper, it is not referred to in other debate.

Question resolved in the affirmative.

Assembly adjourned at 10.54 pm

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ANSWERS TO QUESTIONS

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO. 311**

Intellectual Disability Services - Accommodation Charges

Ms Carnell - asked the Minister for Housing and Community Services -

In relation to the recent increase in full time Intellectual Disability Service (IDS) accommodation charges, from \$17.31 to \$20.00 per night

- (1) What factors were considered in determining this increase.
- (2) What consultation was undertaken before deciding on this increase.
- (3) If the increase in accommodation charges reflects increased operating costs, can the Minister provide details of where, how and why these increases occurred.
- (4) What plans have been made to reduce costs, rather than raising charges to compensate for increased operating costs.

Mr Connolly - the answer to the members question is as follows:

- (1) All fees and charges were reviewed to ensure their consistency with principles of cost recovery, relativities with charges in other States and the maintenance of real value. Fees were generally below those applying in other states and a decision was taken to align fees with those state practices.
- (2) No consultation was undertaken.
- (3) Expenditure on disability services was \$10.4m in 1990-91 and \$10.9m in 1991-92, with further increases projected for 1992-93 reflecting increases in salaries and price adjustments in operating costs such as rent, food, fuel, light, power etc. IDS recovers about 10% of the total cost of providing services through fees.

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- (4) All IDS residential facilities have been requested to reduce expenditure where possible while ensuring that the standard of living of residents is maintained. IDS has commenced a program of staff and community consultation aimed at restructuring the management of its residential facilities so that increased efficiencies can be secured.

3124

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 322

Sex Television Program

MR WESTENDE - asked the Minister for Education and Training on notice on 16 September 1992:

(1) Has the Government made any assessment of the impact on the community of the recent television program hosted by Sophie Lee called "Sex".

(2) Has there been any follow up counselling of young people to gauge their reactions and to offer advice where needed.

(3) Does the Government have a view about the program.

MR WOOD - the answer to Mr Westendes question is:

(1) No

(2) No

(3) The government does not endorse the use of this program in schools. Certain segments of the program are serious attempts to address valuable issues, but would have to be selected carefully and viewed only within the relevant context of health or science education.

3125

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 343

Urban Services-Portfolio
Committees, Boards and Advisory Groups

Mr Kaine - asked-the Minister for Urban Services: For all Government Committees, Boards-and Advisory Groups within the Urban Services portfolio

- (1) How many people are appointed to each of these bodies and what is the date of appointment of each member.
- (2) What are the terms of reference for each of these bodies.
- (3) What is the total time of the appointment,for each of these bodies.
- (4) What is the gender breakdown of each of these bodies.
- (5) What cost is associated with each of these bodies, ie fees or salaries paid to members..
- (6) How many public servants, service each of these bodies, by position and salary and how much time is devoted by these officers to that task daily, weekly etc.
- (7) How many of these bodies .produce a publication, how are these distributed and how much-does it cost to produce them.

Mr Connolly.- the answer to the Members question is attached:

3126

(ACT) Fire Brigade Disciplinary Appeals. Board

1. Present Members.

Magistrate J J Drained Chairperson

Mr T Miller

Mr R Sheared

2. Terms of Reference

Affirms, varies, or sets aside determinations of the Fire Commissioner in relation to a disciplinary offence or criminal charge or where the Commissioner has dismissed a member, reduced a member to a lower rank or reduced the salary of a member.

3. Term and Power of Appointment

Chairman and members appointed by the Minister. Each member holds office for a term. not exceeding three years and is eligible for re-appointment.

4. Gender Breakdown,

3 Males - 0 Females

b. Remuneration Mechanism

Nil

6. Public Servants.

Nil.

7. Publications

The Board. produces no publications.

3127

17 November 1992

Architects Board

i . Present Members

Mr John Flutter Chairperson 20/12/91 to 19/1/92 Mr B Cameron 20/12/91 to 19/1/92

Mr I Thompson 20/12/91 to 19/1/92,

Ms C Breheny 20/12/91 to 19/1/92

Ms Annabelle Pogrom 4/5/92 to 3.15/95

2. Terms of Reference .

Registers persons engaged in the practice of architecture in the ACT and issues Certificates of Registration and Practising Certificates on the payment of a prescribed fee. Conducts AACA Architectural Practice Examinations. Takes part in reciprocal recognition and review of legislation under AACA.

Maintains a Register of ACT Architects.

3. Term and Power of Appointment

Members appointed by the Minister for three years and eligible for re-appointment.

4. Gender Breakdown

3 Males - 2 Females

5. Remuneration Mechanism

Remuneration (Repeal) Act 1989 refers. Prescribed Authority - paid in accordance with the Remuneration Tribunal - offices not specified - category 2 rate

Members - Rate per diem - \$194 (from 15:8.91) Remuneration Tribunal det no 22 tf 1991 refers -

Travel Allowance - Sydney. - \$230; other Capital Cities - \$190; other than Capital Cities - \$145

6. Public Servants

ASO 4 \$32000 40% of total time

7. Publications.

The Annual Report is incorporated in the Department of Urban Services Annual Report. .

3128

ACT Bush Fire Council

1. Present Members

Mr KA Bolton 2/12/91 to 2/12/94 Mr P D Rimer 2/12/91 to 2/12/94
Mr M J Lonergan 2/12/91 to 2/12/94 Mrs C A Parsons 2/12/91 to 2/12/94
Mr G W Evans 2/12/91 to 2/12/94, Mr N P Cheney 2/12/91 to 2/12/94
Mr W M G Kerr 2/12/91 to 2/12/94 Mr M L Stomps 2/12/91 to 2/12/94
Ms P Lockwood 2/12/91 to 2/12/94 Mr J M Sandison 2/12/91 to 2/12/94
Mr D T Jamieson 2/12/91 to 2/12/94. Mr P Davies 2/12/91 to 2/12/94
Mr D J Broderick 2/12/91 to 2/12/94 Mr Mays 2/12/91 to 2/12/94
Mr Moore 2/12/91 to 2/12/94 Mr G C Wells 2/12/91 to 2/12/94
Ms J F Fees 2/12/91 to 2/12/94. Dr A M Gill 2/12/91 to 2/12/94
Mr T Miller 2/12/91 to 2/12/94 , Mr. K T Anderson 2/12/91 to 2/12/94
Mr R Donarski 2/12/91 to 2/12/94
Mr A W Johnson 2/12/91 to 2/12/94
Mr I G McArthur 2/12/91 to 2/12/94
Mr B Terrill 2/12/91 to 2/12/94

2. Terms of Reference

The Council may take such action as it deems necessary to prevent the outbreak or spread of fire and to protect from life and property in any part of the Territory, other than any part which is a built-up area, and may, in particular, acquire fire-fighting equipment, employ workmen; organise fire prevention associations and distribute literature relating to fire prevention (s.5H(1)).

3. Term and Power of Appointment . .

Members and Deputies appointed by Minister Each member shall be appointed for a term of three years and shall be eligible for reappointment (s.5D).

4. Gender Breakdown

21 Males = 3 Females.

5. Remuneration Mechanism

Remuneration (Repeal) Act 1989 refers. Prescribed Authority - paid in accordance with the Remuneration Tribunal - offices not specified - category 2 rate. . .

Members - Rate per diem - \$194 (from 15.8.91.) Remuneration Tribunal det no 22 of 1991 refers. . .

3129

17 November 1992

Travel Allowance: Sydney - \$230; other Capital Cities: \$190; other than Capital Cities: \$145

Allowances (rate?) are paid to fire controllers who participate in the departmental fire duty roster.

6. Public Servants

SOG C \$45546 50% of total time

ASO 5 \$33000 60% of total time

7. Publications

Rural Fire Control manual produced at a cost of \$5000 and distributed to volunteers of the Bush fire Brigade, the Rural fire service, Fire and Emergency Service staff and interested parties on request.

3130

ACT Electricity and Water Authority -

1. Present Members

DR M A Sargent CEO 2/11/91 to 2/11/96
Mr P M Phillips Chairman 1/7/88 to 31/12/92
Ms V Walsh 1 /11 /88 .to 31 /10/93
Dr H D W Sadler 28110/91 to 30/6/93
Ms P M Burton 10112/91 to. 30/6/93
Ms M P Sheenhan 17/12/1 to 30/6/93

2. Terms of Reference

- to supply electricity and water;
- to promote and manage the use of electricity and water;
- to collect and treat sewage and otherwise to provide and manage sewerage services;
- to produce sewage treatment by-products; and , -
- to do such things in relation to electricity or water or the provision of sewerage services as are conferred on the Authority by or. under the Electricity and Water Act or any other law of the Territory. - - .

3. Term and Power of Appointment

An appointed member holds office for a period not exceeding five years but is eligible for reappointment. All seven members are appointed by the Minister. The Minister appoints a member to be Chairperson and another member to be Deputy Chairperson.

4. Gender Breakdown

3 Males - 3 Females

5. Remuneration Mechanism . .

Chairperson - Specified Office - \$24,381 (from 15.8.91) - Rate of fee per annum - Remuneration Tribunal det No 26 of 1991 refers

Deputy Chairperson - Specified Office = \$14,617 (from 15.8.91) - Rate of fee per annum - Remuneration Tribunal det No 26 of 1991 refers

Member - Specified Office - \$13,075 (from 15.8.91) - Rate of fee per annum - Remuneration Tribunal det No 26 of 1991 refers

Chief Executive Officer -.Specified Office - \$99,005 (from 15.,8.91) - Rate per annum of Salary - Remuneration Tribunal det No 26 of 1991 refers . -

Travel Allowance (for Chairperson and Members; -Sydney - \$230; Capital Cities \$190; Other thanCapital Cities - \$145 .

Travel Allowance (for Chief Executive Officer) - Capital Cities - \$300; Other than Capital Cities - \$155

3131

17 November 1992

6. Public Servants

ACTEW staff are employed under the Electricity and Water Act 1988 and as such, are not public servants. However one ACTEW AS05 with an annual salary range of \$32 800 - 34778 does provide secretariat services to the Authority on average 3 days per week

7. Publications

The ACT Electricity and Water Authority is required to publish an Annual Report, a Corporate Plan and a Financial Plan each year. The Annual Report and Corporate Plan are distributed to the Minister for Urban Services, other members of the Legislative Assembly, senior officers of the ACT Government, to industry organisations and other interested organisations, libraries etc either by hand or through the post as appropriate. The Financial plan is distributed to the Minister for Urban Services and other members of the Legislative Assembly. Estimated average costs per annum of these publications are:

Annual Report . \$30000

Corporate Plan \$20000

Financial Plan \$2000

3132

Milk Authority of the ACT

1. Present Members

Mr M G Sinclair Chairperson 28/10/91 to 25/10/92 Mr A Luchetti 28/10/91 to 25/10/92 Ms L
Fulton 28/10/91 to 25/10/92 Ms Jean Chambers 25/10/S9 to 25/10/92

2. Terms of Reference

Engage in, regulate and control the supply, sale and distribution of milk in the Territory. Regulation includes the regulation of prices at which milk may be sold or the -charges that may be made in connection With the sale of milk:

3. Term and Power of Appointment

A member holds office for a period of 3 years, and is eligible for re-appointment.

4. Gender Breakdown

2 Males - 2 Females

S. Remuneration Mechanism

Chairperson - Specified Office - Rate of fee per annum - \$9,821 (from 15.8:91) Remuneration
Tribunal det No 26 of 1991 refers

Member -Specified Office - Rate .per annum - \$6,624 (from 15.8.91) - Remuneration

Tribunal det No 26 of 1991 refers.

Travel Allowance (for Chairperson and Members) -Sydney - \$230; Capital- Cities -
\$190; Other than Capital Cities - \$145 - .

6. Public Servants

Nil.

7. Publications

Annual Report which is distributed to ACT Legislative Assembly, members, Federal Government,
Government Bureaus, Industry bodies, Industry associates, business associates, for promotional
purposes arid other interested parties on requests. The cost tot 1990/91 was \$953.

3131

17 November 1992

National Exhibition Centre Trust

1. Present Members

Mr S G East Chairperson 1/7/91 to 31/12/92

Mr P B Buckmaster 1/7/91 to 31/12/92 ,

Mr Ken Bone 1/2/91 to 30/6/93

Ms Joan Taggart 1 /7/91 to 31 /12/92

Ms Virginia Walsh 1/7/91 to 31/12/92

Mr Bill Lawrence 1/7/91 to 31/12/92

Ms Lesley OSullivan 1/8/89 to 30/6/92

2. Terms of Reference

Responsible for the management, marketing and development of the National Exhibition and Events Centre.

3. Term and Power of Appointment

Members appointed by Minister for a period not exceeding three years and are eligible .for re-appointment.

4. Gender Breakdown

4 Males - 3 Females

5. Remuneration Mechanism

Chairperson - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) - Rate per diem - \$240 (from 15.8.91)Remuneration Tribunal det No 22 of 1991 refers

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Ordinance 1989 refers) \$194 per diem (from 15.8.91) - Remuneration Tribunal det No 22 of 1991 refers

Travel Allowance (for Chairperson and Members) -Sydney - \$230; Capital Cities - \$190; Other than Capital Cities - \$145

6: Public Servants

Nil

7. Publications

Annual Report distributed to ACT Legislative Assembly members at a cost of \$500.

3134

Plumbers, Drainers and Gasfitters Board

1. Present Members

Mr B Webb 29/10/91 to 31/12/92
Mr A Gailbraith 29/10/91 to 31/12/92
Mr D F Bourke 1/1/90 to 31/12/92
Mr N Read 1/1/90 to 31/12/92
Mr B O'Reilly 1/1/90 to 31/12/92
Mr S Cameron 1/1/90 to 31/12/92
Mr L N Blackley 1/1/90 to 31/12/92.
Mr R Stone 1/1/90 to 31/12/92
Mr J Howard 1/1/90 to 31/12/92 .
Mr F Gordon 1/1/90 to 31/12/92
Mr M McDevitt 1/1/90 to 31/12/92 .
Mr L Archer 1/1/90 to 31/12/92
Mr G Grenshields 1/1/90 to 31/12/92

Departmental officer, no remuneration received.

2. Terms of Reference .

Administers registration of Plumbers, Drainers and Gasfitters, which includes liquefied Petroleum Gasfitters and Sprinkler Fitters in the ACT.

Takes an active part in formulating uniform regulations and reciprocal recognition qualifications within Australia and New Zealand.

Establishes and maintains a register of Plumbers, Drainers, Gasfitters and Sprinkler Fitters.

3. Term and Power of Appointment

Members appointed by the Minister for a period not exceeding 3 years, but are eligible for re-appointment. Deputies also appointed by Minister: .

4. Gender Breakdown

13 Males - 0 Females

5.. Remuneration Mechanism .

Chairperson - Non-Specified Office - Category 2 (Remuneration (Repeal) Act 1989 refers) - Rate per diem - \$240 (from 15.8.91) - Remuneration Tribunal det No 22 of 1991 refers

Member - Non-Specified Office - Category 2 (Remuneration (Repeal) Act 1989 refers) \$194 per diem (from 15.8.91) - Remuneration Tribunal det No 22 of 1991 refers

Travel Allowance (for Chairperson and Members) - Sydney - \$230; Capital Cities - . . . \$190; Other than Capital Cities - \$146.

3135

17 November 1992

6. Public Servants

ASO 4 \$31929 6096 of total time

7. Publications

The Annual Report is incorporated in the Department of Urban Services Annual Report..

3136

Canberra Public Cemeteries Trust

1. Present Members

Mr Graham McKenzie Smith Chairperson,
Mr S R Brown .
Mr J R Laity
Mr R J John
Mr F A Carne
Mr R F Miller
Ms Diana Body 18/5/192 to 30/11/94
Mr Derek Roylanc 18/5/1921 to 30/11 /94

2. Terms of Reference

Administers public cemeteries in Canberra (Gungahlin, Woden and Hall). Maintains associated records including registers of waves, burials and reservations.

3. Term and Power of Appointment

Trustees appointed by Minister with no stipulated tenure of office:

4. Gender Breakdown.

7 fides I Female

\$. Remuneration Mechanism

None.. .

6. Public Servants

Nil.. .

7. Publications

The Annual Report which is distributed to ACT Legislative Assembly Members and other interested parties on request. The cost for 1991/192 was \$360.

3137

17 November 1992

ACT Library Service Advisory Committee

1. Present Members

The Hon Mr Justice R Else-Mitchell Chairperson

Mrs K A Bourke

Mr B Dockrill Ex officio

Mrs A Joyce

Mrs G McNeil.

Mrs G Papak

Mrs K A Piesley MBE "

Ms A Edwards Ex officio

Mr D Barron Ex officio

Terms have expired. Reappointment pending (awaiting completion of review of structure and functions of Committee)

2. Terms of Reference

Advises the Minister and the ACT Government on public library matters in the ACT.

3. Term and Power of .Appointment

By the Minister for 2 years

4. Gender Breakdown

4 Males- 5 Females

5. Remuneration Mechanism

Nil.

6. Public Servants.

SPO B \$49360 3 days every 2 months

7. Publications

The Committee produces an Annual Report. The latest covered three years, 1988/89 1990/91. 1000 copies were printed at a cost of \$1617.. There are distributed to. other libraries in Australia and overseas.

3138

ACT Taxi Industry Advisory Committee

1. Present Members

Mr J Warren Chairperson 6/3/90 to 5/3/92

Mr M Sullivan 6/3/90 to 5/3/92.

Mr P Shulz 6/3/90 to 5/3/92

Ms I Ryan 6/3/90 to 5/3/92

Ms A Walls 6/3/90 to 5/3/92

Ms D Kellan 6/3/90 to 5/3/92

Mr D McMichael 6/3/90 to 5/3/92

Mr J McKeough 6/3/90 to 5/3/92

Mr D OBrien 6/3/90 to 5/3/92

Mr L Buttsworth 6/3/90 to 5/3/92

Dr R Clark 6/3/90 to 5/3/92

2. Terms of Reference

Make recommendations to the Minister on matters affecting the taxi industry.

3. Term and Power of Appointment

Members appointed by the Minister for 2 years and eligible for re-appointment.

4. Gender Breakdown

8 Males - 3 Females

5. Remuneration Mechanism

Chairman remunerated: Members not remunerated

Chairman remunerated in line with Remuneration Tribunal - unspecified office -
Chairperson - Category 2 \$240/day

6. Public Servants

ASO 6 \$38059 10 hours every-3 months

ASO 3 \$27430 3 hours every 3 months

7. Publications

No publications produced.

3139

17 November 1992

ACT Taxi Industry Liaison Committee

1. Present Members

Mr L R Palmer
Mr D-Coonan
Mr G K Rogers
Mr J McKeough -
Mr E De Borzatti
Mr M Edwards
Mr C Colquhoun
Mr D McMichael
Mr L G Mewburn
Mr D OBrien .
Mr Peter Hearne
Super Gary Griffiths
Mr John Muir

2. Terms of Reference

To provide a forum. in which the ACT Administration and representative of the taxi industry can discuss matters of mutual concern.

3. Term and Power of Appointment

No fixed terms of appointment.

4. Gender Breakdown

13 Males - 0 Females

5. Remuneration Mechanism

Nil

6. Public Servants

SOG C \$43738 3 hours every 3 months
TO 3 \$32431 10 hours every 3 months

7. Publications

No publications produced.

3140

ACT Third Party Insurance Premiums Advisory Committee

1. Present Members

Mr B J Reid Chairperson.
Prof A D Barton
Ms Marion Mantel
Mr S R East
MR P Edstein
Mr P Gerrard
Mr P Corrigan
MR M Sullivan
Dr R Clark

2. Terms of Reference

Principally to review premium levels on third party insurance and to recommend changes applicable to the forthcoming insurance year.

3. Term and Power of Appointment

No fixed term of appointment..

4. Gender Breakdown

8 Males - 1 Femal

5. Remuneration Mechanism

Chairperson remunerated.

Chairperson remunerated in line. with Remuneration Tribunal - non-specified office -

Chairperson - Category 2 (\$240% day).

6. Public Servants

SOG B \$49970 1 week per year .

ASO 5 \$33789. . 1 week per year

7. Publications .

Annual Report distributed and paid for by NRMA.

3141

17 November 1992

Essential Services Review Committee

1. Present Members

Mr Alan Haridman Chairperson, 3/8/92 to 2/8/95 Ms Lynette Land 3/8/92 to 2/8/95 Ms Kathleen Hancock 3/8/92 to 2/8/95 Mr Bob Leach 3/8/92 to 2/8/95
Ms Patricia Haye 3/8/92 to 2/8/95 -
Mr John Socha 3/8/92 to 2/8/95
Ms Deborah Baker 3/8/92 to 2/8/95
Ms Maria Myer 3/8/92 to 2/8/95
Ms Anne Butler 3/8/92 to 2/8/95 -
Mr Denis Daniels 3/8/92 to 2/8/95
Mr Vincent Bell 3/8/92 to 2/8/95

2. Terms of Reference

The essential Services Review Committee, constituted under the Essential Services (Continuity of Supply) Act 1992, has a Chairperson and Deputy Chairperson appointed by the Minister. Both were appointed on 14 August 1992.

3. Term and Power of Appointment

The terms of reference are as set out in the above Act but, briefly, they are to consider applications to the Committee for relief from pending withdrawal of essential services and to make decisions thereon.

There is not set time of appointment for this Committee.

4. Gender Breakdown

5 Males - 6 Females

5: Remuneration Mechanism

The Chairperson is paid \$366 per day and the Deputy Chairperson \$114 per day during hearings of the Committee.

6. Public, Servants

ACTEW staff are employed under the Electricity and Water Act 1988 and as such are not public servants. However, one ACTEW SOG C is employed full time as Secretary to this Committee. The annual salary is within the range of \$41929 - 45546:

7. Publications

No publications are produced by this Committee. . .

3142

NRMA Third Party Insurance Trust Fund (NRMA/ACT Road Safety Trust Fund) .

1. Present Members

Ms Bettie McNee Chairperson
Mr Bruce Dockrill
Ms Me rilyn Schilg
Rear Admiral Ian Crawford -
Mr Bruce Searles

2: Terms of Reference

To control and manage the disbursement of funds vested in the Trust and allocate grants to projects that will enhance road user safety of ACT citizens.

3. Term and Power of Appointment

Term not specified. Trustees may continue until they resign or an appointee elects to terminate their appointment.

4. Gender Breakdown

3 Mates - 2 Females -

5. Remuneration Mechanism -

No remuneration.

6. Public Servants -

SOG C \$49970 1 week. per year

ASO,5 \$33789 1 day per week

7. Publications

Annual Report distributed and paid for by the Trust .Fund. Ad hoc publications paid for by the Trust Fund.

3143

17 November 1992

Road Safety Council of the ACT

1. Present Members

Mr Mark Ransom Chairperson
Mr Dale Yeaman
Dr R Clark
Sgt S Kirby
Ms Raye Hendy - .
Mr Paul -Doherty .
Mr Les Tang
Mr Norrie OLeary
Mr Ian Holburn
Ms J Jeffrey
Mr Ewan Higgins
Mr Barry Robertson
Mr George Cooke
Mr Hal Caston

2. Terms of Reference

Acts as the voice of the community on road safety issues and accident prevention measures. Liaises with Government on these issues.

3. Term and Power of Appointment -

No fixed term. Constituent bodies determine the tenure of their own representatives.

4. Gender Breakdown

12 Males - 2 Females -

5. Remuneration Mechanism

Nil

6. Public Servants

Nil

7. Publications -

Annual Report to the Registrar of Incorporated Associations distributed and paid for by the Road Safety Council.

3144

Totalcare Industries Limited.

1. Present Members

Mr D R Page Chairperson
Ms Lesley Piko
Mr R Divett
Mr J Wilson
Mr D Sly

2. Terms of Reference

To provide a sterile supply service, linen service, waste. management service and transport, engineering and building maintenance services and motor vehicle repairs and maintenance.

3. Term and Power of Appointment

Appointed by the Minister until the establishment of a new business enterprise.,

4. Gender Breakdown

4 Males - 1 Female

5. Remuneration Mechanism

To be determined by the Remuneration Tribunal.

6. Public Servants

Nil.

7. Publications

The Company is required under the Territory Owned Corporations Act to produce an annual report. The first such report-is in course of preparation. .Production costs have not yet been finalised.

3145

17 November 1992

**Chief Minister for the Australian Capital Territory
Legislative Assembly Question**

Question No. 358

Gaming and Liquor Tax Revenue

Mr Stevenson - Asked the Treasurer upon notice on 14 October 1992:

- (1) What amount of revenue was earned from taxes on gaming machines in 1991-92 in
 - (a) licensed clubs; and
 - (b) hotels?.
- (2) What is the estimated revenue loss from -
 - (a) the exclusion of Class B gaming machines to taverns;
 - (b) surrendered liquor licences; and
 - (c) the downturn in liquor sales?
- (3) Will the increase in liquor licences from 1 January 1993 increase revenue or maintain the status quo?
- (4) The clubs open door policy appears to be in order to gain increased revenue from gaming machine tax Non-club members who were able to play gaming machines in taverns would return higher levels of tax (35%) to Government (refer section 57(4) of the Gaming Machine Act 1987). Why a different tax rate?

Ms Follett - The answer to the Members question is as follows:

- (1) (a) \$15.045m
- (b) \$0.177m
- (2) (a) \$0.8 - \$1.0m
- (b) No revenue is lost N one assumes that customers of former licensees can acquire their liquor purchases from other sources. That is, the overall consumption of liquor is not affected. However, some revenue is lost when businesses fail and are unable to pay their debts. In

3146

1991-92 the Commissioner for ACT Revenue wrote off as irrecoverable some \$230,000 in liquor tax debts, of which only \$34,000 related to taverns.

- (c) Based upon actual and estimated revenue figures for 1991-92, it is estimated that a loss of approximately \$0.2m could be attributed to a downturn in sales within the liquor industry. Whether the downturn can be attributed to a change in consumer habits, the economic climate, or a combination of these and other factors is not known.
- (3) The introduction of a differential liquor tax (7% for low alcohol beer and 13% for full strength beer and other alcoholic beverages) from 1 January 1993 is estimated to increase revenue by \$0.9m in 92-93 and by \$1.2m in a full year.
- (4) Clubs enjoy a concessional tax rate because it is recognised that the profits they derive from gaming are generally returned to the community through improved club facilities to members and financial support to sporting, social, ethnic and community based groups.

314

7

17 November 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 359**

Housing Trust - Manuka Properties

MR. CORNWELL - asked the Minister for Housing and Community Services Further to your reply to Question on Notice No. 346 concerning proposed lease purpose variation on Housing Trust properties at Nos 23 and 27 Murray Crescent, Manuka (a) will betterment tax be charged in the event a lease purpose variation is approved and the properties sold and (b) if no betterment tax is charged; why not.

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

(a) yes.

Under the provisions of the Land (Planning and Environment) Act 1991 betterment is charged in respect of lease variations.

(b) Not Applicable.

3148

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 360

School Bus Services - Kaleen High School

Mr Cornwell - asked the Minister for Urban Services:

- (1) Is it a fact that school-buses travel daily from Silence and Evatt to Baleen High School.
- (2) How many such buses travel daily and approximately how many students are carried (a) morning and (b) afternoon.
- (3) How long have these. services operated.
- (4) Are these suburbs within Kaleens school catchment area and: if so, why are these buses operating to that high school and not the designated high school for.-these suburbs.

Mr Connolly - the answer to the members question is as follows:

- (1) Yes
- (2) 1 dedicated bus and 4 shared buses .
 - (a). approximately 67
 - (b) approximately 75
- (3) Since approximately 1979
- (4) Until the early 1980s part of Evatt fell within Kaleens catchment area. Since then Evatt has been removed from Baleens catchment area.

At the time these services started the schools and the then ACT Schools Authority decided where school runs were needed. ACTION now decides on the school runs, and has kept these operating due.. to the patronage levels. .

3149

17 November 1992

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 367

Bushfires - Precautions and Disaster Strategy

Mr Westende - asked to the Minister for Urban Services:

- (1) With good spring rains is the Minister expecting the fire danger to be greater than normal in the summer months this year.
- (2) What preparation will be made to minimise the danger.
- (3) Will there be fire breaks prepared between fire danger zones such as bushland and open paddocks and the suburban and industrial areas.
- (4) Will there be soave judicious burning off before the height of the bush fire season.
- (5) Is the urban fire service and the rural firefighting service adequately equipped to handle major bush fires particularly if there are two major fires at the same time.
- (6) Is a strategy in place for handling the repercussions of a bush fire actually entering and destroying suburban areas where not only property could be destroyed but lives threatened.
- (7) Is there a procedure fire handling large scale casualties.

Mr Connolly - the answer to the Members questions are as follows:

- (1) Spring rain will reduce the danger of grass and forest fires in early summer. However it may encourage vigorous grass growth, and there may be potential fix high fire dangers, if rain does not continue late into summer.
- (2) The bushfire season is always treated as a potential danger. The bushfire prescribed period commenced on 1 November 1992 and will be in force until 28 February 1993. This may be add by the ACT Bush Fire Council if conditions warrant. The Rural Fire Fighting Service has an adequate detection, standby and readiness arrangement with departmental and volunteer Bushfire Fighters. Grass and Bush Fires will be responded to well within the acted standard for rural fire response.

3150

(3) There are fuel management and public safety campaigns designed to reduce risks at the urban interface. The ACT Parks and Conservation Service has an annual program of Fire Hazard Reduction around the ACT which includes the maintenance of slashed (mown), burnt and graded firebreaks.

The resulting system of Firebreaks is very effective at reducing the risk to rural properties and at the urban fringe. However no system of Firebreaks would guarantee complete protection. Protection of properties from bushfires depends also on responsible landholder behaviour, planning and construction details, weather and ignition patterns, and effective detection and control resp.

(4) It is planned to burn narrow strips at Mt Taylor, Wanniasa Hills and the Pinnacle if cues permit. This will of course depend on weather conditions, seasonal growth conditions, Fire Safety requirements and environmental requirements on carol burning under the Air Pollution Act.

Burning in woodland and forest areas is generally carried out in Autumn or Winter according to a long term program.

(5) The Rural Fire Service and the Urban Fire Service have well maintained equipment and well trained and committed bushfire fighters available to meet bushfire incident requirements. About 15-17/0 of incidents require mufti-agency assistance of some sort and this is met through formal mutual aid agreements.

In the past these organisations have demonstrated their capacity for handling fires on several fronts at once.

The resources of the Australian Defe= Forces - RAAF, Army and Navy Fire Services are also available on request for major incidents.

(6) The ACT Welfare Plan (a sub-plan of the ACT Disaster Plan) dies relief action to be implemented. The combating of the bushfire would be undertaken in a unified control approach, between the Rural arid Urban Fire Authorities. The Rural and Urban Firefighting and Emergency Services are now part of the same administrative unit and a formal unified control agreement exists between the various emergency services to combat just such an event. The ACT Disaster Plan provides arrangements to manage the effects of large scale impacts of life and property.

(7) Casualties are handled as part of the ACT Welfare Plans. The provisions of this Plan are reviewed and fly practiced during disaster training exercises.

3151

17 November 1992

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

Question No 379

Canberra Citizen of the Year

MR CORNWELL - Asked the Chief Minister upon notice on 20 October 1992

- (1) How many activities has Meryl Tankard been asked to undertake by the ACT Government since her appointment as Canberran of the Year.
- (2) When does her term of office expire.

MS FOLLETT - The answer to the members question is as follows:

- (1) The particular role to be performed by the Canberra

Citizen of the Year is developed in consultation with the person selected. In the case of Meryl Tankard, it was decided that the Canberra community would benefit most if Ms Tankard gave principal expression to her role as Canberra Citizen of the Year through the performances of her theatre company. Accordingly, the following program for the Company was developed with Meryl Tankards position as Canberra Citizen of the Year in mind:

31 March 1992 - performance of Chants de Mariage for the elderly for Senior Citizens Week.

10-15 May 1992 - performance of Chants de Mariage for school children for Dance Week.

3 June 1992 - performance of Kikimora for the disabled and people with special needs.

3,4,5,10 and 11 September 1992 - performances of Court of Flora given at Floriade.

21 September 1992 - performance of Court of Flora for the Monday Club, a social club for the elderly.

1 October 1992 - performance of Court of Flora was given in Commonwealth Park for International Day of the Elderly.

Given Meryl Tankards other professional commitments, she has made a generous contribution to exposing the Canberra community to her work.

- (2) March 1993

3152

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 391

Urban Services - Transport Regulation Contracts

Mr Cornwell - asked the Minister for Urban Services:

In relation to "Contracts Arranged" and presented in ACT Gazette No. 40, 7 October 1992

- (1) Are all these contracts for provision of goods to be used for the Motor Registries and: if not, for what other programs will they be used.
- (2) What are the four consultancies all contracted to CSA and referenced as 705388-5, 705566-1, 705567-+, and 705568-8.
- (3) How many mobile phones are included in contract 7052153 and to whom (ie what level of seniority) and to fill what need are they distributed.
- (4) Does Urban Services have a maintenance agreement with Kodak and Polaroid if so, what are these costs and why is there additional maintenance charged: if not, has such an arrangement been investigated and what terms were offered.
- (5) What were the circumstances of the \$15,000 accident claim and the \$30,000 court costs (contracts 705917-9 and 705884-6).
- (6) What were the circumstances necessitating \$5,000 car hire (contract 705978-5).
What is the \$5,000 cost of Government Credit Card for (contract 705990-2).
Who travelled and for what purpose (contract 705813-3).

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17 November 1992

(9) Can the Minister explain why so many of this batch of contracts come to a neat \$5,000 and the majority come to larger neat round figures. Are they contracts or "agreements" which cost an annual figure over a several year plan rather than contracts issued on a tender basis.

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

(1) All contracts presented in ACT Gazette No. 40,

7 October 1992 referred to in your question are for the provision of goods or services directly utilised by Transport Regulation. Transport Regulation encompasses Parking Operations and Motor Registries.

(2) The four payments to CSA (Computer Services of Australia) are for continuing work on the TRIPS system (Transport Regulation Information and Parking System). Contract 705388-5 (\$67,600) and 705566-1 (\$9730) were for maintenance to the TRIPS system. Contract 705567-+ (\$17,615) is for continuing work on the TINS (Traffic Infringement Notice System) program and contract 705568-8 (\$83,045) was the final payment for the original TRIPS development project.

(3) Contract 705215-3 relates to five mobile phones and allocation of additional charges for 1992-93 relating to phones and accounts for sections of Transport Regulation not yet on ACTNET. Mobile phones have been issued to the Manager Transport Regulation, Manager Office Services, two to the Authorised Inspection Scheme inspectors and one to the motor cycle test site at Phillip Motor Registry as there are no permanent enclosed facilities available at the site.

(4) Transport Regulation has a maintenance agreement with both Kodak and Polaroid. Polaroid (\$7547) is for photographic equipment used in the issue of photographic licences. Kodak (\$8473) is for microfilm processing and the supply of a viewing unit. Additional charges refer to breakage of a special glass panel not covered under the maintenance agreement.

(5) The \$15,000 referred to is not for an accident claim but a period order for payment of money to the Nominal Defendant by the ACT Government. The \$30,000 is a bulk requisition to refund monies collected by Transport Regulation on behalf of the ACT Magistrates Court. This does not come out of Transport Regulation expenditure.

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The \$5,000 allocated to car hire is a period order for use when vehicles are unavailable due to maintenance or other circumstances (ie accident repairs).

Contract 705990-2 refers to a bulk requisition for use on urgent miscellaneous purchases required by Transport Regulation and bank charges for use of credit card and facilities.

(8) 705813-3 is a bulk requisition to Australian Airlines

for departmental travel if and when required during 1992-93.

(9) The \$5,000 contracts are period orders covering a range of goods/services and are estimated maximum costs for the financial year. These contracts cover all aspects of the operation of Transport Regulation.

The majority of contracts specify \$5,000 because this is the estimated maximum cost of goods/services required to operate within the year. Items covered by these contracts can include telephones, car hire, supply of number plates, stationery etc. Higher levels of expenditure reflect the demand expected by the operational area.

Period orders do not bind Transport Regulation to any purchase in the course of the year. Rather such orders specify costs and facilitate budgeting arrangements and speedier procurement.

Under-expenditure within any period order remains in the appropriate head of expenditure, whilst overexpenditure requires additional authorisation to incur such expenditure.

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