



**DEBATES**  
  
OF THE  
  
LEGISLATIVE ASSEMBLY  
  
FOR THE  
  
AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

3 March 1994

## Thursday, 3 March 1994

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

**CANBERRA INSTITUTE OF TECHNOLOGY (AMENDMENT) BILL 1994**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.31): Madam Speaker, I present the Canberra Institute of Technology (Amendment) Bill 1994.

Title read by Clerk.

**MR WOOD:** I move:

That this Bill be agreed to in principle.

The main purpose of this Bill is to establish a new educational entity to be known as the Australian International Hotel School, the AIHS, through amendment of the Canberra Institute of Technology Act. The Government is looking to tourism as the major generator of jobs and capital investment for the ACT. Therefore, we are looking closely at improving the conditions and infrastructure surrounding the industry, particularly in terms of optimising the educational infrastructure already in place in Canberra.

With assistance from the Commonwealth Government, an exhaustive national study was completed by Tourism Training ACT and Region to assess the market and industry needs for executive management education, to develop an educational model, to define the market for such an educational model, to define the physical characteristics of the facilities needed for the proposed educational model, and to propose a financial model and budget to ascertain the financial viability of the project. This also involved substantial input from Government agencies, industry bodies and specialist consultants, both within the ACT and from around the country.

Assembly members would no doubt be aware of the Government's intention to place Canberra firmly on the map as the education capital of Australia. This aim is substantially enhanced by the formation of the AIHS. This Bill will create what will become Australia's premier hotel management school. It will have international standing, attracting students and academics not only from all Australian States but also from many of our major international trading partners. This Bill creates the AIHS as a body corporate with the objective of becoming an educational institution of international standard, having the legal requirements and responsibilities akin to those of a public university and in accordance with commonly accepted commercial principles.

Members will already be aware of the high standards and hard won reputation of the CIT's School of Tourism and Hospitality as one of Australia's best trainers in this important industry. They have won a number of national awards for their programs and have become acknowledged leaders in this field of hospitality education. The AIHS will draw heavily upon this expertise so that the educational programs of the AIHS will complement those currently available at the CIT.

The complementary nature of the educational activities and economies of scale which will flow from the formal CIT-AIHS relationship will ensure that both operations are enhanced and even more successful. The main difference will be that the AIHS will be offering a degree-level program integrating operational training and industry experience with rigorous academic studies in fields such as human resource management, marketing, business management and interpersonal communication. This will produce senior management level graduates, people with skills instantly usable in the working environment.

In doing so, this Bill will also establish management and academic advisory bodies for the AIHS. It will identify the director of the Canberra Institute of Technology as also the director of the AIHS. It will specify the functions and powers of the AIHS. It will provide for a dean to manage the AIHS, with advice from these advisory boards; and, importantly, it will require the AIHS to operate on a full cost recovery basis. To facilitate this process, this Bill creates the position of dean of the AIHS, who will be responsible for the management of the affairs of the hotel school on a day-to-day basis. As mentioned, the dean will receive advice from both a management advisory board and an academic board, who report to the director of the CIT, and is empowered by this Bill to make the necessary administrative arrangements to ensure that the AIHS meets all of its obligations to students, staff, partner organisations and the community at large in a sound commercial manner.

The management advisory board created by this Bill will be an integral part of the process of management of the AIHS. Drawn from academic, government, industry and community ranks, the management advisory board will have the responsibility of advising the director of the CIT on a wide range of management issues, including the selection of a dean, the setting of goals and objectives for the hotel school, the welfare of students, the financial management of the hotel school, and the development of relationships between the hotel school and the community, the hospitality industry and other educational institutions.

To ensure that the AIHS will be a world-class degree program, it will be forming an alliance with one of the world's premier hotel schools to ensure that its graduates have truly international credentials. The CIT and the School of Hotel Administration at Cornell University in the USA have negotiated a memorandum of understanding, the details of which will be separately announced. This Bill also creates an academic board to advise the dean on matters relating to education, learning, research or the academic work conducted at the hotel school. This board will closely monitor the hotel school's academic standards to ensure that its graduates will best serve the needs of industry and the broader community.

The need for such a program has been identified in numerous studies conducted throughout Australia in recent years. The aim of this Bill is to establish the AIHS as a separate entity from the CIT. This is important for two main reasons. Firstly, it avoids placing a financial burden on the ACT community and government. To this end, the Government has decided that the hotel school will operate so as to achieve full cost recovery. Secondly, the hotel school will operate on a fee-for-service basis - the usual basis for major hotel schools around the world and within Australia.

The Bill provides for the flexibility to engage academic and other staff on a basis equivalent to major competitors in the academic world, allowing the hotel school to react to community and industry requirements when appointing staff. It is intended that provisions for AIHS employment flexibility in this Bill be incorporated within the legislation establishing the separate public service for the ACT. This Bill also provides initial funding for the hotel school via a capital advance, with the AIHS paying interest and repaying the principal over an agreed period. It is also the Government's intention that the AIHS will have a reasonable number of scholarships, via corporate sponsorship and the like, to allow equity of access into the educational program. The ACT Government, through the CIT, has taken the initiative by introducing a new educational program which has no cost impact on the ACT Government and yet meets the needs of the industry as well as allowing more Australians to gain tertiary education.

It is estimated that the AIHS will generate some 170 jobs during the approximately \$11m construction and refurbishment phase of the development and will employ some 175 people in an ongoing capacity through increased economic activity in the Canberra region. It will, of course, offer visitors even more choice of accommodation when holidaying or business travelling to Canberra and will contribute to the overall prosperity of Canberra through the multiplier effect of these activities. The AIHS will contribute an estimated \$4m to \$5m per year to the ACT economy. It will undoubtedly attract a large number of interstate and international students, all of whom will bring extra funds into the region and further diversify the already multicultural face of our city.

Through extensive research and industry input from around the country, the need for an institution such as the AIHS has been clearly established. It will be the first degree program in Australia which incorporates the practical skills development and training in a situational training hotel with the academic rigour necessary for a degree level course. When operational, the AIHS will put the ACT firmly on the map as a provider of hospitality management education and will position Canberra even more strongly as a provider of quality educational services to the wider community and to international students. This will be a truly national school, a school of which we can all be justly proud, and a school which gives the tourism and hospitality industry even more reasons to develop further. Madam Speaker, I present the explanatory memorandum for the Bill.

Debate (on motion by Mr Cornwell) adjourned.

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## **SUBORDINATE LAWS (AMENDMENT) BILL 1994**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.43): Madam Speaker, I present the Subordinate Laws (Amendment) Bill 1994.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

The Subordinate Laws Act 1989 sets out requirements relating to subordinate legislation in the Territory. These include such matters as the numbering and citation of subordinate laws, notification, tabling and disallowance provisions, and a bar on retrospectivity. The Act also recognises disallowable instruments and applies certain of the requirements relating to subordinate laws to these instruments.

The Subordinate Laws (Amendment) Bill 1994 makes three very simple amendments to the Act to facilitate the legislative process. This is very minor technical stuff compared to the issues of principle that Mr Moore has before the Assembly at the moment. In the first place, clause 5 removes an uncertainty concerning the arrangements which apply to the notification in the *Gazette* of determinations of fees and charges and disallowable instruments. At present these instruments are notified by the publication in the *Gazette* of the entire instrument. The effect of clause 5 is to enable these instruments to be dealt with in the same way as all other subordinate laws and to be notified by means of a simple notice of making, including advice of the place at which a copy of the instrument may be purchased. This will be advantageous having regard to the increasing use of manuals, standards and codes of practice as disallowable instruments in the legislative process. It also removes the incongruity of an empowering Act being notified by a simple notice of making and the disallowable instrument arguably being subject to a different and more demanding regime. However, as is the case with subordinate laws, persons who desire to access the information in a determination of fees and charges or a disallowable instrument will be able to do so by purchasing the instrument and its explanatory statement from the place mentioned in the notification.

Secondly, the Bill includes an interpretation provision which makes the preparation of Acts simpler. Clause 4 states the extent of the general regulation making power in an Act and thereby removes the need for that to be stated repeatedly in each Act when drafting the power. Finally, clause 6 of the Bill clarifies the law where a subordinate law is amended by an Act. In these circumstances, the subordinate law may be further amended or repealed by another subordinate law which is made under the same Act as the original subordinate law. This removes any suggestion that the amended subordinate law can be subsequently dealt with only by a further enactment. Madam Speaker, I present the explanatory memorandum.

Debate (on motion by Mr Humphries) adjourned.

## **NORTH WATSON RESIDENTIAL DEVELOPMENT Report and Ministerial Statement**

Debate resumed from 1 March, on motion by Mr Kaine:

That the report be noted.

**MADAM SPEAKER:** I understand that it is the wish of the Assembly to debate this order of the day concurrently with notice No. 1, Assembly business, relating to the disallowance of approved variation No. 5 for North Watson.

**Mr Moore:** No.

**MADAM SPEAKER:** There is an objection. We will not proceed in that way.

**MR Kaine** (10.46), in reply: Madam Speaker, I believe that the report tabled by the Minister should represent the end of the long process of determining what should or should not happen in North Watson. This independent economic analysis was done because the North Watson community group contended that the Government had not done a proper economic analysis, and I think there was some justification for their position on that. They had put in a very comprehensive economic analysis which, in their view, suggested strongly that the residential development in North Watson should not go ahead. Because of the concern of some members of the Planning Committee, we strongly recommended to the Government that an independent economic analysis be done to give the members of the committee, and the members of this Assembly, some assurance that what was proposed was indeed economically soundly based.

I believe that Access Economics is an organisation with the credentials to carry out such a study and that their recommendations and their conclusions can therefore be taken as being reasonably authoritative. They conclude that the development of North Watson, on an economic basis, is justified. That will continue to cause concern to some people in the community - people who believe not only that this project is not economically soundly based but also that it is not soundly based on social and other bases.

I would like to look at the initial analysis done by Access Economics. On page 2 of their report they define what they saw as being their terms of reference, and I think they were right. They are:

- . determine the methodologies appropriate to the task;
- . identify and analyse the economic costs of the North Watson development and to compare these, both as to their amount and timing, with a similar sized greenfields development;
- . identify and analyse ongoing economic costs and benefits which may differ between the two development options;
- . identify and, where possible, analyse the wider issues for the ACT Community; and
- . present our conclusions in a form which is readily useable by the widest possible range of people within the ACT community.

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I believe that they have done all of that. The problem is, of course, that they have done it in a fairly short span of time. That time is determined by the statutory requirement that the variation referred to, once tabled, proceed unless it is disallowed within five sitting days. That meant that today was the last day on which a disallowance motion could be moved, and it was necessary that this report be available for people to examine before that time elapsed.

There is a complaint, and a legitimate one, that there has been inadequate time to properly consider this report. That being said, and to save Mr Lamont from having apoplexy, the fact is that there is a statutory requirement that it be dealt with in a certain timeframe. That, in hindsight, may be undesirable; but, if that is the case, the solution is to amend the Act. Maybe this is the test case that should lead to some consideration of whether five sitting days of the Assembly for a disallowance is an appropriate period.

The fact is that the Government, and indeed this Assembly, are bound by the law. The law says that there are five sitting days in which this shall be done, and today is the last day, under that statutory prescription, on which the Assembly can consider this matter. I know that Mr Moore will deal with that later, and the disallowance motion can be dealt with on its merits. So far as this report is concerned, and that is what we are discussing at this moment, I believe that it does fairly and accurately and adequately take into account the factors that should have been taken into account.

Those people in the community who are opposed to this development have already presented to me a couple of counterarguments to this report. One of them is by a very eminent person, Professor Neutze. One cannot lightly set aside comment and advice made by such a person, so I would like to deal with a couple of the things the professor has said, in the context of the whole process and what has been going on. First of all, I think it should be noted that Professor Neutze has said:

Access Economics' study uses sound methods in its assessment of the economic implications of the alternatives.

In other words, he is not questioning the methodology. On almost every area of dispute, he says, the methods used by Access Economics have been those argued for by the Watson Community Association, they being the people who are presenting the negative case on this. So Professor Neutze confirms the fact that Access Economics have used the appropriate methodology. He further notes:

I have a number of critical comments to make about the Assessment but, lacking access to the basic data, I cannot estimate how much they would affect the conclusion.

In other words, he is saying, "I have some criticisms, but I cannot say to what degree my criticisms, if taken up, would affect the bottom line of the assessment".

**Mr Stevenson:** The data could be made available.

**MR KAINE:** That is the argument that is being put forward by the community. The Government can argue its own case, but I point out that this debate has been going on for a long time, and Professor Neutze has expressed an interest on one or two occasions on the periphery of this debate. If he had been so inclined, he



could have done his own economic analysis. The basic data would have been available to him and he would have had ample opportunity, over a period of many months, if he so chose, to analyse it. I think it is unacceptable, at the very last moment, at one minute before midnight, to say, "Lacking access to the basic data, I cannot estimate their effect on the conclusions". I think it is regrettable that Professor Neutze has left it until this moment to make these remarks. There will be those who will argue that the Access Economics report is flawed. I do not accept that and neither does Professor Neutze, in terms of the methodology.

For my part, there has been a long process. There have been real and justified community concerns about what has been proposed by the Government; but, in the context of the process that is set down by law, the Government, whether willingly or unwillingly, has done everything it can at this stage to satisfy the community. I know that there will be continuing discontent with the outcome, but as a member of the committee that has been closely involved with this, as a member of the committee that has strongly insisted during the entire process that the prerogatives of the community be properly taken into account, I have to say that at this stage I can see no reason why the findings of the economic analysis done by Access Economics should be set aside. I believe that the process should now be allowed to do what is prescribed by law and come to an end.

I have to say that when Michael Moore moves his motion of disallowance later this morning, for my part I will not be able to support it. I will leave it to others to pass their judgment on the process and on the report, but I think I should make my position on it quite clear. That is not to say that I do not have some sympathy for the continuing concerns of the community. I do. But there is a process prescribed by law that has certain timescales associated with it. That has long been known; nothing has been brought out of the hat on this matter.

There comes a time when the Government, on the basis of the information it has, has to make a decision. It simply cannot be allowed to go on month after month, year after year, with requests for further information, for amplification of what has been done, for further clarification. There is a thing called risk management, where managers make a decision based on the information they have available to them at the time. There has been a process, there has been no attempt to avoid that process or the ramifications of it, and I think the time has come when, in the interests of the community at large, the Government has to make its decision on this matter. Today is the day. That is unfortunate for some. It is tough, and not everybody will be satisfied, but I believe that that is the fact.

**Mr Stevenson:** Madam Speaker - - -

**MADAM SPEAKER:** Mr Kaine concluded the debate, Mr Stevenson. The question now is: That the motion be agreed to.

**Mr Moore:** On a point of order, Madam Speaker: I believe that the motion was originally moved by Mr Kaine. Nobody else has had a chance to speak to it.

**MADAM SPEAKER:** I proposed the question, Mr Moore, and nobody stood but Mr Kaine.

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**Mr Stevenson:** I will seek leave.

**Mr Kaine:** Seek leave and we will grant it.

**Mr Moore:** I believe that Mr Kaine had not spoken to it previously.

**MADAM SPEAKER:** Mr Moore, that is what I have ruled. If you wish to speak, you know the procedure.

**Mr Moore:** Madam Speaker, I seek leave. In fact, Mr Stevenson stood first. Does he want to seek leave first?

**MR STEVENSON:** I seek leave to speak to this motion.

Leave granted.

**MR STEVENSON:** Perhaps I can give Mr Kaine and other members a clear and simple reason why the matter should not proceed immediately. We agree that the independent economic analysis was important. Mr Kaine himself mentioned that there was cause for the independent analysis to be done, and I think we would all agree with that. So the key is not whether it has been done; the problem is that it has only just been tabled. There has not been sufficient time, and no-one could claim that there has been, for a reasonable analysis of that independent economic analysis by Access Economics to be done. You simply cannot claim that. It has only just been tabled.

**Mr Wood:** The committee wanted it that way.

**MR STEVENSON:** Mr Wood says that the committee wanted it that way, but I suggest that the people in the community do not want it that way, which is why we are now suggesting that there should be some more time - not that the decision should be turned over, but simply that there should be more time for consultation, for an evaluation of the report. The report is important. Give the community and other interested people the time to look at it. Why would you not wish to do that?

Mr Kaine mentioned Professor Neutze's report and made a couple of mild criticisms of it, but we must understand that he also did not have much time to comment on the Access Economics report. Mr Kaine mentioned that there was a lot of time when Professor Neutze could have done an analysis of the matter, but when was he asked to do an analysis on the report? There was no time for that; there have not been weeks and months for that. Perhaps I should quote exactly what Professor Neutze has said. Mr Kaine said that Professor Neutze indicated that the basic analysis method used by Access Economics was sound and then went on to say that Professor Neutze could not judge certain things. Let me read the exact quote from the report of Professor Neutze:

It is almost impossible for anyone outside the Government to judge whether the results of this Assessment are or are not correct because the basic engineering and other estimates on which they have been based have not been made publicly available by the ACT Government.

If that is not correct, if all that data has been made available, fair enough; but that was the exact comment made.

**Mr Moore:** But he has only just got the report; he has to put the two together.

**MR STEVENSON:** That is right. Notwithstanding that Mr Kaine says that it is being done at the very last moment, the matter has been going on for a long time - - -

**Mr De Domenico:** Months.

**MR STEVENSON:** Mr De Domenico, if we allow this motion to go through without allowing debate on the disallowance motion, it does not give time for an analysis of the Access Economics report.

**Mr De Domenico:** The analysis of the analysis.

**MR STEVENSON:** Exactly. Is it not an important report?

**Mr De Domenico:** Do we have another analysis of the analysis of the analysis?

**MR STEVENSON:** Once again, one can say that, but there are a large number of people that have concern. Mr Kaine says that there is a statutory law which states that something should be done in a certain number of days. I suggest that whenever these things prevent fair consultation we change them. There is no valid reason - - -

**Mr Kaine:** I suggested that that was the remedy. Are you going to change it today?

**MR STEVENSON:** No; obviously it should be changed after. I made the same point. I would say that the time is too short. However, we have the power in this Assembly to make sure that there is sufficient time for the community to read and evaluate the Access Economics report and have it analysed. There is no reasonable reason not to allow that to happen. That is certainly what most people in the community would feel, I believe, on any such matter.

**MR MOORE:** Madam Speaker, I seek leave to make a statement on this matter.

Leave granted.

**MR MOORE:** The process we are talking about is one that I certainly am not critical of. The Planning Committee's very thorough investigation into this matter is not under consideration. Access Economics, being an appropriate body to carry out that investigation, is not under consideration, is not under criticism. We have a statutory process which Mr Kaine has commented on, and Mr Stevenson has also commented on it. But there is a simple way around that statutory process which in some ways is being tested. The Planning Committee's suggestion of this Access Economics report being tabled after the variation has been tabled makes our time to consider such things much too short.

One simple way around the process is to disallow this variation now and allow it to be tabled again this afternoon. I have no objection whatsoever to that. It is not a question of rejecting this variation outright; it is a question of understanding that we are saying that we are not yet ready to deal with this variation because we have had this report for only a matter of days during a sitting week.

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**Mr Lamont:** For 48 hours, since Tuesday, because the community group wanted to discuss it with Access Economics. It could have been tabled last Thursday.

**MR MOORE:** For 48 hours, Mr Lamont indicates.

**Mr Wood:** It was to be the arbiter, was it not? That was your intention. There was to be no further discussion; this was to say yes or no.

**MR MOORE:** I will take the two interjections, Madam Speaker. I will take Mr Lamont's first, then I will take Mr Wood's interjection about the arbiter. The first interjection from Mr Lamont said that it was 48 hours. This is from the same Mr Lamont who would have had trouble meeting in one other committee I was on because his diary was so full over that particular time. Mine is in exactly the same position. I am not being critical of him in that way; I am saying that we have a lot of things to do in a sitting week, and that makes it very difficult to find the time - - -

**Mr Lamont:** Not according to Mr Humphries. We have nothing to do. We do not do any work at all, according to Mr Humphries.

**MR MOORE:** I realise that Mr Humphries has a different view. On the other hand, we have an interjection from Mr Wood that they are to be the arbiter. That is not true, Mr Wood. The final arbiter is this Assembly. I understand the point you were trying to make and I will address that. The point you were trying to make was that Access Economics was providing the final piece of information for us upon which to make our decision.

**Mr Wood:** No, not information.

**MR MOORE:** They were providing their opinion, and they have done that very carefully. In a short while I will be going through an analysis of that very good report from Access Economics. I want to start this morning by making it very clear in the initial instance that I think the committee report and the work of the committee are a very positive contribution on this matter. The second thing I want to make very clear is that the independent economic assessment by Access Economics is also a very positive document, and that is something I will deal with.

The document is not one that we should simply read as a final statement and accept that the Minister's interpretation of that final statement says it all. That is not the case. It is important that each of us very carefully understand what is in this document. If you look at it carefully, the first thing you notice is that by page 8 there are 15 disclaimers about what the report can and cannot do, and they are critical. It is some of those that Professor Max Neutze, who also had a limited time, has responded to, and I am going to go through some of them. I will take three from the executive summary. In some ways they might be repeated later on. On page 1 of the executive summary the report states:

These include, necessarily, those costs and benefits which accrue privately and which accrue to third parties.

So the economic analysis takes into account the costs and benefits that accrue to third parties, not just those that apply to the Government, in doing the cost saving analysis. The second disclaimer, and this is critically important, is that few of the social costs and benefits can be reliably quantified. Thirdly, and this is critical - it is something we will all agree with - final judgments on these matters are not up to Access Economics. The report says:

... final judgments on these matters must be political.

That is what we are going to do here. The terms of reference on page 2 state:

In view of the limited time available for the conduct of the analysis, this report focuses on the key issues. It should be read in conjunction with the Standing Committee's report.

So it focuses on key issues because of its limited time. There are many issues associated with this that it does not focus on, but we have to be careful how we read it. It has to be read in conjunction with the standing committee's report, which deals with many of the other issues. Importantly, on page 3 they describe what they did not see as their task, and one of those things was a cost-benefit analysis of the North Canberra area strategy. That is particularly important for people who happen to live in North Canberra. There is no doubt that the impact of this development will be significant for those who live in North Canberra, particularly in Ainslie.

Mr Kaine interjected earlier that that is what a cost-benefit analysis is. The point I am leading to is that yes, there are costs, and the real question, and it comes up again in this report, is to assess who is going to wear those costs. Professor Neutze argues that those costs will be worn particularly by the people of Gungahlin as they wait a greater time for their schools and their community facilities. That will be part of the way the costs are attributed. But the costs will also be attributed to the people of Ainslie, in particular, because it is Ainslie that will effectively become the transport rat-run from North Watson.

I used to ride my bicycle along Ebden Street in Ainslie as I moved from Reid to Dickson College when I was teaching there, and even at that stage Ebden Street was a rat-run. That area is already heavily imposed upon by traffic, and the development of another huge number of dwellings will increase that traffic. So there will be a cost to be paid by the people of Ainslie particularly, but the same cost will apply going back through Lyneham and O'Connor and, to a lesser extent, the inner city suburbs.

The sixth thing I have referred to as a disclaimer is that they say that they were not going to conduct a cost-benefit analysis of a higher versus a lower population in Canberra urban areas as a whole. We would not expect them to do that; but at the same time it is important to understand that there were limitations on what people could do in a given time, and they recognise those limitations. They mention time on page 3, as follows:

In the short time we have had to prepare this report, there has been a number of issues that we have not been able to resolve fully, especially in relation to the cost benefit analysis.

**Mr Kaine:** Read the rest of the paragraph.

**MR MOORE:** I am just choosing parts, but I am also attempting to do it as fairly as I can. They go on:

We are, however, satisfied that we have been able to address the major issues adequately and that further investigation is unlikely to alter the conclusions of this report.

On page 4 they go on to talk about methodological issues, as follows:

There can also be very wide variations in the infrastructure costs in urban consolidation projects.

So, looking at the information they have available, they recognise that the figures they are using are subject to wide variation. If there were some reason for anybody to wish to favour one view rather than the other, the information that would be provided would take advantage of that variation. In this case, I think it is important to read the report, as they suggest, in the context of the Planning Committee's report. As part of the methodological issues, they go on in the second dot point to say:

. In some cases the unused capacity may be whittled away by changes in engineering and environmental standards ...

One of the issues that this Assembly, perhaps through one of its committees, ought to be looking at is the notion that we always operate to specific engineering standards and we allow the engineers to say, "That is the standard; therefore we have to go to that extent". This is an area where we do not seem to have much control over money. The standards of roads, for example, and how they are built, the standard of concrete that is used in a roundabout, are all set by Australian Standards. I am given to understand, after talking to a number of engineers, that many States do not build such things to Australian Standards but justify going to a lower standard on a cost-benefit analysis.

It is worth taking into account that over the very long period - and the period is set out in the graph on page 13 - when the profits start to occur, which is in the seventh year, that may be significantly whittled away by changing engineering standards. The third dot point on page 4 says:

. If capacity constraints and bottlenecks are encountered, the cost of rectification can be very high in some cases.

That is one area where Access Economics has a very strange way of dealing with this situation. They say, "Yes, if there are problems they can be very expensive to resolve, particularly bottlenecks". In dealing with that, you then go to 2.8, and their way of dealing with it is to say that people and institutions adapt. That same argument was certainly not accepted by Justice Kelly in his findings on the *Canberra Times* site when he looked at the impact of traffic on Civic and the development of office blocks. They are two entirely different things. I am not trying to suggest that they are not, but the same style of argument, that people in institutions adapt, was certainly not acceptable to Justice Kelly, nor do I think it should be acceptable to members of this Assembly.

Access Economics does add, at the bottom of page 8, that innovative solutions might be adopted and so forth. Of course, these will not come free, but they do not add into that an economic value. On one hand they say that it can be very expensive, and then they say that they do not come free, but they are not put in as part of the analysis. They also add, and I think this is very important, when talking about consumer choice matters at the end of 2.4:

Urban consolidation ought not be pursued as an end in itself, but as a means of widening consumer choices and ensuring that people have the opportunity to satisfy their needs for affordable housing, recognising that there can be some quite high financial and social costs in fringe greenfields development.

That is very interesting because, later on in the text, they also talk about the fact that developments such as North Watson, urban consolidation developments, can be very expensive. Our experience so far, if one were to look at North Lyneham, for example, which I think would be a good comparison, would indicate that we are not likely to find cheap housing in North Watson. On page 7 the study indicates, and I referred to this in relation to the executive summary, that it was not part of their brief to undertake a cost-benefit analysis of the North Canberra area strategy. It goes on in the third last paragraph on page 7 to say:

It is obvious that another 13,000 people in North Canberra will have implications for lifestyles, travel times, pressure on amenities, and so forth.

**Mr Lamont:** Thirteen thousand what?

**MR MOORE:** Mr Lamont interjects, "Thirteen thousand what?". I will read again from the text:

It is obvious that another 13,000 people in North Canberra will have implications for lifestyles, travel times, pressure on amenities, and so forth.

**Mr Lamont:** Yes, take them back to the good old days of 1967.

**MR MOORE:** Madam Speaker, the interjection of intolerance from Mr Lamont is one that clearly indicates that he is not prepared to take into account, if he has even read the report, what Access Economics have suggested, that is, that there are costs for people because of this development and one of those costs, not put into the budget, is who is going to pay. It is clear from this report, if we try to understand it, that those who are going to pay are those from North Canberra and Gungahlin. That is before we get on to betterment, which we will do in due time.

The report continues at page 7:

Third, we have not been concerned to try to estimate in any absolute sense the net costs and benefits arising under the North Watson proposal.

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I accept that; they did a comparative study, not an overall study, so I think that was reasonable. They say on page 8 about those final political decisions, which we were all agreed on before: Final political decisions necessarily rest upon some understanding of the effects on winners and losers.

That is the emphasis I am trying to put on today: Who are the winners and who are the losers? I have not been able at this stage to identify any winners, other than the developers at North Watson, but I have been able to identify several of the losers.

**Mr Wood:** This is ridiculous.

**MR MOORE:** But you are going to have to put up with it because you decided to play games. The report goes on:

A proposal may fail politically if it is judged to place intolerable costs upon one section of the community.

My argument is that this proposal, from what we can tell now, appears to do that. I would like to have had much more time to analyse this, to discuss it with Mr Kaine, for example, who I think has taken a very reasonable approach, and Mr Lamont and others. But the process has not allowed that, and that is why I argue that this ought to be disallowed today and then reintroduced this afternoon - I have no problem whatsoever with that - so that it can be dealt with at the next sitting of the Assembly. If there is greater good from the proposal, there may be a case for compensating some of the losers.

**Mr Lamont:** If it is disallowed now, it is over, Michael. You do not understand the process. If you disallow it now, it is over.

**MR MOORE:** Mr Lamont suggests that if it is disallowed now it is over. That is not the case. A variation can be brought back to this Assembly, whether it is disallowed or not. What I am suggesting is that that is all that needs to happen - by the Minister tabling that variation again.

**Mr Lamont:** How? By formally tabling the process again? You want to start the whole process for the variation again?

**MR MOORE:** No; simply table the variation again.

**Mr Lamont:** But he cannot table the variation unless he comes back to the PDI Committee and goes through the process again.

**MR MOORE:** Then use a different process next time.

**Mr Lamont:** It is required under the legislation, Michael.

**MR MOORE:** Madam Speaker, Mr Lamont suggests that it is required under the legislation. It was not required under the legislation, although I understand that part of the Assembly committee's recommendation was the notion that this Access Economics report would be tabled after the variation was tabled, limiting the time for the consideration. On page 16 it states:

There are some substantial uncertainties in the revenue potential.



**Mr Kaine:** The revenue potential is irrelevant to an economic analysis.

**MR MOORE:** I take Mr Kaine's point. I also point out that all the public comments by people like Mr Wood have been that there is a revenue potential of some \$6m to \$8m.

**Mr Wood:** Discuss that separately.

**MR MOORE:** But you have just said that it is irrelevant, and I was prepared to accept that. They go on to say, and this is most important:

On balance, we judge that the revenue potential is not likely to differ by a material amount under either option.

I accept that. We then have a section on accounting for betterment taxes, and I put some lines down it and a question mark after it before I had read Professor Neutze's comments. I think it is important to read Professor Neutze's comments on this, and I draw members' attention to the fact - - -

**Mr De Domenico:** He is wrong.

**Mr Wood:** He is wrong again.

**MR MOORE:** Here we have Mr Wood, the Minister, and Tony De Domenico saying that Professor Neutze is wrong.

**Mr De Domenico:** On this point, he is.

**MR MOORE:** On this point. This is the same Professor Neutze whose qualifications on betterment just might be a little more respected than yours, who is head of the Urban Research Unit, and who did a report for the Joint Committee on the ACT, headed by Mr Langmore.

**Mr Wood:** He is a great asset to the ACT, but he is not infallible.

**MR MOORE:** But Mr Wood and Mr De Domenico are infallible on betterment! We know that because Mr De Domenico, after all, is a Liberal who stands on a policy that we should do away with leasehold altogether. At least Mr Wood has delivered for Canberra and for the people of Canberra 100 per cent betterment on commercial properties, and I hope that he will see the light and make the extra - - -

**Mr Wood:** There was a more significant change than that.

**MR MOORE:** He indicates that there were more significant changes than that. Certainly, the way it was valued was a more significant change, and it is something I congratulated him on at the time and I continue to do so. I would like him to extend it to non-commercial properties. I think that comes through in the comment by Professor Neutze, which is important. Professor Neutze has written at point 5:

The Assessment seems confused about betterment, though it does not feature in the calculations of cost saving. It is a matter to be taken into account in considering the financial costs and returns to the ACT Government from the alternative courses of action.

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That is the critical part. We have this Minister speaking publicly about some \$6m to \$8m saving, and that is a very strong argument as to why we would favour this proposal. When we are talking about a \$6m to \$8m benefit to the ACT economy, to ACT revenue, to ACT Government funds, then it is okay for the Minister to take that point; but, when somebody else draws attention to the fact that there are some questions about that part of the financial analysis, the Minister wants to take a different tack and go back to an economic analysis. Professor Neutze goes on:

The relevant point is that the ACT Government receives 100 per cent betterment from the sale of previously rural leases at Gungahlin (assuming that there is competitive bidding) but at the most 50 per cent of betterment, if there is any, from changes of lease purposes on land leased for urban purposes at North Watson.

That is very simple. The lease is already owned by individuals, who will be able to seek a variation, which is part of this whole process, to their particular lease. They will get at least 50 per cent of the value because we have, at maximum, only a 50 per cent betterment to be paid on leases that are changed to residential leases or, as Professor Neutze puts it, to urban purposes at North Watson. In the latter case, redevelopment is effectively subsidised, and I think that is the critical part. The development is subsidised here through our leasehold system.

**Mr Wood:** Not at all; it is irrelevant.

**MR MOORE:** Mr Wood says that it is irrelevant, but of course it is not.

**Mr Wood:** I will tell you about it shortly.

**MR MOORE:** It will not be shortly. It is not irrelevant.

**Mr Wood:** What do you mean by "It will not be shortly"?

**MR MOORE:** I have only started on the first point of my speech, and I have 10 points to go. If we take into account betterment, clearly there is no real financial benefit to the Government out of this proposal. But there is a financial benefit to those who would develop. I used the word "developers" before, but I am not trying to set up a vision of some horrible developer sitting up there. These are the people who currently hold the leases and who are likely to get some financial benefit to those leases.

My second point is that this study claims to be a like-to-like study, but it does not do that at all. It looks at Gungahlin greenfields, at the whole of Gungahlin, and then compares it - supposedly they are like-to-like - with the whole of Watson. If it were to do a real like-to-like study, it would be looking at Watson in its North Canberra context, and they have made it very clear that they do not take into account the North Canberra area strategy.

We already have a situation where there are offsets in infrastructure benefits in terms of North Watson, and I have discussed those prior to this. I am sure that Mr Kaine would agree that, had this been set out in an accrual accounting method, which is something we are exploring in the Public Accounts Committee when the financial statement is done - - -

**Mr Kaine:** Accrual accounting? Are you talking about an economic analysis or what?

**MR MOORE:** Mr Kaine asks, "Are you talking about an economic analysis or not?". One of the difficulties we have is that I made it very clear last week that when Access Economics dealt with this they would have to do an economic analysis. They have done an economic analysis to a certain extent, but you will agree when you read this that it is largely a financial analysis as well.

**Mr Kaine:** It is just the opposite of a financial analysis.

**MR MOORE:** Within the limitations, I think you will agree, that have been imposed.

One of the other factors the report deals with is the better cities funding. It seems to me that, if we were using better cities funding in terms of this particular proposal, we ought to be looking at putting better cities funding towards the 10,000 or so people who could be located in Civic under the very sensible proposal the Government has put up for bringing people close to where they work. The economic impact on North Canberra is one of the most significant impacts. When we do an economic analysis we take into account not just the dollars and cents value but also the impact that any given situation has on people. One of those impacts we are talking about is on the people of North Canberra, and I have already taken into account the traffic impact, which is dealt with as well by the committee.

I accept that members would prefer me to round off this debate rather than continue my statement. I shall do that, but I will quickly draw members' attention to a couple of very important issues. The first one is the impact this will have on Majura school. To ease members' minds, I indicate that I will be finishing this speech within five or six minutes. I am capable of going much longer, if you wish, but I indicate that I will finish in five or six minutes.

**Mr Lamont:** Madam Speaker, I rise on a point of order. I draw to Mr Moore's attention the fact that, despite his learned approach to filibustering, learnt in the First Assembly, the time for Assembly business expired at 11.33 am.

**MR MOORE:** If I could speak to the point of order, Madam Speaker, on the notice paper we show that we are in private members business, and that is what was brought on.

**MADAM SPEAKER:** That is quite correct, Mr Moore. You may proceed.

**MR MOORE:** Thank you, Madam Speaker. That was a good try, Mr Lamont.

**Mr Lamont:** The next one is even better.

**MR MOORE:** It is not necessary because I told you that I will finish shortly. I draw your attention to some very important issues. The first one is Majura school, which already has a population of some 700-odd students. I think most of us would agree, even when we debate small schools, that the notion of primary

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schools being very large has serious disadvantages. One of the economic issues that is most critical in this is comparing the schooling that would occur in Gungahlin with the schooling that would occur at Majura. The issue is dealt with in the report. It seems to me that it is one of the most critical of the costs.

What is also important is the cost borne by individuals getting to and from school, and that is a cost that is not taken into account in this economic analysis. Because there will be a considerable delay caused in terms of when schools will be open in Gungahlin, we can expect a significant financial cost to parents. Any parent who has to get a child to and from school when they are not at the local school will realise that this is a significant cost. In fact, in terms of bussing, we spend, if my memory serves me correctly, some \$10m to \$12m a year on bussing children to and from schools.

Madam Speaker, the only other issue I would like to talk about is the notion that the opportunity costs in relocation have not been taken into account; in other words, what is missed out in relation to how we could use that particular land. That is not taken into account in the economic analysis, although it is referred to in the committee's report. There is also the fact that the trunk sewer that has been referred to has suddenly been brought forward three to five years. The transcript of the PDI Committee hearings indicates Mr Tomlins saying that that was expected in nine to 10 years. I think that changes the figures somewhat, and that is part of the financial report. They are important issues.

No matter what the result of today's debate is, I would urge two things, and this is said with the wisdom of hindsight; I am not being critical in any other way. For a committee needing to get further information on a report such as this, it would be far better for the committee to have its own reports commissioned, and we need to be able to find the money to do that. I understand the difficulties there, and I am not critical of the committee that has done this; I have made that clear. With the wisdom of hindsight, I think we can say that that ought to be done. The report, with that in it, could have been tabled, people would have had the appropriate time to consider it, and we would not be trying to sort this issue out on the run. The major concern I have is that that is exactly what is happening. Although I have read this report in detail, I feel that I have not given it the appropriate time and consideration that it needs.

**Mr Wood:** That is obvious.

**MR MOORE:** Mr Wood, I have not had the time. For heaven's sake, it is 48 hours since it was tabled during a sitting week. It is all right for you; you might not do anything in sitting weeks, but the rest of us do. Madam Speaker, considering those things, it seems to me that we have no other choice for the time being than to disallow the variation when it comes on.

Debate interrupted.

## **Suspension of Standing and Temporary Orders**

**MR LAMONT** (11.38): Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Lamont from moving the motion of disallowance relating to approved Variation No. 5, North Watson, that he has given to the Clerk, forthwith and that this motion have precedence over all other business until any question relating to the motion has been resolved by the Assembly.

I have moved this motion as a result of the 35-minute filibuster by Mr Moore.

**Mr Moore:** If I was filibustering I would have gone through to 12.30 pm.

**MR LAMONT:** Not even you, speaking under water, could last until 12.30 pm, Mr Moore. The simple fact is that the time for Assembly business, where the disallowance motion tabled by Mr Moore yesterday appears, expired this morning at 11.33. I would be generous and suggest that Michael might not have known that it would expire at 11.33 am and that automatically his disallowance motion would take its position on the notice paper during the next sitting period. The quite simple position is that the time for Assembly business has expired.

**Mr Moore:** We are in private members business.

**MR LAMONT:** I understand that; but if you read your temporary and standing orders, Mr Moore, you would realise that at this time Assembly business finishes because executive business takes precedence. You are aware of that, I understand. Mr Moore has just read his standing orders, and he is aware of that. It would mean that this disallowance motion, which was put on the notice paper yesterday with the expectation of being dealt with today, would not be dealt with today. The proposition to suspend all temporary and standing orders would allow the motion for disallowance that I have handed to the Clerk to be moved. The effect is therefore the same - that the question of disallowance will be debated this morning and determined today.

Madam Speaker, as chair of the Planning, Development and Infrastructure Committee, in the negotiations that occurred about the recommendations, it was quite clear that during the period of disallowance - within the five sitting days of the period of disallowance - we believed that it was appropriate for the Access Economics report to be tabled and for this matter to be determined. That is a view that I strongly hold to. Nothing Mr Moore has said in his previous discussions this morning has swayed me from the view that, similar to the views enunciated last week by his colleague Ms Szuty when this report was tabled, there is nothing in either Professor Neutze's comments or the Access Economics view that would lead me to believe that this variation should not proceed. Madam Speaker, that is the reason why I have moved for the suspension of standing orders.

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**MR MOORE** (11.41): Madam Speaker, I do not have a copy of the motion for disallowance that Mr Lamont has foreshadowed; I would hope that it will be distributed. It is certainly not on the notice paper and, according to standing orders, as I recall, a motion that is not on the notice paper may well not be considered a notice at all. I will find the standing order shortly, Madam Speaker, and we will debate that. It seems to me that this issue could be dealt with in an appropriate way. The whole motivation, the whole process that is going on today, is very clearly a mucky process.

**Mr Kaine:** Why did you not move your own disallowance motion?

**MR MOORE:** My disallowance motion is on the notice paper.

**Mr Kaine:** Yes, but why did you not move it? It was on the notice paper to be debated today.

**MR MOORE:** And I am quite ready to debate it. I am still ready to debate it.

**Mr Kaine:** You could not because you used up the time so that it was too late.

**MR MOORE:** Mr Kaine knows very well - I discussed it with you, Madam Speaker, and with his colleagues - that it was my intention to move under standing order 128 that I fix Wednesday, 13 April, as the appropriate time to continue that debate. I was quite happy to debate it.

**Mr Kaine:** It is news to me. I had no knowledge of it.

**MR MOORE:** I cannot help it if you do not talk to your colleagues.

**Mr Kaine:** Which of my colleagues did you speak to?

**MR MOORE:** I think all of them; but maybe one less.

**Mr Kaine:** Why did you not speak to me?

**MR MOORE:** Because you were not there when I was speaking to them. I assumed that they would pass it on. You may recall that we passed each other in the corridor. Madam Speaker, it seems to me that there is absolutely no need for the suspension of standing orders. There is a process to follow, and that is to allow appropriate consideration of this report. There has not been time for appropriate consideration of the Access Economics report.

**Mr Lamont:** Nonsense!

**MR MOORE:** The amazing thing about Mr Lamont in relation to this is that he is so emotive about it. He has just about had apoplexy on a number of occasions. One cannot help but wonder what it is that motivates him when we have been given 48 hours of the sitting period to look at this. I am opposing the suspension of standing orders, Madam Speaker.

Question put:

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

The Assembly voted -

AYES, 12

NOES, 3

Mr Berry

Mr Moore

Mrs Carnell

Mr Stevenson

Mr Connolly

Ms Szuty

Mr Cornwell

Mr De Domenico

Ms Ellis

Mrs Grassby

Mr Kaine

Mr Lamont

Ms McRae

Mr Westende

Mr Wood

Question so resolved in the affirmative.

**Mr Lamont:** Madam Speaker, I indicate that a pair is in operation between the Chief Minister and Mr Humphries.

### **Motion for Disallowance**

**MR LAMONT** (11.46): I move the notice that has been presented to the Clerk this day, as follows:

That the approved Variation No. 5 to the Territory Plan for Watson, sections 61 to 64, 72, 74, 76, 79, 80 and 83 (North Watson), be disallowed.

**Mr Moore:** Madam Speaker, I would like, first of all, to raise a point of order. I believe that, under standing orders, this motion is not valid because it does not appear on the notice paper. I would ask you to rule on that.

**MADAM SPEAKER:** I think you are incorrect on that, but I will check with the Clerk to keep you happy, Mr Moore. Mr Moore, we are both right. Because we have suspended standing orders it is in order. Please continue, if you wish to speak to the motion.

**Mr Moore:** I think Ms Szuty is going to speak.

**MS SZUTY** (11.48): I said in my speech on Tuesday of last week, I believe, on the Planning, Development and Infrastructure Committee's report on North Watson, that, of all the draft variations which the Planning Committee has considered over the last several months, the proposed draft variation for North Watson has given me the most anxiety and consternation. It still does. For that reason I will be supporting Mr Lamont's disallowance motion with regard to the proposed North Watson development.

I said that my support for the draft variation would be predicated on the expectation that the independent economic analysis would conclude that it would be financially advantageous to the Government to develop North Watson as opposed to a similar sized greenfields development in Gungahlin. Madam Speaker, we know that the independent economic analysis has indicated that the Government can anticipate savings between \$6m and \$8.6m as a result of the North Watson development proceeding while concurrently development at Gungahlin is slowed. However, I believe, Madam Speaker, that sufficient doubt has been cast on the merits of the independent economic analysis by, in particular, Professor Max Neutze, to indicate to me that at this time the draft variation proposed for North Watson should not proceed.

I have no difficulty with my decision, as a member of the Planning Committee, to request that the independent economic analysis be undertaken. The work that has been completed has crystallised my thinking on the key issues involved in the consideration of the draft variation. However, at this time I am unable to support it, notwithstanding the comments I have already made about the Planning, Development and Infrastructure Committee's report on North Watson. I, like my colleague Mr Moore, will be opposing the draft variation, and I will be supporting the motion of disallowance proposed this day by Mr Lamont.

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.50): Madam Speaker, I am disappointed at Mr Moore's environmental irresponsibility. He delivered a report of his committee to this Assembly yesterday which was entirely responsible in the way he set out to care for the future of Canberra. I believe that he should have taken those same principles into this debate; but he has not, and one must ask about the motives behind this. On every ground this is environmentally sound and sensible. It is the best way to proceed. I indicated yesterday, briefly, that in any argument I had raised in support of the draft variation for North Watson I had maintained, first and foremost, that it should be supported because it is environmentally sensible to do so. Mr Moore now disputes that. Mr Moore would go out into his suburbs of North Canberra - he is very conscious of that constituency - and he would argue strongly against the Monash freeway.

This is a good deal for Watson, North Canberra and North Watson. This is a good deal, and I have had many expressions of that from that community. In the first instance, we have taken away the Monash freeway from the consideration. The extension of Stirling Avenue, which was to be a six-lane freeway, has been removed. The draft variation we put down confirmed that. Yet Mr Moore wants to keep to what we had.

Secondly, that area, under the draft variation, was proposed for caravan parks, motels and the like. It was never proposed that it would be open space - never, going back into the planning arrangements over a long period. That becomes clear. It was always going to be part of the urban environment. Now we have changed it. There is certainly some scope left for caravan parks, but we have provided for what will be a very high-quality residential development. I think that is of a higher order, and it ought to be pleasing. I would rather have that sort of neighbourhood adjacent to me than the other.



Not only that; we have added a very extensive buffer zone between the existing residential area and the proposed residential area. So it seems to me to be a very good deal for that part of Canberra. It is environmentally responsible. As many debates in this Assembly, not necessarily specific to North Watson, have indicated, we do need to stop the urban sprawl; we do need to contain transport and the never ending flow of cars across our city. Mr Moore, on the one hand, can be very environmentally sensible, but for other reasons on this occasion he can be quite irresponsible in respect of the environment.

I want to make one further point in the context of what he said before, and that is about profits going to developers. There is still some debate within government as to how this will be financed, but the fact is - - -

**Mr Moore:** Put in a 100 per cent betterment tax and then we will know that you are genuine.

**MR WOOD:** I will come to betterment in a moment. The fact is that in very large measure the future development here will be in the hands of the Government. I know that it is a disappointment to some people here, but we have been moving through joint ventures to resume government control of land development, and this will be a next step in that process. There will not be unlimited profits for the developers, save the one major developer, which will be the Government and hence the people of Canberra.

Mr Moore made some remarks about Professor Neutze's comments. On this occasion Professor Neutze was wrong. He has been wrong before on matters, as I have been wrong before, as we all have been, because none of us is infallible. On this occasion he is wrong. It might be appropriate in a financial analysis to take account of betterment, and Professor Neutze has applied the description of betterment to the income when we sell greenfields land. I am not sure that that is the interpretation of betterment, but I understand what he is saying. He said that. Okay; that could be taken into account in a financial analysis. Then he says that there is only 50 per cent over there at North Watson. That is not so. A substantial part of the area in that draft variation will not be subject to 50 per cent. It is much the same basis as greenfields, as Gungahlin. There are some leases held by people, particularly along Northbourne Avenue, but to say that it is subject totally to 50 per cent is quite wrong. Some of it could be, in circumstances, but that forgets also - - -

**Mr Moore:** How much money are you talking about?

**MR WOOD:** Have a look at the map, Mr Moore, and examine each of the leases. What I am saying in a sense is a lead-up to my main point. The main change that we made in betterment reflected the before and after valuations. That is the significant change. Professor Neutze made no reference to that, and he should have. This is where you were confused, Mr Moore. These would be relevant factors to talk about in a financial analysis, not the economic one. If we go down the path of that financial analysis, then we look at all the money coming and going. In that situation you would have to write in the better cities money. You did not mention that and that is where Professor Neutze missed the point.

**Mr Moore:** I did.

**MR WOOD:** Well, Professor Neutze missed the point. If we are going to have that balance sheet of a financial analysis we take into account the better cities money, and that is very much larger than any factor you might write in on betterment. That is where the debate that we have heard this morning has been wrong. That is the point that Professor Neutze did not pick up. People seem to be floating between an economic analysis and a financial analysis, so let us separate them into their distinct types.

**Mr Kaine:** Mr Moore even wants to go into accrual accounting.

**Mr Moore:** That is the point I was making; that he was the one who started talking in financial terms, not economic terms.

**MR WOOD:** No, I asked you to get your boxes right. That is what happened. The simple thing is this: If you want to talk about betterment you have to add in better cities money at the same time. It is as simple as that. That is a factor that Mr Moore might take into account when next he speaks.

Madam Speaker, the economic analysis was sound. I heard Mr Moore claim something like 15 qualifications to it, and then he spent 35 minutes or so talking through that process. What he did not do was to spend the hour or so, or the two hours, that he might have needed to talk through the very clear statements that the economic analysis made. He went through with a highlighter and picked out any sensible, reasonable and proper qualification that might have been made. Where was the balance to that argument? Where were all the clear statements - - -

**Mr Moore:** You were putting it.

**MR WOOD:** I certainly am putting it, Mr Moore. Thank you for that. Where are all those very clear statements in the analysis that say, "This is a very sound investment by the ACT Government. This is a sensible step that the people of Canberra should support."? The committee asked for that independent analysis - an economic analysis, not a financial one - and that is what it got, and that is what this Assembly got, and it supports the North Watson proposal. It is as simple as that. When people get up today, please understand it for what it is. Do not try to take a stretch in a different direction. This North Watson proposal has been exhaustively studied. It is good for people in Watson and the rest of North Canberra. It is good for Canberra. It is good for our economy and it is good for our budget. I am sure that this Assembly will support it.

**MR MOORE (11.59):** Madam Speaker, Mr Wood concluded by saying that this proposal is good for the people of Canberra, good for the budget, good for the people of North Watson and, I think, good for the people of Watson. In reality, Madam Speaker, without reiterating a previous speech I made, because there is absolutely no point, that simply is not the case. Mr Wood has failed to take into account who will be the winners and who will be the losers.

**Mr Wood:** Everybody will be a winner.

**MR MOORE:** Mr Wood argues that everybody will be a winner. Because I have discussed some of the other issues I will simply go on to the issue of betterment, Madam Speaker. I will deal with that one. I congratulate you on the before and after values and on going to 100 per cent on commercial properties. If you were really genuine about this you would also go to 100 per cent on properties having

their leases changed to residential. One good example of the amount of money involved, Madam Speaker, was the proposed sale of the motels, the Red Cedars and the Lincoln Park. That auction went ahead some time ago with a pass-in figure of \$5m. Fifty per cent betterment on that is a fairly significant figure. That is just one very small portion of the land we are talking about. We are talking about very large sums of money. I am talking about the value, not before and after values. To clarify that, I am not suggesting that that is \$2m. We are talking about very large sums of money.

Quite clearly, Madam Speaker, the numbers are against us here and I accept that because, in the final analysis, that is the appropriate process. The appropriate process is that the Assembly as a whole decides, and I can see that that is how it is panning out. From the very minute that Mr Kaine indicated that he would be opposing any disallowance it was clear that the numbers were against this disallowance motion moved by Mr Lamont. I must admit that I was very impressed that he would move for disallowance, but I understand that he will not vote for it. That is simply the method of dealing with it.

Madam Speaker, I would urge upon members, particularly the Planning Committee, when they are dealing with another variation, that they do not leave us with this sort of timeframe to consider matters. I understand what is going on and I am not objecting to the process; I am objecting to the timeframe in terms of how much time an individual member has to study something like an economic analysis report, especially those of us who are not economists, and the ramifications of that because in the final analysis the decision appropriately belongs with members here. Members individually have to decide, whatever their reason, either to support a variation or to oppose it. Madam Speaker, in this instance I shall be supporting the motion of disallowance put by Mr Lamont.

**MR LAMONT** (12.03), in reply: Madam Speaker, we need to get this debate back to a proper perspective. The process which has been undertaken by the Planning, Development and Infrastructure Committee is the penultimate process of consideration of draft variations. I think it deserves some attention in the eight or nine minutes available to me. The PDI Committee tabled a report in this chamber last Tuesday. That report addressed a range of issues that were quite appropriate to be addressed. The public process that all of the members of the committee insisted be put into place was put into place for a quite valid reason. That valid reason was to test the veracity of the variation proposed by the Planning Authority and the veracity of issues that were being raised by concerned community groups.

I place on record the simple fact that a number of the issues that we have addressed to some extent may not have been addressed in the detail that they were had it not been for the North Watson Subcommittee of the Watson Community Association. I place that fairly and squarely on record today. We also placed that fairly and squarely on record in our report. To suggest that the Planning Committee rejects the views of the Watson Community Association holus-bolus is wrong.

I would like to go through the report. The report, after outlining activities by the committee and giving a clear indication as to what the variation covers, then went on to paraphrase the submissions that were received, on pages 8, 9, 10, 11 and 12. On page 13 it outlines what we considered to be the key issues in this variation.

I would like to go through those key issues. First, the draft variation process itself was a key issue. We dealt with that matter in our report and our conclusions are quite clear, and I would like to read them. At paragraph 6.7 on page 22 the committee says:

The Committee considers that on any reasonable ground the changes made to the original proposal are significant and it is apparent that these changes were the result of progressive input through the community consultation process.

We then go on in that chapter to outline a range of other matters as far as that process is concerned. Noting the concerns of some members of the community, both as individuals and as representatives of their community association, we proposed, and this has been accepted by the Government, that there be far more attention placed upon the preconsultation process, the formative stage of any proposed variation, whether the proponent is from the private sector or is the Planning Authority or some other body within the ACT administration. The Planning Authority has acknowledged that that is the direction that they are moving in. That is the first of those key issues.

The second key issue was the consultation process, and I have just outlined some of the issues as far as that is concerned. In relation to the draft variation process, the committee concluded that, on any reasonable test, those processes required to be followed had been followed to the letter. That quite clearly has been said. That was the second key issue. The third key issue was the policy on urban infill. We addressed the question of urban infill on pages 25 and 26. The report says quite clearly that the committee is satisfied that allowing for residential development in this area is not inconsistent with the Y plan and is not inconsistent with good urban planning. It goes on to note:

The Planning Authority comments as follows on this matter:

The Y-Plan, which was published by the National Capital Development Commission in 1970 as the metropolitan plan for Canberra in its publication "Tomorrow's Canberra", identified North Watson as part of the urban area and essentially confirmed what had been the development intentions for the area since the late 1950s.

Under the Y-Plan, North Watson was earmarked for broadacre institutional type uses and tourist-oriented developments ... with residential development being noted as an appropriate complementary use.

I will come back to that when I deal with chapter 11 of our report. We identified another key issue, which was the whole of the North Canberra area strategy, and we dealt with that in some considerable detail in our report. We took considerable evidence from a range of people who appeared before our committee, representing the North Watson Subcommittee of the Watson Community Association, ACTEW and the Planning Authority. We dealt with that issue. There was quite clear recognition by the committee in its unanimous report that we were satisfied with that and the way it had been put to the committee. There was no dissent. It is a unanimous report by the Planning, Development and Infrastructure Committee and it clearly says that we were satisfied that that key issue had been addressed.

The committee made a number of comments in relation to the density that should apply at North Watson and it put an absolute ceiling on residential-style development in the area. It will provide for up to 650 standard residential-type dwellings; but it will allow, on specified sites, the maximum of another 650. There is an example on a site that Mr Moore talked about. I think it was the Red Cedars site and the motel in front of it. There will have to be an absolute maximum placed upon those two sites as to the serviced apartment and permanent-style accommodation allowed. So in looking at the question of what the densities should be as far as the North Canberra area strategy is concerned, that position quite clearly was endorsed unanimously by the members of the committee.

Another question that we identified as a key issue was the use of the defined land provisions. We have outlined our recommendation in relation to the defined land issues. We were not happy that this area was going to be included as defined land, but we were mindful of why the defined land provision is used in subdivisions such as this. We have made a number of comments to the Government in relation to that. One of those is along the line that where you allow defined land provisions to be used there must be a sunset clause to say that at a particular time the defined land provision ceases to exist and the land's use must be more clearly identified.

One of the other key issues was the impact of the proposal on the ACT's tourist potential. As I read out, there was a particular comment in "Tomorrow's Canberra", published by the NCDC, outlining one of the important things for this area, which is tourism related development. So, what did we do? We had a look at it. We obtained information from the ACT Tourism Commission and the Economic Development Division. The committee commented for the public record that we were not happy with the way in which the view about the tourism potential for this area - - -

**Mr De Domenico:** I think we used other words, but that was the - - -

**MR LAMONT:** I do not think we want to be quite as ungenerous as we were necessarily on the public record of those hearings. Madam Speaker, we said that those areas should be excluded. Three particular areas where there is unleased land should be retained for tourism, recreation and so forth, so that we maintain enough land in that area for long-term use. It was indicated that it would be long-term use as nobody was aware of any proposals to develop those areas for that purpose. We believed it appropriate that we keep that aside for future use.

Another key issue was the financial viability of the draft variation. I have only a minute or so left, Madam Speaker. The decision of the committee was unanimous, despite the fact that there was some argy-bargy about whether or not that was an appropriate recommendation. At the end of the day we worked through that process within the committee. We said, "Look, on the one hand we have a test which says, in a financial sense, that these are the issues which will bring it out on the downside, and on the other side we have the Planning Authority saying that it will come out on the upside". As a result of all of that we said, "We will agree to do it, but in terms of the timing it is appropriate that the report be presented during the disallowance period". (*Extension of time granted*)

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I think that was an appropriate way for the committee to work. Despite my own position, which was different from that, I believe that it was appropriate, in considering all of the views expressed by the community group and by members of the committee, that we proceed in this direction. We had this group of figures on one side and another group of figures on the other side, so we decided to get somebody who could say, "Basically, this is flawed, that is flawed; when you marry them all up, on any fair assessment this is where you end up".

I regard the Access Economics figures as being somewhat on the conservative side, and quite rightly so. Indeed, the manner in which their report has been placed together I would regard as being in the conservative mould. I think that that is indicated quite clearly by the way that they have deliberately, as Mr Moore says, qualified a number of their comments. I have no difficulty with them deliberately, conservatively, qualifying those comments. I have no difficulty with that because I believe that, at the end of the day, further analysis, if that is ever required, would improve the value of some of those figures. It is, in my view, a conservative estimate.

I believe that it is appropriate, in view of the time that this variation has been before the public process - the process outlined and endorsed by this Assembly - to deal with it this day. I indicated that I had moved to disallow the variation because of the length of Mr Moore's dissertation on another matter on the notice paper. We had exceeded the time normally allowed for Assembly business, which would have meant that we were unable to do so. This is an appropriate mechanism to allow - - -

**Mr Moore:** You had to suspend the standing orders to do so.

**MR LAMONT:** I did move, Mr Moore, to suspend standing orders in order to allow for the disallowance to be considered and debated here, in the ultimate process. It is the ultimate process, as Mr Moore outlined. It is up to this Assembly, because we set up the committees of the Assembly to undertake this type of work, to assess what is contained in this report. If, on balance, members believe that the conclusions of the PDI Committee are flawed on all of those other matters, they should vote for the disallowance. If members of the Assembly believe that it is flawed they should vote for the disallowance. But even Mr Moore does not say that. Mr Moore says that, in addressing the issues, this report is not flawed.

**Mr Moore:** That report is subject to the economic analysis. That is how you wrote it.

**MR LAMONT:** That is not the case, Mr Moore. It says that this matter should come back before the Assembly at the same time as the disallowance motion, as I have said, in order that we may weigh up those two bodies of evidence. On any assessment of the Access Economics report, in dollar terms, and of those other matters that we have tested already, the process of the PDI Committee, this development should proceed. I took particular note of Mr Moore's favourite expression, "the greedy developers". That came up. I withdraw that; I do not think he used the word "greedy". He said that the developers would be the winners out of this. I was interested to hear the comments of the Minister as to how this North Watson development would proceed. I am quite pleased that we have had that assurance from the Minister today on the record.

Question put:

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

The Assembly voted -

AYES, 3

NOES, 12

Mr Moore	Mr Berry	Mrs Grassby
Mr Stevenson	Mrs Carnell	Mr Kaine
Ms Szuty	Mr Connolly	Mr Lamont
	Mr Cornwell	Ms McRae
	Mr De Domenico	Mr Westende
	Ms Ellis	Mr Wood

Question so resolved in the negative.

### **Report and Ministerial Statement**

Debate resumed.

Question resolved in the affirmative.

### **PUBLIC ACCOUNTS - STANDING COMMITTEE**

#### *Printing and Circulation of Report*

**MR KAINE:** I seek leave to move a motion concerning the printing and circulation of the report of the Standing Committee on Public Accounts on its review of Auditor-General's report No. 5 of 1993.

Leave granted.

**MR KAINE:** I move:  
That:

(1) if the Assembly is not sitting when the Standing Committee on Public Accounts has completed its inquiry into the Auditor-General's Report No. 5 of 1993 on Visiting Medical Officers, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker who is authorised to give directions for its printing and circulation; and

(2) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Question resolved in the affirmative.

*Sitting suspended from 12.21 to 2.30 pm*

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## **AUTHORITY TO RECORD AND BROADCAST PROCEEDINGS**

Motion (by Mr Berry), by leave, agreed to:

That the Assembly authorises:

- (1) the recording on video tape without sound by television networks of proceedings during question time, today, 3 March 1994;
- (2) the recording on video tape with sound by a television network of proceedings during the adjournment, today, 3 March 1994; and
- (3) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs and not for the purposes of satire or ridicule.

## **QUESTIONS WITHOUT NOTICE**

### **ACTTAB - Contract with VITAB Ltd**

**MRS CARNELL:** Madam Speaker, my question is to the Deputy Chief Minister in his capacity as Minister for Sport. The Minister informed the Assembly on 7 December 1993 that the directors of VITAB are Mr Kolomanski, Mr McMahon and Mr Dowd. However, a company search of VITAB makes no mention of Mr Dowd and lists instead Oak Ltd. For the information of the Assembly, I table a copy of the company search done a couple of weeks ago. I ask the Minister: Who is the director, Mr Dowd or Oak Ltd? Has the Minister misled the Assembly?

**MADAM SPEAKER:** Mrs Carnell, you will need leave to do that.

**MRS CARNELL:** I seek leave.

Leave granted.

**MR BERRY:** Madam Speaker, no, I have not misled the Assembly - - -

**Mrs Carnell:** How do you know?

**MADAM SPEAKER:** The question has been asked. Mr Berry will now proceed to answer it.

**MR BERRY:** I understand that there are now moves to change, I think it is the directors - - -

**Mr De Domenico:** Ha!



**MR BERRY:** Just hang on a minute. There is a requirement that those changes be agreed to by ACTTAB, and there is a requirement - - -

**Mrs Carnell:** You told us on 7 December - - -

**MADAM SPEAKER:** Order!

**MR BERRY:** Hang on a minute.

**Mr De Domenico:** What else are you going to change?

**MADAM SPEAKER:** Mr De Domenico, order!

**MR BERRY:** If companies decide to change their directors, they are entitled to do so, but one of the safeguards with - - -

**Mrs Carnell:** On 7 December, when you told the Assembly - - -

**MADAM SPEAKER:** Order, Mrs Carnell!

**MR BERRY:** One of the safeguards in the agreement with ACTTAB is that there has to be agreement by ACTTAB to that change. I understand that there is a process of examination going on in respect of the changes proposed. If there have been any changes in relation to those names that you say I gave you in December, I am not aware of them. I will certainly look into it and report further to the Assembly.

**MRS CARNELL:** I have a supplementary question, Madam Speaker. Minister, on 7 December you quoted in this Assembly that the directors of VITAB were Mr Kolomanski, Mr McMahon and Mr Dowd. A company search done at the end of February shows categorically that that was not the case.

**Mr Connolly:** Three months later.

**MRS CARNELL:** Mr Connolly will be well aware that a company search shows who were the directors prior to the ones that exist now. The company search categorically shows that Mr Dowd is not on the list anywhere.

**Mr Humphries:** And never has been.

**MRS CARNELL:** And never has been. Were you misleading the Assembly on 7 December when you quoted the directors of VITAB?

**MR BERRY:** I was acting on the advice that was provided to me.

**Mr De Domenico:** You have had poor advice all the way through this episode.

**MADAM SPEAKER:** Order!

**MR BERRY:** I will look into the matter to check out the claim that you have made and report further to this Assembly.

## **Landlord and Tenant Legislation**

**MR STEVENSON:** My question is to Mr Connolly and concerns tenant and landlord leases. As members know, there have been many concerns expressed by small business tenants about their lease conditions and there have been cases where large landlords have taken advantage of their monopoly in certain situations. I received a letter from the Belconnen Community Council - it was addressed to all members - which says:

The Council and the Belconnen Small Business Association strongly support the speedy passage of the Code of Practice as approved by CARTA.

Would the Minister be good enough to give us an update on what is happening with this vital matter?

**MR CONNOLLY:** I thank Mr Stevenson for his question. The Government has been working very hard and for a very long time to reach agreement on this controversial area with BOMA, the Building Owners and Managers Association, representing landlords, and with CARTA and small business interests to try to reach agreement. Unfortunately, at the very death knell, on the last day of the negotiation process, when we had had agreement up to there, BOMA walked away from the table and rejected the landlord and tenant code of practice which the Government had spent over three years developing. I think that was very unfortunate and very regrettable; but I will not let the process stop, for the reasons that you indicated.

This is an area where a lot of unfairness has been occurring for a long time. A small business person who establishes a business in Canberra is at a disadvantage compared to small business people in other parts of Australia. The centralised nature of the Canberra planning system, the very benefits of the Canberra planning system, mean that, if you set up in a set of shops in suburb A or in the district shops and you fall out with the landlord, there is nowhere for you to go. In effect, if the landlord says, "Your lease is coming up and I demand a 50 per cent increase in the rent", your choice often is either to lose the goodwill of your business or to pay up. The Government is aware, Madam Speaker, at the moment of cases where business people are facing demands of 30 and 50 per cent increases in their rent at a time when, economically, rents are quite stable. Indeed, ACT commercial ratings last year recognised an easing in commercial property values in this Territory.

I think it is unacceptable that BOMA has walked away from the table, but that is their decision. I make it very clear that I will be bringing into this Assembly a legislative package to implement either the code of practice as it stood and had been negotiated with BOMA, or possibly something that may be even tougher and even more in the interests of small business people in the Territory. BOMA has walked away from the table and the Government now finds itself in this position. The Liberals have nailed their colours to the mast with press releases saying that they want the New South Wales code of practice, which CARTA absolutely rejects as being a woefully inadequate way of protecting small business. The Government will negotiate with Independent members of this Assembly who may be interested in advancing the interests of small business to bring in a workable code of practice for this Territory as quickly as we can.

**MR STEVENSON:** I have a supplementary question, Madam Speaker. Mr Connolly said "as quickly as we can". I understand that that is his intention. There are many business people in Canberra whose leases are just about ready to run out. A gentleman came to see me last night. He said that his lease ran out a couple of days ago. This can make the difference between whether these businesses continue or not. Could Mr Connolly give some indication to these people as to when they will be likely to have some protection?

**MR CONNOLLY:** Madam Speaker, I had hoped that we could have said now, because we would have had agreement between BOMA, representing landlords, and the tenants association to implement it. On the very last day of negotiations, which was late January or early February, BOMA walked away from the table. The delay is not the Government's fault. We have done all we can, over years, to reach agreement. BOMA has walked away from the table. We have a code of practice, a very detailed document, which I am happy to provide to Assembly members. It is really in the hands of the Assembly. What I need to do is to negotiate with Assembly members to get sufficient support in this Assembly for a very small amendment to the Fair Trading Act which would then allow our code of practice, or a negotiated variant of our code of practice, to have the force of law in this Territory. During the six weeks that this Assembly is closed down and we are moving across the road, if Independent members have sufficient time in between packing boxes, I will be knocking on their doors to discuss this matter.

#### **ACTTAB - Contract with VITAB Ltd**

**MR DE DOMENICO:** Madam Speaker, my question without notice is to the Deputy Chief Minister in his capacity as Minister for Sport. Has the Minister investigated whether VITAB or any of its directors or representatives had any economic, family or corporate links with a Vanuatu based company called Nambawan owned by Mr Alan Tripp?

**MR BERRY:** I have not.

**MR DE DOMENICO:** I ask a supplementary question, Madam Speaker. Can the Minister assure the Assembly that Nambawan cannot get access to its Australian punters?

**MR BERRY:** Nambawan is a pidgin name for a betting company in Vanuatu. I have nothing to do with Nambawan. I do not know how they operate and - - -

**Mr De Domenico:** You say that you have not checked them out.

**MR BERRY:** It would be a nice job, I have to say. It would be a great job running around the South Sea Islands checking out all of the companies about which you want to raise suspicions.

**Mr De Domenico:** No, don't be silly. Your officers. You said all this was hunky-dory. It is a shonky deal. We want to know what you have done about it.

**MADAM SPEAKER:** Order! Mr De Domenico, it is your question. Let him answer it.

**MR BERRY:** The question of order comes up here too, Madam Speaker. Does the Minister have anything to do with Nambawan? Does the ACT Government have anything to do with Nambawan? The answer is no.

**ACTTAB - Contract with VITAB Ltd**

**MR LAMONT:** My question is also directed to the Deputy Chief Minister in his capacity as Minister for Sport. Could you inform the Assembly whether there is any evidence of VITAB poaching ACT punters?

**Mr De Domenico:** The answer is yes.

**MR BERRY:** The answer is no. There is no evidence. I am pleased to advise the Assembly that in the period 18 January 1994 to 26 February 1994, the time in which VITAB has been operating in Vanuatu, ACTTAB's turnover has increased by 5 per cent. I am advised that in the corresponding period last year ACTTAB's turnover was \$10.01m. In the same period this year turnover has increased by \$500,000 to \$10.51m. This increase in turnover has resulted in additional revenue to the Government of some \$29,000 over the corresponding period last year. Additionally, over the same period, VITAB has contributed some \$1.7m to the betting pools. That is of great advantage to Australian punters and to TABs because large betting pools draw more punters. VITAB have given a clear undertaking that they will not be offering inducements in Australia. There is no evidence to suggest that that is occurring. If the Liberals opposite have any, please give it to me.

**Mr Humphries:** Discounting. They are discounting their prices, their premiums.

**MR BERRY:** That, Mr Humphries, is an inducement, and there is no evidence that that is occurring. There is no evidence to suggest that they are doing it. You try to weave that old web of deception. That is the entire game that you play, Mr Humphries. Everybody is a wake-up to you. For providing services to VITAB over this six-week period, ACTTAB has received some \$25,000 in revenue. The Liberals would have us do away with that and give it back. They do not want the ACT to earn this revenue. The potential for this year is \$500,000 to the ACT. There is a lot of jealousy out there about this good deal that the ACT has done. The money is going to be in the bag in the ACT. Other places, other States, had the opportunity to look at this Vanuatu deal and the ACT got the jump on them. Of course, there is a lot of jealousy about this issue, but the ACT has the money in the bag and I expect that some people are stingy.

**Mr De Domenico:** In the bookie's bag. That is where it is.

**MR BERRY:** Mr De Domenico demonstrates his complete ignorance about this matter again when he says, "In the bookie's bag". It is into the TAB coffers. That is where it is going. The money is going into the ACT Government-owned TAB. In broad terms ACTTAB and the Government revenue have been boosted by some \$54,000 in total during the first six weeks of this arrangement. ACTTAB's one-off costs of some \$10,000 have been covered already by this revenue. I would suggest that the evidence clearly indicates that VITAB is not poaching ACTTAB customers.

**Mrs Carnell:** Show us the contract.

**MR BERRY:** Have the Liberals any evidence? It is the same old story, Mrs Carnell. You are great at trying to create concern out there in the community and to whip up a lot of dust about particular issues, but you never come up with the goods, and when you use figures you are usually wrong.

**ACTTAB - Contract with VITAB Ltd**

**MR CORNWELL:** Madam Speaker, my question is to the Deputy Chief Minister in his capacity as Minister for Sport. The Leader of the Opposition indicated that a company search showed that one of the directors of VITAB is Oak Ltd - o-a-k, as in tree or log. Mr Minister, who are the owners and directors of Oak Ltd?

**MR BERRY:** I do not know who the - - -

**Mr De Domenico:** You do not know anything. You knew everything about it yesterday.

**Mrs Carnell:** Yesterday you said that you knew everything.

**MADAM SPEAKER:** Order!

**MR BERRY:** I am only concerned about the owners and directors at the time of signing. This is another of your little stunts.

**Mr De Domenico:** That is an extract from the company in Vanuatu.

**MADAM SPEAKER:** Order, Mr De Domenico!

**MR BERRY:** Just listen, will you? You have a big mouth and you cannot keep it shut. The document that you have tabled today and have made certain claims about was dated 4 August 1993. On 7 December I advised the Assembly, and I have just been sent another note from my staff, that the directors of VITAB were Kolomanski, McMahon and Dowd at the time of signing.

**MR CORNWELL:** I ask a supplementary question, Madam Speaker. Can the Minister confirm that one of the directors of Oak Ltd, which, as Mrs Carnell indicated - - -

**Mr Berry:** No, I cannot, because I do not know who the directors of Oak Ltd are. If you want to do a company search - - -

**MR CORNWELL:** Just a moment. I have not finished the question.

**Mr Berry:** I will finish the answer. If you want to go and do a company search on Oak Ltd, go and do it.

**MADAM SPEAKER:** Patience, Mr Berry. Mr Cornwell, please finish your question.

**MR CORNWELL:** Thank you, Madam Speaker, for your protection. I really need it from this quite savage attack. Can the Minister confirm that one of the directors of Oak Ltd is the Pacific Island Trust Co., a firm which specialises in setting up tax havens?

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**MADAM SPEAKER:** Mr Berry, I believe that you have answered that question.

**MR BERRY:** I think I have, but I would like to make a little suggestion, if I may, Madam Speaker. Seeing that you know so much about company searches, if you really want to know, go and do a search of Oak Ltd. That would be the easiest way.

**Mrs Carnell:** It is all right; we have.

**Mr De Domenico:** We have.

**MR BERRY:** You have?

**Mr De Domenico:** Yes.

**Mrs Carnell:** We just wondered whether you have.

**Mr De Domenico:** We wanted to know whether you had.

**MADAM SPEAKER:** It seems to be completed. Order!

### **Physical Education and Sport in Schools**

**MS SZUTY:** Madam Speaker, my question without notice is to the Minister for Education and Training, Mr Wood. I gave Mr Wood notice earlier today that I would be asking this question because I expect a detailed answer from him. I refer to the strategic plan, developed by a working party of the Physical Education and Sport Consultative Committee, which has five major goals. These are, firstly, to develop and implement physical education and sport policies and programs that address the needs of all students; secondly, to establish clearly the roles and responsibilities of all stakeholders; thirdly, to raise the profile and status of physical education and sport within school communities; fourthly, the adequate provision and training of human resources; and, fifthly, the adequate provision of physical resources. My question to the Minister is: Has the ACT Government accepted the strategies proposed to achieve the goals as outlined? If yes, when does the Minister anticipate that they will be implemented?

**Mr Cornwell:** May I raise a point of order before the Minister responds, Madam Speaker?

**MADAM SPEAKER:** Yes, Mr Cornwell.

**Mr Cornwell:** I have no problem with the first part of the question, but I believe that I have some questions on the notice paper, Minister, relating to this matter.

**MR WOOD:** I am happy to be pulled into order, if you like, as I proceed. Yes, I think you might have, as I look at those. Madam Speaker, in response to Ms Szuty's question and Mr Cornwell's question on notice - - -

**Mr Kaine:** If he can answer Ms Szuty now, why has he not answered Mr Cornwell before?

**MADAM SPEAKER:** Minister, you may proceed.

**MR WOOD:** Thank you. There is a deal of lobbying going on in this instance, hence the questions from my colleagues across the way and hence some of the meetings I have had in my office, so I am reasonably well briefed about this matter. I can inform Ms Szuty that in principle the department has accepted those statements that she read out. I think there are something like 33 different strategies flowing from those. Last year and this year we have been working on a good number of those, and some more will be undertaken next year. At least five of those strategies are fine, but they have quite significant resource implications - something I am not quite sure Ms Szuty understands. We may think they are good ideas; but, since it means, for example, four physical education resource teachers around Canberra and a deal to do about physical structures, obviously we have to find money to implement those. We have had long discussions about this in this Assembly. The simple answer to your question is yes, in principle, and we are working through them all within the resource limits imposed upon us.

### **ACTION Industrial Dispute**

**MS ELLIS:** Madam Speaker, my question is directed to the Minister for Urban Services. Can the Minister advise the Assembly of the outcome of the ACTION bus dispute?

**MR CONNOLLY:** I am delighted to advise Ms Ellis of this. The members opposite no doubt will be very unhappy because it is yet another example of this Government getting on with the job and delivering savings and efficiencies to the people of Canberra. Madam Speaker, the resolution of the bus mechanics dispute, which we settled last evening and which the members accepted this morning, means that in two weeks we have effected substantial change on the two key areas of ACTION, that is the drivers side and the mechanics side. The drivers side was settled some weeks ago with a net saving to ACT taxpayers of some \$6.5m.

The resolution of the mechanics dispute allows us to proceed with the closure of the Kingston depot. It allows us to redeploy the existing workers from the Kingston depot, putting them on a shift system which does reinstate to many of the workers overtime that they had been earning up until November when we suspended overtime, so the workers individually are better off. ACTION is better off because we have fewer workshops open before the morning peak and also after the evening peak, so we can turn the buses around much more rapidly. We have an agreement in the 12-month period to reduce the number of workshop workers by at least 20, and possibly more. It means, Madam Speaker, that ACTION is now going to achieve Australian standard levels of efficiency in the next financial year.

When you lot ran this Territory, and I use "ran" loosely, the Grants Commission finding showed that ACTION was operating at an above average level of subsidy of well over 20 per cent. In the last financial year, according to the Grants Commission report tabled yesterday, we got that down to about 3 per cent. As we proceed with these two major changes we will achieve Australian standard levels of efficiency. In dollar terms, we have brought it

down from \$57m when Mr Kaine was Treasurer to less than \$45m this year, and we are shooting for \$40m next financial year. As a result of these settlements in the last two weeks with the workshops and the drivers, agreements for substantial processes of change, we will achieve that \$40m in the next financial year. When you were purporting to run this Territory it was \$57m.

Madam Speaker, the level of efficiency of ACTION, according to this report, is now at about 3 per cent above where we should be in terms of levels of subsidy. The New South Wales Liberal Government is coming in at 17 per cent above what should be the average level of efficiency. We are only 3 per cent overservicing, whereas your New South Wales Liberal mates are 17 per cent. Victoria, of course, is operating under a whopping 50 per cent subsidy. Madam Speaker, the track record of the Liberals here was woeful. You achieved in the ACT, when you ran the Territory for 12 months, the highest ever operating deficit for ACTION - fully 20 per cent above where it should be. ACTION was an economic basket case, and I would say an industrial relations basket case, when you people were running the show. We have resolved a process of change which is already -  
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**Mr Humphries:** We had fewer strikes than you have been having. The buses ran when we were in government.

**MR CONNOLLY:** Yes, because Mr Duby signed an agreement with the very effective then union secretary to put an additional net \$1m cost on ACT ratepayers. Madam Speaker, we have delivered real savings. We have delivered real benefits to the people of Canberra. While we had a few days of industrial action, which was regrettable and which the Government deplores, I contrast that with the sort of chaos that has been caused in other parts of Australia when governments have attempted to resolve the often intractable problems of getting efficiency into a public transport system. Madam Speaker, the achievement of this Labor Government in taking an efficiency basket case and getting it to a point where it is now only just off the average level of Australian subsidy for public transport, and where we are shooting at and will achieve those average operative levels, is a significant achievement. While we can manage, you lot can only whinge.

### **Street Theatre**

**MR HUMPHRIES:** My question is directed to the Minister for the Arts. I refer the Minister to delay in the completion of the Street Theatre in Childers Street. I take it that the Minister is aware that on top of the delay in the completion of the building at Childers Street, due to the collapse of Dimitry Pedashenko Pty Ltd, there are also a number of significant structural problems emerging in the ANCA Studios at Dickson, also built by Dimitry Pedashenko Pty Ltd. What quality control measures did the Government put in place during the early construction phase of the building at Childers Street? Were they the same or better than the quality control measures used for the ANCA Studios at Dickson? Can the Minister assure those who will operate in those buildings and who will be responsible for repairs and maintenance of those buildings that they will not have to bear the cost of rectifying these building defects, caused apparently by a government's cost cutting during construction phases of both of those buildings?



**Mr Berry:** Can we have that again?

**MR HUMPHRIES:** You have to pay attention, Wayne.

**MR WOOD:** Madam Speaker, Mr Humphries is often wrong and he is wrong on this occasion. This is a matter in which I am very interested and I am happy to answer his question, but the question he is asking is primarily one for my colleague Mr Connolly. Mr Connolly might add to the points that I make. Mr Humphries, you will get two answers, just to put you on the right track as to where your question should be directed.

**Mr Humphries:** It will be the first two for today.

**MR WOOD:** You sounded very knowledgeable, but the basis of the question was wrong.

**Mr Berry:** The old web of deception again. Gary, the big spinner.

**MR WOOD:** Madam Speaker, I have seen some of the "damage" at the ANCA Studios. I am not sure that it could be - - -

**Mr Humphries:** We cannot compete with you on that score, Wayne. At least we do not tell lies.

**MADAM SPEAKER:** That was a generalised comment, I hope, Mr Humphries.

**Mr Humphries:** Absolutely.

**MADAM SPEAKER:** Carry on, Mr Wood.

**MR WOOD:** Madam Speaker, I am not sure whether the "damage", such as it is, at the ANCA Studios could be categorised as structural damage or not. Madam Speaker, in respect of the Childers Street theatre, the Street Theatre, serious efforts have been made by Mr Connolly to get that back into operation, back into the building phase, so that the artists can get into it.

**Mr Humphries:** Where am I wrong?

**MR WOOD:** You are wrong from the start, so do not keep interjecting. As to questions about the structure of the building, I defer to my colleague Mr Connolly, who may have something to say. You may get reports, in due course.

**MR CONNOLLY:** Madam Speaker, we will do a double act and make sure that Mr Humphries is at least more fully informed, if not wiser. We are working very hard to get the Childers Street project back to the construction stage. When Pedashenko went broke - there is nothing that a government can do to prevent a head contractor going broke, with the best of checks and intentions - they left some 30 subcontractors unpaid. Since April the ACT Government had been aware that Pedashenko was getting into problems and had been paying contractors direct. We have got to a situation where we have reached agreement.

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**Mr Humphries:** That was not my question, Terry.

**MR CONNOLLY:** You said, "When will construction start?", and I am telling you. If you sat there quietly and listened, again, you would be better informed, if not wiser. We have reached agreement with all but about three of those contractors with the relevant union. I am advised - - -

**Mr Kaine:** I take a point of order, Madam Speaker. First of all, this Minister was not asked a question. He seems to be making a statement that has nothing to do with the question Mr Humphries asked. When are you going to pull him up?

**Mr Humphries:** I did not ask anything about the construction of the Street Theatre.

**MADAM SPEAKER:** The Minister is doing you a favour by answering the question. Continue, Mr Connolly.

**MR CONNOLLY:** Madam Speaker, as the Liberals who asked about what is happening at the Childers Street site are not interested in hearing, I will sit down. I will write to Independent members and let them know what is happening because I know that they are interested in the arts community and want to see some progress rather than playing silly politics.

#### **ACTTAB - Contract with VITAB Ltd**

**MR KAINE:** Perhaps Mr Berry will answer this question and will not toss it to Mr Connolly to answer another question. Madam Speaker, my question is to - - -

**Mr Berry:** If you ask me a question on public works, I will.

**Mr Connolly:** If you ask me a question on health, I will pass it to Wayne.

**Mr Wood:** We would have thought Opposition members knew by this time where to direct a question. They do not.

**MR KAINE:** When feeding time at the zoo is over, Madam Speaker, perhaps I will get a chance to ask my question.

**MADAM SPEAKER:** Could we have a spot of order!

**Mr Wood:** No, I will feed you some more.

**MADAM SPEAKER:** Mr Wood, let Mr Kaine ask his question.

**MR KAINE:** My question is to the Deputy Chief Minister in his capacity as Minister for Sport. In an earlier answer in connection with VITAB, Mr Berry said that the ACT has the money in the bag. My question has to do with when some of the money has to be taken out of the bag. In the advice that he tabled yesterday it says that any exposure from ACTTAB to VITAB as a result of their deal rests totally with ACTTAB and is not the responsibility of the ACT Government.

**Mr Berry:** Read on, read on.

**MR Kaine:** If you listen to my question you might give me a decent answer to it, Minister. Stop your yapping and listen to the question.

**Mr Berry:** You read on. Read all that was in the report. Do not try to mislead this place.

**MADAM SPEAKER:** Order!

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

**MR Kaine:** If Mr Berry wants a debate on this issue, Madam Speaker, I will move a motion and we will have a debate on it. He might like to answer my question.

**MADAM SPEAKER:** I think Mr Humphries has a point of order, Mr Kaine.

**Mr Humphries:** Mr Berry suggested that Mr Kaine was misleading the place. I would ask that he withdraw that statement.

**Mr Berry:** I warned him against trying to do that because - - -

**MADAM SPEAKER:** And that is quite different. Mr Kaine, proceed.

**MR Kaine:** Thank you, Madam Speaker. The advice that Mr Berry tabled says that the ACT Government is not exposed to any liability as a result of this deal. Since ACTTAB is an agency of the ACT Government, and since ACTTAB is insured for only a limited sum, how can the Minister say, and how can he be advised, that the ACT Government can have no liability if their deal with VITAB goes bad and, under the provisions of the contract, ACTTAB or the ACT Government, or somebody, has to take some of that money out of the bag? How can he give us the assurance that there is no liability resting with the ACT Government?

**MR BERRY:** I warned you against doing that, and you did not listen.

**Mr Kaine:** I am waiting for you to answer.

**MADAM SPEAKER:** Mr Berry, I believe that you are being asked for a legal opinion and that - - -

**Mr Kaine:** No; I am not asking for an opinion. I want to know how it is that the Government has no liability.

**MADAM SPEAKER:** Okay. Mr Berry, continue.

**MR BERRY:** I will offer no legal advice, Madam Speaker. You can rest assured of that. What I will say is that, had Mr Kaine read on a little further - I am sure that he is quite aware of this; that is why I warned him about forgetting to read out that little part - it is very clear, in the advice that I have had, that ACTTAB had taken action to make sure that they were protected, and I was satisfied that they did so.

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**Mrs Carnell:** But that is not the question. How can ACTTAB be responsible and not the Government?

**MR BERRY:** Are you asking the question or is Mr Kaine? Are you writing them for him, or is he misreading them, or what? I can answer only one person at a time, and I am doing my very best, in adverse conditions, to answer the question asked by Mr Kaine. Mr Kaine, if you read on in the advice - if you have it there - you will find that there is mention of the protection that ACTTAB would provide in those circumstances.

**MR KAINE:** He has not done too well so far, Madam Speaker, but I will ask him a supplementary question. At recommendation No. 3 of the briefing note dated 19 October 1993, which he might like to read, reference is made to liability for amounts in excess of \$250,000. In other words, on this insurance policy that ACTTAB has taken out there is an excess. Can the Minister give an absolute assurance that under no circumstances would the ACT Government have to stand behind a pay-out, having regard to this insurance policy, if it gets beyond the ability of ACTTAB to pay it?

**MR BERRY:** My advice from Treasury and the Law Office was clear that the ACT Government was safe.

**Mrs Carnell:** But your briefing note does not say that.

**MR BERRY:** I am afraid the briefing note does say that.

**Mr Humphries:** No, it does not say it.

**MR BERRY:** You are not prepared to read the parts that do say that. If you look at the briefing note - - -

**Mr De Domenico:** Where is it? Give us a look at the briefing note.

**MR BERRY:** I tabled it yesterday. Did you not pick up your copy?

**Mr Kaine:** The Minister may be in for a rude shock and he may have to take some of that money out of the bag.

**MR BERRY:** Oh, go away! The money is safe. Treasury and the Law Office made it very clear that the contract left the - - -

**Mr De Domenico:** Table their advice.

**MR BERRY:** I tabled it yesterday. I tabled the advice that I had on the matter.

**MADAM SPEAKER:** Order! Mr De Domenico, you have had your question.

**MR BERRY:** It was generously provided by an open and consultative government. If you do not want that - - -

**Mr De Domenico:** Table the contract.

**MR BERRY:** What about if we table all of the contracts for all of the other business deals that are done in the ACT? Would you like that?

**Mr De Domenico:** No; we want only this one.

**Mr Connolly:** What about furniture deals?

**MR BERRY:** What about furniture deals? Would you like them all tabled? No, just that one. You have to be even-handed about it. Your mates would not be real happy if you were to ask that they all be tabled. It is a commercial-in-confidence matter. I have made it clear to you that the protection - - -

**Mr Kaine:** I raise a point of order, Madam Speaker. Madam Speaker, there was a clear implication, in what the Minister just said, that some people doing business with the Government would be unhappy at having their contracts exposed. In other words, there is something wrong with those contracts. I think the Minister ought to withdraw that.

**MADAM SPEAKER:** There was no imputation against any member. Continue, Mr Berry.

**MR BERRY:** Your friends in commerce would not be happy at commercial advantage being given to their competitors through the exposure of their contracts. You have to be a bit even-handed on this one. What you will find from the advice that I gave you yesterday is that the Government is safe. It was pointed out in the advice that ACTTAB would be taking appropriate measures to protect themselves.

#### **Assembly Committee Reports - Government Responses**

**MR MOORE:** Madam Speaker, my question is directed to Rosemary Follett as Chief Minister.

**Mr Berry:** Hooray! The first one with courage to ask the Chief Minister a question.

**MR MOORE:** It is a very sensible question too, as she will find. The 1992 "Handbook on ACT Government Participation in Parliamentary and Other Inquiries", Part 1, paragraph 17, states:

As a general rule, Cabinet Submissions proposing the Government's response must be lodged in sufficient time to enable the responsible Minister to make a statement to the Assembly within three months of the tabling of the report in the Assembly.

No doubt the Chief Minister is aware that the notice paper today, Thursday, 3 March 1994, contains reference to no fewer than five reports from March 1993, one from May 1993, six from June 1993, three from August 1993 and one from September, as well as others since then. Is the Chief Minister intending to ensure that her Government responds, or is she simply going to continue to hold this Assembly's committees in contempt?

**MS FOLLETT:** Madam Speaker, I have not held and I do not hold the Assembly's committees in contempt. I agree absolutely with the point that Mr Moore has made, and I have made those precise points myself within living memory on more than one occasion. It is a matter of great regret, Madam Speaker, that there are a number of Assembly reports on which the Government's response is outstanding. I have sought to expedite those responses and I will continue to do so. It is my intention that, when the Assembly sits again, all of those matters will be dealt with expeditiously.

#### **ACTTAB - Contract with VITAB Ltd**

**MR WESTENDE:** Madam Speaker, my question is also directed to the Minister for Sport. The Minister has advised the Assembly that the contract between ACTTAB and VITAB is similar to the one with the Northern Territory. However, the Northern Territory so-called contract is a two-page letter. I ask the Minister: Is the ACTTAB-VITAB contract similarly a two-page letter, and what safeguards can be provided in the space of a two-page letter?

**MR BERRY:** I do not think I would be disclosing anything commercial-in-confidence if I said that the contract was longer than a two-page letter.

#### **Parkes Way - Traffic Calming**

**MRS GRASSBY:** My question is directed to the Minister for the Environment, Land and Planning. Are there proposals for calming of traffic on Parkes Way, and does this have the support of the ACT Government?

**MR WOOD:** Madam Speaker, a number of people have made comments to me following an article in yesterday's *Canberra Times* about proposed - that is the operative word, or the inoperative word - developments at the Defence Department offices down the road. That is a long-term proposal which I guess the NCPA will bring to public view when it suits that body. I do not see any immediate action on that front. However, there is another proposal that might emerge shortly and it follows the NCPA's consideration of the Museum of Australia.

I understand that the NCPA is keen to see that museum on Acton Peninsula. It certainly has the view that Acton Peninsula is the place for a major national monument. As part of that development the NCPA has run some public processes and has suggested that there be residential development on West Basin along to Commonwealth Avenue. As part of that, because it would propose residential development across Parkes Way, access to that development and access to the lake between there and Civic would be necessary. I think also that the NCPA is concerned to build up Constitution Avenue rather than Parkes Way as the major east-west thoroughfare. However, at this stage it appears that amongst the options, and not necessarily the chosen one, would be measures to have cross-streets, or something of that nature, across Parkes Way with quite a number of traffic lights. That would have a very strong effect of slowing or calming the traffic.

**Mr Kaine:** It would bring it all to a dead halt, Bill.

**MR WOOD:** I think Mr Kaine is dead right - it would bring it all to a dead halt. There is a problem with Parkes Way from a planning point of view, I suppose, in that it does make access from the city area to the lake very difficult; but it was not this Government or this parliament that designed that. That was done many years ago by another body. I think any change to Parkes Way would have to be considered most seriously. The ACT Government certainly would not approve any process whereby there was traffic calming on Parkes Way. It is the major east-west access. It carries very considerable volumes of traffic and any proposal to put streets across there could not be supported.

### **Legal Aid Commission and Director of Public Prosecutions**

**MADAM SPEAKER:** I call Mr Lamont.

**Mrs Carnell:** He has had one.

**MR LAMONT:** I did not have a supplementary question. Madam Speaker, my question is directed to the Chief Minister. Will the Government reduce the independence of the Legal Aid Commission and the Director of Public Prosecutions by including their staff in the new arrangements for the separate ACT public service?

**MS FOLLETT:** Madam Speaker, I thank Mr Lamont for the question. I read an article to the effect that Mr Lamont has outlined in the *Canberra Times* this morning. I would like to start with a point of principle, and that is that there is agreement on all sides that the Legal Aid Commission and the Director of Public Prosecutions need to be independent from the Government, and the Government has no intention of departing from that principle. I would like to deal with both of those organisations separately.

On the question of the Director of Public Prosecutions, it is a fact that those staff have always been public servants, and they will remain public servants. In their case, as in the case of the majority of our employees, the only change will be that they will change from being Commonwealth public servants to being ACT public servants. There will be no substantial change, except that we will be increasing the independence of the DPP under the new service arrangements by conferring on the DPP the powers of a head of agency, a head of department. Currently, in relation to the DPP, those powers are vested in the Head of Administration, so it is an actual conferring of additional powers on that agency itself.

With the Legal Aid Commission, Madam Speaker, the inclusion of the legal aid staff in the new service does not either break new ground or interfere with the independence of the commission. It is a fact that in other States - in Tasmania, New South Wales and the Northern Territory - there are legal aid staff who are public servants. Some of the staff of the Queensland commission are public servants as well. So this can hardly be seen to be a groundbreaking step. The fact that the staff will be employed by the Territory will in no way interfere with the relationship between solicitor and client. I can say that with confidence because the legal aid Act guarantees it. I regret that the people who wrote that article this morning do not seem to have checked that basic bit of legislation. To suggest that the staff could be subject to direction by a Minister or the Government as to the handling of any case, in my view, is completely ridiculous. It is nonsense.

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Madam Speaker, I am advised that my colleague Mr Connolly has written to the Legal Aid Commission - in fact last December, some months ago now - advising that as a government we are prepared, if it is necessary or if it is desirable, to strengthen the provisions of the legal aid Act dealing with secrecy, privacy and the professional independence of legal aid staff. We await advice from the Legal Aid Commission on whether they believe that those steps are necessary. To summarise, Madam Speaker, there will be no interference by government in the independence of either of those bodies. They will continue to exercise their professional independence as they have always done.

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

#### **ACTTAB - Contract with VITAB Ltd**

**MR BERRY:** Madam Speaker, I would like to provide some more information which is in relation to a question that Mr Kaine asked and which he seemed to ignore in asking his question. He read from a document which I tabled yesterday which was, in effect, advice on the ACTTAB-VITAB agreement. Mr Kaine referred to a particular part of that advice which read, "Any such liability would rest with ACTTAB". If he had read the whole paragraph he would have said this:

It is the opinion of the Government Solicitor's Office that the Agreement as now framed does not expose the ACT Government to any risk of financial liability. Any such liability would rest with ACTTAB which has negotiated suitable indemnity provisions in the Agreement.

It would have been nice if Mr Kaine had said that. In relation to that risk, if he had gone to the earlier page he would have said:

... ACTTAB has drafted its proposed Heads of Agreement to include both a significant security deposit from VITAB and a requirement for all VITAB Directors to also provide personal guarantees.

So, a mischievous piece of work was done by an envious group.

**Mr Kaine:** You had better start being prepared to dig into that bag of money.

**Mr De Domenico:** This is a shonky deal, Minister.

**MADAM SPEAKER:** Order!

**MR BERRY:** We have ended up with an arrangement which will provide significant benefits to ACTTAB, about which there is a lot of envy. This mischievous lot opposite are only interested in muckraking.



## **Traffic Calming Measures**

**MS FOLLETT:** Madam Speaker, on 1 March Ms Szuty asked me a question relating to traffic calming as part of the Department of Urban Services local area traffic management schemes. I have a response to Ms Szuty's question which commences with outlining the differences between the terms "traffic calming" and "local area traffic management". The answer goes into some detail on the application of both of those techniques in the ACT. It is rather lengthy. I would ask that the answer be incorporated in *Hansard*.

Leave granted.

*Answer incorporated at Appendix 2.*

## **PERSONAL EXPLANATION**

**MRS CARNELL:** Madam Speaker, I would like to make an explanation under standing order 47. I think Mr Berry misunderstood something that I said during question time. Mr Berry mentioned - - -

**MADAM SPEAKER:** Just a minute, Mrs Carnell. Is it under standing order 46 that you want to make a personal - - -

**MRS CARNELL:** Standing order 47. I think that Mr Berry misunderstood something that I said.

**Mr Berry:** I doubt it. She is not speaking to a question.

**MADAM SPEAKER:** That is right. You have not spoken to a question, so you cannot then proceed to explain.

**MRS CARNELL:** Standing order 46.

**MADAM SPEAKER:** Under standing order 46. Is it of a personal nature?

**MRS CARNELL:** No. He misunderstood something I said.

**MADAM SPEAKER:** I am sorry. I have to give you leave under standing order 46 and I can do so only if you are going to explain something of a personal nature.

**MRS CARNELL:** It is not personal.

**MADAM SPEAKER:** Members, I am about to suspend proceedings to enable the cameras to be taken away and further photographs to be taken.

**Sitting suspended from 3.20 to 3.37 pm**

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## **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 a regulation and Supreme Court rules.

*The schedule read as follows:*

Casino Control Act - Casino Control Regulations (Amendment) - No. 3 of 1994 (S31, dated 28 February 1994).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 2 of 1994 (S30, dated 28 February 1994).

Tobacco Act - Exemption - No. 14 of 1994 (S42, dated 2 March 1994).

## **SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE**

### **Report**

**MRS GRASSBY** (3.38): Madam Speaker, I ask for leave to present the report of the Standing Committee on Scrutiny of Bills and Subordinate Legislation on the Scrutiny of Legislation Committees Conference.

Leave granted.

**MRS GRASSBY**: I present the report of the Standing Committee on Scrutiny of Bills and Subordinate Legislation on the Scrutiny of Legislation Committees Conference held in Brisbane on 11 February 1994, and I move:

That the report be noted.

Madam Speaker, the report I have just tabled is the result of attendance by Mr Humphries and me at a conference of scrutiny of legislation committees in Brisbane last month. The conference was attended by the chair and deputy chair of all scrutiny committees in Australia, with the exception of those of the Commonwealth and South Australian parliaments, whose parliaments were sitting and who unfortunately could not attend.

The theme of the conference was national uniform legislation and the role that the scrutiny committees such as ours play. In recent years uniform legislation has been introduced on a more regular basis, and members will be aware of recent Bills that have been passed in the Second Assembly. Two examples are the Financial Institutions (Application of Laws) Bill 1992 and the Limitation (Amendment) Bill 1993.

The conference recognised the need for such legislation. The Speaker of the Queensland Parliament, Hon. Jim Fouras, in his opening address to the conference gave an example of this need, noting the fact that the Australian States have very different criminal laws. He posed the question: Why should the punishment which a certain offence carries vary simply by the crossing of a line on the map somewhere in Australia?

However, whilst the conference recognised the need for uniform legislation, it also highlighted some problems in relation to the way these laws have been passed. In particular, the conference was concerned that the ministerial councils were agreeing to uniform Bills without including parliamentary scrutiny committees. As a result of these concerns a number of resolutions were passed, and I encourage members to look at those resolutions, which appear in the report I have just tabled.

It was a great honour to be asked to chair one of the sessions of the conference. I think that this is a recognition that the ACT is held in high regard by the other States and Territories in relation to the way we operate our committee. This point was made quite often during the conference. Mr Humphries and I were very proud to be able to represent the Assembly in this way.

The conference was hosted by the Queensland Committee of Subordinate Legislation and was held in their Parliament House. As I am sure that other members who have been to Brisbane know, their hospitality is excellent. They certainly have an excellent Parliament House. It would be very nice if we had the same sort of Parliament House.

I found the conference of great benefit and was able to discuss with colleagues from other parliaments the problems they are experiencing with scrutiny of Bills and subordinate legislation. One thing that I found was that New South Wales delegates complained very much about their Ministers. We were able to say that the situation was not quite the same here. Madam Speaker, I commend the report to the Assembly.

Question resolved in the affirmative.

## **PAPER**

**MR BERRY** (Deputy Chief Minister): Madam Speaker, for the information of members, I present the Canberra Theatre Trust annual report for 1992-93, together with the financial statements and the Auditor-General's report, pursuant to the Audit Act 1989.

## **PLACE OF NEXT MEETING**

**MR BERRY** (Deputy Chief Minister) (3.42): Madam Speaker, I seek leave to move a motion relating to the place of the next meeting of the Legislative Assembly for the Australian Capital Territory.

Leave granted.

**MR BERRY**: I move:

That the next sitting of the Legislative Assembly for the Australian Capital Territory take place in the new Assembly premises.

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**MR MOORE** (3.42): I wish to make a comment or two on this motion, Madam Speaker. One of the disadvantages of moving from this particular site is that we are going to lose a rather significant address - 1 Constitution Avenue. As far as I am concerned, that has always been a very sensible address.

**Ms Follett:** We can fix it if you want to keep the address. Do you want to keep it?

**Mr Connolly:** We will just change the street names.

**MR MOORE:** Already I hear Ministers making suggestions about changing - - -

**Mr Cornwell:** Michael, why don't you stay here and the rest of us will move?

**MR MOORE:** I would be happy to do that, provided the Assembly as such stayed here as well. Madam Speaker, we will be moving closer to the statue of Ethos. The dictionary that Mr Stevenson keeps on his desk, the *Shorter Oxford Dictionary* - a big upgrade in standard, I must say, from the old dictionary - defines "ethos" as "the prevalent tone or sentiment of a people or community". Moving closer to Ethos is in fact an appropriate time for us to think about how we can all improve the way we operate in terms of the prevalent tone and sentiment - the ethos - of the Assembly as part of the ethos of the community. Madam Speaker and members, thank you for the opportunity to say those few words.

**MR HUMPHRIES** (3.44): Madam Speaker, I also wanted to say something sentimental and syrupy about this chamber that we are in today, but I am afraid that I have racked my memory of experiences in this building over the last five years and I really cannot find anything much very lyrical to say about this building. This chamber carries with it - indeed the whole building carries with it - the air of temporariness which it had on self-government day, when it was quickly put together after the ACT gained self-government, and it really has not improved very much since that time. So, in a sense, I will not be sorry to see this building behind me, and I will be glad to see the new building, even if it is still in the process of being built. I am sure that it will be a better building.

**Ms Follett:** We are going anyway.

**MR HUMPHRIES:** I certainly take the Chief Minister's point, and I will be going with her. Madam Speaker, I was present in 1988 when the Senate chamber was used for the very last time. That was a quite sentimental day, because that was a much older chamber than this one is.

**Mr Berry:** You have lost this argument, Gary. We are not going over there.

**MR HUMPHRIES:** If I convinced you, I would be very worried, Mr Berry, so I am quite happy to know that. The occasion of decommissioning the old Senate chamber was marked by a female Labor senator rising and dancing on the table between the Opposition and Government benches. If Ms Follett, Mrs Grassby or some other member of the Opposition - perhaps you, Madam Speaker, or Ms Ellis - would like to - - -

**Mr Connolly:** We are the Government; you are the Opposition.

**MR HUMPHRIES:** I am sorry. I am anticipating next year. I beg your pardon. I certainly would be happy to see that and might even join them myself up on the table. We might have trouble with the books there, but I am sure that we can overcome that.

Finally, Madam Speaker, the thing that has most annoyed me about this chamber - and it is a matter which I have raised with you and with your predecessor - is the fact that it is so incredibly dingy. It is a dingy place. It has heavy curtains that are drawn day after day, night after night. When I asked your predecessor why those curtains were as they were, he informed me that if we drew the curtains open we would be seen by people in Canberra. Madam Speaker, I am sick of the rule saying that I cannot open those curtains. Mr Westende agrees with me, and we are now going to open those curtains for the very first and last time.

**MR KAINE (3.47):** Madam Speaker, I know that Mr Lamont is going to groan if somebody else speaks to this motion.

**Mr Lamont:** Yes; we just want to get out, Mr Kaine.

**MR KAINE:** I know, and so do I.

**Mr Humphries:** If you want a cigarette, just go out now.

**MR KAINE:** He really wants to hear what I have to say. Madam Speaker, leaving this building and going to the South Building, of course, for some of us - for Greg Cornwell and me - is in some sense going back home. The Serjeant-at-Arms, I am sure, will agree with me. Some of us were in the South Building from those halcyon days of 1974 through to 1986, when the antecedent bodies of this Legislative Assembly were located in that building. It is a little incongruous - and I was talking to the Serjeant-at-Arms about this just a little while ago - that the new chamber over there in itself is bigger than the entire space occupied by the old Legislative Assembly, all of its staff and all of the secretariat - everything. Now we are to go back and occupy the entire building. I do not know whether that says something about the growth of government and whether we should be looking at that in some respects. For some of us it will be almost a returning home.

On the other hand, leaving this building will be the cause of some regret for most of us, I think. This building has a lot of ghosts in it, even though we have been here for only five years. How are we going to get along without the ghosts of Bernard Collaery, Hector Kinloch and others? I think it is a bit sad to leave those things behind. Unfortunately, we cannot pack them up and take them with us.

**Mr Lamont:** Fortunately, we cannot pack them up and take them with us.

**MR KAINE:** That is a matter of opinion. I think that those members added some colour to this place and - - -

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**Mr Wood:** As you found out.

**MR KAINE:** Yes. Some of us have seen some ups and downs in this building; some not so many. I am sure that most of us will really regret leaving behind things such as the lifts, the air-conditioning and the physical characteristics of this building that I was going to say was designed for public servants, but I do not think even public servants ought to be expected to work in it. It will be with mixed feelings, joy and jubilation, that I prepare over the next few weeks to move, and I presume that everybody will share those feelings with me.

**MS FOLLETT** (Chief Minister and Treasurer) (3.49): Madam Speaker, I have very few regrets - in fact, no regrets - about leaving this building, for all of the reasons that members will be aware of: The lifts, the air-conditioning, the leaking roof. Now we have even discovered that there is something shonky in the water, a point which we should have realised a lot earlier. Madam Speaker, I think the worst aspect of this building is that the overwhelming majority of the ACT community do not know we are here. It seems to me that in moving we will have a much better opportunity of forming the people's house, a place that people know is their local Assembly, a place that they can identify with, hopefully a place that they will visit much more frequently and a place that will develop the kind of identity that a similar parliament would have in any other State. There is also the question of saving the \$2m rent a year, which I think is hard to overlook in our current financial circumstances.

Madam Speaker, I do not regret at all that we are moving from this place. To the people, mainly public servants, who put together this chamber and our Assembly accommodation very rapidly and at a time of ever accelerating change in their lives, I would like to say thank you very much, because the Assembly precinct, the Assembly chamber and our offices have served us for more than five years now. Given that it was a temporary measure and given the circumstances that prevailed at the time, they did a good job. Now we are moving on, and thank heavens for that; but let us not overlook all of the work that went into providing us with this temporary home.

Question resolved in the affirmative.

#### **ADJOURNMENT**

Motion (by Mr Berry) agreed to:

That the Assembly do now adjourn.

**Assembly adjourned at 3.52 pm until Tuesday, 12 April 1994, at 2.30 pm**

**ANSWERS TO QUESTIONS  
MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY -QUESTION**

**QUESTION NO 1088**

**ACTION BUS Routes**

Mr De Domenico - asked the Minister for Urban Services:

- (1) What is the most popular, or the most utilised ACTION bus route.
- (2) As a percentage, what does this route recover its running costs from patronage.
- (3) What is the worst; most unpopular, under utilised ACTION bus route.
- (4) As a percentage, what does this route recover in its running costs from patronage.

Mr Connolly - the answer to the Member's question is as follows:

- (1) . The most utilised ACTION bus route in 1992/93. was the 720 express service.
- (2) Based on the proportion of bus kilometres and bus hours incurred in operating the route (and allocating a share of all fixed overheads, including capital costs, in the same proportion) the cost recovery rate is 112.7%.
- (3) The least utilised ACTION bus route in 1992/93 was the 206 service from Woden
- (4) On the same costing basis described for (2) above the cost recovery is 2.5%.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1145**

**Grass Mowing Contracts**

**Mr Westende** - asked the Minister for the Environment, Land and Planning in relation to question-on notice no. 1044, mowing contracts entered into, .of 13 October 1993, and in view of the recent near tragedies caused by fires in areas where houses back onto nature reserves

1. What is the Government's policy in ensuring that grass is mowed at regular intervals, especially considering the last few years mild winters and abundant spring rains,' which have resulted in a heavy backgrowth in these areas.
- 2.. What measures is the Government intending to take to eliminate the very high risk of fire danger within these areas.
3. What are the names of the contractors responsible for those areas affected by -fire in the suburbs of Curtin and Lyons.
- 4.' What are the conditions of the contract in regard to the frequency-of mowing in these areas.
5. What are the guidelines -'and regulations as to how,' when and in what manner the Department checks and follows up on these contracts.
6. What intervals did. the contractor. carry out work in the Curtin and Lyons areas over the past three months.
7. Did the 'contractor carry out the work according to the Standard Specification for Horticultural Maintenance, Parks and Conservation Service, City Parks, Version 1.0,23 September 1992; if not (a) what measures will the Governmnet take to cancel such contracts and **(b) is a penalty clause** provided for non-conformance of -the contract.

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Mr Wood - the answer to the Member's question is as follows:

1. Most houses in Canberra's urban fringe back onto areas which are provided with a four to eight metre mown strip. In areas where there is a higher bushfire potential, up to an additional twelve metres is mown making a total width of sixteen to twenty metres. The areas are mown as frequently as required to maintain general grass height less than 300 millimetres. The few exceptions to this formula are due to terrain which cannot be slashed by tractors. This policy has been endorsed by the Rural Firefighting Service.

2. The ACT Parks and Conservation Service has an annual program of fire hazard reduction around the ACT which includes the slashing (mowing), grazing and burning of areas to reduce fuel and the grading of access tracks which serve as firebreaks'.

The hazard reduction program is only one of a range of measures which, in combination, reduce the bushfire risk to urban and rural properties to an acceptable level. Other measures include the implementation of planning guidelines for the urban edge area, and measures taken by the Rural Fire Service to provide early detection of fires and a quick, effective attack.

3. The Business names of the contractors are:

Cumin Burgess and Partners  
Lyons IE and LG Mundy

4. Clause C of the contract reads.:

"Dry Grass areas shall be maintained generally between fifty and one, hundred and fifty millimetres in height or as directed by the Supervisor. The contractor could be expected to mow dry-land grass areas up to twenty times per year."

5: Contractors are paid monthly. To approve payments Gardening Overseers or Supervisors are required to inspect contract work areas. w

At the onset of the fire season Supervisors inspect all dryland areas to ensure all mowing is complete. In the case of Curtin the Supervisor checked in mid-December and instructed the contractor to perform additional mowing to increase the width of cut.

6. City Parks hires professional contractors experienced in horticultural maintenance. They are required to set their own work programs and maintain the contract areas within specification. Programs are approved by the field Supervisors.

The contractor has mown the contract area four times over the past three months.

7. All work was carried out to this contract specification and to the City Parks mowing policy.  
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**MINISTER FOR URBAN SERVICES**

**. LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1146**

**Legislative Assembly - Chamber Furniture Tenders**

Mr Westende - asked the Minister for Urban Services:

In relation to the purchase of Chamber furniture at a cost of \$239,725 for the South Building Refurbishment as recorded in Gazette No. 50 dated Wednesday 15 December 1993

- (1) How many quotations were requested.
- (2) How many ACT companies were invited to quote, if none, why not.
- (3) . How many interstate companies were invited to quote.
- (4) What was the total number of companies invited to quote.
- (5) What were the name of the companies invited to quote. -
- (6) What companies quoted and what were the respective amounts those companies quoted.

Mr Connolly - the answer to the Member's question is as follows:

1. Five
2. Two
3. Three
4. Five -5. Rintoul Pty Ltd  
Kell & Rigby (Builders) Pty Ltd  
G.J. Harrison Pty Ltd . '  
Allwood Interiors:  
Peter F. Dabby
6. See answer to Question 5. The actual price of the tenders except that awarded is commercial in confidence. The range of the tender prices was from \$239,725 to \$359,888.

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**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION. NO. 1147**

**Tip Fee Exemptions**

Mr De Domenico - asked the Minister for. Urban Services:

In relation to waste disposal charges at ACT landfills -

- (1) Which organisations have been granted exemptions from the payment of tip fees.
- (2) On what grounds were these exemptions granted.
- (3) When were the exemptions granted.

Mr Connolly - the answer to the Member's question is as follows:

Exemptions from charges for the disposal of commercial and industrial waste have been provided to non-commercial activities involved in recycling or in the provision of community services. Exemptions have also been provided for the disposal of domestic garbage, litter collected from public land and stray animals.

A full list of organisations granted exemptions is at Attached A.

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Attachment A

# **ORGANISATIONS GRANTED EXEMPTIONS FROM WASTE DISPOSAL CHARGES AT ACT LANDFILLS**

1. Organisation	2: Grounds.	3.	Date
Smith Family Charity/Recycling operation .			20/4193
Salvation Army Family Store Charity/Recycling operation			11/11/93
Salvation Army Mancare Centre Charity/Recycling operation			12/5193
St Vincent de Paul Charity/Recycling operation			11/5193
Canberra Masonic Homes Charity/Community service			817193
Koomarri Charity/Recycling, operation			3014/93
YMCA Queanbeyan Recycling operation. ~ .			1614193
Canberra Paper & Cardboard Recycling operation			23/3193
. Carinya Association Charity/Community benefit employment ,			25/5193
Lasa Youth Centre (Salvation Army) Charity/Youth welfare	-		1016/93
ACT Forests Public litter			1715193
Murrumbidgee River Corridor Public litter			9/9193
City Parks Public Litter			24/12/93
ACTION Belconnen . Public litter			17/5193
Canberra Nature Park Public litter			919/93
Namadgi National Park Public litter			919193
Ainslie Village Domestic garbage *			11/5/93
ACT Housing & Community Services Domestic garbage *			8/9193
Bureau			
ACT Dog Control Stray animals			1715/93
RSPCA Stray animals			1715193
Queanbeyan City Council rangers Stray animals			1715193
Alto Veterinary Hospital Stray animals			24112193
ACT Corrective Services Community benefit employment			1815193
Northside Contractors Community benefit employment			22/4193
Quamby Youth Centre Community benefit employment.			5/11/93 .
Hydatid Control Campaign Stray animals			24/5193

\*. Domestic garbage from residential premises not serviced by the current domestic waste', contracts. .

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**ATTORNEY-GENERAL**  
**LEGISLATIVE ASSEMBLY**  
**QUESTION**  
**QUESTION NO 1149**

**Magistrates Court - Credit Card Purchases**

MR HUMPHRIES: To ask the Attorney-General - In relation to a contract arranged by the Magistrates Court for the purchase of a laser printer from Ferntree Computer Systems, Canberra City, for \$5,075 detailed in *Gazette No. I*, dated 12 January 1994

- (1) Why was the printer purchased on a Visa account.
- (2) What is the name of the account that the printer was charged to.
- (3) Which officer (name, classification and level) authorised the charge.
- (4) Is the Visa account a Government account; if so, how many officers have been issued with cards.

MR CONNOLLY: The answer to the member's question is as follows

- (1) The printer concerned was ordered on ACT Magistrates Court Purchase Order No.000867-6 on Ferntree Computer Systems on PE 50 at a price of \$5,075. When the invoice was received, payment was effected for ease and convenience reasons, through one of the two visa cards authorised for use in the ACT Magistrates Court. Each of the cards has a \$20,000 monthly limit and purchasing officers are encouraged to use visa card whenever possible, as it greatly simplifies purchasing transactions. There is no individual transaction limit on purchases although all large purchases over \$3,000 are approved by the Registrar or the Executive Officer, and in this case, both officers endorsed the purchase. The appropriate approvals for purchase, funding etc were obtained as part of the purchase order process.
- (2) Ms Teena Rourke, ACT Government (purchasing officer) was the name of the account to which the printer was charged.
- (3) The names of the officers who authorised the charge were:  
D N Fisk, Executive Officer and P R Thompson, Registrar and Branch Head of the Court.

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(4) The visa card is a government account; there are two issued to Court purchasing officers. All visa card purchases are made in accordance with established procedures and as indicated above, they are encouraged to use visa whenever possible.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1150  
Urambi Hills Bakery Fire**

Mr Humphries - asked the Minister for Urban Services.

- (1) Is the Minister aware. of a report in *The Canberra Times* on Thursday, 20 January 1994 regarding a fire which caused. damage to the Urambi Hills Bakery in Phillip. .
- (2) Is the Minister aware of a claim in that report that the co-owner, Mr Sonderegger, attempted to alert firefighters at the nearby Phillip station but could not awaken them.
- (3) Has this claim been investigated; if so, (a) by whom and (b).what. was the result of that investigation.
- (4) Is it normal for a full complement of firefighters to be asleep while on duty; if .. so, why. .
- (5) Has any explanation been provided to Mr. Sonderegger as to why his attempt to alert firefighters to the blaze was unsuccessful; if not, why not.
- (6) - Is there any notice, bell or emergency telephone near the door to Phillip Fire station to inform people on how to make contact with the Fire Brigade if the station is unattended for any reason or officers cannot be contacted; if not, why not. .
- (7) If there is no phone already located at this fire station, or others, will the . Minister give consideration to the installation of. emergency telephones, similar to that in place at the Garema Place Police Station, to connect a person to a 000 operator or the Emergency Services Group Communications Room.

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

(1) Yes a fire occurred in the Urambi Bakery, 25 Altree Court Phillip in the early morning of 19 January 1994.

(2) Yes.

(3) Mr. McDonald covers this fire in his Supplementary Report on-ACT Emergency Services. The article in The Canberra Times is incorrect. Mr Sonderegger apparently did not go to the fire station or knock on the door at any time. .'

y . A Fire Brigade Superintendent investigated the matter. Mrs. Sonderegger, Wife of the owner, advised that she was the source of the article and that "she had made a mistake" and apologised for any problems that she may have caused.

It appears that Mrs Sonderegger spoke briefly to her husband as he was about to be transported to hospital for treatment. She later discovered, that she had misunderstood what he had told her. Mr Sonderegger apparently started towards the rear of the fire station to summon help but from a distance could not see any lights on. He changed 'his mind before reaching the fire station-and went to a nearby service station to phone the Brigade on the 000 number. . .

The adequacy of after hours lighting at fire stations is now being investigated. .

(4) Under long standing Award conditions, that applies to Fire Brigades throughout Australia officers are allowed to recline between 10:00pm and 6:00am. provided there is no work to be done..

In this instance the fire call was received at the communications centre at 5:01 am and the brigade departed the station at 5:02am.

(5) See (3). . . . .

(6) All -urban fire stations are fitted with a direct line emergency telephone and an electric front door bell. The phone is in a bright red box in a prominent. position outside the main entrance. Simple operating instructions are displayed on -the outside of the box. Picking the phone up automatically. activates the signal in the communications centre arid an operator immediately answers the call. Phillip Fire Station has an additional emergency phone at the rear door. The phones are tested regularly and were working correctly at the time of the Urambi Bakery .fire.

(7) Phones. are' already fitted to all fire stations.



**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION No 1151 .**

**ACTNET - Expenditure and Savings**

Mrs Carnell asked the Minister for Urban Services: . .

- (1) .. What is the expected expenditure on ACTNET for the 1993-94 financial year across the ACT Government Service.
- (2) ~ What t has been the expenditure on ACTNET to date and what further expenditure is expected to be made in the. future.
- (3) What have been the actual savings from the establishment of ACTNET and how . does this compare with the original projections for the project
- (4) At what time will the investment cost be recouped and how does this compare with the original time frame for the project. ' -

Mr Co nnolly - the answers to the Member's questions are as follows:

- (1) The cost of operating the ACTNET Voice network in 1993-94 is estimated to be \$7.57m.
- (2) The cost to the Government of establishing the ACTNET Voice system was \$2.1m. All operating costs are met by Agencies from their program administrative budgets.
- (3) Budget level savings of 1m were achieved in 1991-92, with annual savings of about \$1.1m thereafter. In comparison with cost projections for the previous . telephone. system,-'savings are estimated to be at least \$2m annually. This is consistent with the original estimates.
- (4) The cost of installing the ACTNET Voice system was recovered by the end of 1992-93:

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1152  
Environment, Land and Planning Portfolio -  
Consultancy Contracts**

Mrs Carnell - asked the Minister for the Environment, Land  
and Planning -

In relation to contracts Nos 7936, 7937, 8030, 8097, 8125, 8198, 8224, 8226, 8227, 8235, 8241,  
8242, 8257, 8293, 8377, 8383, 8430, 8513, 8524, 8539, 8581, 8588 and 9643

(1) Do these contracts represent renewals, or continuations of **existing contracts** ;  
if so (a) for what period had previous contracts applied and (b) what was the  
basis of selection.

(2) Does the contract require the services of a specific person, or stipulate who  
will perform the duties under the contract.

(3) What tasks) are assigned to, or what is the purpose of each contract

Mr Wood - the answer to the Member's question is as follows:

- (1) Refer to the attached schedule.
- (2) Refer to the attached schedule.
- (3) Refer to the attached schedule.

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

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**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No.1156**

**Golf Clubs - Rates and Land Tax**

**MR MOORE** - Asked the Treasurer upon notice on 22 February 1994:

(1) Are the Royal Canberra Golf Club (Block 2, Section 119 and Block 1, Section 121, Division, Yarralumla) and the Federal Golf Club (Block 1, Section 56, Division, Red Hill) private golf clubs that do not allow access to non-members.

(2) Do the Royal Canberra Golf Club and the Federal Golf Club pay general rates and land tax; if not, on what ground would they be exempt.

**MS FOLLETT** - The answer to the Member's question is as follows:

.(1) I am advised that both Royal Canberra and Federal Golf Clubs allow members of the public access to their courses as green fee players when the courses are not fully occupied by Club activities.

In the case of Royal Canberra such access is restricted to players who are members of another club affiliated with the Australian Golf Union.

(2) Both these golf clubs pay general rates and land tax in the normal manner.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1157  
ACTEW - Cook Substation Work**

Mr Westende - asked the Minister for Urban Services:

- (1) Why, at 7:00 am on Saturday, 11 December 1994, there was an ACTEW crew working on the substation in Templeton Street, Cook.
- (2) What was the nature of that work.
- (3) How long did the work take to complete.
- (4) What was the total number of crew members working on the substation that morning.
- (5) Why was the work carried out on a Saturday, thereby incurring penalty rates, rather than during normal business hours, ie, between the hours of 8:30 am and 5:00pm, Monday to Friday.

Mr Connolly - the answer to the Member's question is as follows:

- (1) ACTEW was augmenting the substation located in Templeton Street, Cook to enable it to meet an increase in electrical demand.

- (2) The work entailed:

upgrading the existing transformer from 250 kVA to 500 kVA to cater for the increased electrical load;

removing the existing low voltage switchboard, as it had insufficient space for installing an upgraded service for the new Assemblies of God church development on block 19, section 13, Cook; installing a new low Voltage switchboard; remarking five low voltage cable terminations on to this new board;

installing and repositioning new high voltage switchgear, so as to create sufficient space for the new low voltage switchboard;

repositioning high voltage cables onto the new high voltage switchgear which involved extending the high voltage cables by a subsequent 10 metres, and making two high voltage straight through joints and two high voltage cable end terminations; and

providing a new upgraded electricity supply to the Assemblies of God church development, and installing 30 metres of low voltage cable. 515

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(3) The work commenced at 6.00am. and was completed by 3.30pm, when all electricity supply was restored to normal operation. The total time taken was 9.5 hours.

(4) A total of 19 crew members were involved in the works. The crews on site for the duration of the work, 12 people in all, were;

a two person underground crew, which undertook the excavation, cable installation and site restoration;

a three person electrical fitters crew, which carried out the the installation of all the substation switchgear, and connection and disconnection of temporary supply cables;

three two person cable jointing crews which carried out the jointing and termination of all the cables; and a backhoe (one person), which excavated the site;

Another seven people attended the site as needed during the course of the work, these were:

a two person overhead line crew, which was responsible for the disconnection and reconnection of cables located on poles;

two single person operator crews, which undertook all switching to isolate and reconnect the electricity within the area of works;

a two person crane truck crew, which delivered materials and equipment to the site, and removed them when the work was complete; and one foreman who was responsible for the supervision of the total works

(5) The work was undertaken on the Saturday to reduce the number of interruptions to businesses, schools and residential consumers supplied from the substation.

Cook Primary School and Preschool were without supply for the duration. Saturday provided no disruption to their operations.

Offices adjacent to the Cook Shops including the Assemblies of God Church were without supply. Doing the necessary work on Saturday minimised any disruption to their operations.

Cook Shopping Centre had to be isolated. Saturday proved to be the best time for the work to be done, both for the traders and for ACTEW. ACTEW installed a temporary generator to meet the reduced Saturday electrical demand of the shopping centre.

Parts of Sections 15 and 20 of Cook, supplied from the substation, were temporarily supplied from adjoining circuits. Saturday, with a more evenly distributed load pattern compared to weekdays, enabled the redistributed electrical load to be adequately met.

**ATTORNEY-GENERAL**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1162**  
**Police in Schools Program**

MR CORNWELL: asked the Attorney-General -

Has the police officer attached to the (a) Kaleen school catchment area; (b) Campbell/Ainslie catchment area been withdrawn and if so, why.

MR CONNOLLY: The answer to Mr Cornwell's question is as follows:

- (a) Yes.
- (b) Yes.

The Police in Schools Program was introduced into the ACT as a pilot program in October 1990 in Kaleen and Campbell High Schools and their feeder primary schools. Other schools had requested the Australian Federal Police ACT Region to introduce similar programs; but this was not possible due to the considerable resources involved. Consequently, the Chief Police Officer for the ACT, Assistant Commissioner Peter Dawson, decided to end the pilot program.

However, the ACT Region will be conducting a pilot program in the Kaleen and Campbell/Ainslie areas during 1994 to experiment with the concept of country town policing. The concept of country town policing involves dedicating a constable to a suburb to provide a country style police service.

The country town policing pilot will absorb the Police in Schools Program and enhance police relationships within broader sections of the community through the constable visiting such places as shops and other public areas, including schools, in the Kaleen and Campbell/Ainslie areas.

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION N0.1172  
Housing Trust - Rent Arrears**

MR. CORNWELL - Asked the Minister for Housing and Community Services In relation to the statement at page 5 of the *Housing Trust's Tenants Newsletter No 16* of December 1993: '7n response to a significant increase in rental arrears'

- (1) How do you justify the claim in *The Canberra Times* of 9 September that three months previously "bad debts are falling by \$200,000 a month".
- (2) What caused the "significant increase in rent arrears".

MR. CONNOLLY - The answer to the Member's question is as follows:

- (1) As stated in my reply to Question 1006, "bad debts", in the form of current account arrears, fell by \$200,000 per month in the period 30 June to 29 August 1993.
- (2) For many years there has been a trend of increasing rental arrears. This could be attributed to higher rents following rent reviews, the downturn in the economy with the resultant increase in unemployment and the changed socio-economic profile of our clients.



**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 1175**

**Lake Ginninderra Foreshores -  
Building Approvals**

Mr Cornwell - asked the Minister for the Environment, Land and Planning  
What is the current situation in respect of building approvals on the foreshores of Lake Ginninderra?

Mr Wood - the answer, to the Member's question is as follows:

The majority of the Lake Ginninderra Foreshore is shown in the Territory Plan as Urban Open Space..

The most recent applications for Building approval for the lake shore area were for the development of the fast food restaurants of Hungry Jack's and Red Rooster. These are situated on Block 79 Section 65 Belconnen which is adjacent to Sizzlers Restaurant. I understand that they have been given Design and Siting approval but that Building approval has not yet been granted. I also understand that once building approval is given, work will commence on this site as soon as possible.

Design and Siting approval for Hungry Jacks and Red Rooster followed a period of extensive consultation between the developers, the Belconnen Community Council, the ACT Planning Authority and myself.

A site for a boat and bicycle hire establishment was put up for auction in November 1993 but not sold. The site was subsequently withdrawn from sale. There are no other current development proposals for the foreshores of Lake Ginninderra.

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**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1179**

**Government Schools and Colleges - Average  
Per Student Costs**

**MR CORNWELL** - asked the Minister for Education and Training on notice on 22 February 1994:

What was the average cost per student in ACT Government (a) primary; (b) high schools; and (c) colleges in 1992-93.

**MR WOOD** - the answer to Mr Cornwell's question is:

The estimated average cost per student in 1992-93 in ACT government schools was:

Primary        \$4,420 per student

High    \$5,530 per student

College        \$5,980 per student

These average costs per student remain in trend with the average costs experienced in recent financial years.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
Question No. 1183**

**Man of the Year Award**

MR CORNWELL - Asked the Chief Minister on notice on 11 February 1994:

1. Is it a fact that the ACT Government is involved in sponsoring an ACT Citizen of the Year award and an ACT Woman of the Year Award.
2. As both awards are open to women but only the former to men, does this constitute discrimination; if not, why not.
3. Will action be taken to institute an ACT Man of the Year award; if not, why not.

MS FOLLETT - the answer to the Member's question is as follows:

1. The ACT Government has been sponsoring the Canberra Citizen and Young Canberra Citizen Awards since 1989. The ACT Woman of the Year Award was introduced by the Alliance Government in 1990. The then Chief Minister, Mr Trevor Kaine MLA, stated that the award was established "to bring attention to the valuable contribution women make to society, and, in particular, to recognise publicly the effort and work of individual women in the ACT" and the award was aimed at "improving the status and position of women in the ACT."

The Government continues to sponsor this award for the same reasons.

2. The ACT Woman of the Year Award was introduced for a specific purpose - to improve the status of women in the ACT; just as the Young Canberra Citizen of the Year Award recognises a young citizen who has achieved recognition for a single event or project locally, nationally or internationally.
3. The Government can see no specific reason to introduce an ACT Man of the Year Award.

3 March 1994

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No: 1186  
Licensed Clubs Industry - Consultant Review**

MRS CARNELL - Asked the Chief Minister upon notice on 24 February 1994:

In relation to the consultancy to review licensed clubs

- (1) What are the terms of reference of the consultancy:

(2) What selection process was undertaken to select Price Waterhouse as the successful consultant; and (a) were they the cheapest-tender, if not, who was and why was Price Waterhouse selected; (b) how many tenders were there for the consultancy; and (c) was Price-Waterhouse the tenderer recommended by the assessment panel, if not why not. -

(3) When is the report of the consultant due to be presented to (a) the Chief Minister's Department, or (b) the Assembly, or (c) an Assembly committee.

MS FOLLETT = The answer to the Member's question is as follows:

(1) The terms of reference of the review are to examine and make recommendations on Government planning, land development and other policies related to the licensed club industry with special reference to: -

(1) Lease grant and lease transfer policies for licensed club premises.

(2) The policies relating to redevelopment and amalgamation proposals.

(3) The surrender policy and payment of compensation for improvements:

In making recommendations particular regard will be given to the long term financial viability of the industry, the importance of licensed clubs to the ACT community and the taxation revenue, implications, for the ACT.

(2) The selection process was conducted in accordance with guidelines set out in the ACT Purchasing Manual. Six consulting firms recommended by OPSM were invited in writing to submit proposals. Three proposals were received. Price Waterhouse was the least expensive proposal, however, they were selected on the basis of their ability to undertake the consultancy and value for money. Price Waterhouse was recommended by the assessment panel.

(3) The report is due to be submitted on Wednesday 16 March 1994 to the Chief Minister's Department for consideration.

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 1203**

**Housing Trust - Photographs in Newsletter**

**MR CORNWELL** - Asked the Minister for Housing and Community Services upon notice:

- (a) is it ACT Housing Trust policy not to identify people in photographs other than the Minister by name;
- (b) why were the two tenants (page 2 of the *ACT Budget Newsletter* of December 1993) not identified by name; and
- (c) if it is policy, why.

**MR CONNOLLY** - The answer to the Member's question is as follows:

- (a) It is ACT Housing Trust policy not to print the names and addresses of people being photographed unless they give their permission to do so. Photographs taken for a particular purpose such as publicly available newsletters are records and therefore fall within the scope of the ACT Privacy Act.
- (b) It was not the intention of the photograph to publicly identify the two ACT Housing Trust tenants.
- (c) The purpose of the policy is to protect the rights of tenants.

3 March 1994

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 12,08**

**Baha'i Temple**

Mr Cornwell - asked the Minister for the Environment, Land and Planning

- (1) (a) is a BAHA'I Temple being built in Weston Creek; and (b) if so, where?
- (2) When was planning approval given and were local residents consulted?
- (3) What access and egress points will be available for users?

Mr Wood - the answer to the Member's question is as follows:

- (1) (a) the Spiritual Assembly of the BAHA'Is has submitted a formal application for the construction of a BAHA'I Temple in Weston Creek. (b) It is proposed to construct the temple on Blocks 9 and 12 Section 83 Weston.
- (2) Planning approval has been given for carparks, hydraulic services and landscaping and for a small shed on the site. Approval for the carparks, hydraulic services and landscaping was given on 5 April 1993 and for the site shed on 9 February 1994. The applicant has not yet submitted formal plans for the actual temple building.

Local residents were not consulted as the plans submitted were in accordance with the Land Use Policy of the site and within the Design and Siting Policies of the Territory Plan. The Land Use Policy of the site is Broadacre which allows community facilities to be built.

- (3) Access points will be available only from Hickey Court. There will be no access or egress from Cotter Road.

**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1209  
Casino Premium - Regional Cultural  
Facilities Allocation**

MR HUMPHRIES - asked the Treasurer in relation to the \$2.75m identified by the Standing Committee on Planning, Development and Infrastructure for regional facilities from the Casino premium upon notice on 1 March 1993:

- (1) Is money placed in a special bank account or trust fund, or does the amount form part of the consolidated revenue.
- (2) Is this amount presently earning interest; if not, why not.
- (3) Is it the Government's intention to add any interest earned on the \$2.75m to that amount, for the benefit of those regional facilities identified by the Standing Committee; if not, why not.

Ms Follett - the answer to the Member's question is as follows:

- (1) Funding of \$2.75m for regional cultural facilities forms part of the Consolidated Fund. This amount was appropriated to the Culture and Heritage Program in 1993-94.
- (2) These funds are earning interest to the extent that they form part of the cash balance of the Consolidated Fund. The benefit of this interest returns to the Government's budget as a whole.
- (3) The decision taken in relation to the allocation of the casino premium was based on the original amount received from the premium. There is no proposal to vary this amount.

3 March 1994

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 1224**

**Building Regulation Fees**

Mr Cornwell asked the Minister for Urban Services (question redirected to the Minister for the Environment, Land and Planning as ACT Building Control became a part of the Department of the Environment, Land and Planning on 1 January 1994) - In relation to your reply to Question on Notice No 1126 concerning building regulation fees which indicated \$829,000 less in fees but an increase in oncosts of \$320,000 in 1993-94

(1) What is the oncost component of this increase that relates to the extra salary payment in 1993-94.

(2) What are the additional costs now part of the Building Control budget previously in a central pool and how much do they represent.

(3) Will current fee scales fully recover direct operating cost in 1993-94 as policy dictates despite reduced fees and, if not, why not.

Mr Wood - the answer to the Member's question is as follows:

(1) The oncost component of this increase is \$97,397. This is derived as follows:

Cost of Operation - ACT Building Control 93/94	5,843,000 (estimated)
Cost of Operation - ACT Building Control 92/93	5,523,000
Variance:	320,000
Less Costs held in "Central Pool"	100,858
Balance	219,142

Consisting of	
Direct Salaries & Other Operating	121,745
Oncost 97397	
	219,142

The oncost component of 80% is an average benchmark comparable to private sector professional service industries such as architects, consulting engineers and consulting surveyors. This includes a component for public sector superannuation contributions, which are not reflected in the private sector benchmark.



(2) The additional costs previously held within a central pool are as follows:

Communication Network Charges    \$21,413

COMCARE Premium \$37,936

Postage            \$ ~ 500

Employee Development            \$ 8,959

Fringe Benefits Tax    \$ 7,050

Data Network Charges            \$25,000

Total: \$100,858

(3) Current fee scales will fully recover direct operating costs in 1993-94.

3 March 1994

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION N0.1228  
Housing Trust - Transfer Lists**

MR CORNWELL - Asked the Minister for Housing and Community Services -  
In relation to ACT Housing Trust transfer lists -

- (1) How many applications are on the lists for transfer from  
(a) inner city to other suburbs and (b) other suburbs to inner  
city-
- (2) How many applications are listed asking for transfer to  
(a) Belconnen and (b) Tuggeranong.

MR CONNOLLY - The answer to the Member's question is as follows:

- (1) (a) 702.  
588.
- (2) (a) 367.  
(b) 243.

APPENDIX 1:

(Incorporated in Hansard on 1 March 1994 at page 309)

**TREASURER FOR THE AUSTRALIAN CAPITAL TERRITORY  
QUESTION WITHOUT NOTICE TAKEN ON NOTICE  
22 FEBRUARY 1994**

**MS FOLLETT:** On 22 February Mr Kaine asked me a question regarding expenditure of funds from the casino premium on the Exhibition Park convention centre and other projects recommended by the Planning, Development and Infrastructure Committee for funding from the casino premium.

**MY ANSWER IS:** The \$19m from the casino premium was allocated in accordance with the recommendations of the Planning, Development and Infrastructure Committee and the status of the respective expenditure is as follows:

- **Aboriginal Keeping Place/Cultural Centre \$2.500m**  
This proposal is currently the subject of consultation with the Aboriginal and Torres Strait Islander Advisory Committee. There has been nil expenditure to date.
- **NATEX (now called Exhibition Park) \$1.500m**  
This proposal was for a program of refurbishment on NATEX buildings. The funds have been used for the construction of a convention centre between Buildings B and C. The funds have been fully expended.
- **Childers Street Theatre Plant & Equipment \$0.250m**  
To date \$0.016m has been expended, further purchase orders have been placed and tender processes have begun.
- **Cultural and Regional Facilities \$2.750m**  
A number of proposals are currently being examined for the establishment of these facilities. It is expected that the majority of these funds will not be expended until 1994-95.
- **Playhouse Theatre Upgrading \$5.000m**  
Options for the development of the Playhouse are currently being examined. It is expected that the majority of expenditure on this proposal will be in 1994-95.
- **Culture and Heritage Centre \$7.000m**  
Options for the development of this centre are currently being examined. It is anticipated that the majority of funds for this project will be expended in 1994-95.

3 March 1994

APPENDIX 2:

(Incorporated in Hansard on 3 March 1994 at page 495)

3/3/94

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
QUESTION WITHOUT NOTICE TAKEN ON NOTICE  
1 MARCH 1994**

**MS FOLLETT:** On 1 March 1984 Ms Szuty asked me a question related to traffic calming as part of the Department of Urban Services local area traffic management schemes.

**MY ANSWER IS:**

To fully address this question, it is important to recognise the differences between the terms 'Traffic Calming' and 'Local Area Traffic Management' (LATM).

Traffic calming is the term used to refer to localised or 'spot improvements' where speed reduction devices are used to reduce traffic speeds on a single street. This work is undertaken by the Traffic and Roads Section of the Department of Urban Services.

Examples of traffic calming treatments recently undertaken by the Traffic and Roads Section include Dalrymple Street in Red Hill and Ainsworth Street near Mawson Primary School. Traffic calming projects are typically a lot cheaper than local area traffic management projects and funding for these projects is provided under the Traffic Minor New Works Program.

In contrast, local area traffic management is the term used to refer to the treatment of traffic problems across a whole residential area. These schemes involve the provision of speed reduction devices and intersection improvements on a number of streets to reduce traffic speeds and improve traffic safety and pedestrian safety in a local area.

No local area traffic management projects have been implemented in the ACT to date, although some aspects of local area traffic management are soon to be implemented as a result of the Hughes and Garran Traffic and Pedestrian Study. This is largely due to the fact that there are no local areas where the traffic problems warrant treatment on an area-wide basis (ie across the suburb). These projects are typically more expensive as they involve the treatment of a number of residential streets. Should a LATM project be warranted in the future, this project would be funded under the Department of Urban Services Capital Works Program.

Whilst no LATM schemes have been provided to date, it should be noted that the Traffic and Roads Section is currently assessing traffic and safety conditions in eight local areas in Canberra with a view to determining whether LATM is warranted in any of these areas.