



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

15 September 1994

Thursday, 15 September 1994

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

BAIL (AMENDMENT) BILL 1994

MR CONNOLLY (Attorney-General and Minister for Health) (10.31): Madam Speaker, I present the Bail (Amendment) Bill 1994.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Madam Speaker, it is almost two years now since the Bail Act came into effect. While the Act has generally been hailed as a success, it was inevitable that some finetuning would be required once the new procedures were put into practice. That, essentially, is the background to this Bill. The amendments it contains are technical in nature and are designed to reinforce existing policy. Nevertheless, some of the amendments are quite innovative and should be fully explained to the Assembly.

The Bill proposes that bail be available for breaches of the peace. In addition to the police power to arrest for offences, an officer may also arrest for a breach or an apprehended breach of the peace for the purpose of bringing the person before the court to seek to have the person bound over to keep the peace. The provisions of the Bail Act do not apply to persons arrested for a breach or an apprehended breach of the peace. If the arrest takes place after hours, this means that the police must either hold the person overnight, for what may be only a trivial incident, or let the person go. The police have in fact adopted a practice of releasing these people if they sign an undertaking to comply with certain conditions, but these undertakings have no legal force. If a person arrested for a breach of the peace is brought before the court, the magistrate must deal with the matter straightaway because to adjourn the hearing would require the person to be held in custody.

The philosophy of the Bail Act is that persons arrested for minor offences should have a right to bail without conditions. The Bill proposes that arrests for breaches of the peace be treated in a similar way and contains amendments to allow a right to bail for breaches or apprehended breaches of the peace. There will be exceptions, especially where the breach of the peace involves domestic violence. In those cases, bail would be granted only on a discretionary basis.

Several refinements to the provisions on police bail are also proposed. One significant amendment will clarify the ability of police to grant bail when a person is arrested pursuant to a warrant. This could prevent a recurrence of the recent incident where the wrong person was held over a weekend. It was not thought appropriate for persons arrested under warrant to be granted police bail in all instances. After all, a warrant is an order from the court to bring the person before the court forthwith. The amendment therefore confines police bail on warrants to circumstances where it is not feasible to bring the person before the court immediately, say, for example, where the warrant is served on a weekend, where the court has not expressly prohibited bail and where the offence is minor, that is, punishable by a fine only or by imprisonment for two years or less.

Paragraph 13(1)(c) of the Bail Act gives the accused the right to communicate with a lawyer, interpreter or other suitable person. Subsection 13(4) allows police to waive those rights where there is a risk of an accomplice being alerted or evidence being destroyed. This waiver could be an important safeguard in the event of a sensitive police operation, but a loophole in section 16 renders this waiver only partially effective. Under section 16, if the police refuse bail, then the accused must be given a second opportunity to consult a lawyer. The waiver in subsection 13(4) does not apply to section 16. In order to close the loophole, the Bill proposes that a waiver provision be inserted into section 16, mirroring section 13, allowing police to deny access to a lawyer in order to prevent the escape of an accomplice or the destruction of evidence. A further amendment will require the police to record their reasons for denying access to a lawyer, and that of course is challengeable in the ordinary way. The Bail Act allows for internal review of bail by the same or another police officer if police bail is refused. The Bill contains an amendment requiring police to inform the accused, where bail is refused or a condition imposed, that he or she may apply for internal review of the decision.

The Bill also contains a significant amendment to section 10 of the Bail Act. Section 10 allows the court, instead of bailing an accused, to dispense with the requirement for bail. This procedure is normally followed where an accused appears in court in response to a summons. The effect of dispensing with bail is that the person is entitled to remain at liberty until required to appear in court, which is section 11. The Bill contains an amendment that would deem the court to have dispensed with bail where no specific order or direction is made in respect of bail. The provision is designed to make things easier for judicial officers, especially during mentions when many of those accused are not even present in court. A similar deeming provision is contained in the New South Wales Bail Act.

One of the reforms brought in by the Bail Act is the provision allowing for bail to be continued under section 33. This has proved popular because of the amount of paperwork the procedure eliminates. There are a number of problems of interpretation with section 33 which need to be overcome. At present, section 33 allows bail to be continued only after an adjournment or postponement. There were doubts about whether a committal or other deferments, such as a deferment during jury deliberations, could be characterised as adjournments or postponements. The Bill contains an amendment which seeks to clarify that bail may be granted following such procedures.

Another issue relating to section 33 is whether the court has the power to alter conditions when continuing bail. Section 33 is unclear on this issue, although the words in subsection (5) - "The court may make such other orders as to bail ... as the court thinks fit" - might be interpreted as giving the court the power to change conditions. The Bill proposes to amend section 33 to include an express power to amend conditions when continuing bail. There are many situations where an accused appears before a court after bail has been already granted and the court neglects to make any further directions as to bail. In those situations, bail should be deemed to be continued, and the Bill contains an amendment to that effect. The words "continue" and "extend" are used interchangeably throughout section 33, and the Bill contains amendments to standardise usage to "continue".

The Bill contains a number of other minor amendments which will change the Bail Act so that the term "undertaking" is used with only the one meaning, namely, the undertaking to appear, and that the term "agreement" is used to describe the undertaking as to conduct. It is clear that persons caught by the exceptions in section 7 may be considered for bail under section 8. The exception in paragraph 7(3)(a) is restricted to prior breaches of bail relating to the same offence. The redundant references to prisoners not being allowed bail are omitted from sections 7 and 8. There is a general reference in section 5. The Minister may approve forms which the Act currently requires to be prescribed by regulation. I commend the Bill to the members of the Assembly. Madam Speaker, I present the explanatory memorandum to the Bill.

Debate (on motion by Mr Humphries) adjourned.

DRUGS OF DEPENDENCE (AMENDMENT) BILL (NO. 2) 1994

MR CONNOLLY (Attorney-General and Minister for Health) (10.38): Madam Speaker, I present the Drugs of Dependence (Amendment) Bill (No. 2) 1994.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

The ACT, in common with most other Australian governments, provides a diversionary process for people convicted of a crime which may be related to their dependence on drugs. It is obviously preferable that where a dependency on drugs drives people to crime we should treat the cause, the dependency; not the symptom, the crime. This does not mean that we ignore the crime and the associated penalties; however, the opportunity to encourage treatment should be seized where possible. The ACT was a national leader in setting up alternative processes by providing treatment assessment panels for drug dependent individuals who have been convicted of a crime. Three panels are currently operating under the Drugs of Dependence Act 1989 - two for adult offenders and one for juvenile offenders. These panels assess whether individuals are dependent on drugs and

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advise the court on treatment options which may be suitable. Obviously, it is important that the panels are carefully established and that their activities and recommendations are forwarded expeditiously to the court.

The Drugs of Dependence Act 1989 sets out in some detail the establishment of panels and the management of individuals through the assessment and treatment process, setting out functions, powers and duties of various individuals and entities. A number of these duties relating to the assessment and treatment of individuals were originally assigned to the ACT Board of Health in recognition that they should best be managed within the management and administration of the health system.

Members will recall that the Board of Health was abolished in 1993 to provide more direct accountability of the health system to the Minister for Health. An unintended result of that action was that certain duties relating to the management of an individual's assessment treatment reverted directly to the Minister for Health and personally to the Minister for Health. Madam Speaker, while we all take a keen interest in the welfare of individuals, I question whether it is appropriate for me or any Minister for Health to be signing assessment notices for the court to consider, to act as a post office for court orders and panel assessment notices, and to have to ring up police officers when a client does not turn up for treatment.

A further difficulty is that, while powers and functions can be delegated, this is not the case for duties. As such, I am not able by a simple instrument of delegation to give senior staff the power to take on these administrative duties. Madam Speaker, both Mr Berry and I would be familiar with officers turning up at odd hours of the night with papers to sign relating to an individual's treatment procedures, and that is really not an appropriate duty to be exercised by a Minister.

The Drugs of Dependence (Amendment) Bill (No. 2) 1994 corrects this anomalous situation. It moves a range of administrative and management duties related to an individual's treatment to a senior position within the ACT Department of Health. Specifically, it provides a legislative requirement for the position of the Director of the Alcohol and Drug Service in the Department of Health and requires that the chief executive of Health ensure that that position is filled. The Director of the Alcohol and Drug Service is the senior officer currently responsible for the operation of the treatment assessment panels and the management of individuals referred from the court for assessment and treatment. As such, the Bill provides for a number of duties currently held by the Minister to be transferred to this officer, including the referral of court orders between the panel and the court; requesting, on behalf of the individual, the court or the treatment agency for a revocation or variation of the order; signing of assessments by the panel; advising a police officer and the court when an individual does not attend for assessment or treatment; and making alternative arrangements where treatment centres lose their approval to provide treatment. Madam Speaker, these changes will not impose any additional costs. Indeed, they will add to the efficient operation of the panels and the courts, ensuring that individuals get quicker access to panels and to treatment. I table the explanatory memorandum and commend the Bill to the house.

Debate (on motion by Mrs Carnell) adjourned.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR BERRY (Manager of Government Business) (10.42): I move:

That so much of the standing and temporary orders be suspended as would prevent orders of the day Nos 1 and 2, Executive business, relating to the Nature Conservation (Amendment) Bill 1994 and the exposure draft of the Nature Conservation (Amendment) Bill, being called on forthwith.

Members, this is a move which has been necessitated as a matter of convenience for the Minister. I understand that it has been raised with members and there is not any substantial objection to it.

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

NATURE CONSERVATION (AMENDMENT) BILL 1994

[COGNATE PAPER:

NATURE CONSERVATION LEGISLATION - EXPOSURE DRAFT]

Debate resumed from 16 June 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Nature Conservation (Amendment) Exposure Draft Bill? If there is no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MR STEFANIAK (10.43): The Nature Conservation (Amendment) Bill 1994 represents a long overdue strengthening of the Nature Conservation Act 1980 in relation to the protection of species and ecological communities and the proscription of threatening processes. This is vital in terms of ensuring the preservation of native ACT species that are currently threatened through habitat loss, urban encroachment, and feral plants and animals.

Madam Speaker, the main objective of the Bill is basically to provide for the identification and protection of native plant and animal species and ecological communities in the ACT whose survival in the wild is at risk. The Bill proposes to introduce a process for the assessment of the conservation status of those plant and animal species and ecological communities by an expert committee. Where that committee concludes that the conservation status of the species or community is threatened - that is, extinction is

foreseen if the circumstances threatening its well-being in the wild continue to prevail - then that committee would advise the Minister accordingly and recommend that that condition be formally recognised by a declaration. The species can actually be declared either vulnerable or endangered, depending on the degree of threat.

A community itself could be declared endangered. Where a species is declared endangered - that is, it is in immediate danger of extinction - it would have a more stringent protective provisions of the Nature Conservation Act applied by also having been declared to be of special status. The declaration of a species or a community would also initiate a statutory requirement for the Conservator of Wildlife to develop conservation measures for that declared item. There are a number of points in the Bill in relation to that, Madam Speaker, and I appreciate at this stage the opportunities given to me to discuss the matter with departmental officers by the Minister, Mr Wood. I thank him for the opportunity to speak to his departmental officers.

In relation to the actual Bill, I suppose that one of the salient features to consider is proposed section 15E, which deals with membership of the committee. The committee shall consist of seven members, at least two of whom shall not be public servants. Of course, in this technical area we are looking at experts. I understand that most of these experts would come from the CSIRO, the ANU and the University of Canberra. The other provision in relation to the set-up of the committee relates to the secretary. That is proposed section 15G. The secretary, of course, will be a public servant. In view of what that committee does, I think that is also a quite sensible step to take.

The Opposition does not have any problems with this Bill, save for one particular clause. I think an amendment in my name has been circulated. That relates to proposed section 18. That deals with criteria for recommending a declaration. Subsection 18(1) states:

The Committee shall, within 6 months of its establishment, by instrument, specify criteria for assessing whether the Committee should recommend the making of a declaration under section 21.

Subsection (2) states:

In specifying criteria for the purposes of subsection (1) the Committee shall have regard only to factors relevant to -

- (a) the conservation of a species or ecological community; or
- (b) the ecological significance of a threatening process;

in relation to the Territory and the surrounding region.

Proposed section 23E in Division 5 deals with tabling and disallowance and instruments to be disallowable instruments. It states:

A draft strategy approved by the Minister under section 15X, a draft variation approved under that section and an instrument made under section 16, 17, 21 or 23C is a disallowable instrument for the purposes of section 10 of the Subordinate Laws Act 1989.

Madam Speaker, it would seem to the Opposition and, I believe, some other members of this house that it would be highly desirable for something as important as criteria for recommending a declaration, which also deals with an instrument, to be included as something that should come before this house for review. Allowing it to come before this house for review will give not only this Assembly, but also the greater Canberra community with an interest in this, the opportunity to review it, just as they can review the other instruments that are there. That is the reason for the Opposition proposing that one amendment to this otherwise very good Bill.

I note, Madam Speaker, in closing, that the Conservation Council of the South-East Region and Canberra has made a number of comments on the Bill. Whilst they think there are a number of things that can be improved, they regard the Bill as a great step forward in terms of protecting threatened species. It is interesting to note that they do make a comment in paragraph 10 in relation to proposed section 23E. They seem happy that there are disallowable instruments there and indicate that they feel that a period of some five to seven sitting days should be allowed for consideration of the items. Be that as it may, I think the fact that they highlight proposed section 23E and the need for this Assembly to look at disallowable instruments highlights a need for proposed section 18 to be included along with those other disallowable instruments which are in proposed section 23E.

MS SZUTY (10.49): I will speak very briefly to the Nature Conservation (Amendment) Bill. I, like Mr Stefaniak, would like to thank the Minister, Mr Wood, for access to his departmental officers, who gave me a very thorough briefing on the contents of the Bill. I was surprised, though, that the departmental officers had not got back to the Conservation Council of the South-East Region and Canberra to actually give them a final copy of the Bill for their scrutiny. So, I did forward a copy to them. Mr Stefaniak has already mentioned some remarks that the Conservation Council has made. I would actually like to quote from the fax that they sent me with their general comments on the Bill, because I think they are indicative of the Conservation Council's approach to the Bill in its current form. I quote:

The Nature Conservation (Amendment) Bill 1994 represents a long overdue strengthening of the Nature Conservation Act 1990 in terms of protection of species and ecological communities, and the proscription of threatening processes. The importance of this protection is paramount in preserving native ACT species that are currently threatened through habitat loss, urban encroachment, and feral plants and animals.

Promises of legislation similar to the Victorian Fauna and Flora Guarantee Act, made by the Minister in the lead-up to this Bill, have not been kept. The Bill, unlike its Victorian counterpart, does not guarantee the undiminished conservation status of any indigenous species, whether common or rare, and therefore will only deal with species or communities when they are at the edge of existence. The Bill therefore does not follow ecologically sustainable development principles as it does not apply the precautionary principle to species and communities, but is designed for sustaining and recovering species after the damage has been done.

While the Conservation Council is not totally supportive of the extent of the Government's moves in this area, as the Bill is a substantial improvement on the existing Act they want to see it proceed at this stage. Also included in the fax were a number of specific comments which relate to a number of the provisions of the Bill - 10 in all. I do not propose to go through them; but I think the Government, and perhaps members of this Assembly, may like to keep a close watch on the implementation of the Act to see whether there are further refinements that can be made at a later date.

Mr Stefaniak has quite rightly raised the issue with regard to the criteria in proposed section 18 coming under the Assembly's scrutiny in terms of the Assembly being able to disallow the conservation of a species or ecological community or the ecological significance of a threatening process. I understand that the Minister has some comments to make in regard to this issue and I look forward to hearing what he says. But at this stage I would be inclined to support Mr Stefaniak's amendment to the Bill.

MR MOORE (10.52): Madam Speaker, I think, to put things into perspective - in spite of the disagreement the Conservation Council of the South-East Region and Canberra has on some aspects of this Bill - it is appropriate to congratulate the Minister on getting to this stage, because it is clearly a significant step forward. No matter what action we take, there are always going to be particular questions over particular issues that need to be resolved. I think one issue that is most important, though, that is raised by the Conservation Council and that I would like to see the Minister act on quickly, is their point 2, namely:

The Bill must include provision for Interim Conservation Orders or Stop Work Orders from the Conservator which override other land and planning legislation. Interim Nature Conservation Strategies or variations should also be included to facilitate swift action where necessary.

I think that is an issue that does need to be taken up and considered by the Minister, and I would be interested in his response.

Madam Speaker, I would also like to draw attention to the amendment proposed by Mr Stefaniak, that has been circulated although not moved yet, in relation to disallowable instruments. The real question for me was: Why was it that the Minister decided to exclude this particular section from the disallowable instruments when, under proposed section 23E, he allowed a whole range of other things as disallowable instruments?

On this particular one he chose specifically to exclude it; so, he actually took a positive decision to say, "No, we do not want the Assembly to review this particular thing". I would be very interested to see why it is that the Minister felt that that was the appropriate one to exclude from the scrutiny by the Assembly. Heaven knows, if he gives a good enough answer I would not be surprised to see Mr Stefaniak withdraw his amendment or some of us not support it. But at this stage it seems to me that it is a logical and normal process that the Assembly have the ability to scrutinise those things.

I might add that the Assembly has dealt with this ability to amend such disallowable instruments particularly carefully and it has been very rarely that the Assembly has actually moved disallowance of any regulation. I think it is worth while that we take care when dealing with them and we understand that the Assembly has shown that it deals with them carefully. It is appropriate for the Minister to explain why he thinks the Assembly ought not have that responsibility. Madam Speaker, overall, then, I would like to add my support to the Bill in principle and say that it is appropriate that it be brought before the Assembly at this stage.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (10.56), in reply: Madam Speaker, I thank members for their support and their recognition that this is a most significant issue. This conclusion to this Bill today ends a very long period - I will stress for Mr Humphries's sake - of consultation with the community. If you look at the other matter that has been debated with this, the draft Bill - the paper I put out well over a year ago - this has been circulated through community groups, through the scientific community and very broadly. There was a very long list of people to whom this was sent, and in typical Government form it has been widely touted around the community. Let me acknowledge that we have benefited very considerably from the input that has brought. It is a very important step forward in the protection of our important species in the ACT.

Mr Moore, in particular, has raised an important point about interim conservation orders. We acknowledge this, and it is proposed to amend the Land Act, which is the more appropriate place to do that, to cover the problems that Mr Moore might envisage in that area. That is to be done as well; so, it will be tying in very emphatically with that.

The amendment and the Independents' questioning relate to the exclusion from the disallowable instruments of the scientific criteria which will determine a lot of decisions. It is eminently logical that the Flora and Fauna Committee that is to be established is to be an independent committee, is to be expert, and its criteria are to be scientific and objective.

Mr Moore: And subject to review.

MR WOOD: Scientific and objective as well, and subject to review. Let me say that I have great confidence in this Assembly, but future Assemblies may not be as environmentally aware as this one; and to have this as a disallowable instrument would allow the potential for a future Legislative Assembly to override criteria that have been scientifically and objectively established.

You assess how you feel about that. The criteria to be established if we declare a threatened species are to be purely scientific, are to be purely objective; and, heaven forbid, from time to time in this Assembly there may be non-scientific judgments and arguments used. We are not doing anything of this nature to the exclusion of public consultation or of community input, because the Bill lays down quite clearly that, in establishing these criteria, the Flora and Fauna Committee will engage in a community debate and will seek input. So, the public input is there and is part of the process. But, once that scientific data is established, then for the purity of the system and, might I say, for the toughest ecological line for us to take a stronger standing defence of the environment, I believe that it is appropriate that it not be a disallowable instrument and therefore subject to some of the vagaries that may occur from time to time in this Assembly. Let us establish the criteria through public consultation, let the committee establish them, and they are then the criteria that have to hold as decisions are made. That is the background, and I think that is an eminently sensible and appropriate approach.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR STEFANIAK (11.01): Madam Speaker, I move:

Page 14, line 18, clause 8, proposed new section 23E, after "17", insert "18".

Just briefly in relation to Mr Wood's arguments, I actually thought Mr Wood could do better than that. However, I will just address some of the arguments you make. This would be one of the few instruments that are not provided for in section 23E, as I think my colleague Mr Moore said. There are a large number of instruments there that are disallowable. Why not this one? Your main objection would seem to be that, whilst this Assembly might be environmentally sound, a future Assembly might not be. If a future Assembly was not perhaps environmentally unsound, it might be unsound in other ways, which would bring into question its ability to review any instrument that is currently disallowable. Why have disallowable instruments, on that view, if you cannot trust a future Assembly? With respect to you, Mr Wood, I feel that your argument is a nonsense argument and this, like any other instrument, should be placed on the floor of the Assembly for review.

It may well be that the situation never arises for any of the criteria in section 18 to be amended by a future Assembly. But that essential protection, which is fundamental, I would think, to what democracy is all about and that proper consultation with the community and proper review, should not, I feel, be excluded from this particular matter, and section 18 should come within the criteria of section 23, just like all the other disallowable instruments.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (11.02): Madam Speaker, let me restate here the view that the primary argument for establishing the Flora and Fauna Committee is that a forum would then be available for independent scientific and objective examination of nature conservation issues. This is particularly relevant to the committee's primary function of determining whether a species or ecological community is threatened with extinction and advising the Minister accordingly. This is not to say that the community views on the criteria to which the committee would work should not be taken into consideration, and it is a prescribed requirement that they be developed in consultation with the public. However, sound scientific judgment, free from parochial or possible political influences, is important as the final arbiter of what the final criteria should be. Making them a disallowable instrument has the potential of allowing non-scientific arguments to determine their final form.

MR MOORE (11.03): Madam Speaker, the argument that Mr Wood presents, as I see it, is based on the notion of scientific objectivity. Of course, there is a whole set of writing and study on post-structuralism which deals with this whole notion of scientific objectivity. All of us know that, if you find two scientists giving an objective opinion, they can often be complete opposites. The two scientists will offer objective opinions which much more often will vary somewhat. Those scientists do not have to answer in any way to the community.

By making this a disallowable instrument we take the responsibility that we have as elected representatives for assessing whether or not those criteria have been evolved through appropriate scientific objectivity in so far as that is possible. I say "in so far as that is possible" because, whenever we are talking about objectivity, we must recognise that everybody who comes to whatever the scientific approach is comes with their own baggage; they come with their own preset ideas, with their own parameters; and when they weigh up issues they look at things and they exclude things; and they have available to them certain sorts of information, as is the case for members of this Assembly. So, the notion of scientific objectivity is certainly being questioned significantly by the post-structuralists. I would argue that, to use that as a reason for excluding such a set of criteria from scrutiny by this Assembly, is an inadequate argument.

MS SZUTY (11.05): Madam Speaker, I would like to talk about the consistency of argument, because we already have a number of sections in this Bill which do come under the disallowance provisions of this Assembly. They include section 15X, which relates to the draft strategy or variations and powers of the Minister, which the Assembly can review; section 21, the making of declarations and the declaration of species, community or process, which the Assembly can also review; and section 23C, the action plan, which the Assembly can already review.

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In terms of consistency, I see no problem whatsoever in the amendment that Mr Stefaniak has suggested, which makes section 18 also able to be reviewed by this Assembly. I think it is an argument basically based on consistency. We already have some disallowance provisions inherent in this Bill which enable the Assembly to review various decisions that are made. Mr Stefaniak's amendment, basically, just ensures that a consistent approach is taken by the Assembly in regard to these matters.

Amendment agreed to.

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

Bill, as amended, agreed to.

NATURE CONSERVATION LEGISLATION

Exposure Draft

Debate resumed from 17 June 1993, on motion by Mr Wood:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

BUDGET PERFORMANCE AND OUTCOMES FOR 1993-94 - SELECT COMMITTEE

Appointment

MS FOLLETT (Chief Minister and Treasurer) (11.07): Madam Speaker, I move:

That:

- (1) a Select Committee on Budget Performance and Outcomes be established to examine and report on the performance outcomes of ACT government agencies for the year 1993-94 having regard to information including agency financial statements and annual reports;
- (2) the Committee shall consist of 5 members, 2 from the Government, 2 from the Opposition and 1 Independent member, each of whom shall be nominated to the Speaker in writing by 4.00 pm, 15 September 1994;
- (3) the Committee shall report by 25 November 1994;

- (4) if the Assembly is not sitting when the Committee has completed its inquiry, 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;
- (5) the Committee is authorised to release copies of its report, prior to the Speaker or Deputy Speaker authorising its printing and circulation, and pursuant to embargo conditions and to persons to be determined by the Committee; and
- (6) the foregoing provisions of this resolution, so far as they are inconsistent with Standing Orders, have effect notwithstanding anything contained in Standing Orders.

I will be brief in speaking to this motion. Members will be aware that, as a consequence of the earlier budget this year, it has been necessary to split the activities of the Estimates Committee into two phases.

MADAM SPEAKER: Order! Members, I wanted to make this comment yesterday, and I would like to make it now. The acoustics of the building are such that, if members are having private conversations, the noise resounds quite badly and it is quite difficult for me to hear. So, if members would not mind assisting by going to the excellent lobby rooms that we have provided, I would appreciate it. I ask the Chief Minister to continue.

MS FOLLETT: Madam Speaker, the first phase has been completed, and the second phase, which is proposed in this motion, represents an opportunity for the Assembly to scrutinise the budget performance and outcomes, with the benefit of having the end of year figures available to them. The committee that I am proposing is somewhat different from the Estimates Committee that we have become used to, in that it proposes that there be limited membership - in fact, five members - as opposed to our arrangements most recently, where all members have been on the Estimates Committee.

I have arrived at this composition and make-up of the committee in consultation with the chair of the former Estimates Committee, Ms Szuty, and I believe that it will make for a more workable committee and one which still offers all members of the Assembly an opportunity to participate if they wish. I think it limits the potential for political grandstanding that was such a feature of the last estimates process.

Madam Speaker, there is one issue that I do want to mention, and that is the timing of the report by this committee. I recognise that the due date for the committee's report is very late in the life of this Assembly. Again, I have discussed this with Ms Szuty, and I am assured by her that it is unlikely that the committee could conclude its deliberations any earlier than that. For that reason, I have left the date as it is. It would obviously be preferable for the committee to report earlier. I am sure that, if there is a chance that they can do so, they will take that opportunity. The motion also makes provision for the release of the committee's report if the Assembly is not sitting and enables copies to be made available prior to printing, under certain embargo conditions.

Madam Speaker, I commend this motion to the Assembly. I look forward, as always, to the Government providing all cooperation, all assistance, to the committee because the scrutiny process is one that the Government does highly value. This second round of Estimates Committee will be no different. We will certainly cooperate and try to ensure that the committee has all of the information to enable it to carry out what is a vital function for this Assembly.

MRS CARNELL (Leader of the Opposition) (11.11): Madam Speaker, the Opposition is, to say the least, interested in the motion that the Chief Minister has put forward. As the Chief Minister would know, we are very keen to go ahead with a supplementary estimates procedure. The Chief Minister made the comment that it has been split into two halves this time - the first, to look at the budget itself; and the second, to look at the annual reports. The Opposition would have believed that the obvious approach to take would have been to reconvene the old Estimates Committee; in other words, just bring it forward and convene the old Estimates Committee, as it is part of the same process.

Mr De Domenico: It is commonsense, is it not?

MRS CARNELL: It is commonsense, and it is the same sort of procedure as has been adopted in other places with the advent of early budgets. We see absolutely no reason for the change, except an attempt to stop embarrassment to the Government so close to an election.

The whole point of an estimates committee is to scrutinise the affairs of government. It is one of the bases of accountability, particularly financial accountability, along with the Public Accounts Committee, for scrutiny of government annual reports and budgets. I think it is really unfortunate that the Government wants to limit that accountability. We do not believe that the people of Canberra would share that view. We believe that allowing every non-Executive member of the Assembly an opportunity to be part of its committees is an important part of that accountability. It is also an important part of being part of the process of making sure that the finances of the Territory are appropriate.

Again, we believe that this is a straight political move, and we cannot see why the old Estimates Committee was not just reconvened. Mr Humphries will move a motion which we believe will achieve the same ends as this motion. If the Chief Minister and the Independents are unhappy about reconvening the old Estimates Committee - I will not speak on that amendment, as it has not been moved yet; I will leave that to Mr Humphries - I think we have to come right down to the basis of this. The whole point of estimates committees was to achieve or to improve accountability, to ensure that the funding of the Territory was properly scrutinised. There is absolutely no reason at all to go down this path, unless the Government really does not want that sort of scrutiny close to an election. This is a straight political motion.

MS SZUTY (11.14): Madam Speaker, I welcome the proposed establishment of a Select Committee on Budget Performance and Outcomes, which will report to the Assembly later in the year on the performance outcomes of ACT government agencies for the year 1993-94, having regard to information, including agency financial statements and annual reports. In fact, the establishment of this select committee is in line with recommendation 1 of the Select Committee on Estimates report that a further scrutiny process occur to take account of the earlier presentation of the Government's budget when less information about Government performance and management was available at that time.

Members will note from the terms of the motion - again, as the Chief Minister has pointed out - that a different constitution of the Estimates Committee is envisaged. At the time of the debate on the Estimates Committee report I noted the comments made by a number of members about the process this year. I would like to mention them now, as I was unable to do so at the time. But I will speak to them in the context of these terms of reference.

Mrs Carnell reiterated the views expressed in her media advice of 13 August 1994 that she considered the committee's report to the Assembly damning. Mr De Domenico expressed a view that estimates is also about politics. Mr Berry and Ms Ellis also referred to the political nature of the process this year - Mr Berry noting that the Liberals work the Estimates Committee process well, and Ms Ellis saying that some aspects of comments in the committee's report were political in nature. Other members who spoke during the debate saw the situation more even-handedly - Mr Moore believing that the committee's report in some instances can be seen to be constructive and in other instances can be seen to be damning.

The question remains, however: Who decides what is damning and what is constructive criticism? When I put the question to my colleague Mr Moore, after he had spoken in these terms, he said that he decided that question. That is all very well, but I wonder who else would agree with his view in every particular circumstance. Mr Cornwell noted that no additional comments or dissenting report had been prepared to accompany the committee's report. Mr Humphries made the point that every matter raised in the committee's report could be substantiated.

In summary, Madam Speaker, we had a range of views expressed by members of the committee about this particular matter, and it seems to me that that is an issue that all prospective members of this select committee will need to come to terms with. On the one hand, as a committee of the Assembly, like other committees, we can be seen to be non-political, working towards achieving results through consensus. On the other hand, we can acknowledge that we are all politicians in the process of assessing the ACT Government's performance. So, we are in a difficult position and perhaps it is not surprising that such a wide range of opinions exists regarding the role of the Estimates Committee.

In my view, Madam Speaker, the process had to change; we had either to view the process as a political one or to continue to attempt to see the process as apolitical and constructive with reference to Government management and performance. The terms of this motion take the latter course. This does not mean, however, that members of the Assembly will be precluded from participating in the public hearing process and unable to question Ministers and witnesses. In fact, the standing orders of this Assembly provide for this. The relevant standing orders are standing orders 234 and 235. Standing order 234 concerns itself with the admission of other members and states:

Members of the Assembly may be present when a committee is examining witnesses, but shall withdraw if requested by the Presiding Member or any member of the committee, and shall always withdraw when the committee is deliberating.

Standing order 235 is about other members' right to question witnesses and states:

When a committee is examining witnesses, Members of the Assembly not being members of the committee may, by leave of the committee, question witnesses.

The process does not mean, however, that all non-Executive members of the Assembly, as has been the case in the past, will be compiling the committee's report.

Madam Speaker, I also want to comment on the committee's reporting date, as mentioned by the Chief Minister. While the Assembly is expecting agency annual reports to be tabled in the Assembly by 20 September, I believe that it is not possible to conduct public hearings for the estimates process before mid-October. This is because members who are likely to be nominated to the committee will simply not be available to participate in hearings before then. Members of the Planning, Development and Infrastructure Committee will be involved in extensive public hearings on the planning legislation in the week following the September sittings. The week after that precedes the October sitting week, and even then some members will be in the Northern Territory, attending a conference on parliaments and the judicial system. The committee, therefore, will have approximately four weeks to finalise the report by 25 November. ACT Treasury will still have the opportunity to prepare a Government response before the sittings conclude at the end of the year. In conclusion, Madam Speaker, I support the motion as proposed by the Chief Minister and look forward to participating in the process.

MR DE DOMENICO (11.20): Madam Speaker, I rise to attempt to show Ms Szuty that after 2½ years of being in this place she obviously still has not realised that this is part of a political process. As hard as it may appear for that to be, Ms Szuty, this is what we are here for; this is a political process. Of course estimates are going to be political; of course everything we do is going to be political. If that has not gone through your head so far, make sure that it does; because that is what we are here for.

Point one is: Why in anyone's deliberations do we need to change a process that has worked very well? Why are we denying to every non-Executive member of this Assembly that wishes to be part of a process the right to finally be part of the reporting process? It does not make sense. So, we have to ask the question: Why are we doing it? There is a very simple answer. We are doing it because members of the Labor Party in particular at the last Estimates Committee, and sometimes Ms Szuty, were not too happy with the outcome of the information that was presented to the committee and debated.

Mr Cornwell: When they bothered to turn up.

MR DE DOMENICO: When they bothered to turn up, as my colleague Mr Cornwell correctly points out, they were not happy with the criticism that was being made of the Government. That is their prerogative. I did not see a dissenting report, though. What this motion is all about is stopping the Liberal Party members of this elected Assembly, who, by the way, we know, have the numbers - and, let us be honest, it is all about numbers - - -

Mr Berry: Why not sit down and let us vote on the motion and get on with something else?

Mr Cornwell: It is embarrassing, is it not?

MR DE DOMENICO: It is embarrassing, is it not, Mr Berry? Madam Speaker, it is embarrassing to Mr Berry, because it was Mr Berry who spent the least time at the Estimates Committee and then came in and disrupted it at the end because he did not agree with what the committee said. That is the fact of the matter. This is one way that this Government, in cahoots with the Independents, is trying to stop and gag the criticism that may be due when the Estimates Committee finally comes to write its report. That is what it is all about. Mr Berry knows that, and Ms Follett knows that as well. So, let us not call spades shovels, for heaven's sake.

We are aware, Ms Szuty, of what standing orders 234 and 235 say - that everybody can turn up and ask questions - but the whole nitty-gritty of this motion is this: "Let us not give the Liberal Party a majority at the time of the report being written because, for heaven's sake, heaven forbid, they may be a little too critical of the Government in a political way". Of course we would be if there is a criticism to be made, because we are here in a political process, Ms Ellis, and if people are not happy with being in a political process they should do other things. This motion needs to be chucked out. It is a nonsense.

MADAM SPEAKER: Order! I have asked for a minimising of personal conversations in the chamber, Mrs Grassby. I was explaining before that the acoustics carry the voices. Please, minimise conversations in the chamber.

MR HUMPHRIES (11.23): I rise also to express some concern about this motion and to move the amendment which has been circulated in my name. I move:

Omit paragraphs (1) and (2), substitute the following paragraph:

"(1) The Standing Committee on Public Accounts examine and report on the performance outcomes of the ACT Government agencies for the 1993-94 year, having regard to information including agency financial statements and annual reports;"

Madam Speaker, first of all on the motion itself, the Government appears, as Mr De Domenico has correctly indicated, to wish to draw the teeth in this process and ensure that some of the criticism which flowed from this year's report and previous years' reports does not flow again, particularly, I assume, to a Government facing re-election in a few months' time.

That might suit the Government's purpose, and I can fully understand the Government taking that point of view. I find it very hard, though, to imagine why any non-Government members of this Assembly should cooperate in a process which seeks to reduce the capacity of the Assembly as a whole, through its excellent committee process, to scrutinise thoroughly the workings of government. That must be what this is all about. The point of this kind of committee, this so-called Estimates Committee mark 2, is to thoroughly examine government performance, and it is facilitated by having a full range of members of the Assembly on that committee, with their full range of portfolio experience. All of us, to varying degrees - whether we are Opposition frontbenchers, Government backbenchers, or Independent members - have that kind of experience available to apply to the work of the committee, not just in asking questions on the floor of the committee but in formulating the report of the committee, which is also a very important part of the process.

I want to address this fallacious argument put forward by the Chief Minister that, somehow, having a committee with smaller membership will mean that we will have less - and I think her words were - political grandstanding going on in the report of the committee. Could I draw to the Chief Minister's attention that the Liberal Party did not have the numbers, did not have a majority of members on this year's Estimates Committee. There were, in fact, 10 members of the committee; there were five Liberals and five others. We could not have succeeded in passing a single thing through that committee had it not been for our capacity to persuade at least some other members of that committee to support our point of view, which we did.

As Ms Szuty, as former chair of that committee, will indicate, everything that that committee came down with was a majority recommendation which, in fact, had the support, if my recollection is correct, of both Independents who sat on that committee. It obviously could not have been otherwise, unless we happened to have Government support for what we said, which, of course, is unlikely.

Mr De Domenico: Most of it was unanimous, because there was no dissenting report.

MR HUMPHRIES: Indeed, as Mr De Domenico points out, most of it was unanimous. Even Mr Berry, who came down and argued for changes in the committee report - at the eleventh hour in the case of certain parts of the committee's report - and generally got those changes, in the end did not submit a dissenting report; nor did Ms Ellis; nor did Mrs Grassby. In fact, Mr Berry dealt with his objection to the tenor of the report at the end of the day by simply moving dissent from the whole report, even though he actually contributed to changing some of the recommendations in a way which he purported to the committee were satisfactory to him.

Madam Speaker, the thing which I think is most bizarre about this process and which is the purpose of my amendment before the chamber today is that what we are doing in this process is establishing a smaller conventional kind of committee for estimates mark 2 - a committee of five members. The object of this committee, as per the motion before the house, is to report on the performance outcomes of ACT government agencies for the year ending 1993-94, having regard to information including agency financial statements and annual reports. I would have thought, Madam Speaker, that that is the work of the Assembly's Standing Committee on Public Accounts. Look at its terms of reference. Its terms of reference are:

- (a) examine:
 - (i) the accounts of the receipts and expenditure of the Australian Capital Territory;
 - (ii) the financial affairs of authorities of the Australian Capital Territory;

...

Other things are included. I can understand why we have a separate estimates process to look at outcomes. We have a different structure for that process. The new committee will consist of only five members, and in those circumstances it is obviously a different process to the Estimates Committee process where everybody got involved, until now. But if we are now going to pare that back to five selected people - five privileged people who have the chance to formulate a report on the performance of the Government of the Territory - then, of course, we have a process which is exactly the same as what the Standing Committee on Public Accounts does.

Madam Speaker, it seems to me that, if we are going to do the work of the Standing Committee on Public Accounts, it ought to go to the Standing Committee on Public Accounts and not elsewhere. I, therefore, have moved this amendment before the Assembly to have the Standing Committee on Public Accounts do its job. That is the job of that committee. If the members opposite do not believe that the Standing Committee on Public Accounts is capable of inquiring into these sorts of matters they should have,

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quite some time ago, moved to change either the terms of reference or the composition of the Public Accounts Committee. They have not done that, and I assume that we generally agree that the standing committee is quite capable of doing this kind of thing. Why are we having a standing committee doing the same job as a select committee? It makes no sense.

MADAM SPEAKER: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77.

Motion (by Mr Berry) agreed to:

That the time allotted to Assembly business be extended by 30 minutes.

MR HUMPHRIES: Madam Speaker, I will sit down after I have simply reiterated my plea to members, particularly on the cross benches, not to cooperate in this process being brought forward by the Government effectively to neuter the already well-established processes which the Assembly has worked with for nearly six years now to thoroughly - and I mean "thoroughly" - scrutinise the affairs of the government agencies and departments. It has to be one of our primary responsibilities as members of this place to engage in that thorough analysis. This second tier process of estimates, which is what it is, is there to do that job; and it is a great pity, I think, that we should be drawing that task apart and reducing its effectiveness by this process.

If members cannot see the continuation of the Estimates Committee, which has already done this work in its first stage - it is ready to go to the second stage of this work - if we cannot trust that committee to do that second stage of the work, then at the very least we should let the body already established by this Assembly to do that job actually have this reference, and not set up another select committee to do the job of an already existing standing committee of the Assembly.

MR KAINE (11.31): Madam Speaker, I would just like to speak in support of Mr Humphries's amendment. It has long been of concern to me that much of what the estimates committees have established themselves in practice to do has cut across the work for which the Public Accounts Committee was in fact established. I was quite happy when it was proposed and Ms Szuty attempted to justify this Government's present motion to adopt a different tack than to continue with the Estimates Committee. But the matter was debated at some length in the Estimates Committee, and I believe that the transcript will show that I raised the point then as to whether or not the work that this second phase of the Estimates Committee was expected to do was not the responsibility of the Public Accounts Committee. But my voice was not heard. The majority of the Estimates Committee thought that the Estimates Committee in its form at that time should be reconvened, as Mr Humphries suggested, to continue on the investigation of the estimates.

Mr De Domenico: In fact, Ms Szuty agreed to that, too.

MR KAINE: The transcript, I think, is pretty conclusive. Since it was the wish of the majority of the members of the Assembly that they should be involved through the Estimates Committee in making the Government accountable, I let my objections pass.

Since it is not now the Government's intention to reconvene the Estimates Committee, then one really does have to look at where the responsibility for this particular function falls. It has always been my view that it is the function of the Public Accounts Committee. Mr Humphries has sensibly put forward an amendment now. If the Chief Minister wishes to set aside the Estimates Committee, then I think that Ms Szuty has a very serious responsibility to look at why that is being done and why the Estimates Committee process that she is so wedded to is not continuing.

Since the Government wishes not to continue with the Estimates Committee process in its normal format, then - - -

Mr Lamont: No, it is to stop Mrs Carnell jumping in before the report comes out, like she usually does.

MR KAINE: We come to the nub of the problem. Mr Lamont did not get the limelight; somebody else did. If there are other people in this Assembly who are smarter and more astute and have more access to the media than Mr Lamont, then that is going to happen, no matter what the format of the committee is.

Mrs Grassby: No; they break the rules of this house by releasing reports before the chairperson does.

MR KAINE: Unless Mr Lamont wants to amend this motion to say that nobody should talk to the media during the inquiry, then - - -

Mrs Grassby: She issued a press statement and spoke about it, as she did on the petrol report.

MADAM SPEAKER: Order! I do not think Mr Kaine needs all this assistance.

MR KAINE: You are quite right, Madam Speaker. I can state my case quite plainly without any help. If that is what Mr Lamont is really worried about, then why does he not put on the table a motion that would achieve that objective? It is very interesting. Mr Lamont's interjection really does give the game away. That is what it is all about. It is not a matter of what the constitution of the committee is; it is who gets the ear of the media when the time comes. That is what this motion is all about. But, to be realistic and practical about it, if the committee is going to be reconstituted along the lines that Ms Follett is suggesting, then it describes the Public Accounts Committee precisely. It is a committee of five members - two from the Government, two from the Opposition and one Independent. Its terms of reference require that it look at the very things that this select committee that Ms Follett wants to set up would be required to look at.

Mr Humphries's proposal is a sensible one. It places the responsibility where, in my view, it belongs, and it does away with the need to establish another committee, with all the demands that that makes on the staffing and the resources of this Assembly. So, I would ask members, particularly the Independents but members of the Government as well, to look at the terms of reference that Ms Follett is suggesting and look at the terms of reference of the Public Accounts Committee. If they do that, I think they have to come to

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the conclusion that the Public Accounts Committee is exactly where this ought to be done. Even Mr Lamont, if he would open his mind and look at the thing objectively, would have to agree that he should support, as I will, Mr Humphries's amendment to this motion.

Mr Humphries: On a point of order, Madam Speaker: During the speech from Mr Kaine, Mrs Grassby made an interjection which may or may not have been picked up by *Hansard* but which should certainly be dealt with, I think, by the Assembly. She alleged that Mrs Carnell had released prematurely the report of this year's Estimates Committee. She also alleged - I heard her say quite clearly - that Mrs Carnell released the report of the Standing Committee on Public Accounts on petrol prices in, presumably she means, the *Canberra Times* this week. Those are extremely untrue allegations and quite without foundation, and I would ask Mrs Grassby to withdraw both of those allegations.

Mr Berry: You cannot. It is not a point of order.

MADAM SPEAKER: No; it is a point of order. She has imputed improper motives. Mrs Grassby, I will have to ask you to withdraw. You can make both of those allegations as the substance of a proper motion, if you so choose.

Mrs Grassby: Madam Speaker, I will withdraw them.

MR STEVENSON (11.37): Without going into the political aspects of what has been said or proposed, I think there is obviously compelling argument - - -

Mr Connolly: What would you know about an Estimates Committee process?

Mr Moore: What do you know about any committee?

Mr Lamont: Have you been on it, or are you going on this one?

MR STEVENSON: I thought that if I started off by saying "Without going into the political aspects", and - - -

Mr Moore: Do you want to serve on this committee?

MR STEVENSON: I will not go into the political aspects, notwithstanding comments that would try to suggest that I have no right to have a say on the matter.

Mr Moore: You have every right to have a say.

MR STEVENSON: Once again, without going into the political aspects - and I can, if I wish - it would seem eminently reasonable, and I have heard no fair debate to the contrary, to have such matters dealt with by the standing committee, not a select committee but the Public Accounts Committee, that is set up to do just that. If we look at the terms of reference of the Public Accounts Committee, they read:

... to:

- (a) examine:
 - (i) the accounts of the receipts and expenditure of the Australian Capital Territory;
 - (ii) the financial affairs of authorities of the Australian Capital Territory; and
 - (iii) all reports of the Auditor-General which have been laid before the Assembly;

The matters are covered in the terms of reference of the Public Accounts Committee. I would be interested to hear why they are not, if someone makes that suggestion. If there is some concern to look at financial matters that it may be felt are not being looked at correctly, by all means, get the standing committee to do their job.

MR MOORE (11.39): Madam Speaker, this, in many ways, has been a debate through the three years of this Assembly. I have certainly heard Mr Kaine on quite a number of occasions raise the issue that matters dealt with by the Select Committee on Estimates could well be dealt with by the Public Accounts Committee. There have been a whole series of reasons why it is that we have still proceeded to a select committee. I think one of the most important reasons why we have proceeded to the select committee is that it actually elevates the particular subject to a special level and draws the public's attention to the fact that when we are dealing with the estimates issue, when we are dealing with the annual reports, it is something that is particular, it is something that is special and it is something that we have the opportunity to see - - -

Mr De Domenico: So the select committee is more important than a standing committee?

MR MOORE: There is an interjection from Mr De Domenico, who says - and it is put as a question - "So a select committee is more important than a standing committee?". No, Mr De Domenico; but they are different. I think that is the problem. We are doing something different on this particular issue, because we consider that it requires a different approach. That is why it is, Madam Speaker, that I shall be supporting this motion and voting against the amendment moved by Mr Humphries.

MR BERRY (Manager of Government Business) (11.41): I rise briefly to advise the Assembly that the Government will be opposing the amendment proposed by Mr Humphries. It clearly is aimed to shift the chairpersonship of the committee from Ms Szuty to Mr Kaine - a smart alec move which I would not have minded the opportunity to talk about. Mr Humphries would know that we have discussed this issue to this point and it would have been handy to have had the opportunity to discuss this particular amendment. I feel confident that I would have been able to talk him out of it, because it is just nonsensical and it just makes the Liberals look silly again. So, Madam Speaker, the Government will be opposing this amendment.

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In relation to the name of the committee, my understanding is that there was advice that it could not be called an estimates committee. Another name had to be found. Another name has been found and it seems to be a quite appropriate name for the job that it will perform. This is an argument about who chairs the committee which considers the budget performance. This amendment sets out to take the chairpersonship from Ms Szuty and hand it over to Mr Kaine. I would not do that, and neither will any of the other members of the Government.

Mr De Domenico: Madam Speaker - - -

MR BERRY: Madam Speaker, I move:

That the question be put.

We do not have all day to play around with this.

Mr Stevenson: On a point of order, Madam Speaker: Mr De Domenico was on his feet prior to Mr Berry and was about to make a point of order, one would assume.

MADAM SPEAKER: Thank you for pointing that out to me, but Mr Berry was still speaking.

Mr De Domenico: On a point of order, Madam Speaker - and I am referring to standing order 217
- - -

Mr Moore: Read the motion.

Mr De Domenico: Madam Speaker, I am making my comments to you, not to Mr Moore.

Mr Moore: Read paragraph (6) of the motion.

Mr De Domenico: You made your contribution; now keep quiet and listen to mine.

Mr Moore: I am trying to save you from embarrassing yourself.

Mr De Domenico: Then let me do it. Standing order 217 states:

The Assembly may appoint select committees but the terms of reference of such committees shall not include matters within the responsibility of any standing committee.

As far as I am aware, Madam Speaker, Mr Kaine and Mr Humphries quite correctly suggested that the terms of reference of this committee as proposed by the Government are exactly what the Public Accounts Committee is doing.

MADAM SPEAKER: As Mr Moore correctly pointed out, paragraph (6) on page 1946 of our notice paper covers that. The question before us is: That Mr Humphries's amendment be agreed to. I am putting the question. Nobody wants to speak to it, so I am assuming - - -

Mr De Domenico: No, he has moved the gag.

MADAM SPEAKER: I do not move the gag. I am putting the amendment. It is up to me whether I put - - -

Mr Humphries: So, you are not accepting the gag motion?

MADAM SPEAKER: Shall we answer my question or not? I am putting the question that Mr Humphries's amendment be agreed to. I call Mr De Domenico.

Motion (by Mr Berry) proposed:

That the question be now put.

MADAM SPEAKER: I took the point of order before I put the question. I have now taken the point of order. We now have the gag motion.

Mr De Domenico: Let it be on the record that the Government is moving the gag.

MADAM SPEAKER: Now I am putting the gag motion.

Mr Moore: On a point of order: Madam Speaker, may I take this opportunity to remind you that, if you consider putting the gag an infringement of members' rights to speak, then, of course, you have the prerogative not to put it. I think that some members may have misunderstood that. I appreciate your giving me the opportunity to mention that, Madam Speaker.

MADAM SPEAKER: I did just want to point out to members that I took the point of order before I took the gag motion - just in case it was not noticed. Now, I will just take a show of hands as to how many people really still want to speak. We have spent three-quarters of an hour on this already. Would you please indicate whether you are still needing to speak. We have heard from at least two people on this side; we have heard from an Independent; we have heard from the Government. If members are absolutely dying to speak I will not put the gag motion, but it does seem to me that we have had just about enough of this. Then, I will put the motion. The question is: That the question be now put.

Question resolved in the affirmative.

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Question put:

That the amendment (Mr Humphries's) be agreed to.

A vote of the Assembly having been called for -

Mr Kaine: Let us see who is really serious about running this place in an orderly fashion and having some regard for the standing orders.

Mr Lamont: Madam Speaker, I rise to draw your attention - - -

MADAM SPEAKER: I normally do not take a point of order while the bells are ringing.

Mr Lamont: But I am doing so, Madam Speaker, to draw your attention to the reflection on the Chair made by Mr Kaine during this process. That is outrageous. It is absolutely outrageous.

MADAM SPEAKER: I will deal with that point of order after we have taken the vote.

The Assembly voted -

AYES, 7 NOES, 10

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

Question so resolved in the negative.

MADAM SPEAKER: On Mr Lamont's point of order: Mr Kaine, I take it that you were referring to the house and not me?

Mr Kaine: Madam Chair, I was reflecting on the members opposite. I confirm that, with that qualification.

MADAM SPEAKER: They may choose to take a further point of order.

Motion agreed to, Mr Stevenson dissenting.

TOURISM AND A.C.T. PROMOTION - STANDING COMMITTEE
Report on an International Airport in the ACT

Debate resumed from 16 June 1994, on motion by Mr Westende:

That the report be noted.

MS SZUTY (11.50): Madam Speaker, I especially enjoyed my role as a member of the Standing Committee on Tourism and ACT Promotion in its inquiry into the question of whether an international airport should be established in the ACT. Before I comment on a number of the major issues addressed by the committee in our report, I would like to comment briefly on how my fellow committee members appear to see me from time to time and my value to the committee process on most occasions. A number of members of the Assembly have expressed to me their appreciation of my attention to detail and spellchecking capability. However, I would like to remind members that I am also capable, I believe, of taking a visionary view and looking at Canberra's future in broad and expansive terms. Members will recall that I moved a motion in the Assembly to address the issue of Canberra in the year 2020. This inquiry also has called on the ability of members to look into the future and, in particular, to focus on the need by the year 2000 for an international airport or an airport with international capability.

Madam Speaker, as the Assembly has much on its agenda today and as the former committee chair, Mr Westende, spoke at length in the report about the inquiry process, I will focus my comments on the committee's recommendations. There are several of them. The first recommendation, which is fairly lengthy, appears in paragraph 5.13 of the committee's report. In broad terms, the committee firmly believes that further study of the issue of whether the ACT needs an international airport or an airport with international capability remains firmly on the agenda. However, the study will need to be timely, to decide whether an incremental upgrade or an upgrade forthwith will be necessary to enable the ACT to take full advantage of the opportunities available to us at the end of the century. Members will also be aware of the Federal Government's announced plans for the sale of all Australian airports operated by the Federal Airports Corporation. The implications of this decision are yet to be assessed. I understand that that issue is taking quite a deal of the Government's attention at the present time.

The second of the committee's recommendations appears in paragraph 6.16. It reads:

The committee recommends that the Government, in co-operation with the ACT and region tourism industry, develop strategies to attract suitable international carriers which on fly from Cairns and Darwin to Brisbane and Sydney to terminate their flights at Canberra.

The recommendation at paragraph 7.14 also talks about the need to look at an upgrading of tourism generally in the ACT to achieve the potential result of an international airport for the ACT in the future. There is no question that a significant component of generating tourism demand is successful marketing and promotion, which encourage tourists to visit particular areas of the ACT. I believe that it is absolutely vital that the ACT and region continue to develop strategies which will market our region more effectively. I note that

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in this year's budget the Government has already taken up the question of the ACT being a full member of Partnership Australia. I am sure that that initiative will be welcomed by all members of the committee. Meeting tourist accommodation needs is an important component in effectively meeting tourist demand in the ACT.

The final recommendation, at paragraph 10.6, states:

The committee recommends that the ACT Government ensure that the further development of Canberra airport be conditional on a full environmental impact study.

I believe that this is absolutely critical in terms of assessing any international capability of the ACT in the future. A full environmental assessment of what the development of Canberra Airport to international capability would mean in environmental terms is critical. I believe that the Canberra community will simply not allow poor consideration of these issues.

I would like to comment briefly on my visit earlier this year to Cairns Airport. It was very interesting to contrast the volume of air traffic which comes through the Cairns International Airport with that which comes through our own terminal here in Canberra. The Cairns Port Authority was actually looking at further expansion of the airport in Cairns, potentially to take even more international air traffic into that region of Australia. It is notable that the Cairns Airport does not have a curfew. I do not believe that that necessarily means that the Canberra Airport will not have a curfew in the future. I think it is an issue that is worth serious consideration by our community here in the ACT.

They are also very concerned about the flight paths of international air carriers over Cairns. In recent times, the issue has been a quite controversial one in relation to residents in that area. The committee had representations from the City of Queanbeyan. Their representatives spoke in fairly expansive terms about the noise issue for residents of Queanbeyan at the current time. So any proposals to extend the capability of Canberra Airport to enable more international flights to come into Canberra will have an impact on people who live near the airport, and we need to give close consideration to that.

At the moment, there are proposals to extend the Cairns Airport runway even further. The community is assessing a possible runway to be created on the mudflats which exist close to the Cairns Airport. I believe that that community needs to come to terms with the issue of whether further development of the airport in Cairns is desirable, even if the demand is there. In my view, Cairns Airport has basically expanded to the point where it really cannot go much further without serious environmental damage being sustained in that area. In our assessment of the development of Canberra Airport in the future we also considered the continuing growth of Sydney Airport and the anticipated development of the Badgery's Creek airport. I note recent developments, announced publicly, in additional domestic flights between Brisbane and Canberra. That has happened since the committee reported. I see it as a very good sign for the future that we have a very healthy situation as far as Canberra Airport is concerned.

A few weeks ago I had the pleasure of visiting North Ainslie Primary School. They were very interested in this question of an international airport for the ACT, very interested in the work of the Tourism and ACT Promotion Committee and very interested in the information which was put before the committee during the inquiry process. I must record my thanks to the school community at North Ainslie for participating so fully in the process, when the students considered whether or not an international airport for the ACT would be a good thing.

In my remarks I have not covered many of the issues that the committee addressed. I believe that they are fully noted in the committee's report. I would like to return, finally, to the vision that I talked about earlier. I believe that opportunities exist for the ACT to optimise the further development of Canberra Airport. I believe that we need a five-year plan which will look especially at potential development leading up to the Sydney 2000 Olympics and the 2001 centenary of Federation. We will not have such opportunities again. If we are to take full advantage of them, we need to be thinking now about the international capacity of Canberra Airport in the future.

MS FOLLETT (Chief Minister and Treasurer) (11.59): Madam Speaker, the Government welcomes the inquiry into the tourism benefits of an international airport in Canberra.

MADAM SPEAKER: Order! The time allotted for Assembly business has expired.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1993

MR KAINE (11.59): Madam Speaker, I present report No. 11 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 6, 1993 - Government Schooling Program". I move:

That the report be noted.

This report from the Auditor-General has probably generated more controversy than most of his reports do, because it raised questions of significant importance within the school system about teaching numbers, teaching workloads, class ratios and things of that kind. The Auditor-General drew some conclusions that tended to put the ACT school system into a bad light in comparison with the States and the Northern Territory. The committee heard a great deal of evidence from teachers, from school principals and from people in the Education Department, who questioned the validity of the kinds of comparisons that the Auditor-General had done to arrive at his conclusions. The committee, in fairness, had to come to the conclusion that the database that is available to the Auditor-General - or to anybody else, for that matter - that could be used for such comparisons is incomplete and perhaps unsuitable for the purpose. So, in essence, the committee's report has tended to write down the criticisms that the Auditor-General made and to put question marks on the courses of action that the Auditor-General recommended by which costs in the education system could be reduced.

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We are not satisfied, given the standards of the database, that the Auditor-General's conclusions can be substantiated. We are not saying that he was wrong in principle. We are not saying that, if you examined the data, you could not reasonably come to the conclusions that the Auditor-General has come to. But we suggest that, before the Government acts on them, there are certain things that need to be done. They include such things as creating the capability to develop a proper database that will allow comparisons of the kind attempted by the Auditor-General to be properly done and so that you can argue afterwards that your conclusions are soundly based.

We also dealt with the question of developing performance indicators. There was some criticism of performance within the education system; but, once again, when you examine the situation, you discover that the performance indicators have not been defined and there is not enough information to be able to determine whether or not performance indicators had been met. So, while we believe that the Auditor-General had some valid things to say about the department and the schooling system, the committee does not feel that it can stand solidly behind the Auditor-General's comments in this case. We do believe that action needs to be taken by the Minister to create the kind of database that is necessary to allow a useful comparison to be done in the future. I commend the report to the Assembly.

Debate (on motion by Mr Moore) adjourned.

PUBLIC ACCOUNTS - STANDING COMMITTEE

Report on Review of Auditor-General's Report No. 5 of 1994

MR KAINE: Madam Speaker, I present report No. 12 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 5, 1994 - Annual Management Report for the Year ended 30 June 1994". I seek leave to make a brief statement in relation to that report.

Leave granted.

MR KAINE: The resolution of appointment of the Public Accounts Committee provides, *inter alia*, for the committee to examine all reports of the Auditor-General that have been laid before the Assembly. Auditor-General's report No. 5 of 1994 was presented to the Assembly by the Speaker on 23 August this year and, as a consequence, has come before this committee for its consideration. The report is, in effect, the annual report of the Audit Office. While there is no legislative requirement for the Auditor-General to provide such a report, he has prepared this report in the form of an annual report in the interests of accountability. The report complies with the Chief Minister's directions relating to annual management reports and the requirements of the Estimates Committee of this Assembly.

The report is, therefore, a record of Audit Office activities for the year 1993-94. As required by the Audit Act 1989, it includes a report on efficiency audits carried out by the office during the year. This committee has reported on, or is about to report on, 10 of the reports made by the Auditor-General during 1993 and is currently examining those presented to the Assembly since May 1994. With regard to report No. 5 of 1994, the committee expects that the Audit Office management issues which it has reported upon will be examined, together with the annual reports of all other ACT government agencies, later this year by the committee that the Assembly established this morning. Accordingly, the Public Accounts Committee merely notes the Auditor-General's report No. 5 of 1994.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Inquiry into Petrol Supply Arrangements

MR KAINE (12.06): Madam Speaker, I present report No. 13 of the Standing Committee on Public Accounts relating to the review of petrol supply arrangements for the ACT. I also present extracts from the minutes of proceedings. I seek leave to move a motion authorising the publication of the report.

Leave granted.

MR KAINE: I move:

That the Assembly authorises the publication of the report of the Standing Committee on Public Accounts Inquiry into Petrol Supply Arrangements.

Question resolved in the affirmative.

MR KAINE: I move:

That the report be noted.

Madam Speaker, this report is probably one of the most important reports that the committee will table in the remaining life of this Assembly. I have been interested to note that there has been a certain amount of defensiveness on the part of the Minister and, incidentally, of the two Labor members of the committee.

Mr Connolly: I am waiting for the apologies from Mrs Carnell.

MR KAINE: I am about to make some comments on the matter. I have been interested in the fact that the Minister has been so defensive when he has not seen the report - - -

Mr Connolly: I have been reading the reports in the paper. I have just read your comments and Mrs Carnell's comments in the paper.

MR KAINE: No, you have not. I will deal with that.

The Minister himself has been very defensive, although, as far as I am aware, he has not seen the report, as I have only just tabled it. For some strange reason, the two Labor members of the committee have been very defensive about it too. I want to make it quite clear from the outset that the report is not critical of the Government or of the Minister. Madam Speaker, it begins with the proposition that the Minister, in good faith, moved to achieve a commendable objective, and that was to get down the price of petrol in Canberra. He gave evidence to the committee that he took that decision as a political decision, which he is entitled to do, and that he took it in the knowledge of the ramifications of the decision. He took it, knowing what the consequences would be. It is only in that respect that I have to put a question mark on it, because I cannot believe that the Minister or the Government would have made the decision that they made if they had known that the total burden of their decision was going to fall on a small number of local small business people. That is, in fact, what happened.

Mr Connolly's intentions were good intentions. He made it clear that his aim was to force the major oil companies to deal fairly in petrol pricing in the ACT. Unfortunately, he has not achieved that. His decision to introduce Burmah Fuels has had no impact whatsoever on the major oil companies.

Mr Connolly: We will argue this one through to February, Trevor.

MR KAINE: I will be interested in your argument, Mr Connolly; but I make the point again that the committee is not critical of your decision. It is concerned about the outcomes of it. I repeat that we accept that you made your decision in good faith. There is no criticism, implicit or otherwise, of you or the Government in that. We believe that your objective was a good one too; but our investigation of the evidence suggests to us that the outcome was not what you wanted.

You did achieve approximately a 3 per cent reduction in the price of petrol, which was a good outcome; but the impact of that, I believe, is not the impact that you expected, because it has had no effect at all on the major oil companies and it has had a significant effect on the 83 small business operators who run service stations in the Territory. The effect has been estimated at \$9m on an annualised basis. In the course of the first year after the introduction of Burmah Fuels \$9m will remain in the pockets of vehicle drivers that would otherwise not have been in their pockets. That is a good thing. However, the fact is that that \$9m has not come out of the pockets of the major oil companies; it has come out of the pockets of the 83 small business operators who run service stations in the Territory. I do not believe that that was your intention, Mr Connolly. So I think that there were ramifications that were not what you expected.

In respect of the flow-on effect of this, there was strong evidence given to the committee that, because of the depressed price at which they can now sell their product, without the guarantee of continuing price support from the majors - there is no guarantee that that will be provided - a number of small service station operators are going to go out of business. I know that one of the Labor members, in a dissenting report, said, "Well, this was a process of rationalisation that had already begun". We do not dispute that. I, for one, am not saying, as is alleged in one of these dissenting reports, that 30 service stations are going to close, and that they are going to close directly because of Mr Connolly's decision to let Burmah in. It may be only 10. It may be only 15.

In fact, the number, as I put it, was 19, not 30. Not all of those will perhaps go because of the ramifications of the decision to bring Burmah in. I am not saying that it is black and white that it is all going to be attributed to that one cause; but it is irrefutable that a number of our small service stations are going to go out of business because they cannot continue under the present arrangements that flowed from the decision to bring Burmah Fuels in.

Those service stations that close will generally be in our small suburban shopping centres, and that introduces a ripple effect. If you close a service station in a small suburban shopping centre, what are the ramifications for the other businesses in that shopping centre? It was put to us that the service station brings in there a lot of people who otherwise would not come. So there is a flow-on, a ripple effect. I am not sure that the Government and the Minister really understood that that was going to happen, and I do not think they really understood the full ramifications.

We have said that we are not sure that the Minister really understood, although he claimed that he did. I do not believe that he did. In fairness to Mr Connolly, whom I believe to be an honourable man, I do not believe that he would have made the decision that he did if he had fully understood the ramifications and the impact that that decision was going to have on our small business people. The Government says constantly that it is committed to the small business sector in this Territory because that is where job creation takes place. I believe them. I do not believe that that is being said idly, and I do not believe that Mr Connolly, in good conscience, could have taken the decision that he did if he had fully understood where the burden was going to fall.

The majority of the committee thought that there were some things that the Government should think about in consequence of that. For example, we have said that there are other ways in which a longer-term price reduction in petrol could be achieved. One of them, on the evidence given to us, was to use the legislation that the Assembly passed at the Attorney-General's request only approximately a year ago and, by ministerial determination, to fix a wholesale price at which petrol in the ACT can be sold. He has that power. He asked us for the legislation and we gave it to him. But he has not chosen to use it. He could do that, and he could simply say that the wholesale price at which petrol can be sold in the ACT will be 3c a litre below the rack price which applies in Sydney or Melbourne. That would instantly reduce the price of petrol at the retail level by 3c a litre.

There are other ways. In 1990 the Alliance Government put a temporary 3c a litre franchise tax on petrol, the proceeds of which were to go to the reconstruction costs of the hospital system. It was to be taken off a year ago, in 1993. The Government did not take it off. If it took 3c a litre off, the price of petrol would drop by 3c a litre. It would not affect the majors, because they do not get it now; it would not affect the small business people, because that 3c a litre does not stay in their pockets now; but the price of petrol would reduce by 3c a litre. They are two ways in which the Government can go about effecting a long-term price reduction.

There are several other ways that we have mentioned. What we have said is that, before proceeding further with its intention to release sites to independents, the Government should re-examine these other ways in which the committee believes that we would get a better and longer-term downward trend in the price of petrol - not at the expense of our small business people, but with the burden falling more broadly or falling elsewhere. So, we are suggesting to the Minister that he should have another look at all of the alternatives by which the price of petrol might be brought down. We are suggesting - I know that the Minister and the Government will not like this - that, because a limited number of small business people in this Territory, as a direct consequence of the Minister's decision, may well have to walk away from their businesses, losing every cent of equity they have in them, the Government should honestly consider the possibility of having to compensate them. There is plenty of precedent for this. If the Government takes a decision and there is a direct adverse consequence for a limited number of people, then the Government can consider compensating those people. It was a political decision. Mr Connolly said so. Political decisions often involve a price.

I find it hard to believe that the Minister can expect 15, 20 or 25 - whatever is the number - small business people to carry the total impact and walk away from their businesses with not one cent of the investment that they have made accruing to them when they walk out, without the Government contemplating some form of compensation. If the decision had been otherwise, then one could say, "Well, people are in business. They take their chance and they wear the consequences"; but this was a change that was absolutely and irrevocably beyond their control and one which the Minister acknowledges was a political decision.

It is the Minister's intention to release a further three sites. The committee had difficulty in determining how the Government is going to ensure that true independents take them up. The evidence suggests that there is only one independent who is interested in coming to Canberra.

Mr Connolly: No, that is not correct.

MR KAINE: You can say that it is not true. You should read the evidence. Mr Sorbello gave evidence that he had approached two others. There are not very many people that fall into the category of so-called independents. Bear in mind that nobody is truly independent. They exist only on sufferance of a major. Burmah Fuels exists as an "independent" only because it has a special deal with the Shell Company. The other two contenders indicated to Mr Sorbello that they could not guarantee supply. It is one of your prescriptions, Mr Connolly, that whoever gets lease sites has to be able to guarantee supply.

Two of the others - I understand that there is a fourth, but it operates out of Western Australia and is therefore probably not in contention - who operate on the east coast have indicated that they could not give such a guarantee. Since none of them are truly independent, in that they have their own source of fuel and are totally independent of the majors, I do not know how you are going to get more than Burmah Fuels to bid for the three sites that you want to put out there. You have already said, I understand, that no one contender will get them all. So, I think you have established a bit of a conundrum for yourself.

The question is: What is an independent? I do not believe that you can say that Burmah Fuels is truly independent. We were given evidence by experts in the field that the only reason why companies like Burmah buy their petrol from the majors at discounted rates is that there is a surplus coming out of their refineries and they have to get rid of it in some fashion. Why they do not get rid of it through their own existing retailers and let everybody get the benefit is beyond me; but they do not. The point is that we were also told that the world surplus of fuel is likely to disappear in 1995, one year from now. If there is no surplus coming out of the refineries, are the majors going to continue to support companies like Burmah who allege that they are independent?

Mr Humphries: Will that be before 18 February or after 18 February?

MR KAINE: I think it might be 19 February; but it does not matter. The fact is that these companies are not independents. So, we are a bit concerned about how the Minister is going to pursue that. We recommended that he flesh out his policy on this in a bit more detail. We were even told by the Minister's own officials that they were having a bit of trouble implementing the policy. One said, "We can overcome the problems"; but the fact is that they indicated that they were having trouble implementing the Minister's policy and applying the prescription that he determined as to who was an independent and who was not and how they could get into the business. So, there are real problems.

Madam Speaker, I believe that the recommendations that we have made are sensible recommendations. They are not political considerations. I believe that the committee looked very carefully at the facts of the matter and, given that we believe that the Minister acted in good faith, we examined them to see how the Minister might be able to achieve his laudable objective in a better way. That is all the report does. It does not attack the Minister; it does not attack the Government; but it does set out some alternative options and some things that we believe the Government should seriously look at before Mr Connolly proceeds further with his policy of introducing independents. I think that that is a legitimate thing. (*Extension of time granted*)

I understand that the two dissenting Labor members acted in good faith in standing aside from the general opinion of the committee. That is their right. They have reservations, which they have expressed. I would like to comment on one or two of the things that they have brought out in the report. For example, Ms Ellis said:

... I do not believe it is at all far fetched to draw the conclusion that additional pressure on those outlets by the majors over the past few months could be a manipulative tool used to undermine the Burmah arrangement.

I can understand that she might think that that is the case; but I have to say that it is merely an assumption. There was no evidence given to the committee that said that that was the case. What we tried to do in the committee was to draw only conclusions that could logically be drawn from the evidence that was presented to us, and there was no evidence to suggest the kind of reservation that Ms Ellis has. I can understand why she might hold the reservation. Later on she says:

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While I accept the Committee's view that certain commercial information should be allowed to be given in confidence -

and this takes up the point that Mr Connolly made -

I cannot accept that allegations made by individuals or organisations are within this category. Such allegations could be given credence without the person or persons involved being given the opportunity to defend themselves.

So they could, but they were not. The committee did not rely for its findings on any of the evidence that was given to it in camera, and we did not accept allegations. In fact, I made it clear to the Minister that the committee held severe reservations about some of the allegations that were made and that we did not support those allegations. None of our recommendations were based on them. Finally, Ms Ellis said:

I therefore cannot agree with my fellow committee members that we reject and regret the Attorney-General's statement, -

that was about the credibility of these witnesses -

as I believe that allegations received in this way should be able to be defended, or categorically disregarded.

They were categorically disregarded, Ms Ellis. If you read the minute that I wrote to the Minister on this matter, you will see that we did categorically disregard those allegations. So, I think it is unreasonable for you now, in a dissenting report, to raise the issue as though it had some impact on the committee.

Let me turn briefly to some of the comments that Mrs Grassby made. She talked about political outcomes and said:

The Committee was totally obsessed by the Burmah contract and paperwork from the Attorney-General's Department. It demonstrated its ignorance of business arrangements and paid scant regard to part (ii) of its terms of reference ...

Mrs Grassby, that simply is not true. It is all right for you to assert it; but it simply is not true. I can only assume that you believe that you are the only member on the committee who understands business. That is not true either. I have been in business. I have managed businesses. Speaking for myself, I have done a lot of things in my lifetime, and I do not accept your assertion that I am ignorant of business arrangements. I do not believe that we paid scant regard to part (ii) of our terms of reference either. Mrs Grassby said:

The Committee blindly accepted that costs were "just higher" in the ACT for service station operators and hardly sought to test their relative efficiency.

That is not so. It almost seems that this was written by somebody who was not even in the committee. Further, Mrs Grassby said:

Governments should always consider consequences of policy initiatives -

that is correct -

but they should not have to achieve a "Paretian Optimality" before proceeding with such changes.

I would ask Mrs Grassby whether she can stand up and tell me what a "Paretian Optimality" is.

Mrs Grassby: I will tell you when I speak. Do you know what it means? I do.

MR KAINE: I do, indeed; but it is an interesting thing to get thrown in there, and I just wonder whose words they are. Further over, under the heading "Independents policy", Mrs Grassby said:

The policy of the Government regarding petrol independents is available and generally understood in the community. I will not support any recommendation or continuation of past policies in the petrol retailing market which are anti-competitive and force upon my constituents in Belconnen and Hall higher prices.

They talk about politicising the committee! I did not mention Belconnen or Hall or any other suburb. If I did, I would probably talk about Belconnen and Hall too, if they were relevant to the inquiry; but they were not. Further on, in terms of abolishing the 3c a litre government levy, Mrs Grassby said:

The three cent per litre levy was introduced by the Alliance Government -

now here is a statement for you -

both for uniformity with NSW taxation and as a revenue raising measure.

That is simply not a statement of fact. We applied it for one reason only - to raise three years' worth of revenue, about \$25m, to fund part of the hospital restructuring. Parity with New South Wales had nothing to do with it. So, here we have Mrs Grassby telling us what went on in the Alliance cabinet room.

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Madam Speaker, I will leave the Government and the dissenting members to defend their position shortly. Finally, Mrs Grassby said in connection with the remuneration of franchisees:

During private discussions with franchisees, they said that they were sucked in to these deals and there was no way they could get out.

They must have been private discussions that Mrs Grassby had outside the committee.

Mr De Domenico: Were they in Hall or Belconnen?

MR KAINE: I do not know; but I can only assume that they were private discussions that Mrs Grassby had with people outside the committee. If that is the case, she has no right to put that comment in what purports to be a committee report. As a committee member, I had no private discussions with franchisees in which they said that. So, it has to be evidence that Mrs Grassby received outside the committee proceedings, and that comment has no place in this report. So, I do have some difficulty with some aspects of the dissenting reports. I acknowledge that the members have a right to submit them; but, when they do, just as in the majority report, their comments have to be based on the evidence that was presented, not on assumption or suspicion. As far as I can tell, many of these remarks were not based on evidence that was presented.

Madam Speaker, I repeat that it was not the intention to pillory the Minister. We believe that he was well intentioned. We simply believe that his decision went off the rails somewhere and that the outcome is not what he would have wanted. We are attempting, with what I believe to be reasonable, logical and reasoned recommendations, to suggest to the Minister that there are other things that he could and perhaps should be doing before he proceeds further. I hope that the Government will read the report carefully, that they will take it in the spirit in which it is intended and that we will see a far better outcome for some of our small business people than has been the case up until now.

MS ELLIS (12.31): I want to make a couple of comments at the outset, before I get into the business of my dissenting report and the committee report in general. I make these remarks without making any particular accusations against anybody in specific terms; but I believe that it is a great pity that the discussion in the media on the views and the results of this committee report, before the chair of the committee had the opportunity to table it here today, occurred. I noted comments in the paper and on the radio this morning from the Leader of the Opposition, who happens to be a member of this committee. I do not believe that, in participating in that public media discussion, she has paid due regard to the other members of the committee. I felt strongly enough about that to mention it at the outset here this afternoon. I do not believe that it would reflect at all well on this place or on our committees if we all took that sort of liberty and had an open debate in the media prior to the tabling of a report. For my part, I have responded to approaches by the media in the last few days with the comment that, until the report is on the table in this place, I have nothing to confirm, deny or add. I think it would be worthy of us all to take note of that approach in regard to the operations of this place.

This inquiry has in many ways been more interesting than is usually the case. We have seen a level of vehemence and, in some cases, I believe, zealotry not quite matched in other inquiries in which I have been involved. Obviously, we can observe that the players concerned felt so strongly that they presented their evidence in this way; but I am sure that other participants in other inquiries have felt equally strongly about their particular issues. In public hearings we heard evidence claiming collusion, favoured treatment and improper influence, in many cases aimed at public servants. None of those allegations were substantiated by the committee. All were made under parliamentary privilege. As a committee member, I have to say that I do not find this sort of contribution at all helpful when attempting to hear and sift through evidence and material on a matter that is already complicated and controversial.

The committee report draws certain conclusions with which I personally cannot agree. Before I go into that, I want to refer to earlier parts of the report which set the theme somewhat. As the Attorney-General told the public hearings:

During 1993 I was getting increasingly frustrated in dealings with the [oil] industry. I have met, I think, with the Chief Executive Officers or their representatives of just about all the majors during that period. They all came into my office and they all told me: "Minister, there is no way we can be competitive in the Canberra market. You cannot have competition in this market". I kept saying to them that the Government found that unacceptable, that I did not want to intervene.

Another very relevant quote was from the Australian Petroleum Agents and Distributors Association. They said - and this is only a small part of the quote:

Our position would be that if an independent wishes to come into a market on a normal competitive basis, good luck to him, but we do not want them to come in.

Let me get back to the conclusions of the committee. There has been acceptance of evidence that large numbers - for example, 30, but I have heard other numbers here this morning as well - of local service stations will close because of the Burmah arrangement. There has been acceptance of the argument that very large property losses have occurred and there has also been acceptance of the argument that franchisees and local owners of the service stations in the ACT are suffering huge loss of income, again because of the Burmah arrangement. As a result of the acceptance of these arguments, there is a recommendation that the Government should consider financial compensation where the direct cause can be attributed to it.

There was a wide range of evidence given to the committee which makes it impossible for me to accept that recommendation. The entire petrol industry was well and truly on notice for some years that both the consumers and, on their behalf, the Government were demanding realistic and fair petrol pricing in Canberra.

Mr Humphries: That justified unfair practices?

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MS ELLIS: You all said that you wanted to hear my views. I would appreciate it if you paid me the courtesy of listening to them.

I find it impossible to agree with the comparisons drawn by the committee in their argument for compensation. While there is argument for cause and effect in relation to the Burmah arrangement, there is, in my opinion, overwhelming evidence which points to a different conclusion being drawn. It is a fact that service station closures were already occurring in the ACT. That is undisputed. It is a fact, on evidence to the committee, that the major oil companies have begun a program of rationalisation of their outlets with a view to reducing their number and increasing their individual sizes. This is already of concern to me when I consider the viability of local service stations adjacent to local shopping centres.

On this basis, I question the recommendation that the Government consider increasing the amount of non-fuel retail space permitted in service stations. If the majors continue with the very strongly stated policy of rationalisation, it is probably reasonable to investigate the effect of service station closures on the planning concept of local shopping centres. That is recommendation No. 6. We also have recommendation No. 9, which is that the Government consider increasing the amount of non-fuel retail space permitted in service stations. If it is argued that, because of Burmah entering the market, smaller fuel outlets in local shopping centres will be, or are, forced to close, then why are we suggesting that we allow fuel outlets to have more retail space open to them? I understand the arguments for and against all of these positions; but, when you attempt to lay blame for certain outcomes, I believe that you really need to be sure of the argument you are putting.

I also need to say that I found the evidence which outlined and more fully explained the contractual arrangements between oil majors and their franchisees most alarming. The oil majors are not to be regarded in any other way than this: They have in the past done, and will continue into the future to do, whatever they need to do to achieve their end. They are powerful, and they demonstrate to me a ruthlessness in business that we cannot ignore. In fact, I do not believe that it is at all far-fetched, as I said in my dissenting report, to draw the conclusion that additional pressure on those outlets by the majors over the past few months could be a manipulative tool used to undermine or attack the Burmah arrangement. I do not believe that anyone can disagree that they will do whatever they can to protect this great little market called "the ACT". Of course, none of them want to see independents given a true opportunity to break into this market. It is an historical fact, and, in coming to conclusions on a report such as this, we cannot ignore or leave out of the equation those sorts of considerations.

Debate (on motion by Mr Moore) adjourned.

Sitting suspended from 12.39 to 2.30 pm

DISTINGUISHED VISITORS

MADAM SPEAKER: I inform members of the presence in the gallery today of a delegation from the Parliament of the United Kingdom led by the Rt Hon. Sir Peter Emery, MP. On behalf of all members, I bid you a warm welcome.

QUESTIONS WITHOUT NOTICE

Woden Valley Hospital - Emergency Department

MRS CARNELL: My question is directed to the Minister for Health because he has felt very left out this week. I refer the Minister to the case of a 20-month-old girl who was brought into the Emergency Department at Woden Valley Hospital by her mother three days after the Minister promised that staff shortages had been fixed and more beds had been opened. The mother and daughter arrived at 4.30 pm on Monday. The child, suffering from severe gastroenteritis, was not seen until 9.30 pm - five hours later. The mother, by the way, understood the enormous pressure facing A and E staff and understood that she had to wait. At midnight the child had still not been admitted, because of the shortage of beds. At that stage the mother asked whether her daughter could lie down in a cot, but staff could not find a mattress to actually fit a cot. Finally, nurses found a mattress and blankets and placed them on the floor in one of the examination cubicles. The mother nursed the child until 3.00 am, when the girl finally fell asleep on the mattress on the floor. The child was not seen again until mid-morning, when a drip was inserted to compensate for dehydration. This happened at 10.30 am - 18 hours after she was first brought into casualty. Finally, she got a bed just before lunchtime. I ask the Minister: Why does a seriously ill child have to sleep on a mattress on the floor of Canberra's major hospital? Is a lack of beds part of your famous phrase "Under Labor health goes from strength to strength."?

MR CONNOLLY: Madam Speaker, I note the unrestrained glee in Mrs Carnell's question. I think it is regrettable that distressed parents who write letters alleging matters are immediately seized upon by Mrs Carnell, for partisan political advantage. That is the sort of tactic that we have come to expect from Mrs Carnell. If I have seen this letter, which I believe I have, I have actually spoken to this woman in the hospital. The story has got a little worse in the telling.

Mrs Carnell: No, you have not seen this one.

MR CONNOLLY: I think this is the same one, but in any event the position is simple, Madam Speaker. This is an inappropriate place to air these individual sets of allegations. We have established a Health Complaints Commissioner to look at these matters. These allegations are quite serious. If it is the case that I believe it is, the advice that

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I received from the director of the Emergency Department was that many of the matters as alleged are not correct; but I cannot canvass that here. We have established an independent Health Complaints Commissioner with full ombudsman-style powers, enormous powers, to go into the health bureaucracy, to demand to see files, to demand papers. Everything will be documented. Mrs Carnell, if this is not the case that I have already had referred to me - - -

Mrs Carnell: No.

MR CONNOLLY: So, I have not seen this. There has been no opportunity for us to comment, but Mrs Carnell likes to run a political stunt here in the Assembly. Mrs Carnell, running people's individual health matters in the Assembly is fine ethical politics! If Mrs Carnell chooses to give me this material, we will pass it to the Health Complaints Commissioner and the matter will be fully investigated, Madam Speaker. Mrs Carnell likes to play politics and to say that things are in crisis in the ACT health system. Madam Speaker, if there is stress now, if this foolish Opposition Leader's foolish promises to slash \$31m out of health expenditure, proven in this chamber the other day in her own words, were to occur under a Liberal government, the system would not be stressed; it would totally and utterly collapse. Mrs Carnell's attempts to run these sorts of things would look - - -

Mr Humphries: What a load of rubbish! How much are you going to cut from the system?

MR CONNOLLY: What we have said, Mr Humphries, is that we are going to seek to get these efficiencies put back into the health system to deliver more and better services. You are promising to slash \$31m from health expenditure; that is, \$31m out of a hospital system that runs on about \$170m. It is a massive, unprecedented expenditure reduction. It would make Jeff Kennett's hospital reduction policy look generous.

Housing Policy

MRS GRASSBY: My question is to the Deputy Chief Minister in his capacity as Minister for Housing and Community Services. Has the Government made an assessment of the treatment of housing in the Liberal Party manifesto - The Things That Matter - or is it "The Things That Batter"? Will this document affect the Government's housing policy?

MR LAMONT: I thank the member for her question and I think - - -

Mr Kaine: On a point of order, Madam Speaker: Since the question refers to a document that has nothing whatsoever to do with this house, I would ask you to rule on whether it is within the jurisdiction of this Minister to reply.

Mr Humphries: It is a Federal document; it is a Federal matter.

Mr Kaine: He has no knowledge of the document. It is the property of the Federal party.

Ms Follett: Madam Speaker, may I comment on the point of order?

MADAM SPEAKER: Yes.

Ms Follett: Housing is administered through the Commonwealth-State Housing Agreement to which this Territory is a party. Mr Downer, in typically short-sighted fashion, fancies himself to be the leader of the alternative government federally; hence the examination of the alternative Federal Government's proposals on a matter to which this Territory is a party is surely relevant in this place.

MADAM SPEAKER: The relevant standing order says:

Questions may be put to a Minister relating to ... proceedings pending in the Assembly or to any matter of administration for which that Minister is responsible.

The standing order is 114. The Minister may proceed.

MR LAMONT: Thank you, Madam Speaker. I would also indicate that I do not take responsibility for *The Things That Matter*. But, Madam Speaker, I have, as has been outlined in this house over the last number of days, ensured that in the review of public housing in the ACT, called the Housing Review, I have taken into account the range of available documents produced by other governments in this country and international organisations. I was, I think, quite responsibly looking at the alleged policy of the Federal Opposition in trying to assess the possible effects on the Territory.

I find it rather incredible because, on the one hand, in doing that review, I first of all went to *Fightback* - - -

Mr Stefaniak: That is a Telecom publication you have.

MR LAMONT: I am sorry; that is the *1994 Yellow Pages*. It has about the same relevance now as *Fightback* had. We also closely analysed the policies that were outlined in *Fightback*, to see their relevance to housing matters in the Territory, and we were quite disturbed that the Opposition, in its entirety - Mr Kaine, Mr Humphries, Mr De Domenico, Mr Cornwell and you, Mrs Carnell - supported each of those principles in *Fightback*. In fact, you could not wait to jump around with glee. I was concerned that that was the case because - - -

Mr Humphries: Madam Speaker, on a point of order: It is bad enough that the question asked about something which is not at all a matter, under standing order 114, that is the responsibility of this Minister, but now the Minister is talking about a document which was not even the subject of the question. I would ask you to bring the Minister to relevance at least on the question and indeed to bring him in line with standing order 114.

MADAM SPEAKER: The first part of the standing order states "with which that Minister is officially connected". The Minister will proceed; but be mindful of the standing order that requires you to be concise, Mr Lamont.

MR LAMONT: Thank you, Madam Speaker. I looked at the proposals in Fightback in relation to the Commonwealth-State Housing Agreement and the effect that they would have on public housing in the Territory. I was then very interested to see the document *The Things That Matter*, because you will also recall that, as far as the policies of Alexander Downer are concerned, Mrs Carnell, once again with great glee, brought Mr Downer down off the hill to espouse the simple fact that Mrs Carnell and the local Liberals supported the policies of the Federal Opposition. I would therefore take it that they support *The Things That Matter* - or have you already done a backflip on that? I presume that you have already done your backflip. We might recall, Madam Speaker, the last time they had somebody down here.

It is now a matter of some concern to me that what we see with the Commonwealth-State Housing Agreement variations - - -

Mr Humphries: Madam Speaker, on a point of order: This Minister is making a joke of question time. There are serious questions to be asked in this question time about important matters of public affairs in this Territory, and Mr Lamont makes frivolous jokes with telephone books and cartoons. I would ask you to bring him to order.

MADAM SPEAKER: Mr Lamont, I remind you of the requirement to be precise. Please proceed.

MR LAMONT: Thank you, Madam Speaker. I needed to give that background to be able to quite clearly demonstrate that the Opposition, in looking at housing policy in the ACT, has generally relied upon a rationale and a dogma that have more to do with the 1950s Australia than they do with the 1990s.

What has, in fact, been done in this town, Madam Speaker, is that the Liberal Party has consistently attacked the management of the ACT Housing Trust and called for draconian treatment of individual tenants. Considerable time is spent within the Housing Trust satisfying their random ferreting of targets. Even more time is consumed in correcting the mischievous spin placed on information provided. One can only conclude that the Liberal Party is anti public housing and anti public housing tenants.

Madam Speaker, this Government, by contrast, has a policy in relation to the social justice objectives of public housing and, indeed, has a strategy in place as far as the wider housing issues are concerned. I think it is about time that we exposed, on the Opposition benches, the difference between the wet Mrs Carnell, promising everything whenever there is a microphone placed in front of her, and what the boys stand for. That is not my term. That is Mrs Carnell's term. I think that what we need to demonstrate quite clearly is the very significant divergence that exists within the Opposition in this Territory between the public face of Mrs Carnell and the very dry, retrogressive policies adopted by the rest of her party.

Health Services

MR CORNWELL: I would like to bring this question time back to matters of relevance to this Territory. My question without notice is directed to the Minister for Health. Despite his efforts to deny people the opportunity to air grievances, I would refer the Minister to the case of an elderly North Canberra resident who was discharged from Woden Valley Hospital three weeks ago on a ventilator. This woman was discharged because the hospital told her that they needed the bed for more serious cases. The woman is on oxygen regularly and is unable to look after herself. She lives with her husband, who is aged 75 and who cannot look after her as he recently had triple bypass heart surgery. The couple are fixed income superannuants and find the cost of arranging their own domiciliary services almost prohibitive. They were told when the woman was discharged that they were on the waiting list for home help; but as yet, three weeks later, they are still waiting. My question, Minister, is: How long will this couple have to wait for home help? Why was the woman discharged into a home environment where she could not look after herself? Would you mind telling me what on earth a complaint to the health ombudsman is going to do about that?

Mr Berry: Madam Speaker, on a point of order: Mr Cornwell is good at raising individual cases. How on earth can anybody defend that sort of approach? Why do you always raise - - -

Mr Cornwell: Because it embarrasses you, does it not? I have every right to do so.

Mr Berry: No, it does not.

MADAM SPEAKER: Order! I call the Minister.

MR CONNOLLY: Madam Speaker, I think we actually detect here that, for the first time, the Liberal Party has a strategy for question time. That is very good. Mrs Carnell, under pressure and embarrassed earlier in the week, has obviously been told by her party room colleagues to lift the game; and we have a strategy. The strategy is to ask questions about private individuals' health status and the details of their individual hospital treatments and experiences.

I, obviously, cannot answer those questions here in the Assembly. I do not have access to the individual patient files. I do not know the individual patient names. If the Opposition were serious about advancing the cause of constituents they would approach me, give me the information, and let me try to find an answer. We established a Health Complaints Unit in order to provide citizens of this Territory with an independent, arm's length and powerful complaints mechanism to investigate exactly these sorts of matters. But the Liberal Party does not want to do that; of course, they want to play their little political stunts.

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The reality is that a few months ago, when the Liberals ran their much-heralded health hotline - ring up and make your complaints - they got something in the order of 100 calls over 10 days. Not all of those were complaints. As we show regularly when we table the quarterly reports, we get far more commendations of the Woden Valley Hospital than we do complaints. But sometimes people make complaints; sometimes those complaints are justified; and we try to redress those. Sometimes perhaps they are not justified. People's perceptions - - -

Mr Humphries: Are these justified?

MR CONNOLLY: How can I possibly know that, Mr Humphries?

Mr Humphries: You have been given the facts.

MR CONNOLLY: Mr Humphries, no. Anything that is said by the Opposition in question time and the facts may coincidentally bear a relationship; but, more often than not, they do not. If you were serious about wanting to know the status of the treatment that Mr X or Ms Y or Mr Z received at the hospital, you would give me the details and let me pursue the matter and answer you. As you know, we have established a record over many months of doing exactly that. Many of you - I think probably all of you - have raised those sorts of issues with my office in the past and have got fairly rapid and, I take it, generally satisfactory responses. But, no, you do not want to do that now; you want to play politics. I would have to say to the citizens of the ACT, "You do not want your private lives dragged through the media by Mrs Carnell and Mr Cornwell". No doubt Mr De Domenico will have a question, Mr Humphries will have a question, and Mr Kaine will have a question. It is a silly way to proceed.

Madam Speaker, again I say this: The health system is under stress in the ACT; that is clear. We are working on strategies to fix it. Our strategies do not involve ripping over \$30m out of public health. That is Mrs Carnell's strategy.

Mrs Carnell: As recommended by Arthur Andersen.

MR CONNOLLY: You go out there, Mrs Carnell, and you admit to the people of Canberra that you plan to take \$31m out of the health system. You denied it in this place the other day. You vigorously denied that you wanted to take \$31m out of the health system, and we proved that it was accurate. Now you have adopted another position, namely, "Well, it has been recommended". I do not care who recommends what. I am saying to the people of Canberra that the Liberals are going to rip \$31m out of the health system. We are going to strive to find efficiencies in the health system to provide more social services, more social justice and more health services for this Territory.

MR CORNWELL: I have a supplementary question, Madam Speaker. Is it this Follett Labor Government's policy to discharge people from hospital without giving them the opportunity of obtaining home help and then forcing them to wait, until now, at least three weeks for that home help? Is that the policy of your Government?

MR CONNOLLY: Madam Speaker, I do not have a policy about discharging people from hospital; that is a clinical decision that is made by the doctor in charge of the case and the sister in charge of the ward. However, I do say this: Hospital is a place for intensive treatment, a place where people who are very sick go for intensive treatment. It is not, generally speaking, a place where people stay for extended periods of time unless they clinically need to be there. Sometimes people do have concerns about that decision if the clinical decision is, "You do not need to be here". But that is the reality.

Again, Madam Speaker, I would like to show Mr Cornwell - and I am happy to send him the files - lots of press clippings from Melbourne. Particularly in Melbourne, Mrs Kaine is a hero. They refer to the casemix strategy that is going to save \$26m and how that is going - - -

Mr Humphries: Mrs Kaine?

MR CONNOLLY: Mrs Carnell's strategy. They are peas in a pod, really. In Victoria, where this blind adherence to casemix has been followed, you read virtually every second day in the *Age* or the *Herald Sun* not of cases where people are dissatisfied because they had early discharge but of cases where people are being shunted from hospital to hospital, where people are dying while they are being shunted from hospital to hospital. Madam Speaker, heaven forbid that we ever get to that in the ACT; but, if Mrs Carnell rips \$31m out of the health system, I could not guarantee that we would not collapse in that way.

Health Services

MS SZUTY: My question without notice is also to the Minister for Health, Mr Connolly. It is a general question, Minister, so you might be able to answer this a little more easily than the specific questions. I am aware that the Minister has stated both publicly and in this Assembly that his department is trying to encourage people who present with non-critical conditions at the Emergency Department at Woden Valley Hospital to seek help from alternative medical services. My question to the Minister is: Can he inform the Assembly what range of strategies he intends to adopt, and over what timeframe, to inform the Canberra community about what options they have available to them in seeking appropriate treatment for non-critical conditions?

MR CONNOLLY: I thank Ms Szuty for a sensible question on policy, rather than a stunt. I do want to stress to the people of Canberra that the Emergency Department is indeed for accidents and emergencies. I received a letter only this week from a citizen who was very annoyed that they had to wait eight hours for treatment at Woden Valley. I read on with increasing concern that they had to wait for over eight hours. What were they waiting for? They were waiting for a pregnancy test. Madam Speaker, the Emergency Department at Woden Valley Hospital is not there to provide that type of service.

We do seek to tell people that there are other alternatives available. We cannot, under the Medicare agreement - nor would we ever want to - refuse to treat a person. There is an absolute right to be treated in answer to an emergency. It is a right that every citizen in this Territory, every Australian citizen, has in our hospital system. We do say that if you have other than accident and emergency-type conditions, life threatening conditions, in many cases you would get quicker treatment at a GPs clinic. In recent years in Canberra, we have seen the advent of extended hours, 24-hour-style clinics. In most cases your family GP would be your best bet; but after hours there are extended hours, bulkbilling clinics, where no fee is charged. That is a very good alternative.

I actually met only last week here in Canberra with the General Practitioners Society in Australia and suggested to them that we would be very happy to cooperate with them in preparing some brochures or materials to have in the emergency departments at both Woden and Calvary, setting out the sorts of services that a GP can provide and convenient locations of GPs. We do have convenient locations of GPs listed at Woden, and I understand that Calvary does the same. We do say to people, "This is an option". But, as the quite extended piece in Saturday's *Canberra Times* mentioned, there is still something of a perception, "I pay my taxes; I have a right to treatment in casualty". You do and you will get that treatment; but it is not a first come, first served waiting list. The triage nurse does have to make a decision in every case as to who is more urgent. If you do present for a pregnancy test or with a cold or with a minor sprain, it is very likely that you will be asked to wait because the motor vehicle accident, the infarct, the arrest, will come through first.

Another point that I have made and that is often the basis of some letters of complaint is that if you are at the hospital with a sick child - I had a sick child, myself - you are obviously very worried. You see somebody wander in and apparently go straight through and you think, "I am obviously sicker than they are" or "My child is sicker than they are". In many cases, the person who goes straight through is somebody who walks in and says to the triage sister, "I have a chest pain". It may be indigestion, but it may not; it may be a heart attack. So, any persons with an indication of a heart condition go straight in.

Again, people often are not aware, as they are sitting in the waiting area of casualty at Woden Valley Hospital - because you do not come through the same entrance now, through the ambulance arrival point - that ambulances are coming in with trauma patients. You may think, "I have been waiting for two hours and there is nobody performing. Nobody else has come in. Why have I not been seen?". You are unaware that people are coming through the ambulance arrival point. We are trying to say to people, not that we will not treat them - because we will - but that the Emergency Department is for accident and emergency; that the general practitioners can provide a great range of services in this community; and that now in Canberra there is access 24 hours a day to bulkbilling GP practices where the citizen pays nothing for the service. We would encourage people to take that up.

Transport Workers Union

MR DE DOMENICO: Madam Speaker, I am glad that the Deputy Chief Minister has brought his phone book with him, because my question without notice is to him. Minister, whilst you were standing up here before waving telephone books around, a Mr Guy Durham, who is a self-employed subcontractor, right now is sitting in his truck at a building site at Myles Connell Circuit, Gordon, and being told by two TWU heavies that, if he does not join the union, his truck will not be loaded. Minister, Mr Durham does not wish to join a union - either the TWU or any other union. My question to you, Minister, is: Will you use your good offices with your former employer, the TWU, and tell them to back off and let Mr Durham go on with his work and go on with his life without being forced to do something that he does not want to do? I am sure that you know what the phone number is because you have your phone book right in front of you.

MR LAMONT: I thank the member for his question. I am not aware of the circumstances to which you refer. If there are matters which are being conducted and they are illegal activities, there is an appropriate recourse for the individual concerned, and he should adopt it. Mr Kaine in fact has given - - -

Opposition members interjected.

MADAM SPEAKER: Order! The Minister is answering the question.

MR LAMONT: Madam Speaker, I am happy, if anybody else on the other side wants to give their colleague some advice. If you had done it before he came in, we could have had somebody else ask a different question.

Mr De Domenico: What are you going to do about it, Minister?

MADAM SPEAKER: Order!

Mr De Domenico: It is right into your portfolio responsibility.

MADAM SPEAKER: Perhaps you should let him answer it, Mr De Domenico. Order!

Mr Kaine: He is not going to do anything; that is the answer.

MADAM SPEAKER: Order!

MR LAMONT: Thank you, Madam Speaker. As I have indicated, there is action which is able to be taken in those circumstances, pursuant to a range of laws in this Territory. If he believes that he is being adversely affected, then he should take advantage of the law that is available to him.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. Madam Speaker, what advice is Mr Lamont prepared to give to Mr Durham? I will give you Mr Durham's phone number. You will not find it in there because it is a mobile number.

Mr Berry: On a point of order, Madam Speaker: Questions cannot seek legal advice.

MR DE DOMENICO: I am not asking for any legal advice. As Minister for Industrial Relations, Minister, what industrial relations advice are you prepared to give Mr Durham, who is currently not a member of the union? Would you please give him a ring? I will give you his phone number; it is right here. As Minister for Industrial Relations, will you give him advice as to what you think he should do in order to get the two heavies off his back and to get his truck filled right now, so that he can get his job done?

MR LAMONT: I thank Mr De Domenico for a second opportunity to disabuse him of his ignorance. Madam Speaker, there are recourses available to Mr Durham, or, for that matter, anybody else who may be in the circumstances outlined by Mr De Domenico. The law is there for the specific reason that this Assembly has passed it - - -

Mr De Domenico: What is the law?

MR LAMONT: I would suggest to you, Mr De Domenico, that you listen. There is a great problem with the Opposition, Madam Speaker; you can tell them things and they just appear not to understand. So, I will repeat it. If a person in this Territory is acting contrary to a law of the Territory, then there is a recourse they have available to them. Just because you stand up in this place and say that something is occurring, that, quite frankly, gives me a greater confidence that it probably is not occurring. The simple fact is: If the circumstances as outlined by Mr De Domenico are indeed fact, then I would call upon Mr De Domenico to advise his inquirer as to all of the courses that are available to him and those courses that have been outlined to him by members on his own side, from both the front bench and the back bench. That is simply, Madam Speaker, the answer that I have given for the second time.

Petrol Suppliers - Compensation

MR BERRY: My question is to the Attorney-General in his capacity as the Minister for consumer affairs. I would ask the Minister: Could he inform the Assembly whether he intends to take up that remarkable suggestion of the Leader of the Opposition to give \$9m worth of ratepayers' money to the oil companies?

MR CONNOLLY: I was amazed to read in the paper this morning that Mrs Carnell was suggesting that we should be giving \$8m to \$9m of ratepayers' money - because, after all, that is what the money is - to the oil industry. I read with great interest the Public Accounts Committee recommendations that came down this morning, and I noted a very carefully worded recommendation that we should look at the issue of compensation where there was direct harm - and I think that was underlined - and there was certainly no recommendation of \$8m to \$9m.

Madam Speaker, let me give some advice to colleagues opposite. You really are going to have to watch this leader of yours because she keeps shooting her mouth off; she just cannot help it. If there is a journalist or a television camera, off she goes. What she has done this morning, of course, Madam Speaker, is to make the counterbudget even sillier.

Mr Kaine, you presumably have pride of authorship of the Opposition's counterbudget that was tabled here some weeks ago and that attempted to show a balance. He is the Opposition finance spokesperson and he is a person with some experience in these matters. But \$31m was ripped out of the health system to pay for a range of promises. There were silly policy decisions and bad judgments; but, at least, it balanced in that - - -

Mrs Carnell: No; to pay for a balanced budget.

MADAM SPEAKER: Mr Connolly, would you just sit down for a moment. I am not going to allow any further level of noise and level of interruption; it is sufficient. There has been 25 minutes of it. Mr Connolly deserves at least a few minutes in which he can answer in silence. Proceed, Mr Connolly.

MR CONNOLLY: Thank you, Madam Speaker. At least that document, silly as it was, balanced. What has happened now is that Mrs Carnell has just blown a \$9m hole in your counterbudget, because the promise to give \$9m to the industry is nowhere costed, is nowhere paid for. It is just another Mrs Carnell "off the top of the head" promise to a journalist, if she - - -

Mrs Carnell: It is what this says.

MR CONNOLLY: It is not. The \$8m to \$9m appears nowhere.

Mrs Carnell: It is.

MADAM SPEAKER: Mrs Carnell, you will have a further opportunity to ask questions tomorrow. Order!

MR CONNOLLY: Mrs Carnell, you keep digging yourself further into the hole. I would say to members opposite, "You really need to be very careful with your leader. You need some way of stopping her from making these silly promises to journalists, because she just continues to make you look silly". I think both Mrs Carnell and Mr Downer might attend the same "Be careful; do not put the foot in the mouth" school.

Health Services

MR STEFANIAK: My question without notice is directed to the Minister for Health. I refer the Minister to the case of a Canberra invalid pensioner who has three children. One of her daughters has cerebral palsy, and the son has attention deficit disorder. This woman receives a \$28,000 disability pension, some family allowance for her seriously ill children and \$35 a week for each child in the form of maintenance from her ex-husband. To enable her daughter, affected by cerebral palsy, to walk, she has to purchase certain equipment. All of that is means tested. Even on her limited disability income, she is not eligible for a price reduction. This means that she has to pay to travel to Sydney to purchase a splint there, which is some \$200; and that is half the price of a splint in Canberra, which is \$400. She has had to pay to travel to Sydney three times in

the last fortnight in order to have the splint fitted. The cost has meant that putting food on the table for her and her children is going to be very difficult this month. Mr Connolly, how can you justify making ordinary Aussie battlers like this suffer? Do you think this is a health system based on social justice?

MR CONNOLLY: Madam Speaker, what a silly question! How can I comment on yet another alleged case involving alleged actions involving alleged individuals? If Mr Stefaniak wants me to investigate a constituent matter, I am happy to do so; but, the forum of question time to do this is just silly politics. Mr Stefaniak, be very careful when talking about social justice in the health system, because your leader has promised to cut \$31m out of the health budget. If we have problems affording things now, Mr Stefaniak, how are we going to be able to provide bounty for everybody and everything that anybody wants as long as you want it, as Mrs Carnell will promise it? How we can do that while taking \$31m out of our health system beats me.

Mr Stefaniak, if you seriously want to have constituent matters referred to - you have been back in the Assembly for only a couple of weeks - I can assure you that my office will always cooperate. If you ask your colleagues, you will know that these sorts of matters are always dealt with. Of course I cannot answer about an individual whose name I do not know and whose circumstances I do not know, and answer some vague allegations that are made here. If you want a serious answer to constituent inquiries, contact me through my office and we will have the matter investigated. If you want to make silly political stunts, keep doing so.

Hospice

MS ELLIS: Madam Speaker, my question is also directed to the Minister for Health. I ask: Can the Minister inform this Assembly whether the Government is planning to duplicate the hospice on Acton Peninsula, as suggested by the Leader of the Opposition?

MR CONNOLLY: Again, "Quick draw" Carnell; make a promise every day about the grand vision! But there was some confusion, which has yet to be resolved - and this may be the opportunity for Mrs Carnell to resolve it - over the grand vision of the Opposition for the Calvary campus. When that was announced there were announcements that there would be a hospice at Calvary. I read of enthusiastic Liberal Party candidates for the seat of Belconnen promising that the hospice would be built at Calvary.

Of course, it was well known, it was a matter of public record, that at that stage construction was well and truly under way for the hospice at Acton Peninsula; that it has been funded; that there is \$1.48m in funding on the table; that there are negotiations going on with the community sector about the future operation of that hospice. Here we have a promise by a Liberal candidate, "No, we will build it at Calvary". In a talkback radio discussion Mrs Carnell, when asked, "Are you going to build two?", seemed to retreat from building the hospice at Calvary when it was obvious that one had been built at Acton Peninsula. I thought, "Well, that is it; they have retreated from that".

But, then again, I see candidates, these political hopefuls in Belconnen, saying, "Yes, we will have the hospice at Calvary". So, I really do not know. Are they going to build two? If they are going to build two, what about poor old Tuggeranong? Dipper and Trevor, you are not doing your job properly. They promised one for the two northern electorates. What about Tuggers?

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

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR STEVENSON (3.05): Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent each non-Executive member asking a question without notice should they wish to do so.

Madam Speaker, as we know, it is common in this place for Ministers to take up a lot of our question time. Particularly as that is the case, I think it is reasonable that we have an opportunity to allow further questions. Not everyone in this Assembly wants to score political points or attempt to; but there are important questions that one needs to ask on behalf of constituents, and one should get that opportunity. There is another situation, in that the person first rising to their feet should get the call. That simply does not happen. I would ask members to be kind enough on this occasion to allow those non-Executive members who wish to ask a question - and an important one, in my case - the opportunity to do so.

MR BERRY (Manager of Government Business) (3.06): The Government will agree to that motion.

MR MOORE (3.06): Madam Speaker, as Mr Stevenson seeks to suspend standing orders, I would suggest that he seek to suspend standing orders to bring on private members business, notice No. 8 on the notice paper, which actually is his motion to this effect. It is a clear-cut motion and a motion that we can therefore debate sensibly. I foreshadow that I would move a minor amendment. Mr Stevenson's notice of motion reads:

Questions without notice shall not be concluded until all non-Executive Members rising have asked at least one question.

I foreshadow that I would change that. I would put an amendment to make it read "had the opportunity to ask one question".

Madam Speaker, I will support Mr Stevenson's motion. This week I have had, despite being up and down in my place probably 25 times, the opportunity to ask one question. It is entirely inadequate, especially with the nonsense that has been going on. I think it is time we sorted this out and ensured that members did have the opportunity to ask a question. So, I would seek to have Mr Stevenson modify his motion a little.

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MR STEVENSON (3.07), in reply: Madam Speaker, I seek leave to withdraw the motion.

Leave granted.

Motion, by leave, withdrawn.

QUESTIONS WITHOUT NOTICE - NUMBER OF QUESTIONS

Suspension of Standing and Temporary Orders

Motion (by Mr Stevenson) proposed:

That so much of the standing and temporary orders be suspended as would prevent private members business notice No. 8 being called on forthwith.

MR BERRY (Manager of Government Business) (3.08): Madam Speaker, the Government will support the suspension of standing orders.

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

Motion

MR STEVENSON (3.09): I move:

That the following new standing order be adopted:

Questions without notice - number of questions

"113A. Questions without notice shall not be concluded until all non-Executive Members rising have asked at least one question."

I take note of the amendment that Mr Moore said that he would introduce, and I could agree with that. We all understand the importance of consultation and the opportunity to ask questions on behalf of constituents in Canberra. It is unfortunate that at times, for whatever reason, question time can be taken up with too few questions. There may be valid reasons; there may be non-valid reasons. Nevertheless, it happens, and it happens quite often. What this would do is place the responsibility for the length of question time firmly back in the hands of the Government. They can determine that by how long they take in answering questions and how many questions are asked from their section of the house. So, I think it is something that makes sense and would benefit the Assembly and benefit all Canberrans.

MR MOORE (3.10): Madam Speaker, the Clerk has just drawn my attention to the fact that the word "rising" effectively achieves what my amendment will achieve, so I will save the attendants the time and effort involved in distributing that amendment and not put it, because I accept that if we wish to ask a question we rise to get the call. Therefore, Mr Stevenson's motion does exactly what is needed.

Madam Speaker, this has been a matter of some frustration. In fact, before we moved to our new Assembly building we had quite a number of discussions with the Government over resolving this issue. There was a commitment from the Government to see what they could do to ensure that at question time members were treated fairly and were given the opportunity to ask questions. Madam Speaker, I think that you have always reasonably distributed questions around the chamber. I do not have a problem with that. I recognise that other members also have been in the same position as I, not only this week but in other sitting times, where they do not have the opportunity to ask a question. It is a little more awkward, I believe, for somebody like me than it is for members of the Liberal Party, where the party can work around how they are going to ensure that they get the questions they consider it critical to ask. When you have the opportunity to ask only one question, then it is rather important.

Madam Speaker, I would strongly recommend to members that this would be a more equitable way to ensure that at question time there are no restrictions on Ministers about how much time they take to answer the question. It is not meant to do that; it is just to ensure that members do have the opportunity to ask a question.

MS FOLLETT (Chief Minister and Treasurer) (3.12): Madam Speaker, I will speak very briefly on this matter, since it is usually my prerogative to close off question time. I will say at the outset that the Government will not be opposing this motion. I am sure that members are aware that, on absolutely every occasion when they have indicated to me that every member wanted to ask a question, I have agreed to that.

Mr Humphries: Who? Us?

MS FOLLETT: Indeed.

Mr Humphries: What? Us?

MS FOLLETT: That is indeed the case. I have repeatedly let question time run well over its allotted period in order to help people to get their questions asked. I do not know of any other parliament in the world where every non-executive member gets to ask a question every day. I am prepared to give it a go because it is not doing us any harm, I can assure you.

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MR HUMPHRIES (3.13): Very briefly, Madam Speaker, we of course will support the motion; but I should put on record that the Chief Minister has never approached any of us about allowing us to have all our questions asked during question time.

Ms Follett: Every time I have been asked, I have.

MR HUMPHRIES: We always stand up. We are always willing to ask more questions. We have never come to the end of a question time with no-one ready to stand up and ask a question, Madam Speaker. So, I think the Chief Minister might have had a bit of feverish imagination working overtime here. We welcome this motion. We think it is an appropriate way, in a small parliament like this, to have matters properly ventilated. There is no reason why we should not all get a question during question time.

MR STEVENSON (3.14), in reply: I acknowledge that the Chief Minister has, indeed, allowed question time to go on a number of times, for various reasons.

Question resolved in the affirmative.

QUESTIONS WITHOUT NOTICE

Lease Purpose Clauses - Fyshwick Property

MR STEVENSON: Madam Speaker - - -

MADAM SPEAKER: Mr Stevenson, that is it for today. We are finished with question time. You will have to seek leave to ask the question.

MR STEVENSON: I seek leave to ask a question, Madam Speaker.

Leave granted.

MR STEVENSON: My question is to Mr Wood in his capacity as Minister for the Environment, Land and Planning. It concerns the sex shop known as Club X at Fyshwick. When the lease was obtained for the property they were allowed to sell porn videos and lingerie. Since that time, I am informed, they now operate a cinema, a club lounge, video booths and perhaps a brothel, because there are rooms where sexual activities are encouraged. There are two major areas here. First of all, does that fit within the lease purpose clauses? Secondly, to allow these various activities to take place there have been extensive renovations made. Is it true that no plans were ever submitted, that no permits or certificates of compliance were issued and that no approval by the body corporate has been obtained? I make one more final very important point: I believe that the insurance for the common property is just about to expire and that the insurance companies have mainly refused to renew the insurance because of the lack of building permits on this property.

MR WOOD: Madam Speaker, I have little doubt that the issue that Mr Stevenson raises is of very considerable concern to the lessees in the same complex and adjacent to it. Therefore, it is of concern to my department. I think an appropriate step would have been to handle matters through there. I am not sure that the question itself justifies the measures taken to get it here.

At self-government there were hundreds of leases in Fyshwick that were not being complied with. This Government - and I think it was the case when Mr Kaine was Chief Minister - has been endeavouring to get lessees in Fyshwick to comply with their leases and, obviously, where necessary, to vary their lease so that they are operating in accordance with that lease. In fact, I gave encouragement to people in respect of betterment. There was a time limit I gave to lessees to convert, and I allowed them a continuing 50 per cent betterment as an inducement to change their lease. That is about to expire. I can tell Mr Stevenson that I will have the matter looked at. I obviously do not know the details about plans and whatever; but I will make the sort of inquiry that we could have made, anyway, without the necessity for a question.

MR STEVENSON: I have a brief supplementary question, Madam Speaker. Thank you very much, Minister, for answering the question. Action has been taken along the lines that you suggested; but, as there has been no result yet, we are trying to short-circuit that and get something done.

MR WOOD: I do not have any doubt that the officers can move quite swiftly. We are, I repeat, encouraging all lessees in that area to comply.

Transport Workers Union

MR LAMONT: Madam Speaker, during question time this day Mr De Domenico raised what he said, as I understand it, was the position of an owner-driver locked in his truck - - -

Mr De Domenico: No, I did not say that.

MR LAMONT: He was being stood over, or something was happening to the owner-driver and he was not able to have his - - -

Mr De Domenico: I did not say that either. I said that he was a subcontractor.

MR LAMONT: A subcontractor, which is commonly called an owner-driver in that industry. My information is that that is not factually correct, that the person who is occupying the truck - the subject of a dispute - in Tuggeranong is an employee allegedly receiving under-award wages, contrary to the common rule application of the transport workers 1982 award - - -

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Mr De Domenico: You are wrong.

MR LAMONT: I am sorry; this is information that, on your say-so, I have just gained from a number of sources. The breach of that award is an illegal act under a law of the Territory. I would suggest that Mr De Domenico get his facts correct in future, before asking questions in this house.

Tree Removal - Belconnen

MR WOOD: Madam Speaker, the other day Mr Stefaniak asked me a question about the removal of some trees, and I will give him the reply. My advice for Mr Stefaniak is that about a week ago City Parks removed several decrepit hakea and some grevillea shrubs from the median strip of Southern Cross Drive in the vicinity of the area he mentioned. These shrubs were removed as part of an ongoing upgrade of the shrub beds in decline in the Belconnen area. The predominant species removed was hakea, which is of similar appearance to some eucalypt species. The chips produced during the removal process were spread on the adjoining shrub beds. The stumps still remaining will be removed with a backhoe when clearances from ACTEW are obtained. Replanting will proceed in autumn, unless we get significant rain in the next few weeks.

PERSONAL EXPLANATION

MRS GRASSBY: Madam Speaker, I would like to take a point of order. Maybe Mr Kaine this morning inadvertently misled the house. It was in relation to the report on petrol.

MADAM SPEAKER: Mrs Grassby, if you want to deal with that, it would have to be by way of a censure motion or a - - -

MRS GRASSBY: In that case I will do it under standing order 47.

Mr Humphries: You cannot do it under standing order 47.

MADAM SPEAKER: Do you want to make a personal explanation in regard to what Mr Kaine said?

MRS GRASSBY: Yes.

Mr Kaine: If it is what I think she is going to say, it does not fit under that standing order.

Mr Humphries: On that point of order, Madam Speaker, I - - -

MADAM SPEAKER: I do not know what the point of order is yet. Just give me a chance.

Mr Humphries: There is no question before the house, so you cannot use standing order 47.

MADAM SPEAKER: That is quite right, Mr Humphries. This is exactly what I am trying to sort out. I am trying to sort out whether it is standing order 46 or standing order 47. You have not spoken, Mrs Grassby; so you cannot do it under standing order 47.

Mr Kaine: She can make a personal explanation only about something on which she has been misrepresented.

MRS GRASSBY: I claim it under standing order 46, Madam Speaker.

MADAM SPEAKER: Do you seek leave to make a personal explanation?

MRS GRASSBY: Yes.

MADAM SPEAKER: Proceed, Mrs Grassby.

MRS GRASSBY: This morning, Madam Speaker, Mr Kaine said in relation to my comment about the 3c per litre levy:

That is simply not a statement of fact. We applied it for one reason only - to raise three years' worth of revenue, about \$25m, to fund part of the hospital restructuring. Parity with New South Wales had nothing to do with it. So, here we have Mrs Grassby telling us what went on in the Alliance cabinet room.

I quote from *Hansard* of 11 September 1990, page 3059, in which Mr Kaine said in his budget speech:

Because of the high cost of hospital redevelopment and the need to finance a range of other essential works, the Government has now decided to align the level of this fee with the New South Wales rate of 60.5c per litre from 1 October 1990. New South Wales has stated that its current rate will be maintained for two years, and our decision applies for that period.

Mr Connolly: You had decided to align it with New South Wales.

MRS GRASSBY: You had decided to align it with New South Wales.

BUDGET CUTS TO ESSENTIAL SERVICES

Discussion of Matter of Public Importance

MADAM SPEAKER: I have received a letter from Mr Berry proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The need for the Government to guard against savage budget cuts to essential services and to protect the public sector.

MR BERRY (Manager of Government Business) (3.23): Madam Speaker, the achievements of this Labor Government over the transition period of self-government in protecting services to the community are things about which we can all be proud. At a time when there have been unprecedented reductions in Commonwealth general purpose revenue, only Labor has maintained social justice in our budgets while reducing the debt burden on future generations of Canberrans. The Government has always put forward a careful and clear budget strategy. Consistent with its commitment to the community, it has consulted widely in the preparation of the budget. In other words, it has been a consultative government - something to which many governments would aspire. I think that it has achieved a good balance. We have always been careful to maintain a high quality of services, which we have experienced over many years, while achieving savings and reform, with the cooperation of the work force. We have not gone down the path that the conservatives would go down and take on the unions, using the old union-bashing tactics. We have not laid to waste the public sector, as the Liberal-led Alliance Government tried to do and as some Liberal State governments have done. Do you remember the Priorities Review Board, Mr Kaine, where the Liberals made up a shopping list of community assets to be sold off or given away?

There is a danger in the policies proposed by the Liberals, who want to spend more. Mrs Carnell's "spend more" tactics are to spend \$9m more here, cut \$30m there and tax less. They are just promises. The Liberals, at the national level as well as locally, will promise anything to a TV camera. They adopt non-threatening public statements, while keeping the true agenda behind their backs. Mrs Carnell attempts to be the voice of moderation, but the good old-fashioned conservative lads, sticking to the real agenda, are the true face of the Liberals. Mrs Carnell makes all the popular statements. The boys grizzle and groan behind the scenes - - -

Mr Lamont: And behind her back.

MR BERRY: And behind her back. Then they worry about how to work out ways to get on with their conservative agenda. But these warm and fuzzy public statements have a harsh edge to them. While the Liberals promise to spend more on services, they also promise to tax less. That is all designed to give some warm and fuzzy feel for the Liberal Party. Let us study their public statements and analyse the contradictions. There is a growing list of irresponsible statements and promises which they know they cannot deliver. We hear contradictory promises every few days. Tourism is to be funded by health cuts. What a good one! Mrs Carnell says that we do not spend enough on tourism. She ignores our achievements in tourism and undermines our successes. She sells the ACT short. But what is new? They want us to throw money at a problem which does not even exist. Our tourism industry has been going well.

Then the Government is criticised for not spending more on the health system. Mrs Carnell promises to take more than \$30m out of the health budget. Nobody in their wildest mind could interpret that as anything other than a massive slashing of health services. What alternative means of providing those services has she come up with? She has come up with none. All that she has been able to do is to propose the massive cut in funding, which in turn means less funding for health. Let us not forget that the Federal Liberals proposed that as well in the last election. Thankfully, they lost. At the same time, they call on us to spend more on accident and emergency services. Let us have cardio-thoracic surgery, a hospital in Tuggeranong and paediatric specialists at Calvary Hospital. Let us double up. Let us cut out more money and let us double up. We should not forget Gary Humphries's promised private hospital in Belconnen. Whenever we get a new candidate in a new area, we get a promise from the Liberals to build a new hospital and put in extra services.

We keep coming back to the promise that Mrs Carnell has made, to cut over \$30m from the health system. How is she going to produce all the goods? You do not worry about that in opposition. You can be irresponsible. Mrs Carnell has demonstrated how good she is at it. She is the best when it comes to irresponsibility. In a system where most of the money is spent on paying people to provide services - a system which Mrs Carnell says needs more staff - a cut of \$30m could mean up to 750 fewer staff. I hope that all those people that the Liberals are going to lay off do not get sick. They will not be able to get into the hospital because there will be massive cuts within the health system, according to the formula which the Liberals talk about. Meanwhile, they ignore the reality that Labor has increased health funding.

The privatisation espoused by the Liberals is an ideological objective, not a rational response to the real needs of the community. It is clearly a fascination that they have. They are mesmerised by privatisation and contracting out. They have no concept at all of social justice. All that they have a commitment to is the individual. They have no commitment at all to collectivism or community solidarity. They do not even understand the concept. Theirs is a dogma that will be pursued willy-nilly, no matter what the costs are. At one stage, Mrs Carnell was going to flog off our whole health system and contract out the lot. Her public statements have always been peppered with this sort of half-baked idea.

The Liberal budget strategy claims that we are blind to the problems of debt; but Labor has reduced the net Territory debt since self-government, and we have done it very well, thank you very much. We are way ahead. Territorians will not be blinded by the sorts of popular statements that Mrs Carnell makes, off the cuff, every time a TV camera comes into view or somebody pokes a microphone in her face. It is the Liberal strategy which is blind. It is blind to the fact that, if you spend more, you cannot tax less without getting into debt, can you, Trevor?

The reply to the budget by the Leader of the Opposition included a strategy which would result in a public sector financing requirement of \$10m by 1997-98. If you contrast this with Labor's strategy, where the forward estimates show that we can expect to have a surplus of \$51m by 1997-98, you can see who is managing better. We have only to look back at the Liberals' performance and we can quite easily discover that it was the

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Kaine Government which borrowed most. The strategy outlined by the Liberals has only one element: Promise anything. They are using promises in an attempt to buy votes. What they are not doing is counting the costs of their strategy. To fund this barrage of promises, even the Liberals' money tree would be stripped bare. The little fairies would not have a tree to dance under, Mrs Carnell, because all the money would be gone.

These Liberals opposite are trying to present themselves as an alternative government; but there are few out there in the community that will be sucked in by the strategies that they have adopted. At the same time, they offer the people of Canberra a dose of their draconian policies on industrial relations. Little Mr De Domenico and Mrs Carnell, hand in hand, dance down the street, singing, "We will do them over". They want to contract it all out, sometimes to the private sector and sometimes to New South Wales. What you can be sure of is that, no matter where the services go, it will be ACT jobs that will go with them. As the statistics show, the ACT has weathered the recession better than the other States and Territories. We are doing well - and that is the frustration for the Liberal Party. They cannot then make sensible promises. They have to make rash, unrealisable promises, sprinkled with fairy floss and hundreds and thousands.

Our unemployment figures demonstrate that we are doing well. But, under the policies of those opposite, you would see all the good work lost. Despite all of their rhetoric, the unemployment queues would grow. No doubt, right across this country, we have a job in front of us to deal with the issue of unemployment. Much work is being done by Labor at the Federal level to deal with this, and more will be done by this Follett-led Labor Government. You have to contrast the promises of the Liberal leader, Mrs Carnell, with the achievements in reform in the public sector which we have gained by working with our employees, not working against them. We have done better than the Liberals could ever have hoped to do, because it has been in a consultative environment. I think that there is more to be gained in the future; but it will not happen under the Liberals, where there would surely be a background of a shower of promises, with no substance. But that is Mrs Carnell all the way through. What we have done is to produce some productivity gains and reduce the costs of our services.

Every day, as I hear new statements from Mrs Carnell, I am reminded of the importance of the need for the Government to guard against savage cuts to essential services and to protect the public sector. All that is promised by the Liberals opposite is savage cuts. They want to take \$30m out of the health budget, attack our public transport system, and attack the basis of our social justice budget, which provides so much for Territorians. People out there in Canberra understand that this is a government which is committed to social justice. It is not distracted from the main game by silly commitments to the individual. We are worried about the entire city. Individualism gets us nowhere. It leads us down the path of greed. What we have to do is make sure that we keep our eye on the social justice ball. Labor has done that, and we will continue to do it. We will not be distracted by silly ideology and economic rationalism, such as has been espoused by the Liberals opposite. We certainly will not be attracted to attacks on the trade union movement, which are quite common in the outbursts from the Liberals opposite.

Mr De Domenico: Only when they deserve it.

MR BERRY: I hear Mr De Domenico saying that the unions deserve to be attacked. That gives you an idea of where the Liberals are coming from. They say that the unions deserve to be attacked. The representatives of the working people in this country have put a whole lot of effort into the restructuring of this country and this Territory, and Labor will work with them.

MRS CARNELL (Leader of the Opposition) (3.38): Madam Speaker, I welcome this opportunity that Mr Berry has presented to the Assembly to demonstrate the Opposition's commitment to better management in Canberra. Mr Berry has, once again, donned his old comrade's tunic, complete with the tarnished Order of Lenin medals, I am sure.

Mr De Domenico: And the VITAB award on the other side.

MRS CARNELL: And the VITAB award. He almost launched into the "evils of profit" speech again, one that I know he is very happy giving.

The Liberal Party is about a commitment to better health, to a better public transport system and to a government that lives within its means. That seems to be just commonsense, and we believe that it is what the people of Canberra want. I want to focus my remarks upon the decline in Canberra's health system, over which the voters of the ACT will turf this Government out of office. They will certainly turf Mr Berry out of office because of his total responsibility for this, although Mr Connolly is doing very well in taking over at this stage. We also want to put on record today that, unlike the Liberal Party, the Labor Party has no health strategy. It is absolutely fascinating to hear, day after day in question time, the Labor Party attacking our initiatives because they have no initiatives of their own. Sometimes you would wonder who was the Government and who was the Opposition. I do not mind; I am very happy for them to attack our initiatives, because they do not have any.

Make no mistake; this MPI debate today is a debate about health management and providing services in the ACT, not about "silly ideology", as Mr Berry rightly put it. It is a debate about what has gone wrong in our hospitals since this Government was elected to office. I want to begin by reminding this Assembly - not that there are terribly many people here - of comments made by Mr Berry in a previous life.

Mr Connolly: There are only three Liberals here.

MRS CARNELL: There are only two of you. Mr Berry is the same MLA who, in February 1991, complained to the *Community Times* about waiting lists for elective surgery. Mr Berry described as scandalous the fact that there were 1,158 Canberrans waiting for surgery. Today, Mr Berry, after your term as Health Minister, there are more than 4,400 people waiting. He thought that 1,158 was scandalous. I wonder what he thinks of the situation today. There was a 170 per cent increase in the waiting lists while Mr Berry was Health Minister. That is scandalous.

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Mr Berry told the *Canberra Times* on 6 February that the health system was in tatters as a direct result of a deliberate decision by the government of the day, the Alliance Government, to wind back the number of public hospital beds and cause a swing of at least 10 per cent to the private sector. What has Mr Connolly done? Mr Berry said that this was an absolutely deliberate decision; that it was scandalous to wind back the number of public hospital beds; that it was absolutely dreadful. Mr Berry, that is exactly what Mr Connolly has done. He has shut down public hospital beds and has approved a 20 per cent increase - not 10 per cent, but 20 per cent - in private hospital beds. We support that. Mr Berry, though, said that this was scandalous and dreadful.

Mr De Domenico: But Mr Connolly and Mr Berry disagree on everything.

MRS CARNELL: That is right. On 13 March Mr Berry said that it was still difficult to get a bed in Canberra's hospitals. It is now three times more difficult under your Government, Mr Connolly. Mr Berry has left. He is obviously really interested! Mr Berry also said, "We have the longest waiting list since 1987". That was in 1991. We now have a waiting list that is the longest on record. In fact, it is double the national average. We have a public hospital system that is in severe crisis. I do not need to tell you that today it really is beyond help. It really is in crisis. Unless we do something quite fundamental, the situation can only get worse. Everybody who listened to Dr Peter Lucas, whom Mr Connolly criticised for coming forward and saying what he thought, and all the staff of A and E - - -

Mr Connolly: He said that he regrets having sent the letter - - -

MRS CARNELL: You attacked him. Those people would have done something years ago. In April 1991, Mr Berry said to the *Canberra Times* - wait for this - "How many reports do you need before the Government acts?". What a sensible thing for Mr Berry to say! The answer today is four, and the Government still has not acted. It is still talking about acting on reports; but it simply has not done it. In May that year, Mr Berry said, "A modern health system ought to be able to budget pretty accurately". That was Mr Berry saying that, the same Minister who overran by more than \$20m in the last three Follett budgets. Also in May 1991 came this legendary utterance from the former Health Minister: "I am worried that they will cut services again to cover their blow-out". That is exactly what Mr Berry and Mr Connolly have been doing ever since. They have simply lost control of the health system.

I am sick of the hypocrisy that is evident from a government that has wrecked our health system. There is no question that several million dollars can be saved from the cost of health services while, at the same time, improving quality; but the Government is incapable of making these reforms, as the nurses say, as the doctors say and as everyone says. Since self-government there have been four detailed studies - actually more than that - conducted into our hospitals. They have identified the following indisputable factors: That the ACT has fewer public hospital beds per capita than any other State or Territory; that the cost of treating patients in our public hospital system is significantly higher than in any other State or Territory; and that the financial management of ACT Health is extremely poor. The response of the Follett Government has been less

than satisfactory. Since 1991, health spending has increased in real terms every year; yet our hospitals have budgeted for only the same number of patients. Despite population growth averaging more than 2 per cent a year, the total number of hospital beds has declined from 900 to well under 600.

Mr De Domenico: That means that it is costing more to do less.

MRS CARNELL: It is costing more to have fewer beds and no more patients. Waiting lists for elective surgery have increased significantly, from 1,789 to 4,416. The average cost per patient at Woden Valley Hospital has remained 30 per cent higher than the national average, and every health budget has been overspent in recurrent terms, while financial management systems have improved only marginally. So, what we see is a system that spends more and more for less and less every year.

The Follett Government - more particularly, Mr Berry - has had more than three years to tackle these problems and turn our health system around. Things have just got worse, not better. Those are not my words; those are the words of EPACT - your own body - the Commonwealth Grants Commission and the Andersen report. The response by successive Health Ministers - Mr Berry and now Mr Connolly - has been to close beds rather than to reduce the cost structure itself. The evidence for this is contained on page 42 of the Andersen consultants report, on which Mr Connolly put so much reliance. It says:

The current service agreement and global budgeting approach focuses Hospital Management on inputs rather than outputs. This funding approach does not provide any direct or explicit link between the level of funding provided and the hospital output. Under the global budgeting approach, expenditure control is focused on inputs to the system that reinforce the use of existing practices and -

wait for this -

encourages cost reduction strategies based on reduced outputs (ie, through bed closure or theatre list reductions) rather than through increased operation efficiency to reduce per-unit expenditure.

That is the report that Mr Connolly loved so much. In the Macklin report - Hospital Services in Australia No. 2 - issued in September 1991 and prepared as part of the national health strategy, it was recommended that States and Territories should be aiming to reduce the number of public hospital beds because of improved technology and shorter lengths of stay. Ms Macklin and her team suggested that there should be 3.3 public hospital beds per 1,000 people by the year 2000. That would mean that we would have 990 beds in Canberra, without even taking into account the fact that Woden Valley Hospital provides services to the whole region. That adds another 300,000 people to the ACT's 300,000, which is growing - although last week we found out that it is not growing quite as fast. I wonder why. This is in stark contrast to Mr Connolly's stated goal of 600 public beds, which is approximately two beds per 1,000 people.

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That is simply not acceptable. In June 1991, there were 891 beds. In June 1992, there were 819 beds. Now the Health Minister himself says that that should be only 600 beds, and they are spending more.

Mr De Domenico: But there are people sleeping in the corridors.

MRS CARNELL: That is right. That is why.

In June this year, the Liberal Party outlined a three-year strategy to restore public confidence in Canberra's hospital system. The basis of our approach is to ensure that the system becomes patient focused. That is the reason why I support casemix funding for health. It is a method of funding hospitals which has been adopted in Victoria and South Australia and which is being promoted strongly by the Federal Labor Health Minister, Carmen Lawrence. The basis of casemix funding is that hospitals are paid for the patients they actually treat, not for merely existing. The hospital is paid a set amount of money for a particular procedure, depending on the age and general health status of the patient. So, if the hospital treats more patients - guess what? - it receives more money.

Mr De Domenico: So Carmen Lawrence believes in casemix?

MRS CARNELL: That is right.

Mr De Domenico: Which means that she has to get approval from caucus. And Mrs Kelly would have supported that as well.

MRS CARNELL: They all support it - everybody does, except this Government. This is an incentive to actually treat more people; to get people off the waiting list and into our hospitals. We have projected that, at the end of our three-year plan to introduce casemix, this system will actually save \$26m by bringing the ACT into line with national benchmarks. It is fascinating to see Mr Connolly's own report, the Arthur Andersen report, which says in recommendation 23:

. establish an output-based Casemix funding approach for WVH and Calvary.

Then it says:

. implementation should be phased in over several years to enable refinement and transition.

That is like the three years that the Liberal Party put into their budget. On page 14 it says:

On the basis of this Casemix-based comparison, the total operating cost of WVH would need to be reduced by \$32.9m in order to meet the national average.

So, in Mr Connolly's own report, the recommendations show that you can save \$32.9m if you actually do what his own report says. He says that he is going to implement it. So, this dreadful suggestion of ripping the guts out of the health system is actually Mr Connolly's own plan. It is in the Andersen report. I would suggest to the Labor Government that they actually read their own reports and read what they support before they wax lyrical about rubbish.

MS ELLIS (3.53): Madam Speaker, at the outset I must say that this Government has been a nationally recognised and exemplary example of economic stability and responsible and careful budget management. This is a must for any successful government, and it has been achieved over the last 4½ years by this Government. However, what we must guard against as a government is the temptation to savagely cut the ACT's budget. That would ensure that the ACT community would suffer from the denial of services that it has every right to expect. We have seen the horrendous effect of such radical conservative policies in Victoria recently. I would hate to see such policies developed in Canberra. My point is that, while restraint is vital, savage budget cuts on essential services will ensure that the community suffers.

The Opposition would like to see those who cannot afford to pay high prices for essential services suffer. What other conclusion can we draw? They want to slash the budget. They want to cut public sector spending. In short, they want to destroy our services base so that the areas of social justice - a term often scoffed at by those opposite - and education and health would no longer be supported by the government of the day. I believe that one of the main priorities of every government must be the provision of services. It is the role of government to provide essential services and social justice. However, those opposite would deny the people of the ACT such services. The proof is in the Opposition Leader's own alternative budget statement. In health alone the Opposition Leader has stated that she will take out a total of \$36m - I have added it up to \$36m - but the Opposition, if, heaven forbid, they ever got control of the ACT Government, would put only \$3m back into the health budget. That is the point you are missing, Mrs Carnell. In real terms, the health budget would be slashed by \$33m.

Mr De Domenico: Who wrote this?

MS ELLIS: I wrote it. I will say more about the Liberals' health hoax later, Madam Speaker. This Government has effectively and efficiently managed the Territory's budget without reducing services. Despite the size of the budget adjustment task at hand, the Government has ensured that the disadvantaged in the community have not been required to shoulder the burden in the transition to State-type funding levels. This Government is committed to those who have to rely on public services to maintain a decent quality of life.

Madam Speaker, I would like to take a little bit of time to remind the Assembly of some of the social justice programs that our Government is providing this year, which stand in stark contrast to the slash and burn policies that those opposite would implement. The Jobskills program has been increased to provide an additional 55 places this financial year, bringing the total number of places to 140. This is in stark contrast to Mrs Carnell's

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policy of leaving the long-term unemployed out in the cold and probably removing this program altogether. The program provides a valuable basis from which the long-term unemployed can re-enter the work force; it complements the Federal Government's programs in this area; and it works.

The provision of employer supported child-care facilities for ACT government employees will assist in reducing the financial and emotional pressure on families. In education, the Government is providing funding for a pilot program aimed at improving literacy and numeracy in primary schools. Funding to provide services to enhance the rights of victims of crime is being established to provide for the often forgotten needs of those victims. The establishment of a psychiatric liaison team will provide for the assessment and discharge planning of psychiatric patients at Calvary Hospital. The enhancement of the supported accommodation assistance program will increase the current focus of the program, including specific support for children accompanying mothers. The development of a strategic plan by CIT, in response to the national strategy for people with disabilities in TAFE - - -

Mr Moore: On a point of order, Madam Speaker: Relevance is an important part of debates. Getting a list of what the Government has achieved seems to me to be hardly relevant to "the need for the Government to guard against savage budget cuts to essential services and to protect the public sector". I would ask you to remind the member about relevance.

MADAM SPEAKER: Thank you, Mr Moore. Proceed, Ms Ellis.

MS ELLIS: I think that, in protecting the public sector, this is incredibly relevant.

In addition, the Government provides grants to community organisations which provide valuable assistance to specific disadvantaged groups in the Territory. Madam Speaker, I could go on detailing the social justice programs that have been provided by this Government.

Mr Moore: But it would not be relevant to the question in front of us.

Mr Cornwell: And it would probably be recycled, like the men's shelter.

MS ELLIS: Sometimes we need to repeat these things to get through to people like you, Mr Cornwell.

Those social justice programs are vital to good government and quality of life for the ACT community; but those opposite would slash them the moment they got control of the ACT's currently healthy budget. Importantly, the Government has been able to provide these services while returning recurrent budget surpluses. This Government has shown that it can provide valuable social services by increasing the efficiency and effectiveness of government services - that is, better government services, not a reduction in them.

The Opposition Leader's alternative budget is full of gumph and drivel. But I must take up some of the time of the Assembly to point out the inadequacies of her so-called balanced budget initiative. I have already mentioned the Liberals' health hoax - the slashing of funding while trying to dupe the ACT community into believing that these conservatives will improve services. Mrs Carnell's policies in this area, as in all others, are frightening. She is using the Jeff Kennett approach to government efficiency. She believes that she can save \$26m by introducing casemix funding. It is true that casemix funding, which is currently in use in the hospital, will create efficiencies of this order. However, the Government intends to put that money back into the health system to improve medical services that will most benefit the Canberra community. What is Mrs Carnell going to do with this money? She is going to take it out of the health system. She is actually going to slash health funding. We all know that casemix funding is to be used as a means of making hospitals more efficient, not as a means of reducing funding. But it is not a panacea.

Reduced funding would create a disaster of monumental proportions for the ACT health system. The Government will be using casemix funding in the way it was meant to be used - to reduce the waiting lists and to increase effective funding to those areas of the hospital that most need that boost. So, Mrs Carnell, by her own admission, is going to slash health funding. I understand that. She is, of course, in the Liberal Party! She is not unaware of the ACT community's desire for the health system to improve. So, what does she do? She does what is so easily done by opposition leaders anywhere - she promises an increase in services. But, as with most of Mrs Carnell's promises, the figures just do not add up. It is not possible to slash funding, to take away huge amounts of money, and then to promise more and more services. Clearly, the claims are outlandish.

In short, this Government continues with its improvement of services, seeking ways to do it better, increasing efficiencies and continuing to balance the budget. This Government will not slash the budget, to the cost of the ACT community. This Government will not slash the budget merely to get a good pre-election headline. Being in government means taking far more responsibility than that. This Government has increased the creditworthiness of the Territory, as rated by the internationally accepted firm of Standard and Poor's, while being the "stand out performer in terms of social policy", according to the Evatt Foundation. We have an AAA credit rating, with an AAA social justice program. On the other hand, we have the magicians opposite, the wizards, who will slash government spending yet increase services. At best, the Liberals have a peculiar concept of social justice and caring for people. At worst, they are behaving deceitfully, attempting to pull a hoax on the ACT community.

MR KAINE (4.02): Is it not amazing how often in debates on matters like this from the other side we hear things like "slash and burn" and "destroy the fabric of society"? It never seems to occur to them that good management can achieve reductions in budgets and can protect the public sector without slashing and burning and without destroying the fabric of society. But, to listen to Mr Berry and Ms Ellis, there are only two options: You pad everything or you destroy the fabric of society. That is clearly a nonsense. There is great scope in between for dealing intelligently with a budget of \$1.3 billion and delivering services better, more efficiently and at lower cost.

Mr Berry talked about the fact that the Labor Party was not going to be distracted from the main game; but he did not define what the main game was. The main game, surely, is to deliver the services that this community requires, at minimal cost to the community, not in the form of a high-cost system where people are taxed large sums of money so that they can get high-cost delivery of services in return. The objective of government surely should be to provide minimal-cost services with minimal taxes being taken out of the pockets of the people that are supporting the system. If Mr Berry had defined the main game in that way, he might have had a lot of different things to say.

I get a bit fed up with the rhetoric. Mr Berry, of all people, said a great deal about social justice in Labor's budget. He said that it was a Labor budget through and through; that it was a socially just budget. Mr Berry himself has been a great beneficiary of social justice. The Council on the Ageing was refused additional support while instantaneously Mr Berry was given about \$10,000 for more staff. It is very curious that, at about the same time, Mr Berry was the beneficiary of \$30,000 out of the public purse to get him off the hook on the VITAB matter. I know what he means by social justice. He is not interested in whether the community out there, including the ageing, have their needs taken care of. As long as Mr Berry's personal needs are taken care of, that is social justice. So, I must say that I am not impressed by Mr Berry lecturing the Opposition - and that is what he did for 15 minutes - from a position which is pretty weak.

Mrs Grassby: Was that "lecherer"?

MR KAINE: I said "lecturing". You want to listen carefully. Take your earplugs out. He did lecture us at great length. He also referred scathingly to the Priorities Review Board. It is interesting to note that the Priorities Review Board made a very large number of wide-ranging recommendations. I think that, if Mr Berry goes back and reviews those recommendations and looks at what the Labor Government has done for the last three years, he will discover that many of the Priorities Review Board's recommendations have been put into effect. This is the Priorities Review Board that he disparages and writes off so scathingly.

One recommendation that comes to mind, which he referred to, was the disposal of surplus and redundant public assets. I would remind Mr Berry that one of the things that the Government did only last year was to sell - - - (*Quorum formed*) It is nice to have a Minister in the house. Now they are both leaving. We do not have a "duty stooge" at all. One of the things that the Government did only last year was to sell surplus Parks and Gardens works depots. That was one of the things that the Priorities Review Board recommended. Is it not interesting that the Government disparages the Priorities Review Board, but it does not mind putting into effect the recommendations that it made and then claiming some sort of credit for itself.

This matter of public importance, which has been brought forward by the Government, is quite curious. It talks about two things. First of all, it talks about the need to guard against savage budget cuts. There is plenty of evidence from the Government's own reports to suggest that some very significant budget cuts are capable of being achieved if only the Government will bite the bullet. To a large extent, the debate has centred on health. I do not know why, because there is a \$1.3 billion budget out there and health is

only about one-fifth of it. In the area of health, the Government's own report talks about casemix. The Government members close their ears to this because they do not want to talk about it. The Andersen report does say that, on the basis of the comparison that the report puts into effect, the total operating cost of Woden Valley Hospital would need to be reduced by \$32.9m. That is the Government's own report. So, their own experts have said to them, "Introduce casemix and you can reduce the costs of your hospital by \$32.9m". I know that you do not want to hear it, Mr Berry; but that is your report. We did not commission it; you did.

Let us have a look at ACTION buses. ACTION's own benchmarking study - nobody else's - identified potential annual savings of \$38m.

Mr De Domenico: Per year?

MR KAINE: Yes, annual savings of \$38m. Mr Berry talks about slashing and burning, and slashing budgets. Quite clearly, if you pick up the recommendations of these very significant internal reports or reports commissioned by the Government itself, you find that those reports identify where savings of very large sums of money are achievable without slashing anything. What they imply is that the Government have to manage their budget and they have to manage the functions that are covered by this expenditure, not just let the hospital run riot.

To go back to the hospitals, where Mr Berry is so keen on defending the Government's performance, the same report mentions a number of things. Of course, you could be talking about almost any aspect of the Government's budget here. If you took health off the top, it would apply to a very wide range of government activities. For example, it says that there should be established a three-year system-wide budget planning progress incorporating cost reduction initiatives to achieve benchmark cost performance. That is one thing that should be done. This happens to be talking about health; but you could apply it to education, ACTION buses or urban services. Secondly, it says that the budgets were poorly developed, including several that were based on incorrect premises, resulting in unachievable savings targets. This is talking about health. You could level the same criticism across the whole budget.

They did not include strategies for achieving savings targets. How often have we tried to find out how the Government intends to achieve its 2 per cent across-the-board budget cut, and when were they ever able to tell us how? They have never been able to tell us how. There needs to be a strategy. They talked about the 1992-93 overrun in the health system. The overrun was not well understood and could not be fully accounted for. Therefore, it was virtually impossible to identify the problems that the 1993-94 budget had to overcome. These things indicate an absolute lack of proper management. They do not apply only to health; they apply across the board. So, when Mr Berry talks about slashing and burning, I suggest that he should merely look to good management. The Government could achieve the very objectives that we are setting without inconveniencing anybody.

I would like to speak briefly about the second part of this matter, which is about protecting the public sector. I ask: Protecting the public sector from what? Is it about protecting the public sector from reasonable management practices and procedures? If Mr Berry is talking about that, I do not support him. It is preposterous to suggest that the public sector should be protected from all good management practices. If implementing good management, best practice, or whatever you like to call it, were to lead to some efficiencies and some reduction in the numbers of people on the public payroll, instead of constantly having those numbers increase, why should the public sector be protected from it? Whose interests are we serving here? Are we protecting the interests of the taxpayer, are we protecting the interests of the people who are the recipients of the services being delivered, or are we merely protecting the interests of Mr Berry's union mates? That is really the nub of the issue.

MR DEPUTY SPEAKER: Order! Mr Kaine, your time has expired.

MRS GRASSBY (4.13): Mr Deputy Speaker, I rise in support of this matter of public importance because of my concern for Canberra and in particular for the residents of Belconnen and Hall. I believe that it is very important to maintain the quality of life that the Canberra community has been able to enjoy - - -

Mr Stevenson: What about the rest?

MRS GRASSBY: That is the area I represent, Mr Stevenson, the most important part of Canberra.

A vital part of the lifestyle for which Canberra is renowned depends on the local services which are delivered throughout Canberra. It is essential to deliver these services to a standard which attracts growth to our city. Threats to the quality of services by savage budget cuts are short-sighted and irresponsible, as they would affect the future well-being of this community. Yet this is what the Liberals would be doing if they were ever to carry out some of the things that they talk about.

The Opposition Leader, Mrs Carnell, said in her speech on the budget that she would reduce expenditure by \$73m. Over one-third of this will come from public transport. (*Quorum formed*) ACTION will have to save \$24m a year. On checking the 1994-95 program estimates, I see on page 164 that the salaries for bus drivers are just over \$34m this year. What Mrs Carnell is proposing is, effectively, to cut out 80 per cent of the bus driver allocation in the budget. We are going to have the most efficient public transport in Australia! Under Mrs Carnell, we are going to spend only \$7m a year on driver salaries. ACTION will be like that hospital in *Yes, Minister* that did not have patients but had only hospital staff because that was more efficient than having patients. If Mrs Carnell has her way, we will not have drivers or passengers, just buses, because the bus system can be more efficient that way. Mind you, we may still see the orange buses driving themselves around Canberra just to show the rest of Australia how efficient our public transport system is. Mrs Carnell is away in lala-land. Maybe she thinks that she can do that.

Mr Deputy Speaker, if ACTION does what Mrs Carnell wants and cuts the number of drivers and services, we will not have any services out of peak hours. That means that residents on the outer edges of Canberra, and Belconnen in particular, will have services for only three hours a day, if that. One of Labor's big achievements has been to make real improvements in local services while reducing costs. I want to talk about some of the things that this Government has done to ensure that local services continue to be delivered at a standard equal to that anywhere else in Australia. This Government has saved \$10m a year in ACTION. It has been achieved quietly and steadily over a three-year period by sensibly negotiating with unions. Reducing recurrent costs by \$10m has involved increased efficiency across the whole of ACTION. At the same time as achieving these savings, ACTION has delivered new services to the community.

There have been four areas of increased efficiency. Firstly, we struck an enterprise agreement with the drivers, which resulted in a saving of \$4m. Secondly, we made efficiencies in the workshops. Thirdly, clerical staff were reduced by 18 people, or nearly 20 per cent. Fourthly, we introduced a regional management organisation with close links to the community councils and other groups. As well as the recurrent savings, the capital expenditure has been reviewed. This has led to a reduction in the total call on the budget. From a record high of \$68.3m after the fall of the Alliance Government in the 1990-91 budget, this has been reduced to \$47.2m this year - a reduction of 30 per cent.

At the same time as these efficiencies have been introduced, the quality of service has been improved. I will mention briefly three examples of service improvements. Firstly, the network has expanded into Gungahlin, with both regional and commuter services introduced, a new commuter express service to the city and similar expansion in South Tuggeranong. Secondly, loop services which provide additional travel options for cross-suburb travel have been introduced across the network. Thirdly, park and ride is an initiative of this Government. People travelling to work are encouraged to park near a bus stop and take a bus to work. The point here is that we can cut costs without affecting services. The Liberals just want to cut and cut, irrespective of the consequences. At the same time, increases in fares have been kept to the level of the CPI increases and at a rate lower than parking charges, to increase the incentive to use ACTION.

The benchmarking of ACTION's performance is continuing, and already this work is leading to substantial improvements in its performance. The bus fleet age profile is the best in Australia, and new buses are recognised as being amongst the very best in the world while maintaining their cost competitiveness. In this light, the suggestion by the Leader of the Opposition that between \$27m and \$38m could be saved is nothing short of ridiculous. Operators running services of the sort that would be required to deliver savings of \$38m do not have ACTION's high levels of customer service. ACTION runs regular services out of the peak hours. ACTION also has a density of stops that is the envy of many cities. ACTION sets sensible limits to maximum distances people have to walk to a bus stop. This Government will not be irresponsible and reduce these standards, which is the only way the Liberals would be able to achieve their savings. And who would suffer? It would be the poorer bus-using members of our community. Whatever happened to social justice in that idea? Do the Liberals care about the environment? The Liberals would destroy the level of service being provided by ACTION to the Canberra community.

Privatising ACTION is not the answer. Private ownership is not the issue. The issue is whether we continue to provide the level of service that the community expects, as efficiently as possible. To provide that level of service, we would pay a subsidy to any private operator. Getting rid of a major asset is very short-sighted. Delivering better, more targeted services with no cost increases is the only responsible direction to take. That is what the Government is doing.

The environmental benefits in the new water charging regime are well known and widely acknowledged. We are not charging for water for the fun of it. We are charging for water so that the community understands the costs of providing water to every home, office, workplace and meeting place in the ACT. The community itself is then able to make a judgment about how much water to use. At a time when we are so aware of the drought across much of eastern Australia, the ACT can hold its head up in moving to place a proper value on the water that we are lucky enough to have. Only the Government has the ability to take account of the whole community's interest in managing important resources. It is not just a question of profit or the efficiency of the organisation. Electricity is being provided at about the cheapest rates in the country. This is because we can operate successfully on a commercial basis within the government sector. We do this by cooperation, not confrontation.

MR DE DOMENICO (4.22): As Mr Kaine and, previously, Mrs Carnell have said, there have been versions 1, 2 and 3 of the speech handed out, all saying virtually the same thing, and all of them wrong. What members opposite have been saying is, "If you can provide the same service for a cheaper price, that is bad". Mrs Grassby stood up and said - - -

Mrs Grassby: Are you finished? Time is up. The bell has just gone.

MR DE DOMENICO: No; I have another minute, and that is all that it will take for me to defuse your argument, Mrs Grassby. What Mrs Grassby said was that a benchmarking study, which said that you can save \$38m and still provide the same service, is no good. The only thing that Mrs Grassby failed to realise was that it was the Government's own benchmarking study; it was not ours. So, Mrs Grassby, that is point No. 1. What good management is all about is doing things sensibly and doing them better. She talked about what has happened in Victoria, as many members opposite do. In a lot of circumstances, Mr Kennett has done things sensibly, he has done them better, and he has balanced his budget. Let me say one thing: Doing it better is good management. It is also good politics. Come 18 February, the people of the ACT will show you lot that doing things better and sensibly is also good politics.

MR DEPUTY SPEAKER: Order! The time for the discussion has now expired.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 17, Assembly business, relating to the Standing Committee on Public Accounts Report No. 13 on the Inquiry into Petrol Supply Arrangements, being called on forthwith.

PUBLIC ACCOUNTS - STANDING COMMITTEE **Report of Inquiry into Petrol Supply Arrangements**

Debate resumed.

MR MOORE (4.25): Mr Deputy Speaker, there is an old cliché that goes something like: There is no gain without pain. It seems to me that the Minister, in taking on the fuel crisis in this town, was conscious that that would be the case, and I think all members here would recognise that it would be the case. The Public Accounts Committee has recognised that there is no easy way for us to go about ensuring a reduction in fuel prices in the ACT so that they are on a fair and equitable basis with those in other parts of Australia and, in particular, in nearby Sydney.

The issue, Mr Deputy Speaker, that seemed to me most critical was that the pain in this case, under the system instituted by Mr Connolly, was to be shared by a very small part of our community - by a small number of businessmen - and that was the difficulty that we had to deal with. Mr Deputy Speaker, in the committee's report we identified a series of precedents where governments have decided to interfere in the marketplace to benefit consumers; but in each of those cases what we identified was that the government had provided some form of compensation for the market in which they were interfering, in order to get it back to an equitable basis.

The difficulty with the situation we have at the moment, where compensation is not paid, is that small business people throughout Canberra should all now begin to wonder whether they will be next. For example, it would be possible for this Minister to say, "Prices of taxis are too high. Therefore, what we will do is introduce another system within the taxi scheme or we will suddenly release a stack of taxi licences - perhaps 50 or 60 taxi licences that might all be released on special conditions - so that taxi fares will come down". That would occur. The difficulty is that all those people who have paid \$100,000, give or take a few thousand, for their taxi licences would be severely disadvantaged. It is the same sort of situation as I perceived from the evidence presented to us in the Public Accounts Committee. That has been the result of this particular situation. That is something the Public Accounts Committee has called on this Minister to deal with. Our way of dealing with it is to say, "Look at compensation". I point out that we did not say \$9m. We said, "Look at compensation where a direct link can be proven between the action taken by the Government and disadvantage to a small number of business people". That is where the Government ought to consider compensation.

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We went further than that, though, Mr Deputy Speaker. We said, "Do not just stop there. There are other ways that you ought to look at to reduce the price of petrol". One of the most obvious ways, of course, is a reduction in the government levy on petrol. That has all sorts of ramifications because, if we save \$9m by reducing the price of petrol by 1c, 2c or 3c a litre, or whatever is required, then obviously we are going to have to pick up that \$8m or \$9m somewhere else. There are clear ramifications; but at least in that case the pain would be spread across the community, as opposed to being applied to a small group of business people. It does seem to me that when we deal with compensation in such circumstances - when we talk about where there is a direct impact - it is an issue that ought to have been taken into account.

Mr Deputy Speaker, we heard in submission after submission a series of people arguing that the Minister ought not be able to make these decisions and there should have been a whole range of processes beforehand so that he would follow standard bureaucratic process, which would have come out with a different result. I do not accept that. One of the most important things, I think, that should be taken from this committee's report is that it at no stage said that the Minister ought not to have made this decision. It recognises, very clearly, that the Minister ought to be able to make a decision but, equally, he must also wear the ramifications of that decision. I think that through the five or so years of Labor government very little has been done; people have avoided decisions - other than those that are safe and bureaucratically secure - when, in fact, there was a problem which needed a resolution. In this case the Minister decided that that was a problem.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

PUBLIC ACCOUNTS - STANDING COMMITTEE **Report of Inquiry into Petrol Supply Arrangements**

Debate resumed.

MR MOORE: Nevertheless, the Minister recognises and realises that he is responsible. Ultimately, he is responsible to the people of Canberra as, indeed, his Government is. Of course, that responsibility is one that he, like all of us, will face within the next few months.

Mr Deputy Speaker, it seemed to me that in preparing this report the committee was particularly careful to ensure that we qualified what we were saying and justified it by reference to the evidence presented to us and then made some further suggestions. We are all interested in what Mr Connolly has started, and that is the reduction of fuel prices. Nobody can take that away from Mr Connolly. I mentioned one of the five specific recommendations. The others are recorded there. Recommendation 7.18 is one that I think the Government should consider particularly carefully.

There is another point I would like to draw attention to, Mr Deputy Speaker. It was raised by Mr Connolly and reiterated by Ms Ellis in her dissenting report. She commented:

While I accept the Committee's view that certain commercial information should be allowed to be given in confidence, I cannot accept that allegations made by individuals or organisations are within this category. Such allegations could be given credence without the person or persons involved being given the opportunity to defend themselves. In fact, for any committee to make findings based on allegations of that kind could be considered a breach of natural justice.

Mr Deputy Speaker, it is important that allegations be able to be made. That is why our committees operate with parliamentary privilege and that is why we extend our parliamentary privilege to the people who appear before us - so that they can speak without fear or favour. The responsibility is on the committee not to misuse those allegations. Those allegations become the allegations of the committee and they then need to seek to ensure that social justice applies. That is why it is that I think Mr Connolly was very wrong when he raised the matter in the way he did during the Assembly committee's hearing, and the way that Ms Ellis's dissenting comments are worded is wrong as well.

I do not disagree with the sentiment behind it, and that is that natural justice must prevail. But there is a higher order of responsibility: The freedom of speech and the freedom of people to make allegations within this context. We must be on our guard to ensure, as far as we can, that we do not misuse it. I think we had a good example in this committee where quite strong and extensive allegations were made. They were contained by the committee. I must say that they were effectively dismissed by the committee as being scuttlebutt, because that is, indeed, what some of the allegations were. Nevertheless, people still should feel free to raise those and let the committee find its own way to deal with them. I believe that the committee dealt with them in a very appropriate way by exposing those allegations to those people who were accused and giving them the opportunity to respond. Having done that, we then dismissed them. Mr Deputy Speaker, the Government should consider these recommendations very carefully because it was not lightly that I supported the recommendations made by this committee at all. I supported them after a great deal of thought and a great deal of care in listening to the evidence.

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The one final point I would like to make, Mr Deputy Speaker, is that we drew attention to the need for a slight change to our signs within Canberra. (*Extension of time granted*) Recommendation 7.32 states:

The committee recommends that the Government promptly adjust existing policies affecting the location and type of signs on main roads to permit appropriate branded signs (conforming to current guidelines) directing motorists to nearby service stations.

What I perceive that to mean is that where we see our small signs with a petrol pump indicating that there is a petrol pump - signs of about that size usually within other signage - then they just carry a logo of the same size of the particular brand of fuel. That is particularly important because people do buy according to brand; and different people, particularly from out of town, carry cards for certain stations and so on. But the one thing that we are not recommending - and I think it needs to be made very clear - is big, splashy signs that are not part and parcel of the planning of Canberra. I just wanted to make sure that that was clear on this issue.

Mr Connolly: Even for the socialist petrol stations.

MR MOORE: Even for the socialist petrol stations. Unfortunately, the planning issues are of a higher order than will be gained by those. I was delighted to have the opportunity to serve on that committee and I appreciate the care that all members have taken with this issue.

MRS CARNELL (Leader of the Opposition) (4.37): Mr Deputy Speaker, as with everybody else who has spoken, I think the first thing that needs to be said is that every government or every Minister has every right to make a political decision. Mr Connolly was very open and quite forthright in his statements that the decision he made to bring Burmah into the ACT market was a political decision. He did so to bring down the price of petrol in the ACT.

The committee did not in any way question that statement. It was perfectly obvious that that was the truth. Mr Connolly said, "We need cheaper petrol in the ACT and this is how I am going to do it". It was also made very clear to the committee that the introduction of Burmah into the market was not a recommendation of the working party on petrol prices. The recommendations of that report were not adhered to in terms of Burmah. Burmah was totally out of left field; it just seemed like a good idea. In fact, the committee, at page 53 in paragraph 7.14 - this is a conclusion - says:

In relation to the Burmah Agreement, the committee is compelled to observe that it was a hasty, inadequately documented process which achieved both the Government's aim and that of Burmah: in the case of the Government, to have an independent operating in Canberra (with some sort of commitment -

"some sort" being the obvious words here -

to lower fuel prices) by Christmas 1993; in the case of Burmah, to gain entry to the Canberra market on very good terms ...

"Very good terms" might be an understatement. The committee report does outline how good those terms really were and how it placed Burmah in a substantially better position than any other operator in the ACT. Mr Connolly admitted that. He said, "Yes, that is what I did. I did it in a hasty way; I did it without documentation". In fact, the committee report goes on:

There has been adverse comment about the failure to comprehensively document the process. The lack of documentation is unfortunate in that the handling of the Burmah Agreement showed a lack of concern for appropriate administrative process.

I do not think that is something the Minister should be proud of. If he believes that that is not in any way critical of the process that he went through, then I think the Minister should read again. There is then a committee recommendation that there should be higher standards of documentation and analysis of the options and so on, but it simply did not happen.

The Minister admitted that there was no financial analysis of the impact of Burmah's establishment in the marketplace. Nobody bothered because, quite simply, nobody cared. What the Minister cared about was getting lower fuel prices. If it happened to impact upon small business operators in Canberra and property owners in Canberra, then that was a means to an end and was quite okay, quite fine. Unfortunately, as the committee heard more and more evidence - and it is outlined at least in this document - it became obvious that Mr Connolly's comments when he first announced Burmah's opening were not right. He said, "I am going to take on the oil companies. I am going to force them to do something about the high cost of petrol in the ACT". I suspect that many a Minister from around Australia has said that. Many have failed, and unfortunately another one has failed, as the committee found. They found that, at best, the petrol companies have forked out \$1.4m altogether. All of the rest has come out of the pockets of small business operators in the ACT.

That is what the committee found, and nobody actually disagreed with that. So, the comment that I made this morning I will continue to make. The ACT motorist, according to the Government, will save some \$9m over a 12-month period. If that money or a percentage of that - - -

Mr Connolly: The ratepayers should give that \$9m back to the industry, says Mrs Carnell.

MRS CARNELL: Certainly not back to the oil companies, Mr Connolly. I think everybody on the committee was acutely aware that it was the oil companies that were screwing this market, as they do just about every other one in Australia. The oil companies have not had to suffer at all. Those who have suffered are the small business operators. Those who, I am suggesting - as did the majority of the committee - should be compensated are the small business operators.

If a government makes a decision that directly impacts upon the livelihood - we are talking now about food on the table, roof over the head type of livelihood - of small business operators in the ACT, then I, for one, believe strongly that the government should compensate them. If \$9m, \$8m, \$7m - whatever can be demonstrated - came out of the pockets of small business operators in the ACT or, for that matter, property owners in the ACT, as a direct result of a political decision made by the Minister, then it is the responsibility of the Government to pay. You simply cannot do that; you cannot cost shift in that sort of way.

If the Minister wanted to bring down the price of petrol in the ACT, as his own bureaucrats told the committee, there were a number of options available to him. It is not my comment; his own bureaucrats said that. They said that the Minister had made a political decision, and this was the one he wanted. That is fine, but then you wear the ramifications. In the committee report we have spelt out some options that could actually create a competitive market in the ACT; others would just bring down the price by about the same amount, by about 3c.

The Minister continually talks about a competitive market in Canberra. From all of the evidence presented, we do not have a competitive market in Canberra now. All the Minister has achieved, according to the evidence and according to the report, is to give one particular operator substantially smaller oncosts so that that particular operator can do business cheaper - - -

Mr De Domenico: Than the locals.

MRS CARNELL: Than the locals.

Mr De Domenico: The fifth biggest company in England can do it cheaper and better than the locals.

MRS CARNELL: Yes. Because their oncosts are lower, they can sell petrol at a cheaper price. We have a one-price town. Initially, I found it rather unusual that that would be the case. It turns out that that is the case everywhere. Even a city the size of Perth ends up being a one-price town. In fact, apparently, even Fremantle is at a similar price as well.

We have to accept that, if you give one operator extremely preferential treatment and they are able to sell their product at a cheaper price, then everybody else is forced, by the nature of the market, to bring their price down. That is not competition. There is no competition in the marketplace because nobody else is in the same position. Competition is about level playing fields; it is about people being able to compete because they are in a position to. Nobody else in the ACT is in a position to do anything except match the prices that Burmah can offer because the Government has given them a direct subsidy. Therefore, there is no doubt that it is the Government's obligation to compensate them.

The committee has gone on to recommend that the Government should not continue with the other independent sites until they have had a look at our recommendation on compensation. Therefore, Minister, the committee has said that, before issuing any licences to other operators, the Government needs to flesh out details of its policies on the further independents in light of compensation required. What is likely to happen with the other independents is that the situation will be made all that much worse for the existing operators. There may be some competition between the four independents, although there are likely to be two of each, I understand - two companies competing. But what happens to the other 82 operators in the ACT that are not competing from the same base? They will slowly go broke. That is the responsibility of the Government.

The committee has gone on to suggest that we need desperately to investigate the effect of national fuel supply agreements, with a view to assessing the most appropriate arrangements to ensure the lowest fuel price possible in Canberra. That seems totally logical, but it is something that the Government has not done. I would like to finish by actually quoting from the Industry Commission's draft report on petrol products, which I think really sums it up. It says:

Prices are again relatively uniform across Canberra.

It is speaking about the advent of Burmah. It continues:

It is not clear why in the longer term Burmah would continue to hold its prices down to the same extent other than to help ensure renewal of the existing site's licence, and to ensure that its applications for further sites are viewed favourably.

That is what the Industry Commission says. (*Extension of time granted*) So, what we have is a situation where the Industry Commission says, "Look, this might work in the short term, while it is in Burmah's interest to do so - - -

Mr Connolly: It is a good thing that at least you are there to support your leader, Mr De Domenico, because nobody else is.

MRS CARNELL: That is because Mr Kaine is upstairs doing an interview on this subject and bucketing you. It goes on:

Non-discriminatory rules are necessary for both efficiency and equity ... adopting policies which discriminate between firms could adversely affect the level of investment in Canberra, and thus the long-term interest of consumers, by creating uncertainty as to future government treatment of firms complying with existing legislation.

That is what the Industry Commission says. They were not exactly set up under a Liberal government, to my knowledge. What they are saying is, "If you go down this track - if you go down the track of discriminating in favour of particular firms - then you are going to upset investment in Canberra". What is that going to do? It is going to not be in the long-term interests of consumers or in the long-term interests of Canberra generally. It will cut the guts out of investment in this city. That is what the Minister has done.

We know that already. We know that companies will not operate in a city where they are not sure what the Government is going to do and how they are going to have their investment dollar affected by totally arbitrary - to use the Minister's own words - political decisions.

The Minister has said and said again that he does not care that small business operators have had to foot the bill; that he does not care that the people who have invested in the ACT - and we know this - are predominantly ACT residents.

Mr De Domenico: Local investors; that is right.

MRS CARNELL: They are local investors; they bought sites in the ACT on the rules that existed at the time - rules actually put in place by this Government. They put in the rules. They were very happy to take the dollars for the sites and then introduce a policy which cuts the guts out of that investment. Somehow, Mr Connolly and Ms Follett believe that these investors will say, "Oh, dear, what a pity; but it will not stop us investing in the future". That is wrong.

The Industry Commission says that it is wrong and they are saying that it is wrong as well. Also, the Government is expecting other small businesses in Canberra - and this report speaks about that as well; what will be the impact, the flow-on effect, to smaller shopping centres, to neighbourhood centres, of this sort of approach - to say, "Oh, dear, what a pity! The Government has sent our service station broke, but we think that is all right because petrol is cheaper". That means that most people, even business people, possibly are saving \$2.40 a week if they use 80 litres. That is a lot of petrol to use, but we assume that small businesses do use a lot. If you believe for one moment that \$2.40 a week is worth sending potentially 20 small businesses broke, dramatically undercutting the bottom line of all of the rest of them and upsetting investment in this city, then, really, your priorities are all wrong. That is what the report says.

MRS GRASSBY (4.51): Mr Deputy Speaker, I am quite happy with my comments in the dissenting report on petrol supply arrangements. I would like to add a few comments. I find incredible some of the things that Mrs Carnell would like to see. Mrs Carnell would like the Government to take \$9m from the ratepayers of this city and give it to the oil companies. I think the oil companies are rich enough without giving them \$9m. I find it absolutely incredible that she would want to do this. At the hearing we all learnt exactly what the oil companies were up to. Anybody who sat in on that public hearing would understand, as I said at the hearing, that if Ned Kelly was alive his mother would not let him play with these people, the way they carried on.

As for the comment that Mr Kaine made about my not knowing anything about business, let me tell you: If Mrs Carnell abolishes the petrol levy, if she gives the \$9m back to the ratepayers, and if she then goes on to do all these things, she will virtually become the Demtel of politics, because, as they say in the Demtel ad, "Wait; there is more". She will also throw in a hospital in Tuggeranong and a decompression chamber in Woden. "No, no, wait; there is more". A medivac-cum-bushfire helicopter. "No, no; there is more". A long stay convalescent unit and a cardio-thoracic unit. "No, no, that is not enough; there is more". She will also throw in a paediatric ward and a hospice at Calvary.

"Now, wait, wait; there is more". That is not enough. She will also throw in \$5m worth of tourism promotion. As they say at the end of the Demtel ad, and in Kate's case, "This will come with Kate's guaranteed, fixed price delivery charge of a poll tax of \$100 for every household". That is the only way she could pay for some of the things that she has promised the people in this town. When she says that she knows about business, I often wonder whether she has ever added up what she has promised and how she is then going to save all this money.

The Liberals are clearly cut by the incisive and damning nature of the dissenting comments by Annette Ellis and me. Look at where the botching of this inquiry has occurred - on this issue of compensation. The majority committee report is factually wrong in referring to the scheme, in paragraph 7.19, as compensating businesses for political decisions. These schemes were not set up on this basis, particularly for the passenger motor vehicle and textile, clothing and footwear industries. No owners in these industries were compensated for the changed tariff arrangements or the micro-economic reform. There were and are schemes operating for labour adjustments or industry efficient pilot programs, but no money is being used to compensate any businesses for changes in this policy.

Some of the programs referred to were announced well in advance - such as three years for the TCF program - which provided industry with a significant lead time to adjust. The petrol industry has been on notice since self-government to lower the retail price of petrol or face the consequences. The Minister told the industry that time and time again. It chose to ignore the Government by keeping prices up, particularly around long weekends and holiday periods. It must now face the music. They talked about a level playing field. There was a level playing field before, so this is ridiculous.

Franchise arrangements were mentioned. Evidence from the inquiry raised many important issues relating to the competitiveness of the petrol retailing industry in the ACT. The majority of the committee appears to accept that the business rules within the industry are the same as those for other industries. At a regulatory and commercial level, competitors are not free to come and go as they please. This should be contrasted with highly competitive sectors like video rental or home delivered pizzas, where businesses are free to set up and leave, with minimal legislative regulations and unparalleled commercial freedom. It should also be noted that real prices in these sectors have tumbled over the past decade.

Madam Speaker, I was intending to let my dissenting comments on petrol supply arrangements rest with the tabling. I would like to table those comments that I made earlier about Mr Kaine's comments.

Leave granted.

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MRS GRASSBY: Mr Kaine said that there was no evidence of anybody who said that once they got into the industry they could not get out. Mr L. Shooks, who has the Caltex station at Phillip, said, "Now, if it was to go we would lose our house, and where would we be going? We would have to go on Social Security", which meant that he had to stay no matter what happened, because that is what he was locked into. He was locked into absolute chaos because of the fact that he could not get out. He had signed a franchise agreement

Some of these people buy these franchise agreements for \$400,000. They then need another \$100,000 as an overdraft, and they do not get 30 days; they do not get 20 days. As the petrol goes in their tanks the money is sucked out of their bank account, and the oil companies had the hide to come along and say to us what they want done. They had the hide to come along and say that the Planning Minister should, in the planning, make these sites a lot larger. The thing was that they then had the hide to say that these sites were not large enough and, if they were large enough, then they could put in virtual supermarkets. Obviously, the oil companies decided that there was going to be no profit in the petrol; that they would have to work very hard to make their money in the supermarkets. Were we then going to have to compensate supermarkets because they would go broke? Maybe we could put an independent petrol pump outside every supermarket; maybe that would be the way to go.

My argument is that one of the suppliers, one of the franchisees, told us that he could not even sell a red bottle of coke without the company knowing that he had done it. I would like to see the Minister looking into this franchise agreement. As I said before, if Ned Kelly's mother was alive she would not let him play with these people. This is absolute dishonesty. The Minister has proved it. Time and time again he warned them that if they did not do something he would do it; and the Minister did something. He did something about it, and the people in Canberra love it. They are very happy with it. I hope that Mrs Carnell runs this as an election gimmick, as she says she is going to. She will go down like a ton of bricks, because everybody you speak to out there loves the fact that they have cheap petrol. Everywhere I go, people love it, and they say, "When is the Minister going to open up the new service stations?", so that they will not have to drive to Kingston to get their cheap petrol. "When is it going to happen?", is what I get asked everywhere I go, believe you me.

I think I have answered all of Mr Kaine's remarks and proved Mr Kaine wrong. Obviously, he is suffering from Alzheimer's disease. He does not even remember what he said in his budget speech and he does not remember what was said at the committee meetings. I have answered all those and proved that Mrs Carnell could not do all these wonderful things. As the Demtel ad says, "And there is more. Let's add more". She has added all that. I can prove that she is not much of a businesswoman and Mr Kaine is not much of a businessman.

Mr De Domenico: Madam Speaker, I move for an extension for Mrs Grassby so that she can explain to the house what she means by "Paretian optimality".

MRS GRASSBY: If you were to look it up in the dictionary - you probably could not find it in the dictionary - it means being, as Mr Moore said to me, even-handed.

Mr De Domenico: Why did you not say that, Mrs Grassby?

MRS GRASSBY: Because you are so stupid that you cannot understand it. Why should I write it out because you are so stupid that you cannot understand it?

MADAM SPEAKER: Order!

Mr Moore: On a point of order, Madam Speaker: I am sure that I have just been misrepresented slightly there, Madam Speaker. I would like to explain what I did say. I do so under standing order 47. What I actually said was that the concept is: Where everybody is a winner.

Mrs Grassby: Yes, that is right. That is what I told you - where everyone is a winner.

Mr Moore: That is what I told you.

MADAM SPEAKER: It sounds like our day in the chamber, Mr Moore.

Debate (on motion by Mr Connolly) adjourned.

POISONS AND DRUGS (AMENDMENT) BILL 1994

Debate resumed from 12 May 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (5.02): Madam Speaker, this Bill amends the Poisons and Drugs Act 1978. The principal Act lists poisons and drugs in eight schedules, sets out labelling and packaging requirements for all scheduled substances and requires sellers of Schedule 7 poisons to be licensed and users to be authorised. It also lists restricted substances which can be prescribed or supplied only by authorised medical specialists.

The purpose of the Bill is to remove from the principal Act both the list of restricted substances and the list of specialist doctors eligible to be authorised by the Medical Officer of Health to supply or prescribe these substances. Transfer of both lists to the Poisons and Drugs Regulations will facilitate keeping up to date the list of restricted substances and the eligibility of specialists who have been granted authority to prescribe them. I think that is an extremely sensible approach, Madam Speaker. It has always been very difficult to keep these lists up to date, as the lists of drugs involved and the lists of specialist doctors involved do change from time to time, and it is silly to have to amend the Act every time that happens. This is very sensible administratively and will make sure that those lists are kept up to date which do have ramifications if they are not. We will certainly be supporting this very sensible initiative.

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MR CONNOLLY (Attorney-General and Minister for Health) (5.03), in reply: This is one of a number of pieces of legislation that predate self-government where, of course, ACT Acts were Commonwealth ordinances. They were, in effect, subordinate legislation. They were made quickly and easily, they were just tabled in the Federal house and they applied here as an Act. We continued to use them as an Act. Any amendment requires the full process of this house, which can take many months. This is a process to simplify it so that we can keep them up to date. As Mrs Carnell says, this is very sensible, and I am pleased that it has support of the Opposition.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1994

Debate resumed from 25 August 1994, on motion by Ms Follett:

That this Bill be agreed to in principle.

Debate (on motion by Mr De Domenico) adjourned.

POSTPONEMENT OF ORDERS OF THE DAY

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

That orders of the day Nos 5, 6 and 7 be postponed until the next day of sitting.

COMMUNITY INITIATED REFERENDUMS - SELECT COMMITTEE Membership

MADAM SPEAKER: Pursuant to the resolution of the Assembly of 14 September 1994, I have been notified in writing of the nominations of Ms Ellis, Mr Humphries and Mr Moore to be members of the Select Committee on Community Initiated Referendums.

Motion (by Ms Follett) agreed to:

That the Members so nominated be appointed as members of the Select Committee on Community Initiated Referendums.

**BUDGET PERFORMANCE AND OUTCOMES FOR 1993-94 -
SELECT COMMITTEE**

Membership

MADAM SPEAKER: Pursuant to the resolution of the Assembly of 15 September 1994, I have been notified in writing of the nominations of Mr Berry, Mrs Grassby, Mr Kaine, Mr Stefaniak and Ms Szuty to be members of the Select Committee on Budget Performance and Outcomes for 1993-94.

Motion (by Ms Follett) agreed to:

That the Members so nominated be appointed as members of the Select Committee on Budget Performance and Outcomes for 1993-94.

ADJOURNMENT

Motion (by Mr Berry) proposed:

That the Assembly do now adjourn.

Foxes

MR STEVENSON (5.06): Madam Speaker, I wanted to bring up something that was in the University of Canberra *Monitor*. It states:

Foxes wanted, dead or alive. If you see a dead fox lying on the side of the road in Canberra, Jan Martin wants to know about it.

Apparently Jan is an honours student with the applied ecology research group and is investigating a number of social, ecological and environmental aspects of Canberra's urban fox population. She says that there is very little information available, and I thought that it may be worth while mentioning this in case any of us see a fox or know of other groups that are involved.

Question resolved in the affirmative.

Assembly adjourned at 5.07 pm until Tuesday, 20 September 1994, at 2.30 pm

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ANSWERS TO QUESTIONS

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1326

Noise Pollution Policy - Potential Conflict of Interest

Mrs Carnell - asked the Minister for the Environment, Land and Planning - In relation to motorsport and a minute paper prepared by the Pollution Control Authority for your Department in September 1992 canvassing options for resolving complaints about noise levels caused by motorsports at Fairbairn Park and Sutton Road Complexes and your statement in your letter published by The Canberra Times on 3 March 1993:

"The article ...headed Influential group may close raceway implied that senior officers in my department had used their official positions to ensure that residents of the Ridgeway were able to secure new rules about noise limits at Sutton Road/Fairbairn Park complex. That is a serious allegation and I wish to refute it in the strongest terms.

The decision about noise limits was made by me in my capacity as Minister for the Environment. Only one of the officers named in the article was involved in the policy development process and I am assured by the head of my department that the officer made appropriate declarations of private interest."

- (1) Was the officer who prepared the minute paper a member of the Ridgeway Residents Association, and lived on a property adjacent to the Ridgeway Estate throughout the entire period she worked on the development of noise control policy for Sutton Road and Fairbairn Park.
- (2) At what time (a) did you become aware of the potential conflict of interest; (b) what action did you take to deal with this conflict; and (c) when was this action taken.
- (3) At what time did you become aware of the fact that the officer was in fact a so-called active member of the Ridgeway Residents Association.
- (4) Do you stand by your claim that there was no possible conflict of interest arising from the assessment of noise limits for the Sutton Park and Fairbairn Park facilities by an officer of the Pollution Control Authority.
- (5) Can you advise what this Government considers amounts to an appropriate declaration of private interest.

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

- (1) The officer who prepared the minute paper was not a member of the Ridgeway Residents Association and has never had a property adjacent to the Ridgeway Estate.
- (2) The situation did not arise as the officer who prepared the minute was never in a position that could conflict, or appear to conflict, with the proper performance of his duties.
- (3) The officer was never a member of the Ridgeway Residents Association.
- (4) A former officer of the Office of the Environment was the Pollution Control Authority as well as a resident of the Ridgeway. This officer made a formal declaration to the Secretary of the Department of the Environment, Land and Planning of the possibility of a conflict of interest in the sense that she lived in the general area. This was known to senior officers and myself. The officer was at all times mindful of the need to avoid conflict of interest in handling the issue and acted at all times to ensure that any potential or perceived conflict of interest was in fact avoided.

Action to control noise from motorsports was only taken in response to formal complaints from local residents, when the activities in question were found to be in breach of ACT legislation.

- (5) The Governments procedures in relation to an appropriate declaration of private interest is defined in The Public Sector Management Standards, particularly Standard 4 (Ethics), chapter 11.

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

QUESTION NO 1329

Community Services Grants

MRS CARNELL - Asked the Minister for Housing and Community Services -In relation to the Community Services Grants (announced in the Canberra Times 4 July 1994) -

- (1) How many applications (a) were successful; (b) who received them and (c) what were they for.
- (2) How many applications (a) were unsuccessful; (b) who submitted them and (c) what were they for.
- (3) What methodology is used to evaluate and refuse or approve applications for grants.
- (4) What criteria must an application meet with regard to: (a) value to the community; (b) the number of people it will assist; (c) whether the service to be provided is needed; (d) whether the service to be provided fills a gap; (e) whether the service to be provided is duplicated; and (f) the viability of the project.

MR LAMONT - The answer to the members question is as follows -

- (1) (a) A total of sixty one applications were successful. A list of successful applicants, purpose of the grant and amount of funding is at Attachment A.
- (2) (a) A total of thirty four applications were unsuccessful. A list of unsuccessful applicants, purpose of the grant and amount sought is at Attachment B
- (3) All applications are assessed against set criteria. A copy of the assessment criteria is at Attachment C. In addition applications are also considered and assessed by relevant line areas including Family Services Branch, Disability Services Grants and the Home and Community Care Program.
- (4) (a) The value to the community is gauged through the number of people who will use the project/service, whether the project

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complements other community services and whether the need for the service/project is supported by other community organisations and relevant line areas within the ACT Government.

- (b) Applicants are required to indicate within the application form the approximate number of people the service/project will assist.
- (c) Applicants are required to show the need for the service/project. This is achieved through information on the numbers of clients it will serve, waiting lists for the service, use of demographic and census data and through liaison with other line areas within the ACT Government. The Schedule B planning and evaluation document required with the application provides information on the need for the project/service.
- (d) Whether the service/project fills a gap is determined through information required in the application including numbers of people who will use the service. Demographic and census information and liaison with community organisations and relevant ACT Government line areas also provides information in determining whether services fills a gap in service need.
- (e) Program area knowledge of current services available and liaison with other community services and ACT Government program areas provides the mechanism to avoid undue duplication of services.
- (f) Viability of the project is assessed through analysis of the budget provided, analysis of the aims and objectives of the service and the activities and strategies to be undertaken by the service or project. The Schedule B planning and evaluation document required with the application provides information on the viability of projects/services.

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ATTACHMENT A

COMMUNITY SERVICES GRANTS PROGRAM

SUCCESSFUL FUNDING APPLICATIONS 1994-95

ORGANISATION/PROJECT 1994-95 FUNDING LEVEL

TUGGERANONG LINK

Community Development Worker \$35 000

TRANSACT

Community Development Worker \$35 000

LONE FATHERS

ASSOCIATION

Operational Costs \$3 000

COUNCIL ON THE AGEING (ACT)

Hughes Community Centre \$20 000

DISABLED PERSONS

INTERNATIONAL ACT

PIT Project Officer \$10 000

WESTON CREEK COMMUNITY

SERVICE

Rental costs of Cooleman Court \$43 548

WESTON CREEK COMMUNITY

SERVICE

Rental space costs \$8500

TUGGERANONG COMMUNITY

SERVICE

Parenting Programs \$10 300

SPELD

Operational \$16 762

ACT COUNCIL OF CULTURAL

SOCIETIES

Griffin Centre Management \$15 000

KALEEN COMMUNITY

ASSOCIATION

Operational \$10 000

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CALWELL NEIGHBOURHOOD
CENTRE

Operational \$10 000

PRINT HANDICAPPED RADIO

Operational \$15 000

BELCONNEN COMMUNITY
CENTRE

Operational \$90 000

WESTON CREEK COMMUNITY
ASSOCIATION

Operational \$16 000

YMCA OF CANBERRA

Disability services \$15 000

CHISHOLM COMMUNITY
CENTRE ASSOCIATION

Operational \$2 000

RICHARDSON COMMUNITY
HOUSE

Operational \$1 785

CANBERRA DEAF CHILDRENS
ASSOCIATION

Operational \$3 083

PRISONERS AID COMMITTEE

Operational \$9 568

SOUTHSIDE COMMUNITY
SERVICE

Neighbours Program \$15 527

VICTIMS OF CRIME

ASSISTANCE LEAGUE

Operational \$8 500

WODEN SENIOR CITIZENS
CLUB

Operational \$1 500

TECHNICAL AID TO

THE DISABLED

Operational \$4 000

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SOCIETY OF ST VINCENT
DE PAUL
Youth Holiday Program \$7 600
ACT PLAYGROUPS
ASSOCIATION
Operational \$19 190
NOAHS ARK CANBERRA
Operational \$14 320
ACT RSI SUPPORT GROUP
Operational \$20 690
ISABELLA PLAINS
NEIGHBOURHOOD HOUSE
Operational \$4 055
FAMILY PLANNING
ASSOCIATION
Sexual health for Disabled \$34 825
MAJURA WOMENS COMMUNITY
GROUP
Operational \$5 046
ARTHRITIS FOUNDATION ACT
Operational \$12 719
GILMORE COMMUNITY HOUSE
Operational \$4 659
COMMUNITY RADIO 2XX
Operational \$70 916
TUGGERANONG COMMUNITY
COUNCIL
Operational \$1 074
OCONNOR FAMILY CENTRE
Parenting skills project \$11 378
Evening support group \$4 692
CANBERRA PENSIONERS SOCIAL
AND RECREATION CLUB
Operational \$1 692

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PARENT SUPPORT SERVICE

After separation program \$34 318

NATIONAL BRAIN INJURY

FOUNDATION

Operational \$2 847

EPILEPSY ASSOCIATION

Operational \$4 820

MULTIPLE SCLEROSIS SOCIETY

Operational \$16 000

CANBERRA SENIOR CITIZENS

Operational \$3 000

TUGGERANONG COMMUNITY

SERVICE

Community centre operational \$90 000

ACT DEAFNESS COUNCIL

Operational \$6 670

CARE

Community education \$28 000

ACROD

Operational \$8 660

CAMP PELICAN

Kids camps \$1 800

CAMPS FOR KIDS

Operational \$9 000

BELCONNEN SENIOR CITIZENS

CLUB

Operational \$1 410

ACT COUNCIL ON INTELLECTUAL

DISABILITY

Operational \$2 520

CITIZENS ADVICE BUREAU

Contact handbook \$19 125

FRIENDS OF THE BRAIN INJURED

Operational \$1 423

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CITIZENS ADVOCACY

Operational \$26 214

CAREFORCE

Operational \$12 000

CONDER COMMUNITY

HOUSE

Operational \$2 000

PARENT SUPPORT

SERVICE

Family support network \$8 000

TUGGERANONG COMMUNITY

SERVICE

Friendship and activity group \$7 000

BARNARDOS

Special neighbours program \$35 000

VOLUNTEER CENTRE

OF THE ACT

Volunteer training programs \$10 000

NORTHSIDE COMMUNITY

SERVICE

Condamine Court programs \$5 000

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ATTACHMENT B

COMMUNITY SERVICES GRANTS PROGRAM

UNSUCCESSFUL FUNDING APPLICATIONS 1994-95

ORGANISATIONPROJECT AMOUNT REQUESTED

TAMAR

Salaries and Operational \$143 100

PARENTS WITHOUT PARTNERS

Operational \$9 482

TEEN CHALLENGE (NSW)

Valley Care \$98 706

WORK RESOURCES CENTRE

Communication at Work Program \$30 000

PARENT SUPPORT SERVICE

Counselling \$27 020

WESTON CREEK COMMUNITY SERVICE

Volunteer project \$7 599

YMCA- Youth Support Unit

Art Therapy Program \$6 969

"Painting the Town" Program \$7 680

TUGGERANONG COMMUNITY SERVICE

Administration \$27 535

ANIMAL LIBERATION (ACT)

Educational project \$20 000

Safety House project \$10 000

COUNCIL ON THE AGEING (ACT)

Housing & Policy Officer \$46 075

ADOPTIVE FAMILIES ASSOCIATION

Adoption Australia magazine. \$4 000

ACT DEAFNESS COUNCIL

Telephone Typewriter Relay Service \$16 188

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VOLUNTEER CENTRE (ACT)
Administration Assistant \$23 553
CAMP PELICAN
Awareness and Support group \$16 500
Young Peoples Empowerment Program \$30 128
CITIZENS ADVOCACY
Community Language Pamphlets \$3 500
FOCUS
Top up funds \$44 700
POST NATAL DEPRESSION
SUPPORT GROUP
Counselling and Support \$5 400
CHILD ACCIDENT PREVENTION
FOUNDATION
Operational \$27, 344
TUGGERANONG LINK
Administration Officer \$14 243
AIDS ACTION COUNCIL (ACT)
Education Program \$50 270
BELCONNEN COMMUNITY SERVICE
Information Directory \$3 180
BELCONNEN COMMUNITY SERVICE
Family Resource Program \$37 325
CANBERRA WOMENS HEALTH CENTRE
Massage Service \$30 369
CANBERRA WOMENS HEALTH CENTRE
Counselling \$29 493
CENTACARE
Counselling Service \$9 730
CITIZENS ADVICE BUREAU
Cutting Corners Handbook \$10 000
FOR YOU AND ME
Craft Workshop for People with Disabilities \$167 661

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CANBERRA ONE PARENT FAMILY SUPPORT
Support Group \$29 918
CANBERRA ONE PARENT FAMILY SUPPORT
Administration Assistant \$12 513
MARYMEAD CHILD AND FAMILY CENTRE
"Wednesday Mums" Support Group \$8 750
"Saturday Couples" Group \$8 050

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ATTACHMENT C

COMMUNITY SERVICES GRANTS PROGRAM

ANNUAL GRANTS

ASSESSMENT CRITERIA

Applications for funding are assessed against the criteria listed below and as outlined in the Community Services Grants Program Rationale Paper. .

1. The service/project must demonstrate the need for financial assistance under the Community Services Grants Program.
2. The Service/project has clearly defined aims and outcomes;
3. the service/project is directed towards people in high priority needs groups and for communities;
4. The service/project is planned, managed and operated in conjunction with service users and the local community;
5. The service/project is accessible to people with disabilities;
6. The service/project is culturally relevant and accessible to people from non English speaking backgrounds and Aboriginal and Torres Strait Islander people (where appropriate);
7. The service/project has established links and networks with other community services;
8. The service/project has strategies in place to regularly plan, monitor and review its activities;
9. The service/project has provided an appropriate budget and has complied with Program accountability requirements;
10. Services/projects which do not meet the aims and objectives of the Community Services Grants Program, and/or are within the scope of other Territory or Commonwealth Government programs, will not be eligible for funding.

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

QUESTION No. 1331

Rural Leases

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to rural leases

- (1) What is the usual process involved in transferring a lease from one person to another.
- (2) Are most leases sold privately or through tender or auction prior to transfer.
- (3) If a lease has been surrendered to your Department, is it normal practice for it to be subsequently advertised for public auction or tender.

Have any rural leases, not resumed for development purposes, been surrendered to your Department in the last four year period; if so (a) what are their block numbers and (b) by what process have they been made available for re-lease.

Mr Wood - the answers to the members questions are as follows: .

- (1) The process involved in transferring a rural lease requires that the person intending to purchase the lease obtain the consent of the Minister. If the proposed transferee meets the eligibility criteria set out in a disallowable instrument under the Land (Planning and Environment) Act 1991, consent is given through my delegates in the Department of the Environment, Land and Planning (DELP).

The proposed lessee would need to apply in writing to the Department for confirmation that they are eligible. As part of the application process the proposed lessee must also prepare an Environmental Survey of the property, prepare a Property Management Agreement in conjunction with DELP and demonstrate the capacity to manage the land in accordance with the proposed terms of the lease and the Property Management Agreement. The proposed lessee would also be required to agree to pay land rent which is charged by the Territory for the lease.

Once eligibility has been confirmed, the lease may be transferred provided that the application is accompanied by a Transfer form completed by the lessee and the relevant fee.

- (2) Most rural leases in the ACT are initially sold through the restricted auction or tender process.

(3) Should the Government intend to re-lease surrendered land it would be advertised for restricted auction or tender.

(4) In 1993 the property of "Dinsdale" (Block 7 Section 97 Symonston) was surrendered. This property is not strictly a rural lease as it has a commercial component. It is intended to re-lease this land through the restricted auction process. No other rural leases have been surrendered to the Department in the past four years.

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

QUESTION NO 1332

Housing Trust - ISIP Database

MR CORNWELL - Asked the Minister for Housing and Community Services

In relation to your statement (Estimates Committee uncorrected proof transcript, page 134 of 23 June 1994) relating to information provided to Laurens by the ACT Housing Trust to trace debts

- (1) Is this information, ie forwarding addresses and dates of birth, now maintained by the Trust data base; if so, (a) for how long has it been so maintained; and (b) what details are included.
- (2) Is it intended to place all existing tenants on this improved data base and if so, when will this listing be completed.
- (3) If it is not intended to upgrade any or all existing tenants at (2); why not.

MR LAMONT - The answer to the Members question is as follows

- (1) The Trusts data base, ISIP, maintains forwarding address (where this is provided on advice of vacation by the tenant); and date of birth (which is provided by tenants upon application for tenancy, and in relation to rental rebate reassessment.
 - (a) Forwarding address was maintained under the Trusts previous data base and is maintained by the current ISIP data base when this information is provided by a tenant upon vacation. However, a large percentage of tenants who vacate premises with arrears do not advise the Trust of vacation or provide forwarding addresses. Date of birth was not maintained under the Trusts previous data base; however, it now is maintained by the current ISIP data base.
 - (b) Forwarding address including street number, street name, suburb, town, and postcode, and, for all new tenants and existing tenants who receive a rental rebate, date of birth.
- (2) All existing tenants are listed on the ISIP data base except Narrabundah Caravan Park tenants and Jerrabomberra House residents. Narrabundah Caravan Park will be listed on the ISIP system by December.
- (3) Jerrabomberra House residents will not be listed on the ISIP system as this is short stay/overnight accommodation for people in crisis.

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

QUESTION NO 1333

Housing Trust - Debtor Tenants

MR CORNWELL - Asked the Minister for Housing and Community Services -Can ACT Housing Trust tenants who vacate owing rent or a damages bill subsequently obtain Trust accommodation; and if so, what conditions, if any apply.

MR LAMONT - The answer to the Members question is as follows -

Yes, with the following three conditions applying:

1. Previous tenants of the Housing Trust who left owing rent arrears or a damages bill may make an application to register for housing assistance. These applicants may not be allocated housing unless they sign an agreement to repay any monetary debts associated with a previous tenancy. Following its introduction on 9 September 1994 this agreement will require that they utilise the direct debit facility to make their payments.
2. When an applicant who has a large debt owing to the Housing Trust has been registered, the Commissioner reserves the right to refuse the allocation of assistance until the client has repaid such debts.
3. Applicants who have had two previous tenancies terminated for breach of a tenancy agreement are only allocated in extreme circumstances .

**ATTORNEY GENERAL
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1337

Domestic Violence orders

MR CORNWELL - Asked the Attorney General

(1) How many Domestic Violence Orders (DVOs) were successfully opposed in the ACT in 1993-94 and what percentage does this represent of total DVOs issued in the year.

(2) How many of those successfully opposed in (1) were represented by the alleged offender rather than a lawyer.

(3) How many DVOs in 1993-94 were taken out against (a) men and (b) women and how many of each sex DVOs were successfully opposed.

(4) What is the approximate average cost of legal representation in a DVO matter before the Family Court.

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

(1) Of the 1,231 Applications for Protection Orders between 1 January 1993 and 31 August 1994, five were successfully opposed. However it should be noted that most applications end in consent orders being made without any admissions and without the need for a contested hearing.

(2) Of these five, two matters had all parties represented by solicitors, in one matter the Applicant was self represented and the Respondent was represented by a solicitor and in the remaining two matters all parties were self represented.

(3) Of the 1,321 Applications for Protection Orders, 1,136 were against males and 185 against females. Four males successfully opposed application and one female successfully opposed an application. It should be noted that domestic violence applications are taken out by husbands against wives, wives against husbands, parents against children, children against parents, men against men, and women against women.

(4) Firstly, domestic violence matters are heard in the ACT Magistrates Court, not the Family Court. Secondly, the costs involved will vary according to the circumstances of individual cases, and are a matter for solicitors and their clients, rather than the Government.

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1339

Flood Prevention - Mawson

Mr Cornwell - asked the Minister for Urban Services:

In relation to your predecessors letter of 13 September 1993 that flooding in the vicinity of Dryaaba Court Mawson would be addressed and your recent advice that anti-ponding measures would be completed by 20 May 1994, can you now advise if this restoration has been completed.

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

The construction of open concrete inverts to prevent water ponding on the footpaths near Dryaaba Court, Mawson, has been completed.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION No 1341

**Housing Trust Properties - Golf Course
Development Projects**

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

Is it intended to have ACT Housing Trust properties built in the proposed golf course developments at Holt and Yowani; and if not, why not.

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

No. Both projects have been submitted by private developers wishing to provide residential accommodation on existing leases. I am not aware of any approach made by the Trust to either my Department or the developers, to be allocated properties in either of the projects.

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ATTORNEY GENERAL

LEGISLATIVE ASSEMBLY QUESTION

Question No. 1345

**Attorney-General Portfolio -
"Informed Sources" Contract**

Mr Humphries - asked the Attorney General - In relation to Purchase Order 002378, listed in Gazette No. 27, dated 13 July 1994, detailing the value of \$11,500.00 to "Informed Sources" of Milton, QLD, 4064 for "Provision of Sydney"

- (1) What is the purpose of the contract.
- (2) Has work been finalised yet; if so, what final results are available.
- (3) What services are being purchased.
- (4) What is "Provision of Sydney"; is this description an accurate description of the purpose of the contract.
- (5) Were tenders called for this contract; if so, when and how and if not, why not.
- (6) What is the nature of business carried on by "Informed Sources" and who are its principal shareholders.

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

- (1) The purpose of the contract with Informed Sources is to secure - the provision of detailed information on a regular basis concerning Sydney and Wollongong petrol prices. This action was taken in accordance with Recommendation 4 of the ACT Government Working Group on Petrol Prices as adopted by the Government.
- (2) The contract with Informed Sources runs for the period 1 June 1994 to 31 May 1995.
- (3) Informed Sources provides detailed price surveillance services for most capital cities on a subscription basis. The ACT has subscribed to the "Sydney Summary Service" for 1 year. That service provides a 13 page

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daily report on week day petrol prices in Sydney and Wollongong as well as a monthly summary report containing graphical data.

(4) The notice in the Gazette inadvertently omitted to specify after the words "Provision of Sydney" the words "Summary Service".

(5) No tenders were called for this contract as I am advised that there is no other organisation or person which provides such a service.

(6) See my answer to question 3 above in relation to the nature of business carried on by "Informed Sources". I am advised that the principal shareholders are Alan Stephen Cadd and Nicola Cadd.

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**ATTORNEY GENERAL OF THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

QUESTION NO 1348

Retirement Village Industry - Code of Practice

Mr CORNWELL - Asked the Attorney General upon notice on 23 August 1994

In relation to Recommendation 11 of the Report No. 2 (Aged Accommodation and Support Services in the ACT) of the Standing Committee on Social Policy, namely that the retirement village industry draw up its own self-regulatory code and if the code is not forthcoming within a reasonable time frame, the Government consider legislation -

- (1) What has happened in respect of this recommendation.
- (2) Is the Government considering such legislation, given that the report was brought down in December 1992.

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

(1), Following the recommendation by the Standing Committee on Social Policy, the Aged Services Association of NSW and the ACT Inc have recently submitted to the Government a copy of their draft ACT code of practice for the retirement village industry.

This code is closely modelled on the current NSW code of practice for the industry. However, I am advised that there are a number of major departures between the NSW code and the draft ACT code including the following:

- the drafting of the ACT code is incomplete. The draft still has a number of "blank" spaces left in it, apparently to be filled in at a later stage.
- the NSW code is complimented in that State by the Retirement Villages Act and the disputes arising out of the code are able to be heard in the Commercial Tribunal; and
- the NSW code is a mandatory code approved under the NSW Fair Trading Act (1987) NSW.

2. Yes, having regard to the problems identified in the draft self regulatory code as presented by the industry I have asked the Director of Consumer Affairs to prepare a Code of Practice applicable to the retirement village industry. This code will be a mandatory code established under the Fair Trading Act 1992.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1349

Shopping Centres - Parking Charges

Mrs Carnell - asked the Minister for Urban Services:

- (1) Was the recent imposition of parking charges at Woden Plaza on Saturdays in long term parking areas advertised; if not, why not.
- (2) If so, when, where and how was this change advertised.
- (3) What was the value of parking fines issued on Saturday, 15 July 1994 at Woden Plaza.
- (4) Are there any other shopping centres at which paid parking for long term parking areas on Saturday has recently been imposed.
- (5) What is the estimated revenue to be gained from imposing these new parking rules at Woden Plaza.
- (6) What is the estimated revenue to be gained from imposing such parking rules at other shopping areas.

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

- (1) The decision to convert the long-stay voucher parking areas at Woden Plaza to multi-use parking was announced in the 1993-94 Budget, but was not advertised separately. The signs depicting the changed arrangements were erected on 6 June 1994. However, to allow carpark users time to become familiar with the multi-use parking arrangements, infringement notices were not issued on Saturday mornings in the Woden Plaza area prior to Saturday 16 July 1994.
- (2) Not applicable.
- (3) The value of parking fines issued on Saturday 16 July 1994 was \$1485.00.
- (4) Civic, Braddon and Turner parking arrangements were changed to multiuse parking in July 1993.
- (5) Separate revenue estimates have not been made.
- (6) Separate revenue estimates have not been made.

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

QUESTION NO 1352

Housing Trust - Rent Relief Formula

MR CORNWELL - Asked the Minister for Housing and Community Services -In relation to rent relief paid by the ACT Housing Trust to clients renting private accommodation -

- (1) When was the formula for determining rent relief changed.
- (2) How does it differ from the "old" formula.
- (3) What was the average amount paid to a recipient under the "old" formula.
- (4) What is the average amount paid under the "new" formula.
- (5) How many recipients are still receiving the amount determined under (a) the "old" formula and (b) the "new" formula.
- (6) How many appeals against the amount determined under the "new" formula have been received since its introduction.
- (7) What is being done to assist people who cannot manage financially under determinations made by the "new" formula.

MR LAMONT - The answer to the Members question is as follows -

- (1) The rent relief formula changed on 3 October 1993.
- (2) The changes to the rent relief formula were:
 - The maximum Rental Relief assistance has now been reduced by the amount of assistance paid by the Commonwealth Department of Social Security as Rent Assistance. Previously, some applicants were entitled to receive assistance from the Commonwealth, plus maximum Rent Relief assistance.
 - Applicants making an initial application or existing applicants applying in respect of new premises are required to contribute a minimum of 40 per cent of their gross income to rent. Previously, 30 per cent was the required contribution;

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Other changes to the program were:

- The minimum residency period requirement in the ACT, was extended from 6 to 12 months.
 - Applicants entering halls of residence or hostel accommodation are no longer eligible for assistance.
- (3) Immediately prior to the change, the average amount paid to a recipient was \$46.75 per week.
- (4) The current average assistance is \$36.25 per week.
- (5) The number of recipients still receiving rent relief under the old formula varies from month to month and is just under 300. The number of recipients under the new formula is approaching 400. A detailed breakdown of the split between old and new is not readily available as general statistics do not provide this degree of detail.
- (6) The Housing Trust has received 49 appeals in relation to Rent Relief assistance since the introduction of the new scheme. Of these, 22 relate to changed elements of the program.
- (7) Applicants who have difficulty in maintaining a tenancy in the private rental market can apply for a priority allocation of housing. When applications are considered, all of the applicants circumstances are taken into account, including their financial commitments.

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

QUESTION NO 1353

Housing Trust - Rent Relief Recipients

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

- (1) How many families were in receipt of rent relief from the ACT Housing Trust at 30 June 1994.
- (2) What is the average waiting time before recipients are offered Trust accommodation.
- (3) Were any single people or couples on rent relief at 30 June 1994; and if so, how many of each.

MR LAMONT - The answer to the Members question is as follows -

- (1) 1,296 household units.
- (2) The average waiting time on the ordinary waiting list for all accommodation across all locations is 41 months.
- (3) The profile of applicants receiving Rent Relief encompasses all types of family units. Statistics on individual household types are not readily available and the preparation of a precise answer would require the allocation of significant staffing resources.

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

QUESTION NO 1354

Housing Trust - Rent Arrears Payment Agreements

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

- (1) How many ACT Housing Trust tenants are on arrears repayment agreements and how many Trust tenants have arrears but are not on arrears repayment agreements.
- (2) What percentage of total Trust tenants does each group represent.
- (3) What was the total amount at 30 June 1994 outstanding on arrears repayment agreements.
- (4) What is the approximate average arrears outstanding and what is the approximate average fortnightly repayment.

MR LAMONT - The answer to the Members question is as follows

- (1) As at 14 August 94 there were 1,150 Housing Trust tenants on rent arrears agreements and 4,826 who were not on agreements.
- (2) The total number of Housing Trust tenants on 14 August 1994 was 11,941 of which 50% were in arrears with their rent payments. Of the 11,941 tenants 9.6% were on rent arrears agreements and 40.4% were not on agreements.
- (3) The information is not available as at the date you requested, however, as at 3 July 1994, outstanding arrears relating to current accounts for which an agreement is in place, totalled \$796,924.
- (4) The latest available information is at 14 August 1994, when there were 1,150 current arrears repayment agreements in place. The total value of arrears covered by agreement at this time was \$696,008 giving an average debt of \$605.22. The average repayment is estimated to be \$23.00 per fortnight.

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

QUESTION NO 1356

Private Housing - Construction Covenant Extensions

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

In relation to advice (Estimates Committee uncorrected proof transcript, 24 June 1994, page 399) that the period between purchase and construction time for private sector housing had been extended from 12 to 24 months with a possible extra extension of another 6 months -

- (1) What controls exist to prevent the owner sitting on this property for the full 30 month period to allow its value to increase because of surrounding development.
- (2) What controls exist to prevent the owner from selling the land after the full 30 months period during which time the surrounding land has been developed.
- (3) How many (a) extensions beyond 24 months have been granted and (b) blocks did those extensions represent and (c) in what suburbs were the blocks located since construction time was extended from 12 to 24 months.
- (4) How many applications to sell blocks have been received from owners who have held the blocks undeveloped beyond 24 months.
- (5) How many residential leases have changed hands before building commenced since construction time was extended from 12 to 24 months.
- (6) Why was (a) construction time extended from 12 to 24 months and (b) the opportunity, in certain circumstances, given for a further extension of up to 6 months.
- (7) What are the circumstances that would justify a further extension beyond 24 months.

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

The question refers to a permitted extension period of 6 months. There is no particular restriction on the amount of time that can be provided to lessees to meet their obligations under their leases. The circumstances of each particular case are considered, to determine whether an extension is warranted. The 6 months referred to relates to the period of extension that can be approved by the Building Controller. Extensions beyond that must be considered by the Lease Administration Branch of the Department of the Environment, Land and Planning.

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Residential leases contain building and development provisions that require lessees to commence and complete construction within 12 months and 24 months respectively of the date of commencement of their leases. That time can be extended if lessees provide adequate justification for the delays in construction and they pay the required fees. The Commonwealth, and now the Territory Government, has always had the ability to grant extensions of time to build in appropriate circumstances.

(1) From time to time, my Department checks compliance with lease development provisions and encourages non-complying lessees to complete their obligations.

The Land (Planning and Environment) Act 1991 provides the opportunity for the Department to seek orders against recalcitrant lessees that would require them to meet their obligations within a reasonable time or face monetary penalties or loss of their land. Orders have been used successfully on a number of occasions.

(2) Section 180 of the Land (Planning and Environment) Act 1991 requires the Ministers consent to the transfer of a lease where the building and development provisions have not been met. In such circumstances, transfers of leases must meet the requirements set out in the Act. If the requirements are met, the transfer can be approved.

The intention of section 180 is to prevent speculation in land but the way it is worded may not achieve this. This matter has been referred by the Department to the Planning, Development and Infrastructure Committee for consideration in its review of the Land (Planning and Environment) Act 1991.

(3) (a) & Records are not readily available to identify the total number of
(b) extensions granted beyond 24 months since April 1991. Our concern is to ensure that buildings are constructed within a reasonable time and, where that is not possible, we deal with requests for extension on a case-by-case basis. Where necessary, we will not resile from taking strong action to ensure that development requirements are met.

An enhanced computer facility is being developed which will facilitate the extraction of information such as that sought by the Member.

(c) While I am unable to tell you how many extensions beyond 24 months have been granted, I can say that extensions of time have been granted in suburbs where new residential development has occurred over the past 5 years. These include, but are not limited to, Banks, Bonython, Bruce, Calwell, Conder, Fadden, Gordon, Isaacs, Kambah, Melba, OMalley, Palmerston, Theodore and Wanniasa,

(4) I refer you to my answer to part 3(a) of your question and to my reference to an enhanced computer system being developed. An examination of all the necessary records to obtain the information you have sought would require a diversion of valuable resources from priority tasks.

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Before new residential land was developed under the private enterprise land development (PELD) arrangements, people bought their land directly from the government. If anyone subsequently was unable to meet the building provisions of the lease it was possible to surrender the lease to the Territory in return for a proportion of the amount they had paid to the Government for the land.

Under the PELD arrangements, lessees buy their land from private sector developers who have paid the Government for the raw land. The Government has not received an amount commensurate with the amount paid by individuals to acquire developed land and it is therefore not appropriate for the same arrangements for surrender and refund to apply. It is necessary, therefore, for people who cannot develop their land to find another buyer to enable them to attempt to recover the costs they have incurred.

The Department pays particular attention to requests to transfer land where that land has been held for some time. We are also concerned to ensure that development occurs and we do not wish to impose undue hardship on people who present sound reasons for being unable to build by withdrawing their leases with little or no compensation.

(5) The nature of PELD land development is that individual leases are provided to the prime land developer on completion of an estate and those leases subsequently change hands to builders and owners. I do not have the figure for the total number of blocks developed since 1991. There have been many thousands of them, and almost every one of them has changed hands before building is commenced.

(6) & Up until April 1991, building and development covenants in leases referred to (7) periods of 6 and 12 months. In April 1991, the then Chief Minister, Mr Trevor Kaine MLA, extended the periods to 12 and 24 months respectively.

The changes were introduced to eliminate inconsistencies that previously existed between the administration of lease covenants and building permits and to provide a more efficient service to clients. The changes also recognised the real times taken by residential home owners to complete their homes and provided time to arrange finance and to allow owner-builders to meet reasonable deadlines.

As I have already mentioned, the opportunity exists, and did in 1991, for home builders to seek extensions beyond the initial periods in the lease. Six months is not, and has not been, the limit for which a further extension may be granted. Six months is the limit to the period of extension that the Building Controller can grant without reference to the Lease Administration Branch of the Department. In appropriate circumstances, such as ill health, financial difficulties, family problems, insolvency of contracted builders and general economic circumstances, it is reasonable to extend the time allowed to build.

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Many extensions of time arise in respect of our new development estates. This occurs because it takes some time after the individual block leases have been delivered to the development companies for all land sales to be concluded. This often means that there is not sufficient time left under the original development provisions for the buyer to be reasonably expected to complete construction.

Many of the remaining cases involve average Canberra householders and ownerbuilders who find themselves in difficult circumstances and need some sympathetic and sensitive consideration of their situations.

I believe the approach we take does recognise the realities of home building and has removed a significant amount of unnecessary work that has previously occurred in pursuing compliance with unrealistic lease conditions.

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

QUESTION NO 1362

Housing Trust - Direct Debit Rent Payments

MR CORNWELL - Asked the Minister for Housing and Community Services In relation to direct debit payments for ACT Housing Trust tenants

- (1) Has the Trust commenced mandatory direct debits of rent and arrears agreement payments for tenants who fall behind in their (a) rent and (b) rent arrears agreement; if so, when was this practice commenced.
- (2) Since then, how many tenants have begun direct debit payments for 1 (a) and 1 (b) as a result of the Trusts demand.
- (3) Have any tenants refused to arrange direct debits when asked; if so, what procedures are then followed by the Trust.
- (4) On 23 August 1994, how many tenants (a) are in arrears with their rent;
(b) are in an arrears agreement with the Trust and (c) in each category are making payments by direct debit.

MR LAMONT - The answer to the Members question is as follows

- (1) Yes. I launched direct debit on Friday 9th of September 1994. Direct debit will be mandatory for tenants who are required to sign rent arrears agreements either because their accounts fall into arrears or they have not maintained an existing agreement.
- (2) Not applicable.
- (3) Not applicable.
- (4) Rental arrears are monitored on a fortnightly basis. On 14 August 1994, the information is as follows:
 - (a) The number of tenants in arrears with their rent as at this date stood at 5,976.
 - (b) 1,150 were on arrears agreements.
 - (c) Not applicable.

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

QUESTION NO 1365

Housing Trust - Transfers on Medical Grounds

MS SZUTY - Asked the Minister for Housing and Community Services - From 1 July 1993 to 30 June 1994 how many requests for transfer have been received from ACT Housing Trust tenants, citing asthma related conditions as the reason for the request for transfer.

MR LAMONT - The answer to the Members question is as follows -

When an applicant requests a transfer to alternate government accommodation, the Housing Trust carefully considers all aspects of a tenants housing situation, including their general medical conditions. However, although a tenants asthma will be recorded on their file, general statistics do not provide this degree of detail.

3084

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION No. 1366

ACTION Bus Drivers - Redundancy Packages

Mr De Domenico - asked the Minister for Urban Services:

- (1) How many redundancy packages have been offered and accepted by ACTION bus drivers in the last financial year.
- (2) What is the total amount of the redundancy packages.
- (3) How many persons who have accepted redundancy packages have subsequently been re-employed in any capacity.

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

As at 26 August 1994:

- (1) 90 redundancy packages have been offered; 88 have been accepted.
- (2) The total amount paid is \$2.87 million.
- (3) 32 persons have been re-employed as part-time drivers.

3085

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

QUESTION NO 1367

**Private Leases- Landscape Works
Compliance Certificates**

Ms Szuty - asked the Minister for the Environment, Land and Planning -

In relation to inspections undertaken by your Department for the purpose of issuing a compliance certificate under the Landscape Design and Construction Guidelines of Category A: Landscape Works within Private Leases -

- (1) Is it normal practice for these inspections to occur up to 18 months after the completion of the building and landscaping work.
- (2) When such a delay occurs is any allowance made for the time elapsed in such areas as the settling and breakdown of mulch.
- (3) Is it normal practice for a value to be placed on any outstanding work identified during an inspection.
- (4) What is the process used to arrive at such values and is any comparison made to normal commercial prices for such work.
- (5) Does the placing of a value on the work imply that your Department will undertake that work at the indicated price.
- (6) If your Department will undertake the work, is such work undertaken by departmental personnel or by contractors.

Mr Wood - the answers to the Members questions are as follows:

Before answering the Members specific questions I would like to discuss a little of the background of compliance certificates.

When leases are first issued they contain a number of provisions known as building and development provisions. These provisions cover a wide range of matters, such as the minimum value of building/s, tree preservation, lighting, verge development, landscaping etc. When Lessees have complied with all the building and development provisions they may apply to the Minister for a certificate confirming that the requirements have been met.

There is no statutory requirement for a Lessee to apply for a compliance certificate. However, a lease for which a compliance certificate has not been issued cannot be dealt with, that is, it cannot be assigned, mortgaged, sub-let or transferred without the Ministers consent. Thus, in many cases Lessees will not apply for a compliance certificate until they need to deal with the lease; this is often a considerable time after they have complied with the building and development provisions.

There is a separate certificate, known as a "Certificate of Fitness for Occupancy and Use", that must be obtained prior to the occupation of a building or part of a building. This certificate is a pre-requisite for a certificate of compliance.

Turning now to the Members specific questions:

(1) No it is not normal practice, but it is not uncommon. The inspections are initiated by the Lessee not the Department.

(2) Yes. However, the building and development provisions imposed are an ongoing requirement to meet the standards set under the "Landscape Design and Construction Guidelines of Category A: Landscape Works within Private Leases" (the Guidelines). Therefore, at the time of inspection the mulch should comply with the Guidelines and be 75mm in depth.

(3) Yes.

(4) The process used is one of estimation taking into account materials required and the amount of labour required to tiring the work up to the standard set out in the Guidelines. The purpose of the estimate is to establish a bond so that a compliance certificate can be issued. Being a bond the figure is generally below commercial costs.

(5) No. The taking of the bond does not mean that the Department absolves Lessees of their obligation to meet the requirements of the building and development provisions. The bond acts as a surety that the work will be carried out. If the Lessee defaults and the Department has to carry out the work, and the bond is insufficient, then the balance of the cost becomes a debt due to the Territory and may be recovered through the Courts.

(6) If called upon to complete the work, the Department would use the most cost effective method available.

3087

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1370

Dual Occupancies - Banks

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to the 58 dual occupancy developments approved or active in the suburb of Banks -

- (1) How will the infrastructure of the suburb, ie water, sewerage, cope with this additional increase in density.
- (2) Will supplementation of such infrastructure be required and; if so, at what cost.

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

(1) The design of Canberras water supply reticulation is based on demand allocated to specific land use. For suburban residential areas such as Banks a single peak-hour demand is utilised for standard detached housing, group housing, duplexes and flats - both low and high rise. Basically the infrastructure in Banks is considered adequate to cater for current and anticipated future development. There are two factors that may have lead to a perception of inadequate water supply in Banks. Firstly, up until November 1993 Banks was supplied directly from the bulk supply main from Mt Stromlo, via pressure regulating valves, but the pressure setting on those valves was found to have been set higher than was required. In November 1993 the Conder Reservoir was commissioned and the pressure in Banks would have been controlled by the elevation of that reservoir at a lower, but still quite adequate pressure.

Secondly, 375 mm main is to be constructed in the future to link south Banks to the inlet/outlet main from Conder Reservoir. Until this main is in service there are number of high level blocks in south east Banks that may have experienced water pressures slightly below normal during summer peak demand periods.

The design of Canberras sewerage system is also based on parameters associated with specific types of land use. For suburban residential areas such as Banks, a single parameter is applied for high density use. Overall, the suburb of Banks is viewed as being low to medium density residential, although some pockets may approach a high density of land use if there is extensive dual occupancy construction. Even with this density the water and sewerage infrastructure is designed to cater for anticipated future development.

The design of Canberras electricity reticulation system is based on demand parameters allocated to specific dwelling types. For suburban residential areas such as Banks different peak-period demand parameters are utilised for standard detached housing, medium density and high density housing. Electricity to the Lanyon area is supplied via the Theodore Zone Substation, which has ample capacity for anticipated future demands. The existing 11 kV and low voltage reticulations in Banks is considered adequate for the current, and some future, development.

It is possible that localised increases in demand for electricity due to extensive dual occupancy construction could necessitate some upgrading of the reticulation, and this would be undertaken as required. Until the extent of the work is identified, it is not possible to estimate costs.

3089

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

QUESTION NO. 1371

Dual Occupancies - Banks

Mr Cornwell - asked the Minister for the Environment, Land and Planning in relation to the approvals granted for dual occupancy in the suburb of Banks -

- (1) Who were the builders/developers.
- (2) Who was the real estate agent.
- (3) For what price (a) was each of the blocks sold and (b) has each of the dual occupancy (ie the parts of the original) blocks sold.

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

- (1) The applicants listed in the public register of the shopfront of the Department of the Environment, Land and Planning are shown in the first column of the attached table.
- (2) No information is kept on which real estate agents deal with individual properties.
- (3) The sale prices recorded by the Department of the Environment, Land and Planning as of 31 August 1994 of properties in Banks where dual occupancies have been approved are shown in the attached table. In general the price of blocks ranged between \$34,000 in 1992 up to \$60,000 in 1993 and houses between \$96,000 and \$123,000.

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

QUESTION NO 1378

Territory Plan - Establishment Cost

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

What was the cost of establishing the Territory Plan.

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

It is not possible to provide a precise figure as not all the costs of preparing and introducing the Territory Plan can be positively identified. Preparation of the Territory Plan involved to some extent most of the staff of the ACT Planning Authority, other staff of the Department of the Environment, Land and Planning and officers of most other ACT Government Service agencies. All of these costs were not separately identified and were spread over a number of years. It would require considerable research to extract the information and it would not be possible to guarantee the accuracy of any figure derived as a result of such research.

Direct costs which can be identified or be reasonably estimated and covering expenditures such as printing and publishing the draft and final Plans, the engagement of consultants to assist in the preparation of the Plan and to undertake seminars and workshops during the consultation period amounted to some \$205,000.

3094

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

QUESTION NO 1382

Womens Refuges and Halfway Houses - Outdoor Play Equipment

MR CORNWELL - Asked the Chief Minister upon notice on 25 August 1994 In relation to a question asked of you on talkback radio on Friday, 12 August, regarding an amount of \$6,000 said to have been spent on upgrading or installing play facilities at one womens refuge in the ACT

- (1) Was a sum of \$6,000 spent on play facilities at any one womens refuge in the ACT.
- (2) How much was spent on play facilities at all womens refuges between January 1993 and 23 August 1994.
- (3) What was the average amount per refuge spent on play facilities during that time period.

MS FOLLETT - The answer to the Members question is as follows

(1) \$6,393 and \$6,651 were spent on outdoor play equipment and associated site preparation at a womens refuge and a halfway house respectively.

(2) Between January 1993 and 23 August 1994 \$13,044 of Crisis Accommodation Program (CAP) funds was spent on the provision of childrens outdoor play equipment to a womens refuge and a halfway house. Approximately two thirds of the clients of these services are children under the age of 12. Submissions were received for this equipment and following approval by both the ACT Minister for Housing and Community Services and the Commonwealth Minister for Housing and Regional Development the funds were allocated.

(3) See response to (2) above.

3095

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1384

Public Childrens Playgrounds

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to public childrens playgrounds in the ACT -

(1) How much money was spent on upgrading-or installing such play facilities between January 1993 and 23 August 1994.

(2) What was the average amount spent on play facilities per location during that time period.

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

(1) During this period \$255,000.00 was spent on upgrading playgrounds and approximately \$500,000.00 spent on new playgrounds.

(2) Upgrading costs between \$18,000.00 - \$25,000.00 and new playgrounds cost between \$35,000.00 - \$50,000.00.

3096

**ATTORNEY-GENERAL
ACT LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1387

Police Force - Redundancy Packages

MR HUMPHRIES: To ask the Attorney-General -

(1) How many redundancy packages have been made available or offered to members of the Australian Federal Police (ACT Region) (hereinafter called "Members") during 1994.

(2) Have any offers of redundancy been made to (a) Members subject to investigation by the Internal Investigation Division of the Australian Federal Police; or (b) Members subject to proceedings in a court arising out of conduct as a police officer.

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

(1) For the 1994/95 financial year, the Australian Federal Police (AFP) made available redundancy packages to six (6) members of the ACT Region.

(2)(a) An allegation was investigated by the AFP Internal Investigation Division against one member, who made an application for consideration of a redundancy. The application was accepted. This offer was not initiated by management.

None of these members were subject to proceedings in a court arising out of conduct as a police officer.

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