



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

23 November 1995

**Thursday, 23 November 1995**

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**MR SPEAKER** (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **REMUNERATION TRIBUNAL BILL 1995**

**MRS CARNELL** (Chief Minister) (10.31): I present the Remuneration Tribunal Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill provides for the establishment of an ACT Remuneration Tribunal to determine the remuneration of members of this Assembly, ACT statutory office-holders and the public service executive group. The new tribunal will take over these functions from the Commonwealth Remuneration Tribunal. This is in no way due to any dissatisfaction about the outcomes to date. As I will explain, it reflects the need to put in place appropriate arrangements for the ACT. This is understood and appreciated by the Commonwealth and its tribunal.

The immediate impetus for establishing the ACT Remuneration Tribunal has been the Government's decision to move its public service executives onto contract employment and to have the remuneration under those contracts set by an independent Remuneration Tribunal. The decision to establish an ACT tribunal is, however, a timely and appropriate one for all ACT office-holders. After more than six years of self-government, our model of governance is still evolving. One thing is clear, however. We are putting the special Commonwealth links we once had behind us and doing things in our own way. This is particularly true of the ACT public service. A little over 12 months after the break from the Australian Public Service, or APS, we are negotiating an agency-based enterprise bargaining framework that will be significantly different from the framework adopted in the APS. We are examining what changes are required to the workers compensation arrangements we currently share with the APS and now we are moving to a system of executive contracts that has much more in common with the State public services than with the APS.

Having outlined the genesis and context of the Bill, I should explain its coverage. The ACT Remuneration Tribunal will set the remuneration and allowances for ACT MLAs, senior public office-holders and public service executives. With the exception of the extra payment received by the Chief Justice, this will not include the current judges of

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the Supreme Court. The Bill does not apply to the current judges in that capacity because, as well as being judges of the Supreme Court of the Australian Capital Territory, the current judges are also judges of the Federal Court of Australia. As such, they are covered by some special provisions in Commonwealth law. The effect of these special provisions is that the current judges must be remunerated on the same basis as other Federal Court judges. The Bill will, however, apply to any future judges of the Supreme Court who do not hold appointments as Federal Court judges.

I turn now to outline briefly the provisions of the Bill. The new tribunal can have up to three members, serving for a term of up to five years. The Bill contemplates specifically that the tribunal may consist of only one member, and, indeed, the Government is inclined at this early stage to make one initial appointment only, on a part-time basis. The Northern Territory Remuneration Tribunal operates under a similar model and has functioned for nearly 15 years without ever having more than one member. The Government is confident that the remuneration process established by this Bill will work with a minimum of fuss and at an appropriately small cost to the taxpayer. In this regard, the Bill provides for the tribunal to enter into arrangements with my department for the provision of support services.

The Bill also requires the Chief Minister to table the tribunal's determinations in the Legislative Assembly within six sitting days of receiving them. It does not provide for those determinations to be disallowable. There are several reasons for this. The first is that decisions of an arbitral nature made by other independent bodies such as courts and tribunals are generally not disallowable. Bodies such as these are established specifically to be independent of bureaucratic and political processes, not to be subject to them. Their decisions can always be overridden by legislation in extreme circumstances. The second and related reason is that the power of disallowance is in itself political. "No time is a good time for a politician's pay rise" - I think we all know that in this place - has been the catchcry. This truism is just as applicable to other senior office-holders. Under this Bill we are proposing a genuinely independent Remuneration Tribunal, not a body to make recommendations on remuneration to the Assembly. We should accept the umpire's decision as to what is a fair thing.

Lastly, Mr Speaker, I should explain the procedure of the tribunal itself. Consistent with the simplicity of the model we have adopted, the Bill allows the tribunal to inform itself in any manner it thinks fit and to determine its own procedure. The tribunal will not be bound by the rules of evidence. We anticipate that it will advertise for written submissions when reviewing the remuneration of office-holders, but it will not be bound to do so. The tribunal will have access to the advice of specialist remuneration consultants but will not be bound to seek such advice. These are all matters for the tribunal to determine for itself.

In conclusion, Mr Speaker, this Bill marks a small but significant step in the evolution of a distinctive and suitably simple model of government for the ACT. I believe it will serve the Territory well. I commend the Bill to the Assembly.

Debate (on motion by **Ms Follett**) adjourned.

**REMUNERATION TRIBUNAL (CONSEQUENTIAL AND  
TRANSITIONAL PROVISIONS) BILL 1995**

**MRS CARNELL** (Chief Minister) (10.38): I present the Remuneration Tribunal (Consequential and Transitional Provisions) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MRS CARNELL:** I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill introduces transitional and consequential provisions as a result of the Remuneration Tribunal Bill 1995. The Bill's transitional provision retains the operation of determinations of the Commonwealth Remuneration Tribunal until they are displaced by determinations of the proposed ACT Remuneration Tribunal. The Bill also makes consequential amendments to some ACT laws to remove references to the Commonwealth Remuneration Tribunal and to other procedures, such as regulations, used to set remuneration. In future, the procedure for setting remuneration for the relevant offices and appointees will be under the proposed Remuneration Tribunal Act. I commend the Bill to the Assembly.

Debate (on motion by **Ms Follett**) adjourned.

**COMMUNITY REFERENDUM BILL 1995**

**MR HUMPHRIES** (Attorney-General) (10.40): Mr Speaker, I present the Community Referendum Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, it is with some pride that I introduce this legislation today. This Bill marks a major milestone in the evolution of democracy in Australia. It will put into effect the principles of giving average people the right to initiate their own laws and the right to vote on those laws. This pioneering legislation reflects the Government's commitment to the principle that the people, not governments, have the ultimate sovereignty. It will empower ordinary electors to have a genuine say in the laws that govern them. The idea has been well tested overseas. Various versions of direct democracy have been operating successfully for several years in Switzerland, Spain, Italy, Austria and the United States. Last year New Zealand introduced its own Citizens Initiated Referenda Act. No country or State which has introduced a formal process of direct democracy has ever voted to get rid of it.

It is clear that fundamental and inevitable changes are taking place in liberal democracies such as ours. The form of representative government Australia inherited on Federation worked well when information was difficult to transmit and travel was arduous and expensive. It made sense for those times. But now the traditional concept of representative government is under challenge. Times have changed with the revolution in communications and the emergence of a well-informed, well-educated electorate. Today many voters know as much about what is happening as their representatives do - in some cases more - and they find out just as quickly. Armed with this information and the ability to understand it, people are no longer prepared to accept that their leaders or representatives always know best. Hence, society is seeing a demand for participation.

This Government believes that, if people are confident that the decision-making processes are open and fair, and if they are able to participate in those decisions, then they are far more likely to own the result. This philosophy has led to the development of this Bill, which will give voters, in addition to elected members of the Legislative Assembly, the power to initiate laws and to vote on them. We believe that the knowledge and experience of ordinary people in the ACT are a marvellous resource for the rules by which the community is governed.

This Bill is based on the Community Referendum Bill 1994 which was considered by the Select Committee on Community Initiated Referendums last year. The Bill has been updated to take account of comments made in the select committee's report of November 1994 and the passage of the Referendum (Machinery Provisions) Act 1994. Under the Bill, the sponsors of a proposal need the support of 1,000 electors to have the proposal registered. Then they have six months to get the support of more than 5 per cent, or around 10,000 electors. If successful, legislation to put the proposal into effect is drafted and presented to the Assembly. The Assembly may pass the proposed law or refer it to a referendum. If the Assembly does nothing, the proposed law goes to a referendum automatically. Provided four months has elapsed, a referendum is held in conjunction with the next general election of the Assembly.

If a proposal is so popular that more than 10 per cent, or around 20,000 electors, support it, and the proposed law is tabled prior to 31 October in the first two years of the three-year life of an Assembly, the Bill provides for holding a referendum on that proposed law on the third Saturday in February in the next year, provided the Assembly does not first enact the law. If a majority of electors support the proposed law, it is presented to the Assembly to be passed into law. As the Australian Capital Territory (Self-Government) Act 1988 now stands, only the Assembly can make laws. The Assembly cannot be bound to enact a proposed law passed at referendum. However, the Assembly would ignore the wishes of a majority of voters at a referendum at its peril. To enable the results of community-initiated referendums to be binding on the Assembly, the Government will approach the Commonwealth Government seeking amendments to the self-government Act.

Another step the Government intends to take is to introduce an entrenching law to ensure that the Assembly does not remove the right of electors to initiate laws by repealing or fundamentally altering this Bill without the approval of either a two-thirds majority of the Assembly or a majority of electors at a referendum. That entrenching law will also seek

to restrict the Assembly from amending a law passed as a result of the process set out in this Bill for a period of 12 months, unless either a two-thirds majority of the Assembly or a majority of electors at a referendum approves a change. Mr Speaker, this Bill is not revolutionary. It takes a very careful approach, to ensure that proposals will be well thought through and will result in good law. It will complement the role of the Assembly.

Before a proposal can be registered it will have to be cleared by the Electoral Commissioner, to make sure that it is within the power of the Legislative Assembly, and cannot interfere with the budget by proposing or prohibiting expenditure of specific amounts of public money for particular purposes. The threshold of 5 per cent of electors would be quite difficult to achieve and is right at the top of the range in the light of international experience. This high threshold will serve to defeat frivolous or crackpot proposals, without being too high to stymie voter-initiated referendums altogether.

Another safeguard in the process is the high level of support needed for a proposed law. In most other jurisdictions a referendum is passed if it is supported by the majority of those who decide to vote at a voluntary poll. By contrast, this Bill requires support of the majority under compulsory voting, which those opposite profess to support. Another check built into the system is that, once a proposed law has been tabled in the Assembly, the Chief Minister does an estimate of what it is likely to cost or save. The Auditor-General then provides an independent assessment of that estimate. The reason for this requirement is that if a proposal is to be enshrined in law it is necessary for the community to have reliable information on how much the proposal would cost to implement or the savings that might be made, just as the Assembly does when deciding on legislative proposals in this place. It is appropriate for the estimate of the costs or savings to be done at the time the proposed law has been prepared, because it is the legislation, not the proposal, that governs what is and what is not done.

Mr Speaker, most of the opposition to direct democracy comes from politicians or from those who have influence in established party structures. Essentially, the rejection of direct democracy amounts to thinly disguised self-interest. When analysed, most arguments against the concept of allowing the community to initiate its own laws and vote on them are generally arguments against democracy itself. The argument is sometimes run that noisy minorities will gain too much influence; that giving people the power to initiate laws will mean that fringe groups can get up lunatic proposals. The fact is that this Bill will have the opposite effect. At present it is much easier for a noisy and well-organised minority to get its way by persuading a few key politicians, as we know, than it would be to persuade a majority of all voters. That is why lobby groups flourish under the current system. Direct legislation is a very effective way of taking controversial issues out of the hands of extremists, pressure groups and power elites.

An alternative argument is also put, but this one asserts that minorities will suffer at the hands of the majority. Experience also shows that the opposite is true. For example, notwithstanding the great unpopularity of the small Communist Party of Australia in 1951, a referendum to ban it was lost. In Queensland the Government introduced daylight saving against the wishes of a minority living in rural areas, but when the question was put to a referendum most Queenslanders chose to respect the special needs of people in the country and voted against daylight saving.



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The cost of running a referendum is sometimes cited as the reason for denying the community the opportunity to initiate laws and vote on them. To the extent that there is some expense, it will be reduced by ensuring that most referenda are held at the same time as general elections. Another factor that will reduce cost, and in some cases eliminate it altogether, is that all referendum proposals will first be tabled in the Assembly and the Assembly can pass the law itself if it wants to, in which case no referendum will need to be held.

“Voter apathy” is also cited as a reason for not allowing direct democracy. To a large extent, voter apathy is a product of the present political system. People are not inherently apathetic; but, if they feel excluded from the action and powerless to do anything about it, it is not surprising that people have become disillusioned with the political process. Give people real power and people will be bound to take an interest. Another argument cited is lack of understanding of the legislative process. It is argued that ordinary people are not capable of understanding the complexities of issues and legislative proposals, but I say that the level of political understanding in the electorate depends much more on interest than on ability. Hence, although opponents of direct democracy use the argument that the public is too ignorant to initiate and vote on the rules of the community, the mere act of participating in the process will dramatically increase the level of public interest and knowledge. This is certainly the experience in the United States.

Mr Speaker, this Bill points the way for the development of democracy in Australia. The community does not want more power for politicians. You only have to look at their response every time they are asked for an increase in political power. The only power that needs increasing is the power of the people themselves. Whatever happens in this community in terms of the rules by which we live should not be decided by a few politicians and should not be imposed by narrow interest groups via the political party in power at the time. Whatever happens should happen because the people decide that that is what they want. Surely, Mr Speaker, that is democracy. This Bill gives the people of the Territory that power, and I commend this Bill to the Assembly.

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

### **COMMUNITY INITIATED REFERENDUMS - SELECT COMMITTEE Government Response**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, I present the Government response to the report of the Select Committee on Community Initiated Referendums which was presented to the Second Assembly on 10 November 1994.

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)  
(ENFORCEMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General) (10.52): Mr Speaker, I present the Classification (Publications, Films and Computer Games) (Enforcement) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill, when enacted, will be part of the ACT's contribution to the new national censorship scheme. The Bill will replace the Publications Control Act 1989 and the Film Classification Act 1971. The purpose of the Bill is to provide for the enforcement of classification decisions made under the Commonwealth Classification (Publications, Films and Computer Games) Act 1995 and to prohibit the publication of certain publications, films and computer games.

Each Australian State and Territory has its own legislation about the censorship and classification of films and publications. So far as the classification criteria and procedure for films and videos are concerned, the Film Censorship Board classifies films on behalf of all States and Territories. There are significant differences in the treatment of publications, however, with three States operating their own classification schemes. There are also differences in requirements to display determined markings and consumer advice, provision for reclassification of films and publications and standing requirements to have classification decisions reviewed. The only two jurisdictions to have fully implemented the computer games classification scheme are the ACT and Queensland.

In 1990, the Commonwealth Attorney-General, with the concurrence of the State and Territory governments, asked the Australian Law Reform Commission to report on how the Commonwealth, State and Territory laws relating to censorship could be simplified and made more uniform and efficient while still giving effect to policy agreed between the various jurisdictions. The Australian Law Reform Commission delivered its report entitled "Censorship Procedure" in June 1991, recommending the rationalisation of present legislation into a national legislative scheme consisting of a Federal Act detailing procedures for classifying films and publications; a code, agreed to by the Commonwealth, States and Territories, containing the criteria for classification; and State and Territory laws adopting the classifications made under the Federal Act and restricting the dissemination of films and publications.

The Commonwealth Classification (Publications, Films and Computer Games) Act 1995, which was passed earlier this year, was prepared following the recommendations of the Australian Law Reform Commission and this Act is the Commonwealth's contribution to revising the current censorship laws in cooperation with the States and Territories. The Commonwealth Act will replace the Classification of Publications Ordinance 1983 when commenced. The Commonwealth Act establishes the Classification Board and the Classification Review Board and sets out the procedures for classification of publications,

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films and computer games. Classification decisions are to be made in accordance with the National Classification Code and the classification guidelines that help apply the code. Both the code and the guidelines must be agreed between the Commonwealth, States and Territories.

The Commonwealth Act will not be brought into force until complementary State and Territory legislation is enacted. The State and Territory legislation will, in effect, govern the submission of films, publications and computer games to the Classification Board for classification. It will also deal with the consequences of the different classifications given by the board to films, publications and computer games. Western Australia, South Australia, New South Wales, the Northern Territory, Tasmania and Victoria have already introduced similar legislation.

The Bill covers much the same matter as is covered by the current Publications Control Act and the Film Classification Act. The structure of the offence provisions, however, will be more uniform with the legislation of the States and the Northern Territory. One area of significant difference from current laws is the treatment of the classification of publications. The majority of publications, which do not contain material that would be regarded by most people as offensive, do not require classification. Only those publications that deal with sex, drugs, nudity or violence such that they are likely to cause offence to a reasonable adult are required to be classified under the new arrangements. These publications are called "submittable publications".

This manner of dealing with the classification of publications is different from the current arrangements under the Publications Control Act. Under the current Act, it is a defence to prosecution for an offence in respect of an unclassified objectionable publication if the defendant deals with the publication in a manner consistent with how it would be required to be treated if it had been classified. The classification of publications is voluntary. If distributors decide not to have the publication classified, then they must make the right decision about what the likely classification might be in order to avoid prosecution. In order to provide more certainty both for distributors of these types of publications and for enforcement authorities, this current scheme is replaced under the new national censorship scheme with the partially compulsory scheme of "submittable publications" as recommended by the Australian Law Reform Commission.

Mr Speaker, I would also like to mention specifically the position with regard to X-rated videos. This Bill preserves the current controls on the sale and distribution of X-rated videos. I have raised a proposal for a reconsideration of the current classifications for films and videos with my colleagues on the Standing Committee of Attorneys-General. The initial reaction of Ministers to the proposal at that forum was, I think, encouraging. The proposal concerns the "X" and "R" classifications. Under the proposal the most extreme violent material that is currently permissible in the "R" classification, together with material that combines both sex and violence from the current "R" classification, would be removed and placed into a new, what I call for the moment, "V" category. This material would not be banned but would be available only subject to the same type of restrictions that currently apply to the sale and distribution of "X" videos in the ACT. This new category of material would not be available from general video stores.

In regard to the “X” classification, I am proposing that all depictions of sadomasochism, bondage, fetishism or non-consensual activity would be removed from the current “X” classification and placed into the refused classification category. The remaining material would then continue to be available on the same basis as at present. This classification would then allow only the explicit depiction of non-violent, legal sexual activities between consenting adults, which do not include images or language that demean women or men. It may be appropriate to rename this category of material as “E”.

**Mr Moore:** That is crazy. There are none of those things in the current “X” category.

**MR HUMPHRIES:** Mr Moore interjects that there is no such thing in the current material. That is not true. There is sadomasochistic material in the present “X” category. There is bondage material, and there is fetishism material. There is the suggestion of non-consensual activity in that material. Mr Speaker, it is the removal of that material from the “X” category that is proposed in my proposition. However, Mr Speaker, it is just that - a proposal - at the present time, and I hope to advance it during the course of 1996. It is better to be discussed at future meetings of the Standing Committee of Attorneys-General. Mr Speaker, I commend the Bill to the house.

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

### **CRIMES (AMENDMENT) BILL (NO. 3) 1995**

**MR HUMPHRIES** (Attorney-General) (11.01): Mr Speaker, I present the Crimes (Amendment) Bill (No. 3) 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, “female genital mutilation” is a term used to describe a variety of ritual practices performed on girls and women in certain communities. Those practices range in severity from removal of the hood of the clitoris, commonly referred to as female circumcision, to the removal of almost all of the external female genitalia, a practice known as infibulation. When a girl or woman is infibulated, the two sides of the vulva are sewn together, leaving only a very small opening.

This Bill addresses all forms of mutilation. The word “mutilation” has now been defined in the Bill, but clearly the offence is directed at what the *Macquarie Dictionary* defines as “mutilation” - that is, it means to “injure, disfigure or make imperfect by removing or irreparably damaging parts”. Accordingly, the practice of consensual “body piercing” female genitalia, for example, will not of itself be an offence.

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The practice is a longstanding cultural one which is quite widespread. In 1994 it was estimated by the World Health Organisation that up to 114 million women worldwide may have been subjected to these practices. Most affected women are from a number of African countries, although it is not confined to those areas. Reasons for the practice vary in different communities. It may be associated, for example, with an initiation rite or matters of hygiene or appearance. Although the practice has often been associated with the Islamic religion, Islamic authorities have made clear statements in recent years that it is not a requirement of their religion. Rather, the practice is cultural.

The procedure is risky and has severe consequences. It is believed to be performed in most cases by an older woman or a traditional birth attendant. Most procedures take place before a child reaches puberty and usually happen at a very young age. Short-term risks include shock, haemorrhaging, infection, more severe mutilation than was intended and even death. Long-term complications include chronic recurrent infection, pain, sterility, childbirth complications and the build-up of menstrual fluid in the abdomen, as well as emotional and psychological distress and pain.

Mr Speaker, although I am not aware of any reports of female genital mutilation occurring in the Territory, I believe it is important that the Territory act to prohibit these practices. They are in contravention of various international covenants to which Australia is a party. These include the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination Against Women. In addition, the Declaration on Violence Against Women specifically included female genital mutilation in its definition of violence. A number of countries around the world have already taken action. Legislation has been enacted in the United Kingdom and Sweden, and a Bill has been introduced in the Federal House of Representatives in the United States of America.

In Australia, the Family Law Council proposed in 1994 that the Commonwealth should legislate to ban the practice under its external affairs power. At the November 1994 meeting of the Standing Committee of Attorneys-General, all States and Territories, with the exception of Western Australia, supported enactment of specific State and Territory legislation to criminalise these practices. New South Wales and South Australia have already done so, and I understand that Western Australia now is also considering such legislation.

Mr Speaker, it is almost without doubt that in the Territory, as in other Australian jurisdictions, a person who performed such a procedure could be prosecuted under existing criminal laws on assault, although it would appear that the matter has never been tested in court. The practice on female children is also contrary to the Territory's child protection laws. However, there are a number of advantages in enacting this specific legislation. One important advantage is that it removes any doubt that a parent or guardian may be able to consent to such a procedure on a child. It also establishes that any person who intentionally arranges for a child to be taken outside the Territory for the purpose of having the operation performed is guilty of a criminal offence. Moreover, it has deterrent value in providing a clear legislative statement against the practice.

In developing this legislation, the desire for uniformity with other jurisdictions has been kept in mind. Very close attention has been paid to a draft Bill which was prepared by the Model Criminal Code Officers Committee, which committee comprises representatives from all Australian jurisdictions. The officers committee's draft Bill was endorsed by the Standing Committee of Attorneys-General at its July 1995 meeting. This was subject to the provisions concerning children applying to females under 18 years of age, and not females under 16 years of age as suggested by the officers committee. In relation to the issue of age, the provisions in the proposed ACT legislation concerning children will apply to females under 18 years of age. In developing the legislation, close attention also has been paid to the New South Wales and South Australian legislation. The only substantive difference between this Bill and the model provisions developed by the Model Criminal Code Officers Committee is that this Bill, like the New South Wales legislation, clearly defines which medical procedures have a genuine therapeutic purpose and thus do not constitute an offence.

Mr Speaker, a crucial part of any strategy to address female genital mutilation is community education. Simply imposing criminal sanctions is not enough. It runs the risk of driving the practice underground and of discouraging the very people who are in need of education and support from seeking help. This is particularly important since, in Australia, many women from the relevant countries are refugees; hence they are already members of a very vulnerable group.

The Family Law Council concluded that, for at least one generation, women from countries which practise female genital mutilation will be under considerable pressure to continue this practice. The Queensland Law Reform Commission also found that, as a result of the public debate which developed about female genital mutilation in Australia in 1993, many affected women reported feelings of rejection, humiliation and fear of having their daughters taken from them, which may discourage them from seeking medical treatment. This is the last thing we want to happen.

For these reasons, the legislation does not contain the usual automatic commencement provision. Thus even if the substantive provisions of the legislation have not commenced operation within six months after the legislation is notified in the *Gazette*, they will not automatically commence operation. Without this usual automatic commencement provision, the Government will be able to ensure that the substantive provisions of the legislation do not commence operation until after an ACT education awareness campaign has started.

The Commonwealth Department of Human Services and Health has provided funding for a national education campaign on these practices. Of this, \$37,000 is being made available to the Territory for the 1995-96 financial year. The Department of Health and Community Care, in consultation with a reference group which is made up of representatives from relevant women's health and community agencies, is developing an education program. It is envisaged that the education program will target appropriate ethnic communities, health care workers, and workers in the welfare, education and legal sectors. I commend this Bill to the Assembly.

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

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### **STATUTE LAW REVISION BILL 1995**

**MR HUMPHRIES** (Attorney-General) (11.09): Mr Speaker, I present the Statute Law Revision Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

It is usual for one or two Statute Law Revision Bills to be made each year for the purpose of correcting errors and making minor technical changes to legislation. It is inevitable that such matters arise over time. In particular, the 1995 Bill updates references to companies legislation. The Corporations Law regulates the formation and conduct of companies in the ACT. However, ACT legislation contains a number of references to earlier legislation on this matter. In updating the references it is necessary to also make the language of ACT legislation consistent with that of the Corporations Law.

The Bill also amends cross-references to the Magistrates Court (Civil Jurisdiction) Act 1982. That Act was renumbered last year, with the result that cross-references to it in a number of other laws require adjustment. Finally, Mr Speaker, amendments are made to correct minor errors, simplify expressions to make it consistent with current drafting practice and remove sexist language.

Mr Speaker, I want to indicate to the Assembly that I am also in the process of preparing a proposal for a Reprints Act in the Territory. The effect of the legislation, if it is supported and enacted by the Assembly, would be that many of the minor matters dealt with in legislation of this kind - purely technical matters which could be dealt with equally well by a printer as by the Assembly as a whole - will be dealt with in that way. The legislation will be modelled on legislation in use in Queensland for a number of years which provides for that automatic reprint capacity. I commend this Bill to the house.

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

### **LAND TITLES (AMENDMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General) (11.11): Mr Speaker, I present the Land Titles (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

Mr Speaker, the purpose of the Land Titles (Amendment) Bill is to amend the Real Property Act 1925. That Act has operated to regulate the administration of land titles in the ACT for many years without substantive review. Over the years the Registrar-General's office, which administers the Act, has received many suggestions for changes to the Act which the conveyancing industry would like to see made.

As far back as 1976 the Law Reform Commission of the ACT, headed by the Hon. Mr Justice Blackburn, prepared a report entitled "Report on the Law Relating to Conveyancing". That report, commonly known as the Blackburn report, noted that there was a great and increasing need for a thorough review of the whole law of real and personal property in the ACT. It also concluded that the time was ripe for a thorough reconsideration of the whole Real Property Act and of the substantive law underlying the Act.

The commission's terms of reference were limited to a review of the law of real and personal property in the ACT with the aim of introducing simplified procedures for the registration of title, and thus reducing the legal costs of the conveyancing industry in the ACT. Its report did not, therefore, recommend any major changes in the structure or substance of the Real Property Act, but it did suggest a number of amendments which would make the Act easier to follow. Some of those amendments have already been incorporated in the Act, notably those which involve computerisation of the land titles register. It is envisaged that, at some later stage and in line with the Blackburn suggestion, consideration will be given to reconsidering the Act as a whole, perhaps on entirely new principles, and to the substantive law underlying the Act.

In the meantime, further amendments, as outlined in the Bill as presented today, are proposed. These will introduce changes that will effectively bring the ACT into line with New South Wales in regard to the administration of the system of land titles registration. This will be of particular importance to those practitioners in the ACT who also practise in New South Wales. It will also benefit ACT residents who purchase land in New South Wales. While many of the proposed amendments are technical in nature, or are designed to improve administrative efficiency, some are of significant importance, notably those which deal with caveats and easements.

Mr Speaker, the Torrens system, upon which the Real Property Act is based, is designed to protect interests that have been entered in the register. Although interests are not fully protected until the documents evidencing them have been registered, the system does contemplate some protection being afforded prior to registration. The caveat procedure is the means by which such temporary protection can be obtained. The amendments seek to clarify and simplify the caveat procedure, and so make clear the rights and obligations of all parties concerned with an interest in land. One of the proposed amendments provides that a caveat shall not be registered unless it is in a registrable form. This is important, as it means that a caveat must be treated in the same way as any other document submitted for registration and will be treated, from the point of view of priority, as any other registered document.



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The effect of a caveat is that, while a caveat remains in force prohibiting the registration of a document, the Registrar-General shall not register the document, unless the court otherwise orders. Thus, while a caveat may protect the rights of a person, it does not enlarge or add to those rights. The primary purpose of a caveat is not to give notice of the claim being made by the person lodging the caveat, but rather to protect the caveator's interest from being defeated by the registration of a dealing without the caveator having had the opportunity of approaching a court for an order to protect the interest claimed in the caveat. The proposed provision that a caveat may be lodged which does not affect the registration of certain instruments is in line with existing New South Wales legislation.

With regard to easements, a number of problems arise because either there are no appropriate provisions in existence or existing provisions are inadequate. For instance, no provisions presently exist to allow for the variation of registered easements or the disposal of registered easements which are no longer required. It is also not possible for a proprietor to give an easement in favour of one block over another where she or he owns both. The proposed amendments - based largely upon the Queensland Land Title Act 1994 - overcome these and other deficiencies relating to easements in the existing legislation. As I indicated at the outset, many of the proposed amendments are of a housekeeping or technical nature. Others tidy up the existing legislation by removing obsolete or unnecessary sections or words, while others again replace sexist language with gender neutral terms.

I wish to place on record my appreciation of the contribution made by members of the Law Society of the ACT in making themselves available to discuss in detail with officers of my department the proposed amendments to the Act. I also wish to acknowledge the contribution made by Credit Union Services Corporation (Australia) Ltd to the amending legislation. I am confident that this Bill, when passed, will facilitate the work of all those who are currently engaged in the conveyancing industry in the ACT. I commend the Bill to the Assembly.

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

## **LAND TITLES (CONSEQUENTIAL AMENDMENTS) BILL 1995**

**MR HUMPHRIES** (Attorney-General) (11.18): Mr Speaker, I present the Land Titles (Consequential Amendments) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

The purpose of the Land Titles (Consequential Amendments) Bill 1995 is to amend certain laws of the ACT consequent on the enactment of the Land Titles (Amendment) Bill 1995, which I have just introduced. This amending Bill is necessary because the title of the principal Act has been changed in the Land Titles (Amendment) Bill 1995.

It is a routine amendment and is non-controversial in nature. I commend the Bill to the Assembly.

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

### **AIR POLLUTION (AMENDMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.19): Mr Speaker, I present the Air Pollution (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

Mr Speaker, generally Canberra has very good air quality. However, over the past few years there has been increasing concern about smoke pollution caused by solid fuel appliances during our colder months. On many occasions this smoke has given rise to brown haze in certain areas. This is not just unattractive; it also creates physical discomfort for some residents and, in some cases, exacerbates health problems.

Air pollution from solid fuel burning appliances arises from incorrect operating practices which lead to the incomplete combustion of the solid fuel, resulting in smoke pollution. Wood fuel is one of the range of energy efficient resources which, if managed properly, can provide efficient heating with minimal smoke emissions. There are approximately 14,000 solid fuel burning appliances installed and used in the ACT, and many householders have spent a considerable amount of money to buy and correctly install these appliances. However, a small proportion of owners consistently operate their solid fuel appliances incorrectly, causing smoke pollution and discomfort to their neighbours.

To address this situation, the Office of the Environment has conducted campaigns over recent winters to attract attention to the problems of smoke emission, inform owners of appliances about how to use them properly, and encourage the community to identify exactly where smoke problems are occurring. These campaigns have been carried out with the full cooperation of the private sector. While there have been improvements resulting from these campaigns, there is still a residual smoke problem which is unlikely to be completely resolved solely through these campaigns.

As members are aware, the Government has committed itself to introducing effective controls over emissions from solid fuel burning appliances. The Air Pollution (Amendment) Bill 1995 brings all solid fuel burning appliances in residential premises within the scope of the Act by removing the current exemption under section 6 which

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relates to the application of section 24 to residential premises. By applying section 24 in relation to residential premises it will become an offence to operate a domestic solid fuel burning appliance in a manner which causes unacceptable smoke emissions into the atmosphere.

In keeping with its commitment to community participation in decision-making, the Government will be working with the community to establish standards for smoke emission from solid fuel burning appliances which are acceptable to the community. These standards are being developed as part of the Government's integrated environment protection legislation. The community-based standards will be in place for the next winter. The amendment will enable a pollution abatement notice to be served on a resident who is responsible for a solid fuel burning appliance emitting unacceptable levels of smoke. Members can be assured that ongoing community education programs and advice will continue to be the primary means of pollution control in these areas, with the issuing of a pollution abatement notice as a "last resort" option where other methods of controlling smoke pollution have failed.

Mr Speaker, I believe that the new measure provided in this Bill shows the importance placed by the Government on enhancing Canberra's air quality and protecting the health and wellbeing of members of the community. I commend the Bill to the house.

Debate (on motion by **Ms Follett**) adjourned.

### **OZONE PROTECTION (AMENDMENT) BILL 1995**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.23): Mr Speaker, I present the Ozone Protection (Amendment) Bill 1995, together with the explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

Mr Speaker, over the last decade there has been increasing concern about the release of chlorofluorocarbons, otherwise known as CFCs, and halons. Collectively, these chemicals are known as ozone depleting substances. These substances are used extensively in applications such as refrigeration, air-conditioning and fire protection. As the name suggests, ozone depleting substances deplete the earth's protective ozone layer, especially over Antarctica. The ozone layer absorbs harmful ultraviolet radiation and stops it from reaching the earth. On average, a one per cent decrease in the ozone concentration will lead to a 2 per cent increase in ultraviolet radiation. The effect of this on human health can be serious. For example, high doses of ultraviolet radiation can cause skin cancer, of which Australia already has the highest incidence in the world.

Australia has an international obligation under the Montreal Protocol to control and eventually phase out the use of ozone depleting substances. To this end, Commonwealth legislation regulates the manufacture, import and export of ozone depleting substances, while the ACT Ozone Protection Act 1991 regulates activities associated with the handling, storing and using of ozone depleting substances at the Territory level. The initial Montreal Protocol provided a timeframe for phasing out ozone depleting substances. Subsequent assessment of actions taken internationally to commence phasing out ozone depleting substances in line with this timetable indicated that the phase-out was proceeding at a slower rate than anticipated. At the same time, it was established scientifically that the destruction of ozone in the ozone layer was escalating.

As a consequence of these findings, the Montreal Protocol was amended twice to bring in an accelerated phase-out of CFCs and halons. The timetable for the total phase-out of halons was brought forward to 31 December 1995, and that of CFCs to 31 December 1996. The accelerated phase-out of these ozone depleting substances has been made possible by the development of a number of CFC substitutes now commercially available. Some of the substitutes are ozone-benign substances. However, a number of interim substitutes are partially halogenated hydrocarbons which are not ozone-benign, but their ozone depleting potential is considerably lower than that of CFCs and halons. The main grouping among these substances is that of HCFCs, and their use requires control. The timetable for phasing out HCFCs is set to the year 2030. This, of course, may change as more replacement substances become available.

The Commonwealth Act has been amended and was enacted in August 1995. The amendments incorporate the accelerated phase-out of CFCs and halons, and introduce controls over the manufacture, import and export of HCFCs. The intention of this Bill is to amend the ACT Ozone Protection Act to ensure that the timetables for phasing out halons and CFCs are met by the ACT. Controls over HCFCs are introduced automatically as a consequence of recent amendments introduced in the Commonwealth Act.

The Bill makes amendments to sections 3, 7, 9, 12, 23 and 42 of the Act. The main provisions introduced by the Bill cover phasing out by a prescribed date the operation of halon-based installations or equipment; the ability to grant an exemption to allow operation of an installation or equipment for a limited period of time after the prescribed date where prescribed circumstances exist; and the ability to grant an essential use classification to allow operation of a halon-based installation or equipment to continue after the prescribed date, such as in certain hospital systems and for military purposes. These amendments, Mr Speaker, are timely, and will ensure that the ACT Act continues to complement the Commonwealth legislation at the Territory level. I commend this Bill to the house.

Debate (on motion by **Ms Horodny**) adjourned.

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## **WORKERS' COMPENSATION (AMENDMENT) BILL (NO. 3) 1995**

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (11.28): Mr Speaker, I present the Workers' Compensation (Amendment) Bill (No. 3) 1995, together with its explanatory memorandum.

Title read by Clerk.

**MR DE DOMENICO:** Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, and members of the Assembly, the Workers' Compensation (Amendment) Bill (No. 3) 1995 amends the Workers' Compensation Act 1951 to remove the requirement for employers to take out workers compensation insurance to cover the professional sporting activities of sportspersons they employ and to remove the entitlement of those sportspersons to workers compensation for injuries resulting from their engagement in professional sporting activity. The amendment is necessary to bring the ACT into line with other jurisdictions and ensure the viability of ACT professional sport.

Under the present Workers' Compensation Act, professional sportspeople such as the Raiders footballers, the Cannons, and others are classed as being employees of the sporting organisations which have engaged them. This means that the sporting body is required to take out workers compensation for each player to cover them on the playing field. Members will appreciate that the risk of injury in sports such as football is high indeed and that workers compensation insurers demand correspondingly high premiums. Indeed, it has been indicated to the Government, and to others that I am aware of, that premiums as high as 60 per cent of remuneration might be charged to sporting bodies to cover their players. In preparing this legislation, the Government has responded to a plea for help from the ACT Rugby Union, supported by other sporting organisations, who are saying to us that the requirement to have workers compensation coverage for players is threatening the viability of the ACT's participation in national competitive sport.

Mr Speaker, this Government has given particular attention to fostering the business environment in the ACT. Sporting teams such as the Canberra Raiders and the Cannons, and others, play an important role in promoting employment, business and tourism generally, and they also give a lot of pleasure to a lot of people. This Government will not allow a situation where our competitive edge is lost because of imposts on sport. The amending legislation covers professional sportspersons on the field, in training sessions, and in travel to and from those activities. It does not extend to other activities such as promotional activities or other employment undertaken by the player for the sporting organisation. The change provides an even playing field for our sporting organisations with the other States which have similar exemptions. New South Wales, for example, exempts professional sportspersons from workers compensation requirements. Mr Speaker, I commend this Bill to the Assembly.

Debate (on motion by **Ms McRae**) adjourned.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 2 of 1995**

**MS FOLLETT** (Leader of the Opposition) (11.31): Mr Speaker, I present Report No. 7 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 2, 1995 - Whistleblower Investigations Completed to 30 June 1995", and I move:

That the report be noted.

Mr Speaker, audit report No. 2 was presented to the Assembly on 21 June. It deals with two disclosures made to the Auditor-General under the Public Sector Management Act. One concerned the mismanagement of certain voluntary redundancy payments in the former Department of Health. The other concerned mismanagement of certain hires and purchases of heavy equipment in the Department of Urban Services.

With regard to the redundancy payments, the audit concluded that no systematic efforts were made to match the redundant officers with vacancies and that the redundancies were made primarily because of commitments made to the officers by senior management. The audit concluded that claimed ongoing full year savings of \$133,300 resulting from the redundancies could have been achieved without the need for the redundancy payments. The committee sought comment from the Chief Minister on the specific cases and the generality of such redundancies and was advised that existing service-wide policy is being assessed and enhanced in line with the audit report, and that procedures have been put in place to ensure that appropriate requirements are observed by the Department of Health and Community Care.

The second disclosure involved five allegations covering mismanagement in relation to the long-term hire and purchase of road making and repair equipment. The audit concluded that the various allegations were valid, justified, well founded or soundly based. The audit concluded that losses had been incurred, that unnecessary expenditures had been made, or that payments had been made for which no service had been provided. These matters were taken up with the Minister for Urban Services. The Minister advised that a series of measures were either now in place or intended, in order to prevent a recurrence of the matters identified by the disclosures.

The committee has recommended that the Government ensure continuing provision for disclosures to be made to the Auditor-General; report to the Assembly within six months on the consolidated measures taken by the Department of Urban Services and ACT Fleet to ensure that there be no recurrence of the situations covered by the audit report in relation to the hiring and purchase of heavy equipment; and report to the Assembly on action taken to counsel the officers of the Department of Health and Community Care responsible for the mishandling of the redundancies identified by the audit.

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It is appropriate that I also mention, Mr Speaker, that a former ACT Fleet senior mechanical engineer - now retired - Mr Mizgalski, wrote to you, Mr Speaker, to advise that, while he was not the whistleblower concerned with the disclosure relating to the hire or purchase of heavy equipment, he believed the Department of Urban Services had ascribed to him responsibility for the purchase of road-rollers, the subject of one of the allegations. Mr Speaker referred Mr Mizgalski's letter to the committee. Mr Mizgalski was able to substantiate that the purchase of a road-roller had been made without his knowledge, and that he had not been involved in the hiring of another. The committee satisfied itself that there is no evidence which would indicate that the matters concerned in the allegations can in any part be attributed to Mr Mizgalski's actions. The allegations were laid against the management staff and not the engineers.

The two cases have shown the value of the responsible disclosure of mismanagement of public funds and assets, and the committee commends the actions and motives of those persons who made the disclosures. They have led directly to improvements to public sector management procedures.

Question resolved in the affirmative.

#### **EXECUTIVE BUSINESS - PRECEDENCE**

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

That Executive business be called on.

#### **DAYS OF MEETING**

**MR HUMPHRIES** (Attorney-General) (11.35): I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 1996:

February	20	21	22
	27	28	29
March	26	27	28
April	16	17	18
May	14	15	16
	21	22	23
June	18	19	20
	25	26	27

August	27	28	29
September	3 24	4 25	5 26
November	12 26	13 27	14 28
December	3	4	5

This sitting pattern has been worked out in some consultation with other members of the Assembly. It represents a 14-week sitting pattern for 1996. I indicate to the Assembly quite clearly that we are obviously prepared to discuss the emerging pattern of Assembly business - that is, Executive, private members and Assembly business, to give them their technical names - during the course of 1996. If it emerges that more or fewer sitting days are required, we are very happy to consider supporting changes to reflect that changing environment of the work of the Assembly. I might note that it is easier to add additional sitting days or weeks to the sitting program than it is to remove them once the pattern has been established. I therefore commend this motion to the house.

Question resolved in the affirmative.

### **TREASURER** **Motion of Censure**

**MS FOLLETT** (Leader of the Opposition) (11.37): Mr Speaker, I seek leave of the Assembly to move the motion that has been circulated in my name.

Leave granted.

**MS FOLLETT**: I move:

That this Assembly censures the Treasurer for:

- (1) her continued defiance of the will of the majority of the Assembly by failing to act upon the unanimous recommendations of the Estimates Committee; and
- (2) the failure of the Government to live up to its promise of open and consultative government in the preparation of the 1995-96 Budget.

I move this motion with a great deal of regret that it is necessary, but I believe that it is high time this Assembly asserted its rightful authority over the Government. What we have seen here is that a committee of this Assembly, the Estimates Committee, produced a report, which was a unanimous report, making certain recommendations to



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the Government. There is nothing unusual in a committee making recommendations to the Government. Even despite the fact that that was a unanimous report, what we saw from the Government was a complete defiance of the Estimates Committee's will. In other words, the Government completely failed to take up the key recommendations of the Estimates Committee in relation to the budget. Those recommendations related to the education budget, to mental health, to the policing of illegal dumping and, very importantly, to the mandatory reporting of child abuse.

In their response to the Estimates Committee's report, the Government did address two of those matters, and I will give them full credit for having done that. In relation to the mandatory reporting of child abuse, the Government has indicated that it will supplement the budget in time. I accept that commitment by the Government. In relation to the policing of illegal dumping, the Government has pointed to the provision of some funds - scarcely adequate - to address that problem. In relation to the other two serious matters, one of which has been the source of constant debate and constant disagreement in this Assembly - the education and the health budgets - the Government has completely defied the Assembly's will.

It was not just a matter of the Government denying the Estimates Committee's position. When the Assembly again voted that the Government take away the Estimates Committee's report and reconsider their position, the Government came back to this Assembly yet again and said, "Forget it. We do not care what you think; we do not care what the majority of this parliament believes. We will stick with the budget as we have it". I believe that that kind of action by a government of any persuasion demonstrates the height of arrogance. It demonstrates to me that this Government simply does not care what the rest of the Assembly believes. Even if this had been a majority government, that would have been a serious situation. But what we have here, and what we have always had in this Assembly, is a minority government.

It is clearly up to this Assembly - we have the numbers - to tell the Government how they should act, and that is what the Assembly has done. They have told the Government to go away, reconsider those two aspects of their budget, and come back with changed provisions. That was clearly the intention of this Assembly, and what we have seen is that the Government has completely failed to act. They have come back and said, "We are sticking with our original position, despite all the evidence to the contrary. We are sticking with our funding of education and of mental health, despite the clear inadequacies of that funding", as has been demonstrated over and over again.

The motion is, I regret to say, brought about by the Government's complete failure to act, not surprisingly, given this Government's complete failure to live up to any of its election promises. The most obvious promise and the one the Canberra community has noticed across all areas of the Government was the promise of an open and consultative style of government. Nowhere is this Government's failure more obvious than it is in that area. This Government is the most secretive government the ACT has ever had. To illustrate this point further, we have legislation before the Assembly that will make even the contracts of employment of senior executives in the public service secret documents, available only to the Government. I repeat: This is the most secretive government the ACT has ever seen.

The Government does not even understand the concept of open and consultative government. If my memory serves me right, this question of open and consultative government was a key issue in the decision made by the Independents and the Greens as to whom they would support for the government of this Territory. I remember very precise, very detailed consultations and discussions on the precise nature of the open and consultative government I would form were I in a position to do so. Key amongst those issues was the formation of the budget, and members of this Assembly required quite specific reassurances and even undertakings on how that budget would be formulated. What we have seen from the current Liberal Government is a complete denial of any of that openness, of any of that consultation. I do not believe that this Government has any comprehension of what is meant by openness, by real consultation, as opposed to just issuing the edict, "Here is your budget. Here is your education budget. Believe what we say. Do not look at what we do". That is precisely the attitude of this Government. The failure of the Government to act to amend those lines in the budget has been in direct defiance of the vote of this Assembly, not just on the Estimates Committee but on the subsequent motion carried by this Assembly. As I have said, that vote arose as a result of the unanimous report of the Estimates Committee.

The area that has been most taken up in the public debate is the education area, and I want to say a few things about that. It is not the only important area, but it is probably the one that has had the most attention. Recent events demonstrate that Mrs Carnell has said that it is time for action in the area of mental health. We have heard from Mrs Carnell on this matter. The problem is that the Estimates Committee said last month that we need additional funding for this, and Mrs Carnell has done absolutely nothing on either the Estimates Committee report or the Assembly's motion that she reconsider her Government's position on that Estimates Committee report. As I said, on Tuesday the Assembly passed a motion calling on the Government to adopt that recommendation of the committee. I should point out that the Estimates Committee, as I have said before, represented all parties in this Assembly - absolutely everybody. It involved two ALP members, two Liberal members - Mr Kaine and Mr Hird - a Green and an Independent. Those decisions were supported by all of those members, and the motion that was passed on Tuesday was again supported by the Assembly.

I have said before that the education issue has taken the higher priority of the two remaining issues to be addressed - education and mental health. I would like to correct some of the misrepresentations we have heard in the public arena about the Labor approach to education.

**Mrs Carnell:** On a point of order, Mr Speaker: I think the Leader of the Opposition is straying somewhat from the motion at hand and is starting to debate something that is on the notice paper for later today. I am happy to debate the motion.

**MS FOLLETT:** Mr Speaker, in speaking to my motion, I believe that I am entitled to offer some illustrative material.

**Mr De Domenico:** As long as you do not pre-empt debate on the Appropriation Bill.

**MS FOLLETT:** I am certainly not pre-empting debate, Mr Speaker.

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**MR SPEAKER:** You can, Ms Follett. I just ask you to exercise caution on it.

**MS FOLLETT:** I would like to address some remarks to our own record in government on the education budget. We have heard any amount of public comment that there is no difference between Liberal and Labor on this matter. In my opinion, there could be no greater difference between the two major parties than there is on the question of education. The fact is that it was the Labor Party in government who granted the teachers their wage increase. That fact, I think, has been completely overlooked by all parties. It is something that I am very proud of. It is a wage increase that we thought was well and truly justified. It is a wage increase that we would have funded. If you look at our record on education, you have every reason to believe that. In the past, we actually supported the teachers in the Industrial Relations Commission on the question of a national standard for teachers' salaries. We, in government, supported their position and were very proud to do so. We, in government, granted them the wage increase. Had we been in government we would have supported their pay rise and funded it.

We have supported the schools in the ACT with supplementary funding where that was necessary, and we would have continued to do so. What that would have meant is that schools like Charnwood High School would have remained open. We would certainly not have done what the current Government has done, which is to withdraw the supplementary funding to Charnwood and, therefore, require it to close. We opened new schools as and when they were required, unlike the current Government, which has postponed the construction of new schools in Gungahlin even though they know they are needed. In their penny-pinching fashion on the education budget, this Government has actually put off the construction of new schools. We never did that. We provided - Mr Wood could give you the detail - new schools in Tuggeranong and the new school in Gungahlin when they were needed, and I am very proud that we did that. The provision of a free secular education is a fundamental to my party, and I deeply resent any comments to the contrary.

We went so far as to reopen in the ACT the schools that had been closed by the Liberal Alliance Government. This was not something the Liberals went out and campaigned on. This was their secret agenda, as it still is, only now they are closing them by stealth.

**Mr Humphries:** On a point of order, Mr Speaker: It seems to me that Ms Follett is debating the budget. That is an item yet to come up on the program today. She should be addressing herself to this motion and not getting into this question about the budget. She is clearly out of order.

**Mr Berry:** Mr Speaker, the motion that has been moved by leave reads in part:

... her continued defiance of the will of the majority of the Assembly by failing to act upon the unanimous recommendations of the Estimates Committee;

For heaven's sake, it is fairly clear that, in the course of debate, one can illustrate the problems the Government has generated for itself on this issue.

**MR SPEAKER:** I think Mr Humphries's point of order can be upheld. I would caution Ms Follett. I appreciate that Ms Follett needs to indicate and to demonstrate, but I do think we are getting a little wide of the point here when we are getting down to specifics in relation to the matter of education. We will have an opportunity to debate the Appropriation Bill in full, I hope reasonably soon. I would ask you, Ms Follett, to be careful within the scope of your motion. Do not get too deeply into the question of education and debating that particular division of the Appropriation Bill. Certainly, reading your motion, it is very broad. I think it is debatable whether it could be used to debate, to the extent that you are, the education matter. I just caution you, please, in relation to this matter.

**MS FOLLETT:** (*Extension of time granted*) Mr Speaker, in addressing this motion, and I accept your guidance on the matter, I think it is reasonable for me to address, at least in passing, the contents of the Estimates Committee report which I am accusing the Government of ignoring. I believe that in the area of education there is no more arrogant defiance of the will of this Assembly than we have seen from the Government at the present time. I am very proud of our record in government on education. I do not believe the Liberals can have any pride whatsoever. As I have said, we funded and supported the pay rises for teachers. We supported and funded the reopening of schools the Liberals had closed. We still support keeping open those schools in the community which the community wants open and which the Liberals are now trying to close by stealth, strangling them to death, just as they have done with Charnwood High School.

This motion gives the Assembly another chance to say to the Government, "You must listen to the majority". We have heard Mr Humphries this morning introduce a motion on citizens-initiated referenda. He says that we must listen to what people are saying. But, by their very actions in relation to the Estimates Committee and in relation to the motion this Assembly passed on the Estimates Committee, we are seeing that they are just talk, that there is nothing beneath the rhetoric. This Government has no intention of listening to the majority. I think that is a serious matter in a parliament. The fact of the matter is that the Government does answer to this parliament and, when the parliament has indicated quite clearly its wishes, I expect the Government to adhere to those wishes. This is something we did in government, and where the Assembly had expressed a will it was carried out to the letter.

**Mr De Domenico:** Rubbish! Did you take on board every recommendation of every estimates committee? Of course you did not

**MS FOLLETT:** I will refer you to the motion on education that was carried in 1993. As a government, we adhered to that to the letter. I refer to other matters in the Estimates Committee report which were adhered to by the government of the day, by the Government I led. We are seeing people on the crossbenches squirming because they know that they are letting them off the hook. We are seeing this Government defy the will of the Assembly.

I also want to mention fairly briefly again the question of open and consultative government. If you look at consultation as a two-way process, as a consultative process - - -

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**Mr Humphries:** On a point of order, Mr Speaker: I am not particularly happy to sit here listening to Ms Follett buttressing her flagging leadership of the Labor Party by showing what a tough woman she is, taking the kinds of tough stands that we have not seen from her in the last six months. The Assembly has better things to do than going on with this kind of rubbish.

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

**Mr Connolly:** On a point of order: I object to Mr Humphries making pointless political points of order like that in order to try to hide from the attack Ms Follett is making on this Government.

**Mr Kaine:** I would like to take up this point of order, Mr Speaker. We have before us a motion which the proponent has finished speaking to. She has made no case. I suggest that we get on with the business of the Assembly.

**MS FOLLETT:** I have not finished speaking to it.

**MR SPEAKER:** Order! Continue, Ms Follett.

**MS FOLLETT:** Mr Speaker, the fact of the matter is that in its formulation of the 1995 budget the Government has effectively consulted nobody and has listened to nobody. They have simply set out with their own agenda, and in relation to education, mental health and any number of other issues their agenda has not been to support the needs of our community. There are any number of other issues where we could be looking to require the Government to amend its budget - the issue of libraries, for instance. I believe that there is a disgraceful reduction in the funding to libraries. There is the issue of the protection of public sector jobs. The Government has clearly not listened to anybody and it is reaping the industrial consequences of that.

This Government came into office on the promise of an open and consultative style of government. What we have seen is nothing less than a display of arrogance and a blind adherence to their own Liberal agenda. They have taken no account whatsoever of the fact that there are other parties represented in this Assembly, other parties whose support they rely upon to be in government. They have taken no notice whatsoever of the fact that within this Assembly they must respond to the will of this Assembly. They have simply ignored their obligations in relation to the parliament. I find that a really foolhardy act.

The worst of it is that it is the Canberra community which has suffered. It is the education community who are suffering. It is the mental health community who are suffering. It is the public sector generally who are copping it in the neck from this Government. And it is all because they will not have the humility, they will not have the commonsense, to listen to what is being said to them. While ever the Assembly lets them get away with that, I have no doubt that that will continue to be their stance. I think it is extremely regrettable that as a government they appear to have got away with it so far.

I think it is time for the Assembly to say, "No more". As an Assembly, as a parliament, we have authority over the Government. If this Assembly, this parliament, directs and then redirects the Government to take a particular course of action, I, for one, do not expect the Government simply to defy that direction.

**MRS CARNELL** (Chief Minister and Treasurer) (11.59): This is a very interesting motion, but unfortunately Ms Follett did not actually speak about it for terribly long. She spoke about everything else, but not about the motion. The motion suggests that somehow the Government did not take into account the motion that was passed on Tuesday morning. For the interest of those here, I would like to table the minutes of the party room meeting we held directly on rising from the Assembly on Tuesday to do exactly what the Assembly told us to do. We went upstairs to the party room, as you would know, Mr Speaker. It meant that you had to be late for the Administration and Procedure Committee meeting, and I think Mr Hird was in the same boat. We discussed the issue and a motion was put reaffirming our previous position, which was the result of lots of discussion. I think the motion was put by Mr Humphries and seconded by Mr De Domenico, and it was passed unanimously by the party room. So we did exactly what this Assembly asked us to do. We went up and we considered the issues involved, including the extra education funding. We determined, after that consideration, that that was not an appropriate way to go.

I must admit that I want to know whether we are a government that breaks our promises or keeps them. Those opposite continue to say that we break every promise we make. Today they are saying, "You are a rotten government because you keep your promises. You do what you said you were going to do". The reality is that I am very proud of doing what we said we were going to do. I think that is an amazingly appropriate way to go. In front of me here I have the notes that were taken - not a small file - at the large number of community consultation sessions we had.

**Ms Follett:** They are submissions.

**MRS CARNELL:** No, they are not. They are notes, they are submissions, from meetings we had with a large number of groups prior to the budget. Those groups included - - -

**Ms Follett:** Mr Speaker, on a point of order: Could I ask that Mrs Carnell table that document?

**MRS CARNELL:** I am very happy for everyone to have a look at it. It is a very long document, but anyone who would like to have a look at it can do so. I do not think you would want to table it, but if I put it there anybody who wants to have a look at it is more than welcome to do so.

**MR SPEAKER:** I have some logistical problems associated with that.

**MRS CARNELL:** Anyone who wants to can have a look. That is not a problem. It is available if anybody wants to have a look. If you want to use your photocopying allowance, go ahead and do it.

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To go on, the peak groups we met with were the Association of Parents and Friends of ACT Schools Inc.; the ACT Council of Parents and Citizens Associations; the ACT Chamber of Commerce and Industry; the Canberra Business Council Inc.; the Building Owners and Managers Association, ACT Division; the Motor Trades Association; ACT Sports House, ACTSport; and the Canberra Police and Citizens Youth Club. There were Michael Moore, Lucy Horodny and Kerrie Tucker. We spoke to Mr Osborne as well. In the environment area, there were the Australian Conservation Council and Greening Australia, ACT and South-East New South Wales; there was the Trades and Labour Council; the Canberra Rates Association - that was an exciting meeting; the Council on the Ageing, ACT; the ACT Council of Social Service; the Community Information and Referral Service of the ACT; and then there were the Belconnen Community Council, the Gungahlin Community Council, the Weston Creek Community Council, the Tuggeranong Community Council and the North Canberra Community Council. That is not to include the "Meet the Minister" sessions that all of the Ministers have on a monthly basis, where we get out and actually speak to the community about their particular concerns.

We also, on coming to government, offered all of those on the crossbenches an opportunity to have Friday morning briefings on whatever they wanted to, directly with public servants. Those members who have been in the Assembly for a while will remember that under the previous Government we were not allowed to speak to public servants. Every request for information for anything had to go through a Minister and was regularly turned down. We have said right from the beginning that we do not mind whom you speak to, because there is simply nothing to hide. In fact, if you would like us to organise Friday morning briefings, just let us know during the week what you would like to talk about and whom you would like to talk to and we will do it.

**Mr Connolly:** So arrange it through a Minister and you can have the briefing, just like us.

**MRS CARNELL:** No; we are very happy for briefings to happen directly, and they do all the time. Those things show an open government, a consultative government. It was interesting to me, though, that those Friday morning meetings did not continue for terribly long. That surprises me no end because I would have assumed that there was always something that those on the crossbenches would like to talk about. However, I must admit that Mr Osborne and Mr Moore do get quite regular briefings in a number of areas, as do the Greens. We believe that it is important to have public servants able to speak directly to any member of this Assembly, and to my knowledge that has never ever been refused.

What we are talking about here is a situation where this Assembly is saying that they want all care but absolutely no responsibility. At the end of the day, it is the responsibility of the Executive, this Government, to make the budget come in on track. It is our responsibility to look after our departments. If things go wrong, if budgets blow, it is our responsibility. That is the basis of Westminster government. But this Assembly is saying, "Yes, you can have all the responsibility, it can be your fault; you can live or die on it, both in this Assembly and at elections. But we are going to say to you that this is what we want you to do, and then you can wear it". That simply is not the way it works, and Ms Follett knows that that is not the way it works.

I believe that there have been very few committee reports in this Assembly where the government of the day has taken up every single recommendation. Ms Follett made the comment that somehow it was dreadful that this Government had not picked up six - although we have now addressed another two, I think - of the 35 recommendations of the Estimates Committee report. Last year Ms Follett did not pick up seven of the recommendations on the 1994-95 Appropriation Bill.

**Ms Follett:** And the Assembly never moved that I should.

**MRS CARNELL:** Maybe because it is totally unacceptable for the Assembly to do that. The year before it was four. In two of those years the recommendations were the same with regard to the Health Promotion Fund, and that was a financial recommendation. The Estimates Committee unanimously, in my memory anyway, in both years suggested that the Health Promotion Fund should have 5 per cent of the tobacco franchise fee. If it is the responsibility of government, as those opposite say, to accept those recommendations because they were unanimous recommendations of the Estimates Committee, then surely a recommendation that is there two years in a row from an estimates committee should have been picked up. But what happened? No, it was knocked back two years in a row.

We believe that that is the prerogative of government. The Government has the responsibility for the budget and will be held accountable for that budget, and that is the reason we did not move any of these smart - I think smart arse is probably closest to the truth - motions that we have seen from those opposite. Yes, it is the role of this Assembly and the Estimates Committee to bring forward recommendations to the Government. Yes, it is up to the Estimates Committee to have a look at the figures that make up the basis of the budget.

**Ms Follett:** On a point of order, Mr Speaker: I would ask you to rule on whether the description of motions which have been moved and passed in this place as smart-arse motions is parliamentary.

**MRS CARNELL:** I am happy to withdraw that. I am happy to insert "stupid".

**MR SPEAKER:** The Chief Minister has withdrawn the expression.

**MRS CARNELL:** And inserted "stupid".

**Ms Follett:** On a point of order, Mr Speaker: I would ask whether that is a reflection on a vote in this place.

**MRS CARNELL:** The one you are putting today we have not voted on.

**MR SPEAKER:** No, I do not see it as a reflection on a vote taken in this place, though I do think the word itself again might be moderated a little more, Chief Minister.

**MRS CARNELL:** Okay, "irrelevant". That will do. I will settle for "irrelevant".



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**Mr De Domenico:** That is not strong enough.

**MRS CARNELL:** You are quite right. The reality of this budget, and any budget, is that it is a balance between what you can do with the money you have and the priorities that have been put forward. It is a matter of priorities. We were elected, much as those opposite do not like it. We got 10 per cent more of the vote than they did. We were elected on the basis of our policies and we are putting them in place. We do not step back from that. That is the truth. We are putting our education policies, our education promises, in place in total. We believe that that is the basis upon which we were elected, and we will continue to take that approach.

We will also continue to take the responsibility for our actions, and I think that is the bottom line of the debate here today. The Executive, by the very nature of our system, must take responsibility for the budget and for the running of departments generally. We will continue to do that. It will be impossible to run this Assembly, to run this Government, at any time in the future if the Government can be directed by the Assembly in the way that Ms Follett seems to want to direct it with regard to bottom lines of budgets. At least the Greens have the guts to say that their view is that we should put taxes up substantially and then use that money for all the things they are talking about. The Labor Party says, "No, we do not want taxes to go up; we just want you to spend all this extra money in a whole lot of different areas". I would love to do that too, but I am not willing to borrow extra money in this budget. I am not willing to saddle our kids with the debt.

**Ms Follett:** These are the highest borrowings we have ever had. You hypocrite!

**MRS CARNELL:** Yes, it is the highest. We made that clear. We are not willing to borrow more money than the current unacceptably high level of borrowings, which will reduce over the next three years, because we are not willing to put more money on the ACT people's Bankcard.

**MR SPEAKER:** As members will be aware, there was a proposal to take photographs of the Assembly sitting at 12.30 pm today. However, I understand that there is a memorial service taking place at one o'clock and, because of the possibility that people may wish to do media interviews when the house rises at 12.30 pm, we have moved the taking of photographs forward by 10 minutes, so they will be taken at 12.20 pm. I would ask all members to be present in the chamber at 12.20 pm. There is no sound; they are just photographs.

**MR WOOD (12.12):** Mrs Carnell has vainly tried to tell us all that she has done what people want her to do. She tabled documents about the so-called community consultation, and I see some names here. I wonder whether she has done what Dr Wolff of the Association of Parents and Friends would want. Did Mr Jeremy Pyner of the Trades and Labour Council agree, as she claims, to all this? Or Mr Trevor Kobold of the P and C Council. Has she got Mr Trevor Kobold's approval, as she seems to imply?

**Mrs Carnell:** Since when was community consultation with everyone agreeing?

**MR WOOD:** You were saying, “We have agreed; we have satisfied people”. I wonder whether Mr Anforth, then from the ACT Council of Social Service, also gave great approval to this, or did the Chief Minister, as I suspect, simply sit and take notes and listen and say, “Yes, yes, yes”, and go away and ignore all that was said? That seems clearly to be the case.

**Mr Whitecross:** The same as she did to the Assembly.

**MR WOOD:** Yes, it happens all the time. I recall that Ms Follett said that the budget was very secretive. Indeed it is a secretive budget. It is only over a period of time that we come to see where all these disastrous cuts are located. It is not an open document, and there is deliberate evasion within that budget. Mrs Carnell has said on many occasions that the managers will manage. In a sense, that is happening. As the Education Union found out, it is only by going into discussion with managers that they find out where these cuts are.

On Tuesday, there was a question from Mr Kaine to the Chief Minister, a dorothy dixer, which indicated again how the Chief Minister is obscuring all these issues, how she is evading them and distorting the figures. Mrs Carnell, in response to Mr Kaine, endeavoured to show that, no matter which way you looked at it, education expenditure has gone up this year over last year. She is simply wrong. On her figures, quickly analysed, she is wrong. She said that the starting line carrying over from 1994-95 was \$192.2m. That takes out the preschools because they had been located elsewhere. She took out the preschools because they had been located elsewhere, but she did not want to take out of the equation new programs coming into education. She did not make a similar move for those. She wanted to take the preschools out, quite properly, but she put in new functions - - -

**Mr Kaine:** On a point of order, Mr Speaker: The Appropriation Bill debate is currently in recess until, hopefully, later today. We have not yet even addressed the line item of education in that appropriation debate. Surely the member is anticipating that debate.

**MR SPEAKER:** I caution all members not to anticipate debate on the Appropriation Bill later this day.

**MR WOOD:** Mr Kaine was not listening or he is seeking also to evade the issue.

**Mr Kaine:** You are out of order.

**MR WOOD:** I certainly am not. This is a censure motion. I do not know what you are listening to, but the motion I am discussing is a motion of censure of the Chief Minister for not agreeing with the wishes of this Assembly and her claims of consultation with the broader community.

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The base figure the Chief Minister claims she started from this year was \$192.2m. The figure she concedes is her figure in this year's budget - - -

**Mr De Domenico:** Is that in the budget papers, in the Appropriation Bill?

**MR WOOD:** This is the answer to Mr Kaine the other day.

**Mr De Domenico:** Right. It is not in the Appropriation Bill, is it?

**MR WOOD:** I am not pre-empting debate, Mr De Domenico. The Chief Minister's starting point this year is \$199.9m. The \$192.2m that the Chief Minister claimed in her answer to a question was supplemented by an amount of money, as is routinely done, to cater for salary increases and for the profile, the profile being the increase each year that teachers achieve as they complete years of teaching. Routinely, those figures were accommodated by way of supplementation, but the Chief Minister does not want to take notice of that supplementation. She does not want to acknowledge it; but it is a key because, once we take that supplementation into place, the figure from last year to this year is the same. There is no increase in the education expenditure, as the Chief Minister tried to explain on Tuesday.

**Mr De Domenico:** Mr Speaker, on a point of order: With respect, is not Mr Wood now transgressing the motion before us and debating the Appropriation Bill? When he starts quoting figures out of the Appropriation Bill, I find it very difficult to understand how he cannot be pre-empting debate.

**MR SPEAKER:** Yes, I have to uphold that point of order. Mr Wood, please be aware that you must not anticipate debate. I remind all other members of that, including those whose contributions to the debate seem to be more by interjection than by getting to their feet.

**Mr Kaine:** On a point of order, Mr Speaker: If Mr Wood is anticipating the debate, then he is out of order.

**MR SPEAKER:** Indeed he is, and I have upheld the point of order.

**Mr Kaine:** I suggest that you should rule accordingly and tell him that he is out of order. You have not told him that.

**MR SPEAKER:** I have upheld the point of order. He is out of order in anticipating the debate.

**Mr Kaine:** You said it. He is out of order.

**MR WOOD:** I shall cease that, Mr Speaker. I would not wish to be out of order. Quite understandably, the members on the Government side do not want to hear arguments which indicate that the Chief Minister, as usual, is distorting those figures. The facts are that this house should censure the Chief Minister because she has not accurately portrayed to this house the figures. There has been no increase in education - - -

**Mrs Carnell:** Except \$10m.

**MR WOOD:** You say, "Except \$10m". In fact, part of that - - -

**Mr Humphries:** Just \$10m. What is \$10m between friends!

**MR WOOD:** In the figures that are now in *Hansard* - - -

**Mr De Domenico:** What figures? Out of the budget Bill?

**MR WOOD:** In *Hansard*, Mr De Domenico - and I am sure Mr Moore wants to know this. Part of that money that the Chief Minister includes is for new functions, nothing to do with education.

**Mrs Carnell:** No, that is not in the \$10m. That is on top. That makes it \$14m.

**MR WOOD:** New functions, Chief Minister.

**Mrs Carnell:** No, \$4.6m was not added in.

**MR WOOD:** Yes, \$4.7m is for new functions.

**Mrs Carnell:** Yes, that makes it \$14.6m.

**MR WOOD:** No, it does not.

**MR SPEAKER:** Order! Anybody would think it was school holidays tomorrow.

**MR WOOD:** There has been no increase in funds allocated to education, and it is dissembling on the part of the Chief Minister to try to suggest that there has been.

**MR OSBORNE (12.21):** I will rush, Mr Speaker, because I am aware that we have a very important matter coming up with the photo.

**Mr Connolly:** You are just jumping to be in the photo, mate.

**MR OSBORNE:** I am used to being in photos, Terry, normally on the back page.

Mr Speaker, I stand up here initially in support of Ms Follett's motion, at this stage. However, there are a couple of things to raise before the Labor Party gets my support. I am, I suppose, standing up as well in support of the Estimates Committee report, as was well documented by Ms Follett. I was not there. However, given the actions over the last couple of days, I cannot see the point of having an Estimates Committee, because no-one seems to listen. However, I do want to test Labor's willingness to listen to us here on the crossbenches. I hope this is not just a smokescreen, because I have been very impressed with some of the things that have gone through over the last couple of weeks to try to cling to and lunge for power. I hope it is not true, Michael.

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If the Labor Party is willing, as they are, to listen to us here and to be open and consultative and let us crossbenchers have some say, then please afford us that same courtesy. I have spoken to both the Greens and Mr Moore, and we are willing to support this censure motion, after they support our amendments. Basically, what I am doing is putting it back in the Labor Party's lap. You support us, give us some say in the budget, and we are more than happy to support you.

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

**Sitting suspended from 12.23 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Discrimination Proceedings**

**MS FOLLETT:** Mr Speaker, I have a question for Mrs Carnell as the Chief Minister. I refer her to the decision of the Discrimination Commissioner last year in the Dalla Costa case and to the statement made in the Assembly on 18 October by her Minister, Mr Stefaniak, that the Liberal Government stood by my Government's decision to accept the decision of the commissioner that practices of ACT agencies did amount to discrimination. Chief Minister, yesterday your Minister, Mr Stefaniak, turned his back on this decision and he acknowledged that the ACT Government will be actively reopening the question of discrimination in the appeal before the AAT. Chief Minister, will you override your Minister and show good faith, not just with the Dalla Costa family but with the ACT disability community, which is very gravely concerned by the duplicity which has been shown in this matter?

**MRS CARNELL:** Yes, the ACT Government will show good faith with the comment that Mr Stefaniak has made and with the disability community generally. As Ms Follett would know, the position of the previous Government was to oppose the discrimination claim that was taken out by the Dalla Costas.

**Ms Follett:** Not after the decision, no.

**MRS CARNELL:** Up until the decision came down. I think we have to be very careful here as to who actually opposed it. It was you guys who opposed it. We will show good faith with the disability community generally and we will act in line with Mr Stefaniak's comment.

**MS FOLLETT:** Mr Speaker, I have a supplementary question. I would ask that Mrs Carnell clarify the statement that she has given. If she wants to keep faith with the previous commitments given, there are two courses open to her. One is to avoid reopening the question of discrimination. The other is to take the suggestion that I think has been made by the president of the AAT, and that is that you instruct the officials that, when the appeal is heard, the ACT Government lawyers will not actively argue the question of discrimination. Which of those courses of action are you going to take in order to show good faith?

**MRS CARNELL:** We will act in line with the court decision that has already been taken.

**Mr Connolly:** Does that mean that you will not argue discrimination on the appeal?

**MRS CARNELL:** You cannot ask another question.

### **Discrimination Proceedings**

**MR KAINE:** Mr Speaker, given the interest of the Opposition in this matter and the fact that they have directed the question to the Chief Minister rather than to the appropriate Minister, the Minister for Education and Training, I ask Mr Stefaniak whether he can inform us of what the intentions of the Government are in this matter.

**MR STEFANIAK:** I thank Mr Kaine for the question, Mr Speaker. Yesterday, in a question from Mr Connolly, I was asked whether I would instruct the Government Solicitor not to argue the issue of discrimination in relation to this appeal. The Government has further considered its position on this and I provide the following information for members. In October 1994 the Discrimination Commissioner, Professor Alston, found in a case before him that the policy governing access to the child health and development service was discriminatory and that it should be changed so as to remove the element of exclusion from mainstream services and to ensure that a procedure and criteria exist to govern transfers from one service to another. In addition, the professor also ruled that it was not possible for him to conclude, on the evidence available and on the balance of probabilities, that the child in question in the case before him had suffered particular damage in terms of speech development as a result of not having had access to CHADS.

On 21 November 1994 Mr Connolly, the then Minister responsible for CHADS, directed that in the event that there was an appeal by the complainant the Department of Health would not cross-appeal. He also decided that the Government would not support an ex-gratia payment, as Professor Alston found there was no damage. This year an appeal was lodged by the complainant, not by the Territory, with the ACT Administrative Appeals Tribunal, for damages. On 18 October 1995 Mr Connolly advised the Assembly that he had no difficulty with the Government litigating the issue of damages and defending the Territory's position in relation to damages. I assured him, in response to a question on that day, that the Government accepted the Discrimination Commissioner's decision and that the Government Solicitor would be defending the damages claim.

Following a preliminary hearing on 25 October this year the AAT required that the question of discrimination be re-examined in order for the matter of damages to be resolved. In respect of this decision, I shall quote the entire ruling of the president of the AAT:

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I rule that the Tribunal, in reviewing a decision or direction of the Discrimination Commissioner under section 90(2)(b) of the Discrimination Act ACT 1991 pursuant to section 94 of the Act, is required to consider for itself the question whether the respondent to the proceedings before the Commissioner had engaged in unlawful conduct.

The Government agrees that the AAT is the appropriate forum for debate on the many and complicated issues in this matter. The matter is set down for hearing, I understand, on 5, 6 and 7 December before a full tribunal. I have directed my department to instruct the Government Solicitor, in reviewing the ACT's statement of facts and contentions prior to the hearing before the full tribunal, to ensure that the statement reflects the Government's present position, which is to defend the Territory in relation to the damages claim but not to reopen the issue of discrimination.

### **ACTION - Community Service Obligations**

**MS HORODNY:** My question is to the Minister for Urban Services, Mr De Domenico. The budget papers state that the development of community service obligations for ACTION will include identification and costing of price, service level and concessions. Will the CSOs also include consideration of environmental costs and benefits of public versus private transport? If so, how will these be formulated?

**MR DE DOMENICO:** Mr Speaker, the identification and costing of concessional prices and our community service obligations will enable the Government, as Ms Horodny would know, to provide specific payments for the non-commercial impacts of its policy requirements. Importantly, too, this will allow the service provider, ACTION, to operate on a true commercial basis, as it will also make clear to the community the cost components of Canberra's public transport system. The ACT model for purchasing and community service obligations, CSOs, from ACTION will be developed during 1995-96, as promised by the Government. This will be costed on the basis of more comprehensive data on the patrons becoming available from the automatic ticketing system early in 1996 in readiness for application from 1 July 1996. There will be consultation with interest groups and Assembly members in relation to the CSOs model. If Ms Horodny has any ideas as to how ACTION can look, within the CSOs, at the environmental aspects, we would be very pleased to hear from her.

**MS HORODNY:** I have a supplementary question. It seems that the Minister has no idea of how he will deal with that problem. Can he guarantee that environment groups, such as the Conservation Council and the ACF, will be consulted in the development of the CSOs?

**MR DE DOMENICO:** If the Conservation Council has any good input for this, Ms Horodny, we would be delighted to talk to them.

### Griffith Preschool

**MR WHITECROSS:** Mr Speaker, my question without notice is to Mr Stefaniak in his capacity as Minister for Education and Training. Minister, I refer to your answer yesterday about the removal of the cubbyhouse at the Stokes Street preschool. I would caution you because yesterday you tried to create the impression that it was a storeroom, not a cubbyhouse, and that is not my information; so you need to be careful about misleading the Assembly. Can you advise whether the building contractor involved with the removal of the cubbyhouse had obtained a permit for the removal of asbestos; whether the contractor is licensed as an asbestos remover; and whether this company is one of the five contracted to remove asbestos on behalf of the ACT Government?

**MR STEFANIAK:** In relation to the last question, I am not sure. I will have to find out whether it is one of the five. In a way, I hope not. In relation to the cubbyhouse bit, I understand it was a cubbyhouse used as a storeroom; but, anyway, it is a building that we know all about. Mr Whitecross, I am advised that the contractor engaged to remove the cubbyhouse structure did not hold formal asbestos removal qualifications.

**Mr Connolly:** Did not hold qualifications?

**MR STEFANIAK:** Did not hold formal asbestos removal qualifications. I am also advised that in cases where he has undertaken projects previously involving asbestos removal he has engaged qualified removalists to undertake the work. I understand that the contract price reflected the fact that asbestos could be involved. In the circumstances, the officer concerned had an expectation that the contractor would take all reasonable steps if, in fact, the building contained asbestos. The material removed from the site is being tested at present to ascertain whether, in fact, it does contain asbestos. Results should be available by the end of this week, I am advised.

The contractor has advised the department that he inspected the structure initially and thought material present was AC sheet, which contains asbestos, so he quoted accordingly. Secondly, he says that on a second inspection he revised his opinion and thought it was not AC sheet and proceeded on that basis. I am advised, Mr Whitecross, that the department acted quickly and in accordance with the regulations to ensure that the hazard was removed from the preschool as quickly as possible. I have directed the department to ensure that proper procedures are followed if such a situation arises again, including the need to ensure that people do hold proper certificates.

**MR WHITECROSS:** I have a supplementary question. I take it from the Minister's answer that no permit was obtained, and that the contractor was not a licensed asbestos remover and was not one of the five companies. Can the Minister advise us of what steps he will be taking to ensure that the occupational health and safety section in his department, who ought to know, are properly informed of legal requirements and health factors involved in the removal of asbestos, so that other children and other staff under the responsibility of the ACT Government are not exposed to unsafe levels of asbestos?

**MR STEFANIAK:** I think they probably have a fairly good idea, Mr Whitecross, but I will take it on board to remind them of their rights and their responsibilities in relation to that.



### Griffith Preschool

**MR CONNOLLY:** My question is also to Mr Stefaniak in his capacity as Education Minister. Minister, what processes have you put in place to identify and monitor all those who, because of your and your department's bungling, were exposed to asbestos over a period of some days?

**Mrs Carnell:** Asbestos sheeting.

**MR CONNOLLY:** Asbestos sheeting which you said yesterday was broken into small pieces which were scattered around the playground, and, given the behaviour of preschoolers, we can safely assume, has been picked up, thrown, poked at one another, if not eaten and sucked on. It was asbestos sheeting, not in situ but broken up into small pieces. Given that the World Health Organisation has determined there is no safe level - - -

**Mrs Carnell:** Half the houses at Narrabundah are made of the stuff.

**Mr Hird:** Did you have any?

**MR CONNOLLY:** I know the Government benches think this is very funny, but parents will not. Given that the World Health Organisation has determined that there is no safe level of exposure to asbestos, does the Government accept full liability for the possible complications which may have been experienced by the children and workers involved?

**MR STEFANIAK:** I think you are really drawing a longbow there, Mr Connolly. My advice at present is that no-one appears to have been hurt in any way by this. It may be very difficult to do too much about it. Mr Connolly, I will see what I can do. I will do whatever is reasonable in the circumstances.

**MR CONNOLLY:** By way of a supplementary question: Although I expect the answer will be no in each case, have you contacted all of those parents of children who may have been exposed and offered them counselling? Have you offered to provide advice to their medical practitioners? What will be done to ensure that the risks associated with this type of exposure will be documented and acknowledged for the future?

**MR STEFANIAK:** Mr Connolly, again, you really are drawing a longbow. Asking me whether the Government takes liability is really asking - - -

**Mr Connolly:** He thinks it is funny.

**MR STEFANIAK:** I do not think it is funny at all. Asking me whether the Government takes liability is asking for a legal opinion. All we can do is ensure that proper procedures are adhered to. There were a couple of things that were not, like the contractor not being licensed. Those things do need to be looked at, Mr Connolly.

### **National Memorial Park**

**MR HIRD:** My question is directed to the Minister for Urban Services. Can the Minister update this parliament on the latest progress on the establishment of a national memorial park in the ACT? Can he inform the parliament as to what support he has received for the proposal so far?

**MR DE DOMENICO:** I thank Mr Hird for his question. Mr Speaker, it gives me great pleasure to inform the Assembly that the Commonwealth Government has indicated its support for a national memorial park to be set up in the ACT. I received a letter from the Federal Minister for Housing and Regional Development, the Hon. Brian Howe, on 9 November. In his letter Mr Howe acknowledged the growing importance of the memorials in the ACT, as well as the increasing awareness of and pride in the national capital. He stated that the National Capital Planning Authority will consider the concept of a national memorial park as part of its review which is currently under way into Canberra's central national area. Mr Speaker, I look forward to the enthusiastic involvement of the NCPA, which has been asked to cooperate with the ACT Government in preparing a comprehensive proposal which can be considered in the near future. In the meantime, the feasibility study conducted by the Department of Urban Services into the establishment of a national memorial park will be released next month.

I have written to the current Leader of the Opposition, Ms Follett, requesting her party's bilateral support for this proposal, which I believe transcends party politics. I am surprised and disappointed to say that so far she has not seen fit to respond. I hope that Ms Follett or her successor will see the potential in such a memorial, unlike her short-sighted colleagues and possible heirs apparent, Mr Whitecross and Mr Berry, who have publicly scoffed at the idea. For example, Mr Berry said in a media release issued on 3 August that my idea for a national memorial park has made me the laughing stock of the country.

**Mr Berry:** It did.

**MR DE DOMENICO:** Mr Speaker, Mr Berry should be asked whether it means that his Federal colleague on the hill, Mr Howe, is also a laughing stock due to his support for a national memorial. I think not. I think this highlights the lack of foresight of those opposite, and once again proves just how out of step the Stalinist Left section of the Labor Party that we have in the Territory are with their interstate and Federal colleagues.

Another colleague, Mr Whitecross, also put his foot in his mouth when he said in a press release dated 25 July that I should focus on the day-to-day problems of managing the ACT rather than thinking of what he described as a "grand scheme" like a national memorial. Mr Whitecross, who is still a novice in the political arena, will one day learn that, while managing day-to-day business is an important part of any job, so too is consideration of the future development of Canberra, including ideas like the national memorial park, which can only serve to enhance the ACT's tourism and national capital status.

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Mr Speaker, I believe that a national memorial is a great way to pay our respects to outstanding Australians, and that the most appropriate place for that memorial is here in the ACT. The Federal Government agrees. Jeff Kennett thought it was such a good idea that he moved straightaway to create his own vision in Victoria. I hope that the Leader of the Opposition and her colleagues will come out of their bunker and fall into line with the rest of the country and the rest of the world and see the sense of this proposal, unlike her would-be successors.

### **Budget Amendments**

**MR OSBORNE:** Under standing order 116, I wish to ask Mr Moore a question about a public matter connected with the business of the Assembly, namely, his well-publicised proposed amendments to the Appropriation Bill to move \$3.8m from the Treasurer's Advance to government schooling. I have given Mr Moore a little bit of notice about this, Mr Speaker.

**MR SPEAKER:** Why do you not just lean over and ask him?

**MR OSBORNE:** Are you aware, Mr Moore, of any precedent in which attempts have been made to protect education in the Territory through motions or amendments, and are the current attempts consistent with previous attempts in this Assembly?

**MR SPEAKER:** Order! Standing order 116 says:

Questions may be put to a Member, not being a Minister, relating to any bill, motion, or other public matter connected with the business of the Assembly, of which the Member has charge.

There is no question that Mr Moore has charge of some amendments that he is proposing. However, standing order 117(f) states:

Questions may be asked to elicit information regarding business pending on the Notice Paper but discussion must not be anticipated; ...

If you attempt to anticipate discussion on the Appropriation Bill, Mr Moore, you will be ruled out of order immediately.

**MR MOORE:** Thank you, Mr Speaker.

**MR SPEAKER:** I wish you luck.

**MR MOORE:** Indeed, Mr Speaker. I shall not be doing that.

**Mr Berry:** Mr Speaker, I take a point of order. I think Mr Moore is in a bit of panic mode at the moment.

**Mr De Domenico:** No, he is sitting down calmly. You are on your feet.

**MR SPEAKER:** Order! This is important.

**Mr Berry:** I think he assumes there are dark clouds on the horizon and he is not going to be able to speak at length on this issue.

**MR MOORE:** What is the matter, Wayne? Are you worried about what I might say? Are you worried about the precedent, Wayne?

**Mr Berry:** No, I am not worried about it at all. I think the Government would be worried about the precedent, though.

**Mrs Carnell:** No, we are not.

**MR MOORE:** Perhaps they should be.

**Mr Humphries:** We want to hear his answer.

**MR SPEAKER:** Order!

**Mr Berry:** I just want it clarified. If you believe, Mr Speaker, that the conditions of standing order 116 are appropriately met by this question, have you taken into account the fact that the amendments which Mr Moore has charge of have not been moved yet?

**Mr Humphries:** Speaking to the point of order, Mr Speaker: Applying that logic, members on this side of the chamber would not be able to be asked about Bills before the Assembly, and, of course, they are. This is exactly the same position.

**MR SPEAKER:** The other point is that if that is the case I may have difficulty in anticipating discussion on matters too, because that has not come up either. We have interpreted standing order 116 fairly broadly, Mr Berry. It says “relating to any bill, motion or other public matter”. Perhaps it comes under the heading of “other public matter”. It could be interpreted that an amendment is a motion. I do not know whether anybody wishes to argue whether an amendment is a motion. I would be prepared to allow the question under standing order 116, but I would remind Mr Moore of standing order 117(f), which says:

Questions may be asked to elicit information regarding business pending on the Notice Paper but discussion must not be anticipated; ...

**MR MOORE:** Thank you, Mr Speaker, for your ruling and that advice. I shall be careful about that issue. Mr Osborne, thank you for the question. Thank you for the three-quarters of an hour's notice of this question. I was able to go back through *Hansard* to elicit some information. The history of the matter in 1993 was that the then Government moved to cut 80 teacher positions worth about \$1.5m. Attempts were made to stop them doing that. The first was a motion put by Ms Szuty, which was carried, which demanded that the then Minister for Education, Bill Wood, protect those teacher positions. He simply refused. In other words, the Government at that stage thumbed their nose at a motion in the Assembly.

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That matter was taken very seriously by members of the Assembly, Mr Osborne, and I moved a motion of no confidence in Mr Wood. That motion of no confidence was then amended by the then Leader of the Opposition, Mrs Carnell, moving that the motion of no confidence be not just in Mr Wood but also in the Treasurer. That was carried. The motion was amended yet again by Mr Stevenson, to change it from a no-confidence motion to a censure motion. The Government at that stage were refusing to obey the direction of the Assembly and were censured.

That still was not enough to get the Government to modify their budget. The then Chief Minister and Treasurer, Rosemary Follett, simply refused to change their budget. The only way that they would change their budget turned out to be by an amendment to a clause in the budget. That amendment was moved by Mr Cornwell. It was moved by you, Mr Speaker. That amendment was ruled on at the time by the then Speaker, Ms McRae. Ms McRae said that it was in order. She had looked at the matter over lunchtime. In fact, she suspended the Assembly from 3.36 pm to 4.02 pm on 25 November in order to rule on the amendment.

When the sitting resumed Mr Humphries asked, "Well, what is your ruling, Madam Speaker?", after she asked whether there were any other points of order. She said:

I told you that I was inclined to rule it in order and then listen to any further points of order. If there are no points of order, I rule it in order; and Mr Cornwell can proceed.

Mr Cornwell then argued why it was that it was in order and at that stage Madam Speaker intervened and said:

I have just ruled on that, Mr Cornwell.

So it was ruled in order. Mr Osborne, there certainly have been precedents set. One of the speakers at the time of the amendment to the Appropriation Bill had these words to say, and you will find them at page 4192 of *Hansard* of 25 November 1993:

So this Assembly, on behalf of the will of the people in Canberra, carried a motion requiring that that action not be taken. Mr Wood said that it was an important motion, but proceeded to say - I paraphrase - that he would not take any notice of it. Then we passed a motion censuring Mr Wood and the Treasurer. It was said very clearly that we did not want this reduction of teachers. We called on that decision to be reversed, but it was not reversed.

**Ms Follett:** I have a point of order, Mr Speaker. I hesitate to interrupt your coalition partner, but could it not be the case - - -

**MR SPEAKER:** Order! I think you should withdraw that, Ms Follett.

**Ms Follett:** Could it not be the case that Mr Moore is, in fact, debating this issue - just by, you know, a stretch of the imagination?

**MR MOORE:** Let me assure you that I am drawing to a close, Mr Speaker.

**MR SPEAKER:** I think you should.

**MR MOORE:** Mr Speaker, it is just that I very rarely get an opportunity to answer a question. I thought I would try to make the most of it. Who knows when the next question might come.

**MR SPEAKER:** That has not been my experience, Mr Moore.

**Mrs Carnell:** I offered.

**MR MOORE:** I hear an interjection from the Chief Minister. She has offered to give me the chance to have lots of questions by taking a ministry. I know that. The point is, Mr Speaker, that we have had this situation, but on the last occasion a series of moves were made over a long time leading up to the frustration of a situation where an amendment was moved to the budget, not just the posturing that we have seen happening in this Assembly over the last couple of days.

**Mr Connolly:** Mr Speaker, I rise to take a point of order. For the second time today when the Leader of the Opposition has been addressing you on a point of order male members of the Government frontbench have been making cat noises and scratching the air. I would ask you to rule on whether this is parliamentary behaviour, or is this indicative of that party's view of women members of parliament?

**Mr Hird:** A nice try.

**Mr Connolly:** It is in the *Hansard*, boys.

**MR SPEAKER:** Mr Connolly, there is no point of order, but I will watch the behaviour of all members.

**MR OSBORNE:** I have a supplementary question, Mr Speaker. I would like to thank Mr Moore for his most enlightening and truthful answer to my question. Mr Moore, given what you have just told the Assembly, would it be fair to say that some people in this house have double standards?

**MR SPEAKER:** The question is out of order.

**Mr Moore:** Mr Speaker, I take a point of order. He did not use the word "hypocrisy", which he might well have used. It would have been appropriate for him to use that.

**Mr Osborne:** I did not mention which members of this house. I just said "some members".

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**MR SPEAKER:** Order! The question is out of order.

**Mr Moore:** I take a point of order, Mr Speaker. Under which standing order?

**MR SPEAKER:** Standing order 117, (iii) inferences; (iv) imputations.

### **Library Services**

**MS TUCKER:** Mr Speaker, my question is to the Minister for Urban Services, Mr De Domenico. In response to a question in the Assembly on 20 September the Chief Minister stated that the Government has “given a direction that library hours and services will not be cut”. How is this achievable, given that, according to figures provided to my office by the Government, the number of full-time professional officers in the ACT public library system last year was 10 per cent below that in the previous financial year, and even lower than the number as far back as 1991, and the budget for library materials purchases for the public library system this year is 7.5 per cent below funding for last year and more than 15 per cent below that for the year before, not counting the effect of inflation? Will the Government guarantee again that no services will be cut, nor the quality of those services reduced?

**MR DE DOMENICO:** Mr Speaker, without reflecting on any future discussion we might have on the budget, over the last three years the ACT Library Service has been supplemented from the City Services Group budget. The ACT Library Service budget for 1995-96 has been shaped to reduce expenditure in the overall library service area while maintaining service levels to the community. New efficiencies will come with the introduction of an electronic client checkout system that will allow library users to process their own library borrowings, and the review of current staffing arrangements, particularly in relation to administrative overheads. The role of libraries is changing and a community information strategy is being developed to identify the range of information services which libraries will provide in the future. So the Chief Minister's statement in September stands.

**MR SPEAKER:** Do you have a supplementary question, Ms Tucker?

**MS TUCKER:** Yes. Although you did not mention it now, Mr De Domenico, I have heard that you are going to be spending more money on information technology. I could not find that in the budget. Could you tell me exactly how much you will be spending on that?

**MR DE DOMENICO:** In fact, it is in the budget, Ms Tucker. It is in the capital works and services and public works budget. I will get you the exact figure so that you do not accuse me of misleading the house, but it is some hundreds of thousands of dollars. It is over \$100,000.

### Schools - Maintenance Costs

**MR MOORE:** Mr Speaker, my question is directed to Mr Osborne. Mr Speaker, I have misread my writing. It is actually directed to Mr Stefaniak, as Minister for Education.

**MR SPEAKER:** You have a literacy problem, do you?

**MR MOORE:** An eye problem, Mr Speaker. I am confused when I look across and see the two of them. It is to the Minister for Education, Mr Stefaniak. I am sure the Minister is aware that the provision of maintenance for schools in the ACT Education Department has been on the basis of emergency only for quite some time. Can the Minister now reassure this Assembly that the increased maintenance costs for schools will be provided before there is any decision about school-based management or any school-based management policy? Will this be allowed for in terms of the funding?

**MR STEFANIAK:** Mr Moore, I think there is a certain amount of money in the budget for maintenance this financial year.

**Mr Moore:** Yes, emergency only.

**MR STEFANIAK:** You are asking for more money, are you?

**Mr Moore:** Before you go for school-based management are you going to make sure there is enough money?

**MR STEFANIAK:** There are a number of things to look at in relation to school-based management, Mr Speaker, and that is something that is currently out there with the community. A paper is out before the community. Some schools are keen to do it next year; other schools want to wait until 1997. A number of issues need to be looked at, including that one. I will not give you an answer on that immediately, Mr Moore, because I think there are a number of things to be looked at in terms of the whole question of school-based management.

**MR MOORE:** I have a supplementary question, Mr Speaker. That is the whole point of the question, Minister. If there is inadequate funding now and then you flick it across to schools to manage with inadequate money, then surely that is going to exacerbate problems. It reflects the very reason why people are seeking to ensure that there is appropriate money in the education budget.

**MR STEFANIAK:** Mr Moore, we would be saying that there is adequate money there now for maintenance. It is very clearly a very important part of schooling. In terms of the whole question of school-based management, I think there is a fair bit we need to go through before I could say, for example, that the money this year is all that would be available. I think it is a bit premature for that.



### **WorkCover Investigation**

**MR BERRY:** My question is to the Chief Minister, Mrs Carnell. I hope she has got over her mirth about the effects of asbestos on schoolchildren, in order that she can direct serious attention to this issue. In the light of the serious questions surrounding the decision of the Minister for Industrial Relations to involve a staff member in an occupational health and safety investigation, does that Minister have your full confidence?

**MRS CARNELL:** All of my Ministers have my full confidence, or they would not be my Ministers.

**MR BERRY:** Thank you very much, Mrs Carnell. Would you also mind informing the Assembly of the action that you have taken to satisfy yourself that there was no breach of the law and that that Minister's actions are not improper or inappropriate? Would you inform the Assembly from whom you took advice, and advise the Assembly whether you are prepared to table it or not?

**MRS CARNELL:** Thank you very much. I certainly have been briefed on this issue, and I am confident that appropriate procedures are in place.

**Mr Berry:** Would you tell us who briefed you?

**MRS CARNELL:** You cannot have three questions.

### **Business Promotion**

**MR WOOD:** Mr Speaker, my question is to Mr De Domenico in his capacity as Minister for Business, Employment and Tourism, and still self-promotion.

**MR SPEAKER:** Order!

**MR WOOD:** Following your acknowledgment yesterday that the propaganda material and promotional material in this document was funded by the Government, and therefore the ACT taxpayer, I draw your attention to part of an article in the document which says, "The ACT Liberal Party would like to extend all residential and commercial leases automatically". Why is the ACT taxpayer, through the Government, paying for Liberal Party propaganda?

**MR DE DOMENICO:** I am happy to answer the question, Mr Speaker. Mr Wood, like the other people on the other side of this house, has not done his homework properly. Mr Wood, you will find that that publication was funded jointly by the Government, BOMA and another organisation. The publication states quite categorically what the Government's policy is. There is nothing wrong with the Government stating what its policies are, Mr Wood.

**MR WOOD:** I do not have any difficulty with the Government stating what its policies are; but this document, paid for in significant measure by the ACT taxpayer, is stating what Liberal policies are. Will you see in the future that you do not fall into that grievous error?

**MR DE DOMENICO:** I will answer that supplementary question by saying that, as hard as Mr Wood and his colleagues seem to want to fight about it, Mr Speaker, on 18 February over 40 per cent of the people in the ACT - - -

**Mr Berry:** I take a point of order, Mr Speaker. Could you draw the Minister's attention to the issue of relevance, as required by the standing orders.

**MR SPEAKER:** I think Mr De Domenico is coming rapidly to the point.

**MR DE DOMENICO:** I thank Mr Berry for his advice, Mr Speaker. The day I start taking advice from Mr Berry is the day that we - - -

**Mr Berry:** Mr Speaker, I drew the matter to your attention. It is not for me to - - -

**MR SPEAKER:** I have said that I am sure that Mr De Domenico is drawing rapidly to relevancy. I asked him to do so.

**MR DE DOMENICO:** I will, Mr Speaker. As hard as members opposite do not want to believe it, Mr Speaker, on 18 February over 40 per cent of the people in this Territory voted for the Liberal Party. That was the question, Mr Speaker.

**Mr Berry:** I take a point of order, Mr Speaker. I draw your attention to the point of order I raised with you a moment ago and upon which you ruled. Would you please draw that to Mr De Domenico's attention.

**MR SPEAKER:** I have asked Mr De Domenico to answer the question. He is demonstrating the relevancy of what he is saying and he is rapidly coming to the point. In fact, I think he had reached it when you got to your feet.

**MR DE DOMENICO:** Exactly. Mr Wood asked about the Liberal Party, Mr Speaker. Mr Wood would know that the Government elected on that day happens to be a Liberal Party government.

**Mr Wood:** I take a point of order, Mr Speaker. My point of order is simply that Mr De Domenico need not answer. The Chief Minister nodded agreement with what I said and has overridden her deputy.

**MR DE DOMENICO:** You do not like the answer, do you? You do not like to hear the reality or the fact.

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

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**MR DE DOMENICO:** It hurts. You have not got used to being in opposition yet. You never will. Mr Speaker, we will continue to espouse this Government's and this party's policies. This Government's policies are the reasons why we are in government. The majority of the people in this Assembly, and over 40 per cent of the people in the ACT, chucked that lot out. They had had enough of them because they did nothing. Graham Richardson chucked them out, and do you blame him?

### **Consumer Affairs - Equipment for the Disabled**

**MS McRAE:** My question is to Mr Humphries in his capacity as Minister for Consumer Affairs. Mr Humphries, what recourse does a member of the community have when faulty equipment for the disabled is offered for sale?

**Mr Humphries:** I am sorry. Would you repeat the last part of the question?

**MS McRAE:** Faulty equipment for the disabled is offered for sale.

**MR HUMPHRIES:** Legislation already in place in the ACT - the Sale of Goods Act, the Trade Practices Act and so on - provides for certain rights of people to seek a refund of the cost of goods if the material that they have purchased does not work to their requirements. I can get Ms McRae a detailed statement of the situation in respect of the law, but essentially there is an implied warranty in goods that are sold to people who are disabled, or anybody else for that matter, that the goods will suit the purpose for which they have been supplied. If a person buys an electric toothbrush, for argument's sake, it is an implied warranty that the voltage will match the voltage of any ordinary Australian home, and so on.

I am not sure what Ms McRae is getting at with her question; but if, for example, a disabled person were to buy a product which is suitable for the use of a non-disabled person and the product once purchased does not meet the requirements of that disabled person, there is a question then as to whether the purchaser made clear when making the purchase that the product was required for certain purposes. If they did make that clear, and they were supplied in those circumstances and it does not meet those requirements, then the person has a right to take some action under the Sale of Goods Act. That would require a refund of their money or the replacement of those goods with something that did meet their requirements.

**MS McRAE:** I will put a bit more detail into the supplementary question, Mr Humphries, because it is a genuine question. As it happened, there was a faulty wheelchair sold from a pharmacy in Red Hill. The question was: What can you do if in fact the item was faulty before you purchased it? That was the intent of the question. If it is faulty to begin with, what recourse do you have against the seller of the item perhaps knowingly selling it in a faulty condition?

**MR HUMPHRIES:** Mr Speaker, those opposite complain about the sort of catty remarks from this side of the chamber. Is it really any wonder - - -

Members interjected.

**MR SPEAKER:** Order! Anybody would think this was a performance of *Cats*. I appreciate that most members would be incapable of addressing this Assembly if they did not move their arms around.

**Mr Connolly:** I raise a point of order, Mr Speaker. It is not the gesture; it is the cattiness. He made that point again, and to female members of parliament this sort of behaviour by the boys opposite is quite demeaning. I would hope even Mrs Carnell would accept that. We really have to take objection to it. When I last raised this point you said you would remind all members if they sank to that level again. Here we have Mr Humphries again thinking it is quite amusing.

**MR SPEAKER:** I thought he was demonstrating something, to be perfectly honest, Mr Connolly, but I am sure Mr Humphries will - - -

**MR HUMPHRIES:** Mr Speaker, on the point of order, I assure members opposite that it is perfectly possible for male members of the Opposition to be catty as well about things of this kind. It so happens on this occasion it is a female member who is being catty. I do not withdraw the word "catty", because that describes very well what it is - a low, mean question that demeans this place. Clearly, Mr Speaker, Ms McRae is having a go, as usual, at Mrs Carnell. She has no intention of finding out what is in the best interests of the disabled in this town. She has no interest in finding out what the state of play of the Sale of Goods Act or the Trade Practices Act is. Her sole intention is to try one last, desperate time to embarrass Mrs Carnell, and I think, Mr Speaker, she deserves to be condemned for being catty, for that reason.

**Mr Berry:** I take a point of order, Mr Speaker. The question that was put to Mr Humphries was whether he would investigate it. Yes or no will do.

**MR HUMPHRIES:** I heard it. To be frank, Mr Speaker, in the context of that petty way in which the Labor Party is putting it, the answer is no.

**MRS CARNELL:** May I make a personal explanation? I will give an absolute undertaking that if faulty equipment was sold by my pharmacy we will either replace it or, alternatively, give a refund.

**Mr Kaine:** May I take a point of order, Mr Speaker? Would you please devise a method of incorporating in the *Hansard* in future an indication of the body language of every member of the Assembly?

**MR SPEAKER:** I will take that on notice, Mr Kaine. It will take some time to consider.

**Mrs Carnell:** I ask that further questions be placed on the notice paper.

### **Housing Trust Services**

**MR STEFANIAK:** Mr Speaker, yesterday Ms Tucker asked me a question in my capacity as Minister for Housing. I table my response.

### **Business Promotion**

**MR WOOD:** Mr Speaker, yesterday Mr De Domenico indicated he would come back and tell the Assembly how much this brochure cost. I was expecting that today.

**MR DE DOMENICO:** The answer to that question, Mr Wood, is that the Government contribution was \$10,000.

### **STUDY TRIP**

#### **Paper**

**MR SPEAKER:** For the information of members, I present a report of a study trip undertaken by Mr Moore, MLA, to Brisbane on 17 November 1995.

### **SUBORDINATE LEGISLATION**

#### **Papers**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present Regulation No. 42, including an explanatory memorandum, which is a Discrimination (Remuneration and Allowances) Regulations (Amendment) made under the Discrimination Act 1991 and gazetted in Gazette No. S285 dated Tuesday, 14 November 1995. I also present, pursuant to section 6 of the Subordinate Laws Act 1989, Regulation No. 43 of 1995, including an explanatory statement, which is a Liquor Regulations (Amendment) made under the Liquor Act 1975 and gazetted in Gazette No. S293, dated Thursday, 23 November 1995. I seek leave to have my tabling statement incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 3.*

**CORONERS (AMENDMENT) LEGISLATION - EXPOSURE DRAFT  
Papers**

**MR HUMPHRIES** (Attorney-General): For the information of members, I present an exposure draft of the Coroners (Amendment) legislation, together with an explanatory statement. I ask for leave of the Assembly to have my tabling statement incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 4.*

**PLANNING FUNCTIONS AND STRUCTURES - REVIEW  
Paper**

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (3.16): For the information of members, I present a review of ACT planning functions and structures, and I move:

That the Assembly takes note of the paper.

In the interests of ensuring that we get out of here at a reasonable hour this evening, I again ask for leave to have my comments incorporated in *Hansard*.

Leave granted.

*Document incorporated at Appendix 5.*

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

**AMENDMENTS TO APPROPRIATION BILLS**

**MR HUMPHRIES** (Attorney-General) (3.18): I seek leave to move a motion that has been circulated in my name in the chamber.

Leave not granted.

### Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent Mr Humphries from moving a motion concerning amendments to Appropriation Bills.

**MR MOORE** (3.19): Mr Speaker, I oppose this motion, for the same reason as I failed to give leave. This motion will affectively pre-empt a discussion of the matter in the budget, and anyway I think it is appropriate that we question it under standing order 130, I think, off the top of my head. It seems to me that this is a lesser way of dealing with the real issues that ought to come before the Assembly and be dealt with appropriately. What we have here is an attempt certainly by the Minister and the Liberal Party, and I suspect by their mates in the Labor Party, to get a major party solution to budgets - an "either they will do it or we will do it, but nobody else will be able to interfere" kind of approach.

**Mr Osborne:** Council-style government.

**MR MOORE:** I hear an interjection from my colleague Mr Osborne, whom I could hardly speak to yesterday, saying that this is council-style government. Indeed, that is an issue we will come to if we wind up debating this particular matter, because it is so much in conflict with council-style government. That is why I oppose either leave or, in this case, suspension of standing orders. We ought to get on with the business of dealing with the Appropriation Bill.

**MR BERRY** (3.20): Mr Speaker, the Labor Opposition will support the suspension of standing orders in order that debate in relation to this matter can proceed. I think it is quite churlish of Mr Moore to oppose leave being given on this issue, because it is an important one for the future of this Assembly. This is about allowing this Assembly to debate important issues. If Mr Moore is frightened of the debate, I cannot help that, but this is an important issue and this important matter has to be debated. We want to debate the issue; we do not want to see it pushed under the carpet.

**MRS CARNELL** (Chief Minister) (3.21): Very briefly in response to Mr Moore's comment about council-style government, those on this side of the house would be very pleased to go to council-style government, but unfortunately the level of support from others has been somewhat less than satisfactory in the past. The difference between the sort of government we have now and council-style government would be that the committees would actually be responsible.

**Mr Berry:** I raise a point of order, Mr Speaker. The debate before the chamber is in relation to a motion that has been moved by Mr Humphries, not in relation to an interjection from Mr Moore.

**MR SPEAKER:** I uphold the point of order.

**Mr Moore:** On a point of order, Mr Speaker: I ask you to look at standing order 130 and try to assess whether it would be appropriate even to argue the suspension of the standing orders, considering that this would clearly anticipate a matter on the notice paper in a less effective form of proceeding. Mr Speaker, I ask you to rule on that.

**MR SPEAKER:** I do rule and I do not uphold your point of order in relation to standing order 130. It states:

A matter on the Notice Paper must not be anticipated by a matter of public importance, -

this is clearly not a matter of public importance -

an amendment -

this is not an amendment; this is a motion, as I understand it, relating to amendments - correct me if I am wrong, Mr Humphries -

or other less effective form of proceeding.

I do not accept that this is a less effective form of proceeding. So on all three points in relation to standing order 130, I do not uphold your objection.

Question put:

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

The Assembly voted -

*AYES, 13*

*NOES, 4*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Follett  
Mr Hird  
Mr Humphries  
Mr Kaine  
Ms McRae  
Mr Stefaniak  
Mr Whitecross  
Mr Wood

Ms Horodny  
Mr Moore  
Mr Osborne  
Ms Tucker

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



### Motion

**MR HUMPHRIES** (Attorney-General) (3.25): I move:

That this Assembly reaffirms the principles of the Westminster system embodied in the “financial initiative of the Crown” and the limits that that initiative places on non-Executive Members in moving amendments other than those to reduce items of proposed expenditure.

Can I explain to the Assembly what it is that I am doing with the moving of this motion.

**Ms Follett:** “You are a late convert” is all I can say; you are a very late convert.

**MR HUMPHRIES:** You have the option of not supporting the motion if you take that view, Ms Follett. It is entirely up to you. Mr Speaker, it seems to me that the issue of the operation of a number of crucial provisions in both the self-government legislation and our own standing orders, although this has been discussed in the past, has not yet been finally settled. Particularly, section 65 of the self-government Act and standing orders 200 and 201 of our standing orders put limitations on the capacity of the ACT Assembly to take certain decisions in respect of budgetary matters.

On this occasion I am not interested so much in taking a particular stand on the issue of whether governments should frame budgets or not, although that is certainly an issue on which I will be making a comment. Rather, I am interested in providing for some certainty in this debate. It has been the practice in the past that governments from both sides of the house have at various stages attempted to use either of those standing orders or section 65, or both, to eliminate certain proposals before the house, whether by way of substantive amendment or legislation or motion to achieve certain budgetary goals. It is my belief that we owe it to future Assemblies, if not to ourselves, to attempt to clear up the purview of section 65 and standing orders 200 and 201.

The principle on which I believe the Assembly should proceed is the principle embodied in the concept or doctrine of the financial initiative of the Crown, which reserves to the government certain prerogatives to take certain steps in relation to the appropriation and use of public money. I believe that the way in which this has been dealt with in the past certainly would lead to some confusion. The Assembly, as Mr Moore said earlier today in question time, two years ago put in place a provision to require certain decisions to be made in respect of the way in which the budget was administered; that is, it required the former Government to expend money in the education budget in such a way as not to reduce the number of teachers or increase the student-teacher ratio in the course of administering that budget.

Irrespective of whether that was a sound decision or not, I think it is appropriate for the Assembly to determine whether such a precedent should stand or whether it is appropriate to make clear the limitations on such steps in the Assembly. The concept of the financial initiative of the Crown, which is described in *House of Representatives Practice* as “the constitutional and parliamentary principle that only the Government may initiate or move to increase appropriations or taxes”, is summarised in that book in three ways:

The Executive Government is charged with the management of revenue and with payments for the public service.

It is a long established and strictly observed rule which expresses a principle of the highest constitutional importance that no public charge can be incurred except on the initiative of the Executive Government.

The Executive Government demands money, the House grants it, but the House does not vote money unless required by the Government, and does not impose taxes unless needed for the public service as declared by Ministers of the Crown.

We can, I think, extrapolate in this case Ministers not of the Crown, as is the case in the ACT. I will not go into the detail of the background to the formulation of that rule, but it is clearly a device to protect the Executive. It is clearly a device which historically has prevented executive government from having its decision-making process in respect of budgets and budget appropriations tossed about, distorted, abused - whichever term you wish to use - by other non-Executive members of the parliament. I had never realised that the financial initiative of the Crown would cause so much merriment and mirth, but I am glad to see that someone is enjoying this dissertation.

The issue before us today is the extent to which issues given rise to by the amendments to be moved later today by Mr Moore, Mr Osborne and the Greens in particular should be vented on the floor of the Assembly in the form of amendments or whether this doctrine of the financial initiative of the Crown ought to operate so as to prevent such amendments from coming forward. I obviously concede that the Government, from the vantage point of government, views the protection offered by this doctrine much more favourably than it did two years ago. I readily concede that a different perspective is thrown on the way in which we approach this matter by virtue of our occupation of the treasury bench. It seems to me - put it how you will, Mr Speaker - that the Assembly stands now in the position of having to decide whether the practice which was arguably first given small rise to back in 1993 should be extended and continued - - -

**Ms Follett:** By you.

**MR HUMPHRIES:** I concede that, Ms Follett - whether it should be allowed to continue, indeed to expand, in the way the amendments before the house today indicate.

Let me be frank: I think the Liberal Party in 1993 took a step which certainly suited our desire to express anger on behalf of the community about a government that was prepared to refuse to continue with a program to rationalise school numbers but was prepared in almost the same breath to proceed to sack teachers as a solution to that problem. I concede that that was attractive to us in that context. I also indicate to the Assembly that I think it is unfortunate that, in doing so, it was necessary to compromise the process whereby government was able to make effective decisions in the course of framing and presenting its budget. I think we should clarify the situation for the future, and that is what I propose to do today.

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Members have an obvious option to exercise in this case. They can decide that the Liberal Party should live by the stand it employed back in 1993 and they can reject this motion. They can decide that the principle enunciated by the then Labor Government was preferable and they can support this motion. It is a very clear choice before the Assembly. Quick and Garran refer to Hearn's *Government of England* in talking about this particular principle, and I quote what they say about that:

It is accordingly a fundamental rule of the House of Commons that the House will not entertain any petition or any notice for a grant of money, or which involves the expenditure of any money, unless it be communicated by the Crown. We are so accustomed to the general practice, and the deviations from it have been so inconsiderable, that its importance is scarcely appreciated. Those, however, who have had the experience of the results which followed from its absence, of the scramble among the members of the Legislature to obtain a share of the public money for their respective constituencies, of the "log-rolling", and of the predominance of local interests to the entire neglect of the public interest, have not hesitated to declare that "good government is not attainable while the unrestricted powers of voting public money and of managing the local expenditure of the community are lodged in the hands of an Assembly". This salutary rule has too often been evaded.

I also refer to May, in which it is stated:

The House of Commons has long found it necessary to place restrictions on the moving of amendments in order to keep intact the principle of the financial initiative of the Crown.

I would suggest that in the present circumstances, whereby the ACT operates in a similar circumstance to that of the parliaments which are our forebears - in particular, it operates in an environment where it is very likely, indeed almost certain, that governments formed in this place in the future will be minority governments - it is important that we put in place a mechanism to protect some rights on the part of the government to frame a budget and to be the sole arbiter of the contents of that budget.

I realise that in the present context Mr Moore will be angry that this excludes his amendments from being considered later in the day. I concede that he would prefer that there be a process of debating and formulating the budget in another way, particularly one that involved consultation with other members of the Assembly not merely in putting forward their point of view but also in being able to frame the budget. But I maintain that in the present system of government - a system that is not a council-style government, a system we have inherited both from pre-self-government days and from a system of government that is used widely around this country in respect of the second and first tiers of government - to change that arrangement so as to provide for some ad hoc capacity to formulate budget directions on the floor of the Assembly is not desirable. I put it to members of the Assembly that it is preferable for us to formulate and stand by a rule which provides for that particular prerogative to be reserved to the government of the day, whichever government it may be. I therefore commend this motion to the house.

**MR CONNOLLY (3.37):** The Australian Labor Party some four years ago celebrated its centenary and, for the 104 years that the Australian Labor Party has been involved in Australian politics and has had representatives in the parliaments of the colonies, the States, the Commonwealth and now the Territories, we have played by the rules. We have advanced the interests of our constituencies, we have advanced the interests of our platforms, as hard and with as much vigour as we can within the rules of Australian parliamentary democracy. We have been faced with a dilemma in recent days in respect of the budget of the Carnell Government. We have said loudly and clearly that it is a bad budget. We put forward in this place a motion which reminded the Government of some very clear recommendations, particularly in respect of education, of the Estimates Committee. We required the Government to act on those. The Government has refused to act on those. We currently have before this chamber this very day a motion of censure directed at the Chief Minister in respect of that education budget. We are, with all our vigour, within the rules of the game, pursuing this Government for aspects of its budget which we find unsatisfactory.

We said some week or so ago now that we would not breach the rules, we would not tear up the rules of parliamentary government in Australia for the short-term political advantage of amending this Carnell Government's bad budget. We took that issue of principle despite the fact that a couple of years ago, when the numbers in the Assembly were reversed, members of the present Government - you, Mr Speaker, as the then Opposition education spokesperson - moved just that type of amendment, and Mr Moore went on at some length in question time today about that eventuality. Mr Humphries, with a considerable level of embarrassment, acknowledged in his remarks that he took a different view when he was in opposition, but he now is standing up for principle.

For 100 years we have played by the rules, even though playing by the rules may give us a short-term political disadvantage. We would clearly get a short-term political advantage in tearing up the rules of Westminster representative government and amending this budget, but we do not believe that that is appropriate. That is not to say that we believe that Independent members, Opposition members, have no ability to move motions that deal in some way with financial aspects.

Members of the First Assembly would recall that during the period of the Alliance Government a very restrictive interpretation was given of section 65 of the self-government Act. Indeed, the then Opposition's Human Rights Bill, moved by Ms Follett, was at one stage ruled out of order because it was argued that it would have an incidental effect of requiring the expenditure of money. We had a debate about legal opinions, and at that time we said that members on the non-Executive benches had the ability to move private members business that may have a consequence of expenditure of money; but we said then, as we say now and have said throughout, and we are the only political body that has said throughout, that the government is the only body that may introduce or amend a budget, that non-government members can exercise control over the government of the day in a minority situation by voting against individual measures within the budget, by voting no. That is what we have been doing, and we have been saying to Independent members who want to posture on this: If you are fair dinkum, if you really

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want to send this Government a message about its education budget, you can vote no to that line item, and then this arrogant Government will have to come back to this chamber and present another alternative. There is your option within the rules of the game. But we have always said that we will not tear up the rules of the game.

Mr Humphries referred in his speech to various extracts from the legal opinions. I discussed this with Mr Humphries this morning, and I seek the leave of the house to table and have incorporated in *Hansard* a series of legal opinions that have been circulating in this place in recent days and weeks. The debate this afternoon is going to be a debate of some importance for this Assembly. Mr Humphries said earlier on that we are going to establish the rules today. I would take issue with him somewhat there. I would say that we are going to affirm what the rules are. I would say that there would be significant advantage to members of future parliaments if these opinions, which have been circulated, are incorporated in *Hansard*, for ease of reference in the future. I seek leave to table and incorporate, firstly, the opinion of Mr Barram, Acting Director, Parliamentary and Constitutional, to Mr McRae of 10 November; secondly, the advice of Mr McRae to you, Mr Speaker, of 14 November 1995; thirdly, the advice of Mr Len Sorbello of 4 October 1995; fourthly, the advice of Mr Len Sorbello of 28 September 1995; and, finally, my advice of 9 November 1995.

Leave granted.

*Documents incorporated at Appendix 6.*

**MR CONNOLLY:** I will not go into those documents to the extent that Mr Humphries has done, other than to say that they are all of one view. It was the Labor Party that first came out publicly and tabled its view of the law to say why we believed, as a matter of high constitutional principle, that you cannot amend budgets. It is disappointing that there have been political games played with this principle right up to this afternoon, when Mr De Domenico interjected and said, "Well, go on then, amend the budget". We on the Labor side for 100 years have played within the rules. In this place, back to the First Assembly, even when we were in opposition - because this issue first arose significantly at the time Ms Follett was tabling her proposed Bill of Rights and that was ruled out of order - we have always said that, while private members have the ability to move legislation, the budget can be moved only by the government and amendments to the budget may not be moved other than by government Ministers. It is a matter of high constitutional principle, for the reasons Mr Humphries set down.

Mr Humphries referred extensively to the procedure and law of the House of Representatives, the procedure and law surrounding, in effect, section 56 of the Commonwealth Constitution. He quoted at length from Quick and Garran. The circle can be closed by referring to the explanatory memorandum in the House of Representatives to the amendments to the self-government Act of 1992, which are referred to in my opinion. That was a series of amendments following the confusing series of legal advices on the extent of the ability of private members to move private members legislation. We had always maintained that the ability, in effect, matched the provisions of private members in the House of Representatives, though there were some views to the contrary.

In order to clarify that, the Federal Parliament amended section 65 of the self-government Act to its present form, and the explanatory memorandum, as contained in my opinion, which has been tabled today, makes it very clear that the current wording of section 65 is meant to ensure that the initiative of the government, of the Crown, in relation to budgetary matters in this place is the same as in the House of Representatives. "The initiative of the government" is perhaps a more modern form of words than "the initiative of the Crown"; Mr Humphries being an inveterate monarchist, even despite the interview we saw on television the other day, I can understand that he would want to use the term "financial initiative of the Crown". So, with all of the learning Mr Humphries was referring to - Quick and Garran, the various opinions from May and the various opinions from Pettifer - the circle is closed back to our law and practice by that explanatory memorandum. It is possible to amend standing orders to take a different view, but it is not possible for this place to amend the self-government Act.

We support this proposition because it is the proposition we have always advanced, in government or out, for the life of self-government. We accept it because we are a party that for 100 years has played within the rules. We accept it because we have before this place this very day a motion of censure of this Chief Minister and Treasurer for her failure to respond to a motion of this place in relation specifically to the education budget. But the Australian Labor Party will not, for short-term political advantage, act unlawfully, act against the rules. We believe that the rules which have always been there must be upheld. We do not say - perhaps Mr Humphries did not mean it this way - that this motion is establishing a new rule; we say that this motion is stating and clarifying what the rule has always been, the rule based on the variety of legal opinions I have tabled in this place today and had incorporated in *Hansard*.

**MS FOLLETT** (Leader of the Opposition) (3.47): Whilst I support everything Mr Connolly has said on this motion, I do want to put a slightly different perspective on it. It seems to me that the overriding motivation for moving this motion is in order to protect both the Government and the Speaker. It is, first of all, to protect the Speaker from a charge of blatant hypocrisy. Such a charge could well be levelled were the Speaker to rule out of order the motions Mr Moore, Mr Osborne and the Greens have in relation to amending the budget. It is well known that it was the Speaker - you, Mr Speaker - who moved exactly such a motion back in 1993, and it was not ruled out of order. At that time I took the view that the motion probably should have been ruled out of order; nevertheless, you persisted with it, Mr Speaker, the Assembly adopted it, and it was implemented to the letter by my Government. So the first and foremost intent of this motion that we see from Mr Humphries is to protect the Speaker from being charged with that kind of hypocrisy.

It is also to protect the Speaker from having to rule against his party colleague Mr Moore. The fact of the matter is that we saw at question time today where the Speaker did rule in favour of a schoolboy antic by Mr Moore. There is no doubt in my mind that the Speaker needs this kind of protection in order to retain the respect of this house. It seems to me that the Liberals - all of them collectively - are terrified of Mr Moore. They are terrified that he will be successful in moving his motion and that it will be up to the Speaker to prevent that. So it is intended that this motion protect the Speaker from that possibility as well.

Finally, I believe that the motion before us is also intended to protect the Government from itself. We have had time and time again across the floor from this Government the taunt, "Amend the budget". We have had it from Mrs Carnell, we have had it from Mr De Domenico, we have had it from Mr Humphries. In fact, it occurred at question time today. Everybody in this chamber clearly heard Mr De Domenico throw across the comment to the Opposition, "Amend the budget. Amend the budget". So part of the rationale for this motion has to be to protect the Government from its own irresponsibility, from its own empty posturing, and from its own untruthfulness in throwing those kinds of taunts around.

Whilst I abhor the motivation for this motion, I do believe, as Mr Connolly has said, that it is correct in principle. I can say also to Mr Moore, to Mr Osborne, and to the Greens, that they have brought this motion upon themselves. They put the Liberals into government, and this is the Government you have supported. This is the Government that was supported by all four members on the crossbenches. This is the Government whom all of those members have been urging quite fruitlessly to change their budget. The fact of the matter is that none of those four members has taken any action that would in any way threaten the Government's budget. In fact, when they have been put to the test they have made it very clear that they will support the budget at the end of the day, regardless of what is in it, regardless of what it does to education, regardless of what it does to mental health, or any of the other issues they have been grandstanding on.

They have made it very clear that they will not support a censure motion on the Government for not having implemented the Estimates Committee's report. They will not support it for not having implemented the vote of the Assembly on the Estimates Committee. Mr Moore has said frequently, and so has Mr Osborne, that the Government deserves its budget. Then they have tried to have two bob each way and fix up the budget afterwards. This is the Government you have supported. This is that Government's budget and, if it does nothing else, this motion forces you to live with it, to face the reality of what you have taken on.

I also believe that in moving this motion Mr Humphries has finally found some measure of honesty in government.

**Mr Humphries:** Mr Speaker, I would ask for that to be withdrawn. I think that is most unparliamentary.

**MR SPEAKER:** Yes.

**Mr Berry:** Mr Speaker, there is a *Hansard* quote from Mr Humphries saying that he had to be honest now that he was in opposition. I think it has long been acknowledged by Mr Humphries himself that he was to the contrary in government. I think it really is a little bit precious of him to rise to the bait.

**Mr Humphries:** Mr Speaker, the point of order stands, and I would ask that the imputation be withdrawn.

**MR SPEAKER:** Order! Would you mind withdrawing, Ms Follett?

**MS FOLLETT:** I withdraw any imputation, Mr Speaker. I will say that Mr Humphries has finally discovered some measure of accuracy in his perception of the Government's role. Mr Humphries has many times exhorted my colleagues to amend the budget. He knows as well as I do, in fact by his own statements to date, how unprincipled such an action would have been; but Mr Humphries is also amongst the Liberals who claimed that they came to government on a promise of open and consultative government. I am quite sure that that is what they promised to the people who supported them for government - to Mr Osborne, to Mr Moore and to the Greens.

I say again to those four people on the crossbenches: If this is your idea of open and consultative government, it is certainly not mine. As I have said before, when it came to the crunch, when it came to taking real action that would force the Government to comply with the Assembly's views of this budget, those people have squibbed out. They have not been prepared to do anything other than posture on motions which they knew full well would be ruled out, which from the very outset, Mr Speaker, your own statements and the Government's legal opinion made very doubtful. When presented with an alternative proposition, that is, to vote against lines of the budget, they have not supported that course of action because they were worried that it might work. They were worried that it might actually force the Government to take some action. Those are the facts of the matter, Mr Speaker. I am fed up, on behalf of the Labor Party, with being the only group in this place that has principles and sticks to them. I am totally fed up with it, Mr Speaker.

**Mr Humphries:** Mr Speaker, if Ms Follett is serious about that, then I will withdraw this motion and she can face the consequences of having these amendments moved by Mr Moore on the floor of the chamber. Would you like me to do that?

**MS FOLLETT:** It is your motion.

**Mr Humphries:** No. Would you like me to do that? I am very happy to do so. Just say so and I will. You can prove your principles on the floor, Rosemary.

**MS FOLLETT:** Do not be childish. Mr Speaker, when faced with the truth, of course these people react badly. Of course they do not want to have to proceed with a motion that they know is embarrassing to them. I am just pointing out the facts. They themselves have constantly exhorted people to amend the budget, knowing it could not be done, or should not be done, and now they are faced with the consequences of their own actions and have had to move in this way. Of course we support these principles, but I am fed up with our being the only party that does, and I trust that in future we will see a far more responsible course of action coming from the Government and a far more realistic appraisal of the bed that they have made for themselves by the crossbenches.



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**MR MOORE** (3.56): Mr Speaker, I rise to speak after that worm, Ms Follett, and the way she made her speech there.

**MR SPEAKER:** Order! Withdraw that.

**MR MOORE:** All right, Mr Speaker, I withdraw that. She is not even a worm.

**MR SPEAKER:** Order! Withdraw the word “worm” unconditionally.

**MR MOORE:** Mr Speaker, I withdraw the word “worm”, in deference to you. Mr Speaker, you did ask for it to be withdrawn unconditionally. I withdraw the word “worm” unconditionally.

**Mr Connolly:** Michael, we are happy that that is in *Hansard*, because it shows you up.

**MR MOORE:** Thank you. The New South Wales Parliament for a long time had worked its way through things in a way that was considered to be consistent with Westminster, until there was a balance of power situation where there were a number of Independents who decided that they wanted to seek parliamentary reform. That parliamentary reform occurred at that time only because up until that time both the Labor and Liberal parties were prepared to work together and to put up with being in opposition, looking forward to the time they would be in government. The hypocrites on that side of the house in particular would now present this sort of argument so that they can do deals with the people on this side of the house in order to make some form of alliance. This is no surprise to people on the crossbenches because we know that deals are often done between Labor and Liberal if there comes a real question over power, where the Assembly may have power, rather than one or other of the major parties. That is why they do these sorts of deals.

In this circumstance, the Labor Opposition has been squirming its way around and through these issues. I just had something caught in my throat then, Mr Speaker, and the squirm seemed to get separated from the worm. They have been squirming because they realise that they have the opportunity to protect the education budget but they will not take it. Why will they not take it, Mr Speaker? It is a clear and blatant attempt by Rosemary Follett to go for power instead. She just needs to have the situation where we knock back the budget or knock back a line of the budget, and that will be considered as a no-confidence motion. They have the opportunity to support amendments, particularly with reference to education. The truth is that when they were in government they cut away at education, except for the one time when they were forced not to because an amendment was made to the budget, an amendment that they now propose to stop by this motion.

One has to wonder when Labor discovered these principles that Rosemary Follett is talking about. “We are the only ones who are prepared to stand up on principles”, she says. Yet two of her colleagues yesterday were prepared to cross the floor in spite of a pledge they had made. When have they discovered these principles they supposedly operate on? It must have been in the last 15 or 20 seconds, if indeed they have discovered

them at all. The truth of the matter is that all they are trying to do is protect themselves from not having their own budgets amended. When they get into government, if they ever do, they do not want their budgets fiddled with, so they are going to make sure that the Assembly as a whole cannot have any say in it. So much for that side of the house.

As for the Government, these are the same people who went to an election talking about council-style government, open government - all those things. I have circulated an amendment to the motion which would really test it. It says, "No, we are not interested in Westminster government". Let us test your policies. My foreshadowed amendment suggests council-style government instead of Westminster government - council-style government embodied in Liberal Party policy. I have even used your policy, which allows full participation by all members of the Assembly, because that is what this is about. It should be clear to your Government, it should be absolutely clear to you, that a majority of members of this house believe that you have underspent on education by \$3.8m, and you will not budge. It is a great shame that you will not budge and it is a shame that you people will not force them to budge.

You can do it, you can do it clearly and you can do it without hiding behind a few legal opinions, by making sure that it is done in this Assembly. How could you do it? The legal opinion you had from the Attorney-General's Department, after looking at a couple of High Court precedents, namely, *Cormack v. Cope* in 1974 and *WA v. the Commonwealth* in 1995, 69 ALJR, 309 at 331, draws this conclusion:

I think it is more likely that the Courts would not interfere in relation to section 65 because the internal workings of the Assembly, like other parliaments, are traditionally considered non-justiciable.

Why is that the case and what does it mean? It means that we could make this decision here today to amend the budget and nobody can do anything about it. The Government would have to fall into line. You can deliver on education; but you come up with this sort of hypocrisy, you do these sorts of deals with the Government, so that you do not have to do it. You love to cut education; you have done it again and again, and you continue to do it. When you have the opportunity to do it, you squirm your way around, you find these sorts of legal opinions, and you read them the way you want to. You know that you can do something about it and you will not do anything. You want to play games; you want to corner the crossbenchers to try to force us to vote against the budget so that you have a chance for government. You are still dirty about being kicked out. You have not accepted that there was a 10 per cent swing against you. Why was there a 10 per cent swing against you? Because you did things like cutting education, and you did basically nothing else. That is why you had a 10 per cent swing against you, that is why the government changed, and you have not faced up to it yet.

When did you start to get a bit of life into you? You started to get a bit of life into you when the current Leader of the Opposition was under threat. We did not hear beep about this sort of stuff until then. I am sure members recognise as the truth - the Labor ones probably will not admit it - that the first time we hear beep out of you is when suddenly it becomes the case that Rosemary Follett's leadership is under threat, it looks like Terry Connolly is going to be the leader or perhaps Andrew Whitecross, depending on how the numbers go. You cannot get the numbers between you, so what do we get?

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Rosemary says, "I had better hurry up and do something". What does she do? She then starts trying to run something to get some attention drawn to herself, and we get this ridiculous business that she comes up with, her move to try to get some power, because she knows that if she can get into power she is likely to remain as leader of the Labor Party. That will keep these guys busy. You can give them a couple of ministries each, push Bill Wood off to the backbench and get somebody else as Speaker, and that will keep the lads busy, and perhaps the lass. That is what this is really about - "See whether we can corner them and see what we can do".

That is the game they are playing. The hypocrisy is great. All they have to do is defeat this motion, support the amendment to the education budget and support the amendment for the nurses that Mr Osborne is going to put up. Then you will really deliver something and we will have council-style government. Before that, you are better off to support the amendment I have proposed, which will allow you to do everything. I now formally move:

Omit all words after "principles of", substitute "Council style government embodied in Liberal Party policy which allows full participation by all Members of the Assembly".

If this very sensible amendment is passed, the motion will then read:

That this Assembly reaffirms the principles of Council style government embodied in Liberal Party policy which allows full participation by all Members of the Assembly.

That is a much more sensible way to go. Then we can do the amendments, then we can save education, and then you can take some credit and hold your heads up high, instead of this rubbish you are going on with.

**MR BERRY** (4.05): Mr Speaker, in the wake of that little tantrum, you might consider a valium dispenser.

**Ms Follett**: Or a dummy; I think a dummy.

**MR BERRY**: No, that could be dangerous. He spits them.

**MR SPEAKER**: I would not want it spat all over the floor, Ms Follett.

**MR BERRY**: Dummies could be dangerous.

**Mr Moore**: On a point of order, Mr Speaker: It is one thing for the Opposition to take points, but for you to join in is really pushing the luck. I was very careful to avoid including the Chair, Mr Speaker. I was very careful not to draw attention to the 1993 proposal and the difference of view that you have now from then.

**MR SPEAKER**: Order!

**MR BERRY:** Mr Speaker, I would like to deal, first of all, with Mr Moore's amendment. The Labor Opposition will not be supporting the amendment. It is obviously something that has been drafted at a time when it ought not to be. Mr Moore is very anxious about this issue and, quite obviously, this particular amendment has no place in this debate. This is a serious debate about principle which has been raised. It has been raised by the Government, notwithstanding the embarrassment it might suffer in relation to the matter. It nevertheless is a motion that ought to be supported in this place.

I should also talk about some of the reasons for this motion and a lot of the publicity that has led up to this point. Mr Moore and Mr Osborne have made a great deal out of their efforts to amend the budget. I think Mr Moore has always known that what he is about in relation to this is contrary to the self-government Act and, therefore, contrary to the standing orders. He has been able to use his privileged position as a member of this Assembly and a powerbroker in the past to subvert the standing orders and the self-government Act. This motion will restore sanity in the assessment of matters that come before this chamber.

The other issue that has to be addressed, and we should try to remove all doubt about what has been going on in relation to this matter, is that the Education Union, in my view, has been badly misled by Mr Moore's actions. I think they have fallen in behind this issue on the basis of what it might do for their members, but they have been seriously misled and have not been properly advised on how a better outcome could occur. Mr Moore would know that the Labor Party's position in relation to education was to maintain education funding in real terms. It was also about providing supplementation for wage increases in the normal way from the Treasurer's Advance. If there were a Labor government, you would not have this problem. Those are the facts of the matter in relation to this issue of supplementation for wages and for the maintenance of funding in real terms.

Mr Moore had the opportunity to put into this place a government that would deliver those outcomes. He took the option of supporting a Liberal government, as did Mr Osborne and the ACT Greens. They took the option of putting in a Liberal government, which they are entitled to do, and they took it for their own reasons. They have got a Liberal government. You get Liberal budgets from Liberal governments.

If you want to talk about the Government's consultation with members of this Assembly, a sensible government takes into account the views of members in this Assembly when they are putting together their budget. That is how they survive. You do not put yourself in a position, in my view, where you put a right-wing conservative government in power and then moan about the budget they deliver. The fact of the matter is, Mr Moore, Mr Osborne and the Greens, that you have put in place a government which winds back community health services; you have put in place a government which has right-wing views in relation to industrial relations; you have put in place a government which is not prepared to support education in the way we have become used to in the ACT; you have put in place a government which refuses to come out in the open in relation to all of its policies; you have put in place a government which will strangle funding for high schools and close them by default.

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Mr Moore, Mr Osborne and the Greens, you have put this Government in and it is your budget as much as it is theirs. Those are the real issues, and it is wrong for you to pretend to the Education Union and others that you have some magic potion to sort out their problems with this conservative government that you have supported, when you do not.

**Mrs Carnell:** Again, something I have never been called.

**MR BERRY:** Mrs Carnell says it is something she has never been called. She has been doing a lot of pretending; that is why. You have put in place a government which takes all its directions on health from the AMA. If you want to know Mrs Carnell's position on health, ring the AMA. I will give you their number. They probably have a recorded message.

This motion is about re-establishing that principle firmly and forever. It will set a precedent in this place that will take a lot of breaking, and so it ought to. We should never have arrived at this position. If those who in the past might have criticised the Labor Government over education had any spine, they would have threatened the Government. That is what it is about. If you do not like what is delivered up in the budget, you take your chances at changing government.

**Mrs Carnell:** That is stupid.

**MR BERRY:** It is not stupid. That is what it is about. The Government may have made progressive promises to the world, indeed they did make progressive promises by the bucketful to the world, but they are not delivering on too many of them. Out in my electorate, ask the people of Charnwood, who had their house values reduced by this decision to strangle the funding for the school, so the school is closed. Ask those people in Dunlop who built new houses to raise their families in the expectation that they would have a high school. That has gone. Let us not forget that it was the Labor Government that assured supplementation for that school board, on the basis of the development in that area, to ensure its survival. You have got the government you wanted, Mr Moore, and the people you have been misleading in relation to the issue of extra funding for education ought now to be aware of what you have been up to. Let there be no mistake about it. The approach you have taken has been quite dishonest, in my view.

In relation to the amendment that has been put forward by Mr Osborne, the same thing applies. He has confined his attention to nurses. That is a laudable thing to do, there is no doubt; but you forgot about all the other people who work in the hospital system. Not just nurses work in the hospital system. Why did you not say to the nurses, "I am the one who voted for this Government, which is causing you all these problems. I am the one who did that, and I cannot change that unless I bring the Government down. It is a Liberal government and you get Liberal budgets, and that is what I voted for."? That is fair enough. I do not have any difficulty with that. If people want a conservative government, they have got one. There is no denying it. I think it is a bit short-sighted, with respect, Mr Osborne, to move an amendment that looks only at the issue of nursing and does not look at the carpenters, the fitters, the public servants and a whole range of other classifications who are getting the bullet from the hospital.

It comes down to this: It is a most inappropriate course to try to develop these sorts of amendments to a government's budget when you give them your vote of support on day one when you elect the Chief Minister. You say, "Chief Minister, you have your hands on the levers. We understand your philosophy, and away you go". If you do not get their promises in writing, and it is obvious that you have not, you pay the consequences. (*Extension of time granted*)

I conclude by reinforcing an issue that I do not think has been widely publicised out in the community. The community have, by and large, been misled by the publicity surrounding these attempts to amend the Government's budget, and I think mischievously so. I think this has been a public relations exercise that has to be reversed. The Westminster system, as we know it, works very clearly on executive government. Mr Moore, Mr Osborne and the ACT Greens have elected an executive government with all the powers and the levers that go with that, and they have to be left to get on with their job, so far as this Assembly will allow them. That is the point I think is most important - so far as this Assembly will allow them. When Mr Moore, Mr Osborne and the Greens get sick of this conservative Government, when they get sick of what they are doing to education, when they get sick of what they are doing to community health services, when they get sick of what they are doing to our schools, maybe they will do something about it and be honest with themselves. No more of this grandstanding. Let us get on with the job of being honest about politics in this place. They put this Government there. They endorsed the budget.

**MR OSBORNE (4.17):** Is it not funny how things turn and how stories get changed by Mr Berry, blaming me for this Government? I said prior to the election, when all the polls were showing the Labor Party in front, that if I got elected I would support the party that won the most votes. Unfortunately, Mr Berry, you did not. I will count them one more time: One, two, three, four, five, six, seven; one, two, three, four, five, six. I will do it again. One, two, three, four, five, six, seven; one, two, three, four, five, six. Even for me, a front rower, seven beats six every time.

I rise in support of Mr Moore's amendment. I will not talk for long because I can count, as I just said, and the numbers are not looking good. However, I would like to say that what I see happening here, from the Government's point of view - certainly they are not being anything at all like a council; certainly they are not being open and consultative - is a coalition between the two major parties. The two major parties are getting together and clinging onto their last bastion. This is a minority Assembly; yet it is not treated as such. I will be supporting Mr Moore, and I am very disappointed, I have to say, Mr Speaker, with the attitude of both your party and the Opposition.

I would like to say one thing about my amendment, which does not look like getting up. Prior to the election, I said that there were three main areas I was concerned about: Law and order, health and education. I did speak with Mr Moore only last week about these three things. Rather than amend every single bit of the budget, we both agreed that these were the three service delivery areas we would fight for. The police are okay. We missed out on a police station in Tuggeranong; they did not get the \$1m they were promised by your Government - I am told, because they did not ask, but they did not get it. Mr Moore has adequately stood up for the teachers, and I felt the need to stand up for the nurses. Unfortunately, the Labor Party has had the opportunity to do something

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about this budget, but it has not, and I suggest that is because they have terrible thoughts that one day they may be in government. I support Mr Moore, as I am sure the Greens will. What has been done today and over the last week has certainly clarified a lot of things about this Assembly and how I will be operating over the next 2½ years.

**MR WOOD (4.20):** It is clear that Mr Moore has a problem. It is also clear that it is of his making. Eight months ago, I recall, he sat in this chamber and he voted for Mrs Carnell and he said, "I will vote for her budget". The problem is Mr Moore's; he created it. He now seeks to avoid that responsibility, and he simply cannot do it. His commitment to Mrs Carnell and to her budget was his. It was not the Labor Party's; we opposed it. Rosemary Follett was our candidate for Chief Minister of the ACT. Mr Moore's mock anger, for that is what it is, cannot disguise that fact.

I want to go back and make a further point for Mr Moore. This day is historical. It was not until I turned up *Hansard* that I recalled that on 23 November 1993, two years ago almost to the hour - it was at 3.18 pm, which is about the time this debate started - Mr Moore moved a motion of no confidence in a Minister. He moved that motion of no confidence in these terms:

That this Assembly expresses a lack of confidence in the Minister for Education and Training for the proposed cuts to teacher positions in Government schools in the Australian Capital Territory.

That is the motion Mr Moore moved two years ago to this day. There is a reasonable motion before the Assembly today, rather along the same lines. It is not a motion of no confidence; it is a motion of censure. In this case it is censure of the Treasurer for what she has done. It would seem eminently sensible to me, and quite logical, for Mr Moore, who moved that motion two years ago against the then Minister, to be consistent and support a very similar motion in this Assembly today. That is the way out of the problem he created for himself when he supported the current Government.

**MS TUCKER (4.23):** I share the frustration of the crossbenches. Labor and Liberal are working together here today in a way that is appalling if you have any real sense of the nature of this budget and how much it has failed. We keep hearing that we supported Mrs Carnell as Chief Minister, and we did. The reason the Greens did that was that we heard her rhetoric about open and consultative government and about open budget processes. Perhaps it was naive to expect that it should happen as she stated, but we did expect that it would. Open budget processes do not have to lead to the chaos that the older parties keep insisting they will. They quote the United States at the moment because it is always convenient in an argument to try to find where something has failed absolutely, without looking thoughtfully at why or whether there might be other ways of addressing the problem. The fact is that we do have a minority government in the ACT, and there is a likelihood that that will continue to be the case.

This morning Mr Humphries in his discussion on CIR stated that he felt the people of Canberra were wise and that there needed to be more participation, that the few members in this place did not necessarily have all the wisdom, and that they needed more input. That was 17 members he was referring to. What we have here is basically four members who have come up with a budget. We have been told by Mrs Carnell that we have a place

in the budget process and that we did not take it up. In fact, we have briefings and consultation with her Government generally. I will have to correct that because we actually meet often and quite regularly with her Ministers. It has been only on the issue of the budget and consultations with Mrs Carnell that we have not continued to have regular briefings, because we did not feel that there was any process in place for our input to be used. We did not get any satisfactory responses to what we were suggesting, and it is a very basic aspect of effective participation of any groups that you have a feedback mechanism to show that you have been listened to. This is also part of the rhetoric around the word "consider" that we have heard debated in the last couple of days. There is a very cynical interpretation of what "consider" means.

The Greens can see that there could be a controlled process, and Mr Humphries acknowledged that yesterday. There could be a way of looking at a more cooperative approach to budget formulation, and both the older parties need to acknowledge that in this situation where we will most likely have minority government in the future. There does not have to be loss of face. That is the other thing that is so apparent in this discussion. As a woman I thought it was interesting to hear Mrs Carnell speak years ago about not liking the adversarial system. I thought, "Good, there is someone in there arguing against the adversarial system". I do not see that that has come about at all.

We can try to find a more cooperative way of pooling the talents in this place, of which there are many, to work together in some way up front of the budget process. If that occurred we might not have got to the situation we are in now, which nobody here thinks is particularly desirable but which we feel forced into because we care enough about the issues that are being debated. We will put up an amendment about public transport, and I am sorry Mr Moore is not able to support that, or maybe he is considering it, as a person who claims to be a green, and the Conservation Council claim him as a green. We see public transport as one of the very basic platforms for environmental action in the urban environment. Even last night on *Quantum* we heard them say that, if governments do not stop saying that it is too expensive to consider the environment, we have no chance of addressing the huge problems we face. *Quantum* is not a radical green show, as I am sure you are aware. Public transport is absolutely connected to global and local pollution. It is a major issue, and as Greens elected here on a platform of environmentalism we feel that we have a responsibility to speak loudly and strongly on this issue.

Our other amendment is on libraries. It is also curious that Mr Moore does not support that, as he does not, because it is very closely linked to education of the whole community. As to Mr Osborne's amendment on nurses, you can criticise the nature of the amendment and say that it is not perfect, and that is right, but we were put in this position. Mr Osborne was forced to make a decision. If there had been more consultation through the process, we might have got something better. We would also be supporting Mr Moore's amendment on education if it were able to get up. That does not look possible now, with the cooperation occurring between Labor and Liberal. That amendment is obviously extremely important to us and we would have supported that as well.



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I have to stress again that I am very sorry we have been put into the position we have been put into. I have already stated publicly today that we are prepared to vote against this budget. Ms Follett keeps insisting that we are not. We are not happy about having to do that. We do not believe that it necessarily means a lack of confidence in the Government. That is the choice and an interpretation you may make. What we intend it to mean is that we say very strongly that you need to look at that budget again, that we are not happy with it. Once again, there is no need always to take the line that both major parties want to take, namely, "If you do not like our budget that means you do not like us and you are telling us to stand down". There is a matter of choice in that, and I refuse to accept that there is not.

**MR HUMPHRIES** (Attorney-General) (4.29): To close the debate, let me make a few brief comments. First of all, in response to the last point Ms Tucker raised about loss of face, I think she does not understand the significance of what she and those opposite might be doing by voting against line items in the budget. Of course it is a loss of face in one sense. Of course it is embarrassing for the Government to have a provision in its legislation for the appropriation of moneys for the Territory's use for the next 12 months modified on the floor of the Assembly. That is a matter of embarrassment, of course, but the problem goes much deeper than that.

The changing of the government's formulation of its budget amounts to a motion of no confidence in that government. That is the traditional formulation. I concede that that is the way it has been treated in the past. I think it was the Scullin Government, or it might have been the first Menzies Government - I cannot recall, to be frank - back in the earlier part of this century, whose budget was a proposal to amend - - -

**Ms Follett:** It was in 1941.

**MR HUMPHRIES:** In 1941, Ms Follett assures me, the first Menzies Government. A proposal to amend that budget, reducing it by £1, was put on the floor of the House of Representatives and was carried, and that constituted the trigger for the Government to change. Ms Tucker looks askance at that suggestion: "That was 1941". I have to repeat the point that the formulation of the budget is the responsibility of the government. If the Assembly says, "We are not prepared to give you the prerogative as a government to take that fundamental step and formulate your own budget as you see fit, albeit with consultation, whatever we want to do as far as that is concerned", or, the government having made those decisions, having put the Appropriation Bill forward, if the Assembly chooses to amend that budget, even so much as to vote against a particular line item successfully on the floor of the Assembly, it constitutes a motion of no confidence in the government.

I have to indicate that we would treat it as such. I do not know that we have the capacity to do much about it. We might have to put the issue of the Chief Ministership on the line in the Assembly. We do not have the prerogative of going to a vice-regal representative and asking for a further election of the Assembly, but I think that is a weakness, frankly, in our present system of government. If governments cannot bring down budgets,

then there is a serious question about how they govern. You might say that it is only one line item, it is only one item in the budget. That may be the case, but the budget is the budget, and we view the integrity of the budget as a matter of an integrated whole. We would view the loss of any element of that budget as being a loss of confidence on the floor of the Assembly in our budget.

I think members in this place have all indicated their strong disapproval of our decisions on education, on public transport and on other things. We hear that message loud and clear. We are not unaware of the position that puts us in in respect of the relationships we have with other parties in this Assembly. We do not take lightly the fact that that is the case, but we do not intend to change the budget we have framed. We will go to the election of 1998, or whenever it might be held, on the basis of that budget, and, if people do not like it, then they can vote against us. If our budget and the succeeding two budgets succeed in achieving the changes we want to see in the financial security of this Territory over the next three years, we will be judged on the basis of that performance in the 1998 election. But that is the classic formulation of the capacity of a government to govern, that is, that it is able to bring down its budget in its entirety, to the last cent, and that is the way in which this Government is approaching this issue.

Let me make a comment about the Labor Opposition's position in this debate. They have ranted and raved about how they are standing up against the budget. I have not the slightest shadow of a doubt that, if there were members on the crossbenches prepared to support what I have characterised, and what I am sure the Labor Opposition accepts, as effectively a motion of no confidence in the Government, the Labor Opposition would back away from that position. They are prepared to take this grandstanding position in the confident knowledge that there are members on the crossbenches who promised to provide stable government and to deliver stable government in the form of allowing budgets to pass without being blocked. It is with the confidence of the knowledge that their effort to block the budget is futile that they have taken that position. If it were otherwise, if they could succeed in blocking the budget, I have no doubt that they would withdraw. They know that, of any government in the Territory, if this Government, following the election victory we sustained only eight months or so ago with the largest vote for any single party since self-government began, does not have a mandate to bring down this budget, no government ever has or probably ever will have. On that basis, it deserves the right to be able to pass this budget through the chamber.

This is not, as far as the Opposition is concerned, a test of their credentials about the budget or about education or anything else; it is a test of the credentials of Rosemary Follett's leadership, and everyone else can see that. She might think she is clothed in invisible clothing that says, "I can pretend I am just being tough. I can pretend I really care about education". The woman who oversaw four budgets that cut education nonetheless pretends that she can say that. Nobody is fooled by that.

**Mr Berry:** On a point of order, Mr Speaker: This seems as though it might have been a vote of no confidence in Rosemary Follett when she was Chief Minister. It is a bit late.

**MR SPEAKER:** There is no point of order.

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**MR HUMPHRIES:** The reality is that, although members in this place are unhappy with the form of our budget, nonetheless they are not prepared to take the ultimate step of defeating the budget, either in whole or in part, and voting the Government out of office.

**Mr Berry:** Those down there are the ones that are voting against it, not us.

**MR HUMPHRIES:** No, I am talking to you.

**Mr Berry:** Yes, but we are not going to vote against it; they are.

**MR HUMPHRIES:** You are going to vote against it.

**Mr Berry:** The budget, yes; but they are going to vote against this motion.

**MR HUMPHRIES:** Yes, you are. You are not listening. You are going to vote against the budget because you know that you will fail.

**Mr Berry:** Yes, but we are going to vote for your motion.

**Ms Follett:** Mr Speaker, on a point of order: I suggest that if Mr Humphries has run out of things to talk about on his own motion we should put it.

**MR HUMPHRIES:** Mr Speaker, I commend this motion to the house.

Question put:

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

The Assembly voted -

*AYES, 4*

Ms Horodny  
Mr Moore  
Mr Osborne  
Ms Tucker

*NOES, 13*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Follett  
Mr Hird  
Mr Humphries  
Mr Kaine  
Ms McRae  
Mr Stefaniak  
Mr Whitecross  
Mr Wood

Question so resolved in the negative.

Question put:

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

The Assembly voted -

*AYES, 13*

*NOES, 4*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Follett  
Mr Hird  
Mr Humphries  
Mr Kaine  
Ms McRae  
Mr Stefaniak  
Mr Whitecross  
Mr Wood

Ms Horodny  
Mr Moore  
Mr Osborne  
Ms Tucker

Question so resolved in the affirmative.

## QUESTIONS WITHOUT NOTICE

### Consumer Affairs - Equipment for the Disabled

**MRS CARNELL:** Mr Speaker, before we go on to the Appropriation Bill, I would like to provide the Assembly with further information in answer to a gutless question asked earlier today by Ms McRae of the Minister for Consumer Affairs. I am advised by my staff at Red Hill Pharmacy that about four weeks ago a gentleman came in and inquired about the possibility of purchasing a wheelchair for his wife. The man was shown a range of wheelchairs and catalogues by my staff. He was also advised that these wheelchairs were normally only for hire, but under some circumstances they could be sold. In other words, the gentleman had some financial difficulties.

The customer then stated that his wife was waiting outside in the car. He asked whether he could show the two wheelchairs to his wife. The staff agreed. The man returned a short time later and indicated that the footplate on one of the wheelchairs was broken. My staff examined the footrest and agreed with the customer. The wheelchair was immediately withdrawn from hire by my pharmacy manager. The manager advised the customer that the wheelchair would be serviced immediately. The gentleman in question did not hire the chair, nor did he buy the wheelchair; and the wheelchair was never used by either him or his wife. As I said earlier, the chair was withdrawn from use as soon as the problem with the footplate was discovered.

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Ms McRae, if you want to have a go at me, I am really happy for you to do that, but at least have the guts to get to your feet and ask me a question directly. In recent days I have been called a hypocrite by Mr Berry for my position on euthanasia, even when every other member accepted the position of others even if we did not agree with them. Mr Connolly suggested that I was responsible personally for the death of Mr Warren I'Anson, and he said it on radio. Today, I am accused by Ms McRae of being a dishonest trader. Fine, I am happy to cop that sort of thing. But I will not have the professionalism of my pharmacy staff and the integrity of those people questioned in this place. They are not in a position to stand up and defend themselves. I think it is totally unacceptable, and I think that what it does show, or what it should show, is that it is about time Ms Follett showed the barest hint of leadership and made it clear to the Assembly that she and her other MLAs are not just operating from the gutter. As for your question, Ms McRae, I have only one other thing to say: Lift your game.

**Ms Follett:** On a point of order, Mr Speaker: In that hysterical diatribe Mrs Carnell accused Mr Connolly of having accused her of bringing about the death of Mr Warren I'Anson. That is a shameful and degrading imputation and I require that it be withdrawn.

**Mr Humphries:** Mr Speaker, I wonder whether Ms McRae might care to withdraw the imputations contained in her question earlier this afternoon.

**Mr Berry:** Mr Speaker, a point of order has been raised and I would ask you to rule on it.

**MR SPEAKER:** The Speaker can do one of two things. I can examine the *Hansard* or I can ask Mrs Carnell whether she will withdraw.

**Mrs Carnell:** Mr Speaker, the situation in question was a radio broadcast, and I am sure you could get a transcript of the situation I am speaking about.

**Ms Follett:** Mr Speaker, that is not the point. The point of order I am raising is that Mrs Carnell has made an accusation against one of my colleagues, an accusation that is as untrue as it is disgusting, and it must be withdrawn. I am not prepared to leave it on the books for the evening.

**MR SPEAKER:** I am in no position to substantiate the statement. Mr Connolly, would you like to speak? That may be an easy way out.

**MR CONNOLLY:** Mr Speaker, I seek to make a personal explanation under standing order 46.

**MR SPEAKER:** Yes.

**MR CONNOLLY:** Mr Speaker, I find grossly offensive the remark by Mrs Carnell that I had accused Mrs Carnell of “being personally responsible for the death of Mr Warren I'Anson”. That sort of gutter comment may have been the instinctive Opposition response from her mind-set, but it is not the way we conduct our politics on this side of the chamber. I have never said that Mrs Carnell is personally responsible for

the death of Mr Warren I'Anson. What I had said was that Mrs Carnell's policy of recruitment freezes and her policy of the Booz Allen consultancy, which has led to a devastation of morale in the Department of Health, are directly responsible for the difficulties in recruiting staff to the mental health crisis team. In that sense, I said that Mrs Carnell was directly responsible for some of the problems that the mental health crisis team had been facing, which we pointed out a month ago, when it was revealed under questioning from us in question time that the mental health crisis team had collapsed for the first time in four years and when I said a month ago that we might face a tragedy if that was not resolved.

I have never said that Mrs Carnell is personally, directly responsible for the death of Mr Warren I'Anson. That would be an outrageous thing to say. I am sure that, had I said it, which I did not, the I'Anson family would have spoken to me, and they certainly have not. I have not made that statement. I find it offensive and degrading that Mrs Carnell would make such an assertion, under whatever personal pressure she may be after a torrid day in this place.

**Mrs Carnell:** I am happy to accept that explanation and apology. Thank you.

**Mr Berry:** Mr Speaker, it is yet to be withdrawn.

**Mrs Carnell:** I am happy, on the basis of an explanation and an apology, to withdraw, as I am sure - - -

**Mr Connolly:** I am sorry; I have not apologised to Mrs Carnell, because I never made the comment. I explained what I said, and I think Mrs Carnell has herself withdrawn and, I presume, apologised.

**MR SPEAKER:** I would regard the situation now as being that both sides, I hope, will be satisfied with the explanations that have been provided.

**Mr Humphries:** Mr Speaker, on the matter of imputations, the clear imputation of the sly and shabby question asked by Ms McRae today in question time was that Mrs Carnell is in some way responsible for selling shoddy, substandard goods to disabled people. That is an equally unworthy comment to make on the floor of this house. Clearly, it has no substance, and I therefore ask Ms McRae, in the same spirit, to withdraw the statement.

**MR SPEAKER:** Ms McRae, would you - - -

**Mr Moore:** See how hard it is when you form an alliance.

**Ms McRae:** Mr Speaker, Mr Moore had some advice for me there.

**MR SPEAKER:** Order! Ms McRae, ignore the interjections.

**Ms McRae:** We know all about the Liberals, Mr Moore; it is all right. I find this quite amazing, Mr Speaker. We had the question two hours ago. Of course I will withdraw.

**APPROPRIATION BILL 1995-96**  
**Detail Stage**

Schedule - Part II

Debate resumed from 21 November 1995.

**Chief Minister's Department**

Proposed expenditure - Division 40 - Chief Minister's Department, \$99,449,500

**MS FOLLETT** (Leader of the Opposition) (4.51): In addressing this particular aspect of the Schedule to the Appropriation Bill, I want to make a number of points. As members will be aware, the Chief Minister's Department now takes in a couple of other departments as well, including the former Treasury and the former Department of Public Administration; so there is a great deal of ground to be covered. At the start, Mr Speaker, I want to note the significant reduction in funding to this area of administration. If you look at a reasonable comparison, allowing for the change to the Administrative Arrangements, you will see that last year these areas of administration had a total budget of \$114,000,402 and that this year the same functions have a budget of \$99,449,500. There has been a significant reduction. Mr Speaker, I will say more on that point later.

I want to comment on the nature of this budget, which I think is a reasonable thing to do, given that it would have been framed by the Treasury, however they are now called. We have heard constant assertions that this is a three-year budget, Mr Speaker. Those assertions were thoroughly tested during the Estimates Committee process and found to be sadly wanting. We have heard the explanation offered by the Government as to how they arrived at their figurings for the three-year budget, and the fact of the matter is that the outyear figures are no more than the forward estimates in previous budgets, with just a little bit of fiddling at the edges. Mr Speaker, this is no more a three-year budget than any previous budget brought down in this Assembly.

Another problem with calling it a three-year budget is the fact that items which we know are going to have to be paid for in the coming years are simply not in this budget. There are items which we know the Government will have to find and which they have admitted they will have to find but for which they have made no budget provision whatsoever. Amongst those items is the mandatory reporting of child abuse. This is an issue that I believe is of great priority for the Government. I know that, had we remained in government, we would have been funding this year to the point where mandatory reporting could be implemented.

This aspect was examined very carefully by the Estimates Committee. Mr Speaker, the Estimates Committee had a very close look at this and quizzed the Minister very closely on it, and we were able to ascertain from the Minister that the cost of implementing mandatory reporting is expected to be a couple of million dollars. Of course, what

appears in the budget is \$50,000 a year. In the Government's response to the Estimates Committee they have made a statement that supplementation will be provided for mandatory reporting. I am very pleased indeed to see that comment by the Government, because that is exactly what should happen. Of course, that supplementation should have been included in the budget. Any government that claims to have a three-year budget should have included that supplementation in the outyears. It is not included, so here we have the three-year budget failing, on the Government's own admission.

There are many other such instances. The payment of rent is another such instance that reduces any credibility that the notion that this was a three-year budget might have had. We have also had Mrs Carnell pretending that as part of her budget strategy she has an interest in reducing the Territory's borrowings or in not adding to the Territory's borrowings. The fact of the matter is that this year's budget has the highest borrowings that the Territory has ever indulged in. That is, again, an irrefutable fact. Mr Speaker, I think that in the framing of the budget Mrs Carnell could have been a lot more honest about that, as she could have been about her taxation strategy.

Mrs Carnell went to the election claiming that she would not add taxes, that not a penny more would it cost the Canberra taxpayer to have a Liberal government. Again, that was a totally empty promise by the Liberals and one which they could not break fast enough once they got into government. The fact of the matter is that, through measures largely brought about before the budget, the Government has added over \$600 to the costs of every household in the ACT. Mr Speaker, I believe that there are a couple of other aspects in the - - -

**Mr Humphries:** I raise a point of order, Mr Speaker. I wonder whether Ms Follett would table the break-up of those figures, for the benefit of the members of the Assembly.

**MS FOLLETT:** I certainly will. I do not have it with me, Mr Speaker, but I am only too happy to table it. It is in my press release. I will table that. Mr Speaker, there are a couple of other matters in relation to the actual framing of the budget that I want to refer to. I believe that it is appropriate to refer to the reduction in payments to the Superannuation Provision Trust Account, which would be an investment to meet future superannuation liabilities. The reduction that the Government has made is some \$19m each year; in other words, a total of \$57m in the three-year life of this budget. I think that that is an extraordinarily short-sighted approach. It is an approach that really pays no regard to the need for the Government to make good and responsible provision for its future liabilities. When we were in government, it was always the case that we made as much provision as we possibly could for future superannuation liabilities, because we knew that they would grow. What Mrs Carnell has done - and I have only her word for it that she has done even this - is actually put aside enough money to meet the emerging cost of superannuation liabilities. There is nothing there for the future. I think that that is very poor budgeting indeed.



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Mr Speaker, there are also reduced payments to the ACT Borrowing and Investment Trust Account, ACTBIT, for investment to provide a sinking fund for future repayment of debt. You have to bear in mind that this Government has had the highest level of borrowings ever in an ACT budget. That puts into context how important it is that we keep up contributions to the sinking fund. The sinking fund was previously maintained at about one-fifteenth of outstanding borrowings. To reduce the amount there is again a quite irresponsible act. As with the Superannuation Provision Trust Account, it is saying to future governments, "We are going to rob you at the moment because it is not going to be our problem how you make up these funds in future budgets".

I know that Mrs Carnell will argue that the funds for both of those areas will be restored "when the budget can afford to do so". The fact of the matter is that any budget is a matter of priorities. Mrs Carnell's priority was to give some \$13m to the business community. I would have given priority to social justice initiatives, social justice objectives and protecting the future financial base of the Territory by making proper provision for both the Superannuation Provision Trust Account and the sinking fund. Mr Speaker, I think that is a serious criticism of Mrs Carnell's budget.

A further criticism which I think is very serious concerns the presentation of this budget. I have never seen a worse-presented budget. The budget papers make it absolutely impossible to make reasonable comparisons year on year, and, to my horror, I find in the Government's response to the Estimates Committee report that they will be different again next year. Once again, all of the Assembly and the Estimates Committee will be faced with the impossible task of trying desperately to reconcile irreconcilable sets of figures. Even where there has been a change from one format to another, as there is, for instance, in the Treasurer's quarterly financial report, there is no explanation of which one is being used, what the difference is or how they compare. This is a very serious flaw in the budget documentation. It is a sin against accountability - in my view, one of the most serious sins you can commit. I certainly hope that we will see vast improvements in the future. It was not just the figures that were difficult to sort out or that made reasonable comparisons impossible.

Debate interrupted.

## ADJOURNMENT

**MR SPEAKER:** Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

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

Question put:

That the Assembly do now adjourn.

The Assembly voted -

*AYES, 6*

Mr Berry  
Mr Connolly  
Ms Follett  
Ms McRae  
Mr Whitecross  
Mr Wood

*NOES, 11*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Ms Horodny  
Mr Humphries  
Mr Kaine  
Mr Moore  
Mr Osborne  
Mr Stefaniak  
Ms Tucker

Question so resolved in the negative.

**APPROPRIATION BILL 1995-96**  
**Detail Stage**

Schedule - Part II

**Chief Minister's Department**

Proposed expenditure - Division 40 - Chief Minister's Department, \$99,449,500

Debate resumed.

**MS FOLLETT:** (*Extension of time granted*) As I was saying, it was not just a matter of the financial figurings in the budget that made it almost impossible to understand; it was also the changed Administrative Arrangements. The Government has every right to make those changes to the Administrative Arrangements, but the way that they were reflected in the budget documentation made it virtually impossible for anybody, including Government Ministers, to track through the budget papers what had happened to particular program areas or projects. This was particularly the case in relation to all of what I call the social justice package. It was also the case in some of the grants areas. I found this to be a very serious defect in the budget documentation. Whilst some of these areas are quite small, they are all areas that were put in place and funded with a specific purpose in mind. I believe that their current status was something which the Estimates Committee had every right to examine. The presentation of information on those areas made it almost impossible for proper examination to occur.

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Mr Speaker, the Chief Minister's Department now includes the Office of Public Administration or whatever it is called now. The treatment of the public sector in this budget is proof positive, if anybody needed such proof, that what we have here is very much a Liberal government, a traditional tried and true Liberal government. Their approach to the public sector is to cut it to the maximum extent that they possibly can and to treat the public sector as though it were a private sector as much as they believe that they possibly can. This kind of approach is absolutely unjustified and is absolutely unsuccessful in relation to public sector issues.

I do not believe, as this Government appears to do, that everything the private sector does is done better than everything the public sector does. That is ludicrous. I believe that, in adopting some very outdated, or at least jaded, private sector management techniques and jargon, the Government will do absolutely nothing for the Canberra community in terms of better management of the public sector. All they will do, of course, is jeopardise public sector jobs. That is one of the biggest defects in this budget. Whether it is through the contracting out of everything that the Government can think of to contract out, whether it is through changes to the public sector employment legislation or whether it is simply through reductions in funding in various budget areas such as the libraries, this budget represents a massive attack on the public sector. Within this line of the Schedule, the fact that we no longer have an ACT Treasury or a Department of Public Administration says all you need to know about the Government's attitude to the public sector. Mr Speaker, I think that any government that appears embarrassed to have as a discrete entity a treasury department which advises it on financial management and budgetary matters really needs a hard lesson in how to govern.

I believe that the public sector in the ACT has done a very good job over recent years, over the years since self-government. The public sector has been required to be ever more efficient. Year by year they have had their funding reduced. If you look at the expenditure by the ACT, you will see that there are real reductions in expenditure. That has been achieved, of course, by the public sector. This Government has taken a whole new approach to the public sector and virtually says, "We do not need you at all. Wherever we can, we will contract your functions out to the private sector". Mr De Domenico has said that virtually in those words. Mr Speaker, I am a great supporter of the public sector, just as I am a great supporter of an apolitical and independent public service. Clearly, that is not what we are getting from the Liberal Government. That should not surprise anybody. That is a traditional Liberal stance that we are seeing from Mrs Carnell, just as we did from Mr Kennett. Mrs Thatcher also had the same sort of approach. The fact of the matter is that neither the public sector as employees nor the community that they are employed to serve is any the better for these radical changes. I think it is a great shame.

Mr Speaker, it would have been far preferable for Mrs Carnell to retain the Treasury and Department of Public Administration as separate areas of reporting. I believe that the budget documentation and the Estimates Committee work would have been far easier had that been the case. Mr Speaker, there are many other aspects of this department and its appropriation that I want to speak to. I might just ask for your guidance, Mr Speaker. Can I speak more than once on this issue?

**MR SPEAKER:** Yes.

**MS FOLLETT:** I will leave those remarks stand and perhaps speak later on some of the other aspects.

**MRS CARNELL** (Chief Minister and Treasurer) (5.11): I shall very briefly answer Ms Follett's second response to the full budget. I do not know that she discussed the line item for the Chief Minister's Department. She spoke mostly about three departments becoming one. There is no doubt that that was done to improve efficiency and produce savings. It has achieved savings through the consolidation of corporate functions and the improvement of revenue collection methods. In the last round of rates and land tax collections the improved efficiency was quite marked.

We are also progressively introducing new information technology systems. At this stage we are doing a full review of information technology generally. Bringing the three departments together has helped quite substantially in that approach. We have also devolved personnel functions back to the departments. In other words, areas will have control of their own personnel and their own recruiting - when they are allowed to recruit again, of course. That is a sensible approach, because it allows the Chief Minister's Department to get back to its core business. The core business of the Chief Minister's Department, of course, is to be the department that services government and that controls a lot of the other things that happen in the public service generally.

Ms Follett made some fairly silly comments about the sinking fund and superannuation. It seems that Ms Follett believes that it would be better to borrow the \$19m for superannuation and the \$8.5m that would have gone into the sinking fund, or into debt servicing. That would have been \$27.5m, as I work it out. That would have meant that we would have had to borrow \$71m this year, Ms Follett, if we had taken your approach. Anybody who borrows money to pay off their debt ends up in trouble. Almost always, 99 per cent of the time, it is going to be more expensive to operate that way than it is to get the budget into surplus so that you can actually handle those sorts of payments up front. That is the approach we have taken. The budget was in a desperate state when we came to government. There could have been a \$120m budget deficit if we had not made quite substantial changes to move the budget into surplus within three years so that we will be able to pay for superannuation costs and debt servicing costs up front with surplus money - not borrow to pay for them, but pay them up front. That is the only sensible approach for any good money manager.

Ms Follett also forgot to say that this budget covers emerging costs, as I am sure that Ms Follett would know. The other issue that she brought up was the issue of contracting out. The approach that this Government has taken is not the one that Ms Follett spoke about. She said that we would contract everything out. That is not true. The approach that we have taken, as with ACTION, is that we will contract out if that gives the taxpayer the best value for their dollar. Every area will be looked at on its own merits. It will be determined whether the taxpayer would get better value for money by the Government providing the service or by some other means. I think that is the only sensible way to manage the Territory.

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The one thing I was really surprised about in Ms Follett's speech was the comment that somehow the Chief Minister's Department was not spending enough money. I must admit that I assumed the criticism would be the other way round. We believe that by bringing the three departments together we have achieved significant efficiencies that will allow us to make significant savings over the next three years.

**MS FOLLETT** (Leader of the Opposition) (5.15): I will continue with my comments on this particular area of the budget. Mrs Carnell mentioned in her comments that certain personnel functions had been devolved back to departments. I believe that in devolving policy areas like equal employment opportunity and access and equity she has done the most enormous disservice both to her own employees and to the Canberra community. There is no doubt whatsoever in my mind that those issues need a central monitoring and policy-setting area if they are going to come into effect at all. Those centralised areas were brought in only because of the known failure of the devolved approach.

Mr Speaker, I believe the Liberals have no interest whatsoever in EEO or in access and equity. They have demonstrated their credentials over and over again. I think their sexist behaviour in this chamber says it all. The Government having devolved those kinds of policy areas, we can expect from this Government absolutely no commitment whatsoever to those groups, either among employees or in our community, who need the Government to take positive discriminatory steps in order to ensure that they get a fair go. Mrs Carnell has denied that completely.

A further major problem that I see with the Chief Minister's Department is the total dismantling of the social justice programs that had been very carefully built up over the years so that we had in that central department a package of policy areas that, together, worked to produce social justice for the Canberra community. Those areas included things like the women's policy area, the youth area, the disability area, the Aboriginal and Torres Strait Islander area, programs for the disabled and the aged, and so on. Together, those policy areas worked within the Chief Minister's Department, amongst other things, to ensure that all of the other administrative units actually were up to scratch on social justice issues. Under Mrs Carnell that social justice machinery has just been wiped out, absolutely disbanded, dismantled.

One of the problems that both the Estimates Committee and other serious commentators on this budget had was being totally unable to track what had happened to those crucial programs and subprograms. It was almost impossible. In fact, Mr Speaker, at one stage in the course of the Estimates Committee, when I was questioning Mrs Carnell on what had happened to the women's policy area, the disabled area and so on, she said in her sarcastic way, "We do not have programs for short people either". That just demonstrates a total misunderstanding of the whole notion of social justice and the need for governments to take action. Mr Speaker, the Government has taken a very retrograde step. My colleague Ms McRae might want to speak about that matter as well.

I pass on and talk about the labour market programs, which used to be accommodated within the Chief Minister's Department. Again, one of the fundamental problems with examining the budget was the complete impossibility of finding those labour market programs in the budget documentation. Mr Speaker, that problem was compounded by the apparent complete inability of the relevant Minister, Mr De Domenico, to explain

what had happened. What the Estimates Committee was forced to do, both with the labour market programs and with some of the social justice programs, was to examine the Department of Health and Community Care, the Department of Urban Services and, of course, Mr De Domenico's Business Department as well; but none of that had been spelt out in the budget documentation. We eventually found out that the labour market programs and the social justice programs had been decimated in this budget. The women's work force development scheme has gone out the window. There is no funding for it. The Government does not care about older women re-entering the work force and the problems that they may have in readjusting to working life, particularly if their first language is not English. Programs for young people and Aboriginal people have gone out the window as well.

Mr Speaker, the Government has attempted to justify their stance on labour market programs by saying that they are fundamentally a Federal government issue, and so they are. But, Mr Speaker, I believe that it is State and Territory governments that best know the people they represent and the people who need assistance in the labour market. This has been particularly the case in the ACT, where the unemployment level has never been dramatically high; but that does not mean that there are not especially disadvantaged people in the labour market. It is my view that that is very much the case. Older women, Aboriginal or Torres Strait Islander workers, very young people and people returning to the work force all needed special assistance, as did people who had been retrenched. Within those labour market programs we had a special program to allow people who had received a redundancy package to set themselves up in business. Mr Speaker, the Estimates Committee had the greatest of difficulty in finding out the future of those sorts of programs.

In other programs what had happened was only too apparent; that is, the Government had simply slashed the funding. This was certainly the case with the NEIS program. The Government grant to people starting up in new business has been cut in half from \$4,000 to \$2,000, with no explanation whatsoever. The only attempted justification, Mr Speaker, was that they would be able to give it out to more people. What is the use of handing it out to more people if it is of no use to them? I found that justification very flawed indeed. I know that it is the Liberal Party's intention in government to get rid of that program altogether. They do not like it. They do not like people getting assistance to start up in small business. They want to give all of their money, all of the \$13m, to the big businesses, to the BOMAs and the George Snows, to all their friends that they have their photograph taken with to feature in the glossy brochures. Mr Speaker, there is absolutely no doubt that that is the Liberal agenda.

I find that what this budget does to people who would have been the beneficiaries of a social justice agenda, to people who would have been beneficiaries of labour market programs which had been in place in this Territory, is absolutely appalling. Those programs have been slashed beyond belief. I have had people come to me looking for these programs, looking for help. You have to tell them, "The Government has cancelled them. They do not exist. There is no women's work force development scheme. Go and see Mrs Carnell. She might have another idea". Mr Speaker, the people who need these programs had a reasonable expectation that the programs would be continued. Those expectations have been dashed. I think that that is a very reprehensible action to be taken by this Liberal Government.

Mr Speaker, in other areas - for instance, in the multicultural area - the Liberals have put up a bit of a front. They have said, "We will create an office of multicultural affairs", and so they did. There is not a single extra worker in there. No more resources are allocated to that area. It is merely a front. What lies under that front is the Liberals' real action. For instance, they simply cancelled work on the language policy for the ACT without telling anybody. It is something that had to be dragged out of them in the course of the Estimates Committee. There had been no announcement from this most secretive government of all time. Mr Speaker, stopping the work on that languages policy, I believe, puts the ACT well behind the eight ball in terms of the achievement of literacy levels and language skills throughout our community; and, importantly, also in terms of our tourism and business development approach because, clearly, we need to have trained interpreters and people with language skills in order to expand our horizons and do business outside our borders. Mr Speaker, some very disappointing and quite draconian approaches have been taken to what used to be the Chief Minister's Department but is now nothing but a shell, and a hollow shell at that.

**MS McRAE (5.25):** I would like to follow on on that issue and come to a point that we were criticised for previously with the estimates process in regard to the Chief Minister's Department. The question of why estimates were so interesting in regard to policy decisions is absolutely crystal clear in terms of how we are dealing with this line appropriation here. It is policy decisions that have driven and made the framework of this budget. When we started to uncover the shallowness of the thinking behind a lot of these policy decisions, the red light started to go off and the real concerns about this budget were made patently clear.

The languages policy is a brilliant example of what is so profoundly wrong with this budget. Without any thought, without any understanding, without any analysis, without any evaluation, the policy was just dumped. Mrs Carnell's response was that it was full of motherhood statements, and she asked why we needed a bit of paper that was full of motherhood statements. Rather than say, "These motherhood statements may have the germ of something good, so let us develop them into something for the good of the community and then allocate dollars in the framework of the budget", the Government simply dumped it.

In dumping it, the Government dropped one of the most important elements of management in the ACT and in Australia today. Underpinning our multicultural society is the fact that it is a multilingual society. The challenge for every government is to deal with the multilingual nature of society, and deal with it fairly; to provide adequate access and equity for all. That does not come from every line manager saying, "Oh, that is a good idea. Maybe tomorrow I will find someone within my department who spoke Pilipino when he was eight and put him on the front counter because he can speak Pilipino". No, it comes from a carefully worked out policy that sets standards, that sets training guidelines, that sets minimum requirements, that itemises and understands the language needs of the community before them and ensures that every department goes ahead with those policies, and then monitors them and evaluates them.

That is just one element of a language policy. It is the first and most important element, in my book, to guarantee that every single service that is provided by government is accessible in a fair and equitable way by every Australian, irrespective of what their first language is. This Government has failed even to understand that basic principle, never mind to provide for it in the Chief Minister's Department, and never mind even to back it up with any financial backing.

The second element within that is that not only do people speak a diversity of languages, but also they have sight impairment, they have hearing impairment, and sometimes they are unable to speak clearly. So it is not just our multicultural society that we have to take care of. Within that multilingual multitude there are people who have specific disabilities in terms of communication. Again the Chief Minister, by abolishing any overarching concern for social policy, has taken no account of the leadership that her department should be taking in terms of making sure that all ACT government services are accessible and equitable, not only to our multilingual non-English-speakers - - -

**Ms Follett:** Mr Speaker, I raise a point of order. How common is it for the Appropriation Bill to be debated without the presence of the Treasurer?

**MR SPEAKER:** There is no point of order.

**Ms Follett:** Do you reckon?

**MR SPEAKER:** There is no point of order. Continue, Ms McRae.

**MS McRAE:** We have lost leadership and policy which, in my book, should be at the very centre of what drove this entire budget. What are we here for? What are our services for? Whom are they for? How are we going to provide them in such a way that everyone in the ACT has an equal, accessible, equitable way of receiving those services? Through the glib abandonment of a languages policy, that responsibility has been denied. Within a languages policy comes the capacity to set standards about communication. (*Quorum formed*) So first we abandon our multicultural community, our disabled community, and then we abandon any capacity to set standards about communication.

A language policy can determine what sort of English should be used, how a publication is set out, the nature of the language that is used routinely in correspondence, and the basic requirements of any department in terms of communicating with the general public. We can deal with English standards as well; standards of politeness, standards of genre, standards of timeliness, and standards of basic language. Without a language policy we have no overarching, determining, driving policy that expresses back to our community and to each and every government service what basic standards are, how a service is to be delivered, and then how languages are to be monitored within the ACT.

**Mrs Carnell:** So why did you take so long to get up a draft?

**MS McRAE:** We hear the predictable call from Mrs Carnell about us. Mrs Carnell, you are the one in government. Yours is the budget we are looking at right now.



In this appropriation we see absolutely no concern about this fundamental issue that should be the underpinning of policy within your department and every other department. You have let go a major leadership role and from that flows a whole range of other things.

How does the Government guarantee that there are proper interpreters in courts? They cannot. They cannot back it because the language policy does not say that it is the responsibility of the ACT to provide properly trained interpreters, both for sign language and for people of non-English-speaking background. How is the Government able to give direction in terms of the teaching of languages other than English? "Well, they teach it in schools", said Mrs Carnell during the Estimates Committee. Of course they teach it in schools. It is policy. But which languages? How is that coordinated then to tertiary studies? How is that coordinated to what is offered in the CIT? How is that managed with the communities that we have within the ACT who are maintaining their own languages? There is absolutely no coordinated policy direction. There is a ditching of all responsibility in that area; there is no appropriation, no concern.

How does the whole pride of the community in our non-English-speaking background people translate itself? There is no policy direction or allocation of funds from the Chief Minister's Department. There is nothing that directs attention to be paid to the skills of people who speak a language other than English. There is no rewarding of anyone within the service who has maintained a second language or learnt a second language. There is no reward for anyone who has sign language. There is no reward for people who are skilled in communicating with physically impaired people who may not be able to communicate too clearly. Through the abandonment of this policy this Government has abandoned basic responsibilities to the ACT community. By seeing the lack of appropriation within this line we can see the hole throughout the whole budget; that it has no centre that is focused on people who have specific needs in the ACT. The Government has walked away from it. This appropriation line that we are debating - I think it is the third now - is a clear example of why there are problems throughout this budget.

**MS TUCKER (5.34):** Mr Speaker, it is the Chief Minister's Department which will be driving many of the structural changes upon which much of this budget is predicated. For better or worse, we are living in an age where there are increasing demands on agencies and organisations receiving grants to justify their expenditure. More transparency and accountability should, in theory, be a good thing, depending on the values that underpin these changes. Big problems will arise if we base our assessments of performance on criteria that are too narrow. The other danger is that financial measurements can tell us we are receiving value for money only if we quantify the values of the services we are offering. The success or failure of many of the services provided by government simply cannot be measured in financial terms. If achieving certain performance criteria or productivity improvements is to be a basis for funding, qualitative factors as well as quantitative factors must be incorporated into objectives and indicators.

In the ACT much more attention must be focused on demonstrating how performance is evaluated. How do you evaluate community consultation? What are the community service obligations provided by ACTION, and what is their financial value? How do you measure productivity for teachers? These are just some of the unanswered questions from the Estimates Committee process which must be addressed by this Government if it is going to push ahead with the so-called reforms it plans. At the moment, in the quest for efficiency, we are placing greater emphasise on so-called output-based funding. Yet, despite the introduction of financial management reforms, we have a pretty unsophisticated accounting system which is not up to the task of determining the full cost and benefits of the range of government services and programs. The Government do not seem to have got this point. In their response to the Estimates Committee's recommendations they make it quite clear that their understanding of outputs is narrowly based, and they have rejected the need to integrate indicators reflecting social justice and environmental objectives throughout the budget.

We hear the rhetoric of a greater consumer focus, but underlying this is an assumption that efficiency is the driving element of public interest. Given that the Liberals are planning to hand over to agency managers much more responsibility for making financial decisions, there must be a much stronger basis for identifying the so-called outputs before bottom lines are set. Otherwise these managers will, contrary to Mrs Carnell's claim, be making political decisions, and worse, without even knowing the full ramifications of these decisions. Given the lack of detail in many of these areas, it is not surprising that the three-year bottom line approach of this budget does not give sufficient emphasise to social and environmental concerns.

One issue of concern raised was the lack of a social justice statement. Of greater concern to the Greens is the lack of integration of social, economic and environmental policy in the budget. Unless these concerns are integrated, the budget will not even be internally consistent. For example, there is not one mention of meeting any environmental objectives in any of the business programs. The Government has picked out a bottom line and is trying to fit everything around this bottom line, even when this requires decisions that defy logic or good management. Economic priorities have been set in isolation from the rest of the Government's policy objectives, and important social services are being squeezed in the name of economic efficiency.

Fixing bottom lines for three years may be well and good if we have the necessary social priorities worked out beforehand, and these strategies can be demonstrably consistent with the financial objectives. Yet, in Mrs Carnell's budget, there is an absence of specific social and environmental indicators in many areas, particularly the economic policy units, and insufficient evidence that the Government has developed community service obligations before committing itself to specific financial outcomes. This can only lead one to the conclusion that economic priorities will be at the expense of social and environmental objectives.

We must look at ways of developing a more holistic approach to budget formulation. Budgets are, after all, putting the dollars and cents to the Government's overall policy program. If we want to tackle the management of our community in a holistic way, and the Greens believe that we do, then the budget must reflect this integrated approach,

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and a start would be a commitment by the Government to act on the Estimates Committee recommendation which calls for social and environmental objectives and outcomes to be identified on a program-by-program basis. The Commissioner for the Environment has come up with similar recommendations.

Not only has Mrs Carnell failed to integrate her bottom lines into a comprehensive social, economic and environmental strategy, but many of the assumptions upon which Mrs Carnell has predicated her budget outcomes are rather dubious; for example, a funded wages outcome of 1.3 per cent each year over three years, which must be potentially unachievable, given that it means real wage reductions, and there will continue to be industrial action in response to this. Any further wages outcomes will be based on productivity improvements, and again I challenge the Government to demonstrate that their economic models are up to the task of determining the complicated task of measuring productivity in many service delivery areas.

How do you measure productivity in a library or a school or for a nurse? Throughput certainly is not necessarily the best measure in many cases. During the Estimates Committee hearings on industrial relations it was acknowledged that there is no simple answer to how you measure productivity. It is an enormous question. Not to mention all the other economic indicators which may or may not hold true, it would have been much more credible if Mrs Carnell had acknowledged that predictions are just that. Therefore the bottom lines, particularly in the outyears, can never be fixed in concrete.

Mr Speaker, this is a very disappointing budget and the process has been disappointing. The outlook it provides for the ACT in terms of a secure social and environmental future is very disappointing. It is not a budget that is about common good, creativity and vision as we head into the next century. It is about balance sheets, outputs and operational efficiencies, and the wellbeing of our community relies on more than this alone.

**Mr Berry:** Mr Speaker, I seek leave to move a motion in relation to a meal break.

**Mr Moore:** Mr Speaker, I believe I was on my feet before Mr Berry.

**Mr Berry:** I seek leave to move a motion in relation to a meal break.

**Mr Moore:** Whom are you going to call?

**MR SPEAKER:** I am going to call Mr Berry. It will be quickly out of the way. You seek leave to move a motion relating to a meal break, Mr Berry.

Leave granted.

**MR BERRY (5.42):** I move:

That the sitting be suspended between 6.00 and 7.00 pm.

I do this for a couple of reasons. The first one is that we have all been sitting here for some time. There is a bit of self-interest here, but - - -

**Mr Moore:** I take a point of order, Mr Speaker. We have the motion. I do not believe that Mr Berry has been called yet to speak to the motion. Are we going to do things the way we are supposed to do them?

**MR SPEAKER:** Just a moment. He moved a motion relating to a meal break. He is explaining the situation.

**MR BERRY:** The motion is that we suspend between the hours of 6.00 pm and 7.00 pm. I have moved that motion because there has been some discussion about how long we might be going today in relation to a certain function that was occurring tonight. I understand that that is now off. Staff in this place have wages and conditions arrangements which provide for a five-hour period between meal breaks. Somebody who was working at one o'clock ought to have a meal break at about 6.00 pm. I think it is fairly reasonable for us to break for an hour at that time and come back and get stuck into it again. I think the motion is fairly self-explanatory and I need go no further.

**MR HUMPHRIES** (Attorney-General) (5.44): Mr Speaker, I oppose the motion. It is obvious that there is a filibuster going on here in respect of the budget. The Government has ordered some refreshments and food and sandwiches for 6.30 pm. It is perfectly acceptable for members and support staff to go outside during the course of the period while we are sitting here debating the budget and get some food and refreshment. I think, Mr Speaker, with a long night ahead of us, it is not appropriate to have the whole Assembly shut down for an hour while certain members do other things. I would urge that we continue to sit and deal with the issues before us. I did indicate very clearly to members opposite and others on Friday at the Government business meeting that we would need to complete this budget today or tonight. I therefore ask that we not support this motion.

**MR BERRY** (5.45), in reply: I will be closing the debate, Mr Speaker, unless somebody else wants to have a go. Mr Speaker, the Government this morning did not seem concerned about the time that they used in introducing Bills into this place. A well-developed custom has taken place in the past. We have been very economical about the time for the introduction of Bills. That did not take place this morning. This Government opposite were the ones who voted out evening sittings, and I think members deserve a meal break. If they think they are going to bludgeon us into accepting their budget by working us to death, they have another think coming. The point that I would expect the Liberals opposite to miss is the obligation that we have to observe reasonable industrial conditions for staff around this place.

**Mr Humphries:** We still can.

**MR BERRY:** Of course, here we go; flexibility. Staff are entitled to have a meal break, not wander all over the place having a quick sandwich. They are entitled to move out of this place, to leave the place and have a break. You have to accept that reasonable industrial conditions should be observed for staff in this place. It is not only the staff of members, who are a hardy lot indeed; there are other staff who work around this place, and Assembly staff as well.

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**Mrs Carnell:** Can we ask who would like to have an hour off and who would like to finish an hour earlier?

**MR BERRY:** What did you say?

**Mrs Carnell:** I am sure that most of the people here would rather finish an hour earlier than have an hour off for dinner.

**MR BERRY:** This is not a matter of individual contracts, Mrs Carnell; this is about longstanding industrial conditions and expectations of employees. People are entitled, after five hours, to have a break and to leave this place. You cannot deny them that just because you want to short-circuit the debate.

Question put:

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

The Assembly voted -

*AYES, 9*

*NOES, 8*

Mr Berry  
Mr Connolly  
Ms Follett  
Ms Horodny  
Ms McRae  
Mr Osborne  
Ms Tucker  
Mr Whitecross  
Mr Wood

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mr Moore  
Mr Stefaniak

Question so resolved in the affirmative.

**MR MOORE** (5.49): Mr Speaker, it would appear that I will be limited to 11 minutes for this speech. I hope I will not take that long. It was clear to me, Mr Speaker, that through some of the previous speeches the Chief Minister was not in here. I heard some comment this way and that way about why that was the case. Having listened attentively to Ms Tucker's speech in particular, I think there are some specific areas to which the Chief Minister should respond, and the same is true for other speeches. There may be some things to which the Chief Minister does not think she needs to respond, but there are certainly specific areas that I believe do need responses.

One of the first, Mr Speaker, relates to performance indicators. Until we get a satisfactory response about performance indicators, I will have difficulty supporting reforms to the public service that are based on a performance contract. We cannot get performance indicators right, and we have not been able to get them right for six or seven years. It is a question that you are going to have to deal with. You are going to have to show us, not just as part of the budget but also as part of other pieces of legislation.

Similarly, Ms Tucker spent a great deal of time speaking about achieving outcomes. The issues that she raised were particularly important. I refer to two of them in particular. The first one was economic priorities and the second one was productivity. In terms of economic priorities, Ms Tucker made the point again and again that it is not good enough simply to suggest that the economic priorities are the priorities that we should follow; that there are real questions of social justice, the environment, population and health that you really must address. They require a serious and appropriate response.

The second issue that Ms Tucker spoke rather eloquently about was productivity. What the dry economists mean by productivity is that you save a bit of money. One excellent example where this fails is when you look at productivity outcomes in education. A dry economist looking at productivity says, "Our budget for education will be some \$200m. If we can teach the same number of students for \$180m we have a productivity outcome". The real productivity measure to which you must respond is how we increase the outcomes as far as those students are concerned. How do we ensure better productivity measures that do not look at just those dry economic terms, but look instead at how we can ensure that our students are more literate, more well-rounded, and have better opportunities to move into the work force? It is not just a case of looking at ways to cut money. That is unacceptable to us. We will expect more.

In your three-year budget we would expect that those sorts of issues were dealt with appropriately. At this stage, according to the Estimates Committee, they have not been dealt with appropriately. I was happy to sign that report. I believe it was appropriate that we signed that report. I would ask you to take very seriously the issues that have been raised in this debate; that you look particularly at those issues of productivity, performance indicators and economic priorities, all of which are things that are generally driven through this department and Division 40 of the budget. They are issues that are dealt with there, and I believe they are issues that come to the very heart of how governments operate.

Similarly, I would like to raise the issue of the all-of-government strategic plan that was raised by you publicly in a joint press statement with the Deputy Prime Minister, Mr Howe. It is something that I have long advocated, not only prior to this election as part of my election platform but also prior to the last election. It is something that I would like to lend support to. I appreciate the fact that you sent officers from your department to talk to me about that yesterday and today, and I am delighted that the Chief Executive of the NCPA, Michael Ratcliffe, has joined in those discussions. I think that we can get a very positive outcome in terms of that all-of-government strategic planning. Hopefully, I can take to my own Planning and Environment Committee for members to consider tomorrow some ideas about how is the best way to achieve the best possible outcomes on the work that we have already started with the tenders that we have already called. I think it is possible to do that, but it will be possible only when such a strategic plan takes into account the sorts of issues that Ms Tucker raised in her speech over the last few minutes. These are fundamental issues. They are issues that you have to get right if you expect us to support things like your proposed reforms of the public service. They are serious issues, and issues which we will be watching very carefully.

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**MRS CARNELL** (Chief Minister and Treasurer) (5.56): Mr Speaker, I rise fairly briefly to answer a couple of the points that have been made. Many people have spoken about the areas of the Chief Minister's Department that have been phased out. I think it is important to speak about some of the new areas, such as the strategic policy office. As Mr Moore and Ms Tucker have said, we have not done very well in the past in the ACT in producing a strategic approach to the things we do; bringing together the approaches that we take in various parts of the public service and achieving some consistency across those areas. That runs right through our reform program. Our reform program is based upon changing our budgeting approach from an inputs base to an outcomes base, which is right in line with Ms Tucker's comments.

I, too, would believe that we had failed in what we have set out to do if we did not manage to achieve a proper outcomes base for this whole Government. We need to know what we are achieving, why we are achieving it, and how we have achieved it. I think that runs right through the comments that Mr Moore and Ms Tucker have made. I think they are very appropriate comments, and we will certainly be judging our performance on those things as well.

With regard to performance indicators, they have been an ongoing problem for government since self-government in 1989. This morning, if we had not changed the agenda somewhat, I would have presented the Government's response to the Auditor-General's comments on performance indicators. That will be done at our next sitting. We have already done an awful lot of work on performance indicators; ones that mean something; ones that do not just say to do a better job and do not tell us how to measure that, or what that actually means; ones that mean something, that can be measured and can be assessed by this Assembly and, for that matter, by the community. I agree totally with the comments that have been made, and they will be the basis of our government reform.

**Sitting suspended from 5.58 to 7.00 pm**

*(Quorum formed)*

**MR BERRY** (7.02): Mr Speaker, I want to speak on Division 40 because of the broad effect it has on the community. I want, first of all, to focus on industrial relations because of the shabby way in which industrial relations has been treated in the Assembly. We know now that a consultant with some connections with the right wing of politics has been hauled in.

**Mrs Carnell:** He was with the left wing. He has never been a member of the Liberal Party.

**MR BERRY:** The Liberal Party is not the only organisation to be full of right wingers, Mrs Carnell. Of course, this will affect the way that industrial relations goes in the future. We have a commitment in the labour movement to the right to collectively bargain and for unions to represent the work force. Given the emphasis which the Carnell Government has put on individual contracts, it is quite clear that industrial relations in the Australian Capital Territory is going to be an issue of major concern throughout the life of the conservative Government opposite. The issue of individual contracts is one that emerges.

I think a fairly clear demonstration of that is the e-mail publication, in relation to staff of the Government, described as "Enterprise Bargaining in the ACT Public Service". This sort of propaganda is run from the management side and the unions have been denied the opportunity to run the same sort of information through the same sort of network so that workers are able to get an understanding, a grasp, of the balance of the debate about what is in store for them.

**Mrs Carnell:** All that has been on e-mail is the facts of the situation.

**MR BERRY:** Mrs Carnell kindly - - -

**Mrs Carnell:** Apart from a few unusual unauthorised statements.

**MR BERRY:** Mrs Carnell kindly interjects and says that what has been on e-mail is the facts. The facts according to Mrs Carnell are not always the facts which will be accepted by workers out there in the workplace.

**Mr Connolly:** Most publishers of propaganda call them the facts.

**MR BERRY:** As my colleague Mr Connolly interjects, most publications describe themselves as revealing the facts. Unions are entitled to have equal access to the workplace. If you listened to what the present Government said before the last election, it would be a progressive, socially just government, and one which you would expect to hear, or to see, a lot of support from in relation to balance. But unions have been denied the opportunity to put their case through the same network.

**Mr De Domenico:** Nonsense!

**MR BERRY:** Minister De Domenico interjects, "Nonsense!". Mr De Domenico, I will accept your undertaking that you will guarantee unions the same access to staff through the Internet as management - - -

**Mrs Carnell:** I can promise you I have not accessed the Internet once to get out government - - -

**MR BERRY:** The same access to the propaganda network as management. If you are prepared to give that commitment now, I will take that back to the unions in order that they can - - -

**Mrs Carnell:** I can assure you that unions will have the same access as I do.

**MR BERRY:** Will they be permitted to circulate their own information throughout the Internet along the same lines as your managers?

**Mrs Carnell:** The first time that I, as a Liberal Party Chief Minister, access the Internet - - -

**MR SPEAKER:** Order! Mr Berry has the floor.



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**MR BERRY:** The undertaking that I am looking for is that unions will have the same rights of distribution on the Internet as your managers. Give it.

**Mrs Carnell:** They can have the same access as I do as Chief Minister.

**MR BERRY:** No, you will not give it.

**MR SPEAKER:** Order! Mr Berry, you have the floor. Mrs Carnell does not. She will have the opportunity to respond in due course. Stop provoking her.

**MR BERRY:** Mrs Carnell needs no provocation to run off at the mouth. Mr Speaker, that issue is very clear in relation to industrial relations management.

We also have a question within the Chief Minister's Department about the way that occupational health and safety is dealt with. We have seen a very serious attack - I think I can describe it as that - on the management of occupational health and the emphasis on occupation health and safety within her department. We saw something like a 30 per cent cut in the people who work in her department in relation to these matters. That flows through into the provision of occupational health and safety protection for workers out there in the workplace. The Liberals have long been opponents of progressive occupational health and safety laws each time that occupational health and safety laws have been introduced in this Assembly. They have been questioned by the Liberals and watered down wherever possible; and opposed, wherever possible, when it came to strengthening the rights of workers out there in the workplace to appropriate protection. I think that philosophy prevails loud and long within the Chief Minister's Department. I think the budget as it stands does nothing to strengthen the leaps forward which were made in 1989 when the Occupational Health and Safety Act was introduced here in the ACT.

Mrs Carnell often has trumpeted her support for the women's movement. I note that she was one who was welcoming participants to the National Women's Health Conference. A circular which came to me pointed out some of the other roles which Mrs Carnell has had in women's health. Of course, this goes back to the Chief Minister's Department. I think everybody has a right to know about this. Since Mrs Carnell came to power on 18 February she has made a range of cuts to ACT services. We go back to the Liberals in 1989 when Mr Stefaniak was the mover and shaker in relation to the reduction of the budget in relation to women's services. So it is still there; the same old ideology still peeps through. The abortion counselling service, the pregnancy advisory service and the pregnancy support service, according to this publication, were defunded. Funding will be available for one service, and it has been put out to tender.

The Canberra women's health centre counselling service was defunded. Access for women to health centres is a most important issue, particularly women who are unable to afford private sector medical services. The salaried medical service has been cut and Mrs Carnell plans to sell some health centres. That is particularly relevant in my electorate. Salaried doctors at the Melba Health Centre provided a valued service to the community for many years.

**MR SPEAKER:** Mr Berry, you are straying into Division 50.

**Mr Stefaniak:** Mr Speaker, I will take a point of order on that. Mr Berry is straying rather badly into Division 50.

**MR BERRY:** I will move on, if you like.

**MR SPEAKER:** No; move back to Division 40, the Chief Minister's Department. That is what we are discussing.

**MR BERRY:** I will, too. Funding for the Inanna refuge, which provides crisis accommodation for mentally ill women and their children, has been reduced by approximately a third.

**Mrs Carnell:** You cut it the year before last.

**MR BERRY:** Red Cross Youth Health has been defunded and the Tamar Counselling Centre for survivors of child sexual abuse has been defunded. It is no good bleating, Mrs Carnell, that we did something a few years ago. We are talking about your budget.

**MR SPEAKER:** Order! The member's time has expired.

**MR BERRY (7.12):** Mr Speaker, I seek a short extension.

**MR SPEAKER:** You are entitled to another 10 minutes, if you wish to take it.

**MR BERRY:** I have not quite finished. It will not take long. When you have a look at what has happened within the public health system, access for women is an area which will be affected because it goes to the issue of the provision of public health services.

Mr Speaker, I think that the community has been sadly let down by the budget which has been prepared, particularly in relation to Division 40, the Chief Minister's Department, for the reasons that I have brought to your attention. This is a government that does not have any commitment to social justice. You only have to see what it is setting out to do in public transport and all those sorts of things. That is directed mostly by the sorts of philosophies which are entrenched in the Chief Minister's Department. Labor will be opposing this division of the budget and we will be opposing the budget overall, because this is a budget without a soul and without any commitment to social justice.

Proposed expenditure agreed to.

### **Department of Health and Community Care**

Proposed expenditure - Division 50, Health and Community Care, \$301,652,500

**MR CONNOLLY (7.15):** Mr Speaker, I am somewhat surprised that the Government has not come forward with some amendments in relation to this budget line. I say that not only because the Estimates Committee, including members of the Government party, unanimously recommended some additional funding here for items like mental health,

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but also because, on the Government's own figures tabled in this place earlier this week, the health budget already, as we come to the end of the first quarter, is out by some 5 per cent. This is a budget which, even by the time we come to debate it here in the Assembly, is simply not holding up. I have not only the criticism that this is a badly targeted strategy in relation to health. Mrs Carnell's obsession with outside experts, outside consultants - "Put all your faith in the million dollar Booz Allen consultancy" - really seems to be taking us nowhere other than creating massive uncertainty for the work force. As a result of that massive uncertainty for the work force in those areas where the Government has finally seen the light and lifted its recruitment freeze, they are finding it difficult to recruit workers. That goes for theatre nurses and it also goes, more controversially, to the issue of mental health nurses.

Without pointing the finger, because, as I said, Mrs Carnell, we deliberately avoided doing that, what I did say to you is that your Government must accept some responsibility for the difficulties in recruiting staff. You cannot simply say, "Look, we cannot recruit staff; it is not our fault". You have this axe of Booz Allen hanging over the head of every person who works in Health. It is a well-published fact that there are some 400 jobs at risk. It is a well-known fact that there are many nursing jobs at risk. That must make persons think carefully when looking at a nursing job in ACT Health or a nursing job in New South Wales Health, which has a much bigger pull and where there are greater promotion opportunities and greater career opportunities. They would choose to go to a system where the State Government is wanting to enhance its health services and is putting money into additional services. Mr Speaker, they are the criticisms that we have made repeatedly in this place about the health budget.

Mr Berry referred earlier to the health centres. Labor put forward in this place motions in relation to blocking the sale of the health centres. They did not get support from the crossbenches. In relation to the flogging off of our nursing home assets, Labor put forward a motion calling on the Government not to proceed with that, and again that was not supported by crossbench members. We saw the other day that Mr Osborne suddenly announced that he was thinking of moving some amendments to the budget in relation to health. I was more than a little surprised at the fact that he now wanted to move an amendment to the health budget. When we had concrete proposals to try to rein in some of this Government's irresponsible slash-and-burn approach to the health budget, he was not able to support us. When he knew that an amendment would be unsuccessful, he seemed able to support us.

Mr Speaker, another issue that we must address in relation to the health budget, which was pursued in the Estimates Committee without any satisfactory assurances being given, is the sale of QEII and what will happen about its replacement. At the time that the Estimates Committee was asking the Chief Minister these questions, her response was, "Wait and see what happens when the review of maternal health services comes out". That has now been published and it makes a very clear and very watertight recommendation, and that is that the Government provide a purpose built, stand-alone facility of 13 beds to replace QEII. Mr Speaker, we expect to hear today some response from the Government on that. We pointed out a major uncertainty in the budget in that the three-year budget projection identifies a revenue item in next year's budget for the sale of QEII. The Government is projecting its budget next year based on revenue flowing from the sale of the QEII site.

We have no difficulties with the relocation of QEII from the city on the basis that that building is worn out, run down and quite inappropriate. But we cannot find anywhere in the budget any indication that money has been set aside, or is intended to be set aside, for the replacement.

**Mrs Carnell:** Because we have not allocated capital works yet.

**MR CONNOLLY:** Mrs Carnell says it will be in the capital works program. I remain disturbed that there is nothing this year for any forward design work for that purpose built, stand-alone 13-bed facility. That will not be a cheap and simple facility, and I would have expected to see some forward design work.

There is fear in the community as to what this Government will do, because of some of the resources that are now becoming available in the maternity area, partly as a result of the Labor Government's decision to approve additional private beds in that area. We saw, in the last 12 months, the coming on stream of private maternity units at both John James and Calvary. Both of those units are operating quite successfully and are clearly meeting a demand in the community. Obviously, as a result, there is a lowering of the rate of demand in the maternity unit at Woden hospital. I saw in recent days that some of the prenatal services that we had been planning to bring on stream have in fact come on stream, and that is a positive development, Mrs Carnell, and is something that we support. The opening of the private maternity beds has eased the pressure on the maternity section at Woden.

But we would be very disturbed, as would the community, if the Government was planning to provide the services that are now at QEII - services which the independent review says must be provided at a stand-alone, purpose built facility - in the context of the current maternity unit at Woden hospital. Mrs Carnell shakes her head. I hope that means that is not her plan. But she must understand that the fact that she has identified a dollar revenue stream from the sale of QEII, and that there is no money identified for either the building of the facility or the predesign work, is a matter of grave concern in the community.

She expects to have her \$8m in next year's budget. That is the way the three-year budget has been put together. There has been some criticism, and quite properly so, in the Estimates Committee's report about what a three-year budget is. I well recall putting a question very early on in the process to Treasury experts. I am sorry, they are no longer from Treasury; they are now from the office of financial something or another, but Treasury still makes sense to me. We said, "Are not these really just the traditional forward estimates dressed up with inflation adjustments and wage adjustments actually put in the line items rather than a separate pool?". The answer was, "Yes". So the three-year budget has been exposed as something of a sham.

However, nowhere in there is there any indication of where this replacement for QEII is going to come from; yet you expect to sell the current site in order to get your \$8m revenue stream by 30 June of next year. Mrs Carnell, you must soon announce what your response is going to be to that review of maternity services. You must soon indicate your clear intention to build a stand-alone unit, and we would support you in that.

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We would even go so far as to say we would not necessarily be locked into or wedded to the report's recommendation that it be on the campus of one of the two hospitals, because I am aware that there are some ideas being put about that there may be some community facilities that could be refurbished or rebuilt to provide an adequate facility. You must indicate to the community what you will be doing.

I think the study found that something like 15 per cent of Canberra births have some use of QEII, not necessarily as an inpatient. When you consider that it has been operational for over 40 years, there are a lot of people in the Canberra community whose lives have been touched by that facility, and it is under a cloud at the moment. Chief Minister, you must indicate your intentions on that, and you must indicate where the resources will come from. The real fear, as I say, is that you are going to sell the site and try to fob the community off by simply providing services from within the existing maternity and obstetrics unit at Woden Valley Hospital, and that will simply be unacceptable.

**MR MOORE (7.25):** Mr Speaker, I would like to continue on from Mr Connolly and talk about the importance of issues such as QEII. I want to make sure that the Chief Minister understands that the Assembly as a whole does believe that those things are critical, and that we understand exactly what is happening there so that those services can be appropriately delivered.

There has also been a great deal of concern - and I know that an amendment is foreshadowed by my colleague Mr Osborne - about the protection of nursing hours at Woden Valley, in particular patient contact hours. Mr Osborne and I put out a joint press release on this matter. We considered it particularly important, and no doubt he will speak on it in a short time. It is something that I want to have on the record. I believe we have to be careful, when we are attempting to make productivity gains, that we do ensure appropriate service delivery. This goes back to some of the comments I made during my speech on Division 40, the Chief Minister's Department.

Mr Speaker, I would also like to take some time now to speak about mental health. I would like to focus some of my comments on the tragedy that happened last Friday night. In some ways it was an avoidable tragedy. Even though I recognise that specialist training was lacking, I do not blame the police for doing their jobs to the best of their ability; and, although they were suffering from a lack of resources and expertise, I do not blame the mental health crisis management team, who were also, I believe, doing their best. I do, however, blame this Government and the previous Government in the ACT for continually ignoring a problem that has been brought to their attention time and again. Mental health services are grossly inadequate in resources, expertise and understanding.

I believe that both governments have been negligent. If this man had threatened others in a hostage situation the police and the community would have reacted very differently. He was, in fact, treated with less respect than a kidnapper, or one who threatened others with violence. There were no attempts to talk him down, to negotiate with him, or to find a caring person in his life whom he trusted to calm and reassure him. Why?

Perhaps because he had a mental illness. Are we still so ignorant that we still regard people with a mental illness with fear? Do we still think they must be dangerous? If that is so, we have failed immeasurably to educate not only our community but our own police and others in the health profession who do not treat these people with the sensitivity and professional care that is their right.

I believe that this tragedy was avoidable. It was revealed that this man had attempted to seek help prior to his relapse. There are many people who suffer from the illness of schizophrenia who know when they are about to relapse, and ask for medical treatment and are denied it. I am aware of situations where people in this position have deliberately provoked the police in order to force the authorities to treat them. Of course, that puts the police in basically an unwinnable position. If this man had been treated as he deserved by the mental health branch in the first place he would be alive today. We cannot undo what has been done. I emphasise again, Mr Speaker, that I put no blame on the individuals involved in the situation. We can, however, learn from this tragedy and take seriously the need for resources that alleviate the overload that the crisis management team has had to deal with.

The Federal Minister for Health, Carmen Lawrence, has called for a task force to improve services and procedures. The Chief Minister responded by saying we do not want yet another task force, but to "get on with the job of fixing the problem". My motive in raising this issue is to encourage the Chief Minister to do just that - to get on with the job. There are attitudes to address, police to be trained, and bureaucratic hurdles to be removed from the recruitment process. We need an increase in qualified staff to deal with the huge demand on mental health resources. There are great challenges there, Mr Speaker, and I understand that there have been attempts in some of those areas that have come to nought. All members of society have the right to be treated with dignity, and to get accurate diagnosis and proper medical treatment.

If, as the Chief Minister has stated, we have had the benefit of the Burdekin report and other reviews, why have they not been acted upon? Why, Chief Minister, have you not been getting on with the job? I believe the response warrants more than amendments to and monitoring of mental health legislation. It requires a commitment to service delivery of a professional kind that the community can trust. The Chief Minister and I were on a committee last year that recommended that very thing. This service, including that of the police, ought to be based on respect, not fear. People with schizophrenia are not dangerous; they are frightened and ill. If we threaten them and exacerbate their fear, of course they might become dangerous. So why do we still approach them with the very treatment that will make their condition worse? For many years we have heard complaints from lawyers, social workers, health workers, clients and relatives of clients about the inadequacy of our mental health system. To do what they need to do they need resources which translate into staff and facilities.

As you know, many of these people are placed in Belconnen Remand Centre or in police cells rather than receiving an opportunity for diagnosis at the point of arrest. They often do not receive treatment, as a result, until much later on, and on more than one occasion not at all. The ACT, more than any other State or Territory, is in a prime position to develop a model of mental health care which trains both the health workers

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and the police in understanding the behaviours of the mentally ill and how to deal with them in crisis. Yet it is the ACT, according to the Grants Commission, that is incredibly underfunded in this area. Police need to see these people in the context of their families so that they become familiar with them and their behaviours. After all, statistically, one in every four members of our community will encounter some form of mental health problem, either temporarily or permanently.

Is it not about time that we seriously ensured that we have the appropriate services for so many members of our community? Let us get on with the job and provide a service that will attract the best of our psychiatrists and the best of bureaucrats, a service that does not argue about what it cannot do but becomes a leading light in the field of sound mental health practice when it comes to the treatment of our mentally ill and focuses on what it can do. Mr Speaker, I decided to use that example tonight, when considering this division relating to Health and Community Care, to emphasise the inadequacy of funding of mental health. It is a shame, Mr Speaker, that such a tragedy has occurred. Rather than that tragedy be a total waste, it is appropriate for us to use the opportunity to ensure that we get on with the job.

**MR BERRY (7.32):** Mr Speaker, I just heard Mr Michael Moore give the Labor Government a bit of a serve about its performance in the area of mental health.

**Mr Moore:** Both governments.

**MR BERRY:** Well, that is fine. It is this Government's budget. If they are not able to maintain and develop from the base that we put in place you ought to confine your criticism to them. I think more was achieved under Labor than had been achieved in many years prior to that. I recall the plea for the setting up of the crisis teams in earlier years of self-government. I personally made some inspections of the service which was provided in one of the areas in Sydney and, as a result, we moved down the path of providing mental health service crisis teams.

**Mr Connolly:** And it never once collapsed under our regime - 24 hours a day, 365 days a year.

**MR BERRY:** Mr Connolly reminds me that it never once collapsed under a Labor government. I think that for you to criticise Labor on this issue is to deny history. I think you would be better to confine yourself to attacks on the Government's budget and the way that it has been able to provide services in the lead-up to what has been a tragic event, and one which I am sure will get much more commentary. There have been a whole range of advances which my colleague Mr Connolly will talk about later in relation to the law in the Territory which the Labor Government put a lot of energy into.

We adopted a different approach to our budgets. We got the focus right. It was a socially just focus. It was about the provision of services to the community. To use glib descriptions of the funding levels of the ACT Mental Health Service, I think, is quite unfair. The ACT does better than most, if not all, other places in Australia,

and that was developed under Labor. What we have to do is ensure that the same emphasis is maintained under the Liberal Government opposite. It is their budget that is under the microscope this evening, and it is their budget that is going to have to stand the challenges of the future. On the face of it, it is not going to make it.

**MR CONNOLLY (7.36):** Mr Speaker, I would like to follow up Mr Berry's remarks in this debate and, in a sense, try to set some of Mr Moore's statements in context. I want to defend our record in government, and also to some extent Mrs Carnell's, which is an unusual position for me, and to suggest to Mrs Carnell that she might be able to provide some up-to-date data.

Mr Moore on many occasions has criticised mental health services in the ACT by pointing to the Grants Commission and saying, "We underspend per capita on mental health", and that is true overall. But it is also true, and Mr Moore knows this because it has been pointed out to him on a number of occasions and he has seen the documents, that the national mental health strategy went behind those Grants Commission figures. They still say that per capita we underspend on mental health globally. They break it down to community mental health and institutional care. The large stand-alone psychiatric institutions, the nineteenth century asylums, for too long were the basis of mental health services around Australia, but not here, thank goodness, because we never had one.

When you look at community mental health expenditure - the figures were last made available in 1994 - the ACT is well in front. Mr Moore shakes his head, but that is true. I would suggest to Mrs Carnell that she enlighten Mr Moore by getting her department to get the updates on those figures. Much as we will rail against the Carnell Government, I do not think that we have gone backwards in that area in the last 12 months. In fact, I suspect, not so much because the ACT is spending any more in this budget but because a number of States are actively cutting back in this area, that we will continue to be well in front in the area of community mental health.

This struck both Mr Berry and me because we happened to be in Perth in April or March of last year at a combined Health and Community Services Ministers meeting when we held the respective portfolios. That was the day that the national mental health strategy was published. The *West Australian* newspaper had a huge headline which said, "ACT leads Australia in Community Mental Health - WA comes bottom". We both pointed out that such a headline would be most unlikely to be seen in the *Canberra Times*, even though both newspapers were referring to the same data.

**Ms Follett:** It was not, was it?

**MR CONNOLLY:** As Ms Follett points out, the headline was not seen in the ACT. To criticise the ACT on the basis on which you have criticised it is a cheap way to make a point, but it is an unfair way to make a point. When you then relate it to the shooting incident, again I think you are playing a bit of politics. In some of those incidents in Victoria in particular, where there have been - - -



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**Mr Moore:** You have never played politics?

**MR CONNOLLY:** No, we have not, Mr Moore. As I pointed out to Mrs Carnell today - indeed, we made the point earlier this week - we would much prefer to work with the Government in this area. In a number of these incidents in Victoria it has been very clear that they involved a person who had been literally thrown out of an institution with nowhere to go. Our history in the ACT has been a strong one of facilities such as the community houses. The Friendship House programs that Warren and his family were so involved in are a good model of community-based services, the sort of model that other States lack. As the national mental health strategy breakdown shows, we spend considerably more on community health services in the ACT.

That is not to say that we spend enough. We say now to Mrs Carnell that we do not spend enough. Mrs Carnell, I am sure, has said, or will say, "Yes, we would like to spend more". We said last year when we were in government that we do not spend enough and that we would like to spend more. When we got the reform of mental health laws in the ACT through last year, which was a massive project, we acknowledged in government that the major task in the years ahead would be not just to focus on the base level of resources, which needed to be focused on, but continually to improve the services.

Mr Speaker, the reason I re-entered the debate was to set straight Mr Moore's very simplistic approach to mental health expenditure. I would hope that the Health Minister, when she re-enters this debate, at least will give an assurance that she can get these updated figures. You do need to be careful in this area. It is unfair, and it is cheap politics, just to look at that base Grants Commission figure. It should be acknowledged that, under Labor - it could also be said that it has been, to some extent, under successive governments - the ACT, in the area of community facilities and mental health, has done far better than other parts of Australia. That is something that we should be proud of, but we should not rest on our laurels. We should not stop; we should continue to move forward. Mr Moore commented about professional services. One of the significant ways of enhancing professionalism in the whole service will come with the appointment, I hope imminently - it was high on our schedule - of the chair of psychiatry at the new psych facility at Woden which was built under a Labor government.

Mr Speaker, I re-entered this debate, in a sense, to defend all governments - ours because we were in government for the last three years - but also not to make the allegation that suddenly Mrs Carnell has reversed that, because of course she has not. While we all say there should be more spent on community-based mental health care, it is not true to say that, because our global figure is lower than the Australian average, we are doing terribly. The reason our global figure is lower than the Australian average is that we do not have, thank goodness, a large, expensive, nineteenth century institution. When you take out the costs of those institutional mental health facilities and look at community mental health care, which is the model that the national strategy says should be adopted, the ACT leads the way. That is not to say that we should rest on our laurels.

**MR MOORE (7.42):** Mr Speaker, Mr Connolly, in responding, has said that I presented a simplistic view. What Mr Connolly has done is present the standard bureaucratic view that he was fed, and swallowed, when he was a Minister. That same bureaucratic view no doubt will be presented, or probably has been presented, to Mrs Carnell as Minister for Health. In fact, Mr Connolly, I shall offer to you a full analysis of those figures that has been provided for me by some people who wish to remain nameless. They are very deeply involved in this area. They take your analysis of it and point out the problems that such a simplistic analysis does reveal in terms of comparative expenditures on mental health. We can continue playing a game and say where the figures are wrong and where the figures are right, but I think we should focus more on the area in which we are in agreement, and that is that mental health is underfunded.

From my perspective this evening, I chose to use this situation very gently. I took a great deal of time and care, and I reiterated a number of times that I lay no blame at all on the people involved, whether it is the police officers or the mental health crisis team. I took a great deal of care to reiterate that, but I still thought it appropriate to raise questions that go to the heart of the issue that we are talking about, and that is funding for mental health. I believe that Mr Connolly asked a question or two in this house to elicit information. This is something that we all feel uncomfortable about; nevertheless, it is appropriate for us to deal with the issue, provided we deal with it in the most effective possible way, as I believe has happened in this house with the exception of a small flare-up this afternoon which was resolved.

Mr Connolly did raise an issue that I think warrants a reply from Mrs Carnell, and that is the chair of psychiatry at the Woden Valley Hospital and the new Clinical School. My understanding is that the offer of that chair had at last count been rejected. I would like Mrs Carnell to tell us whether that is or is not the case, and what action she is proposing to take to ensure that we have that chair of psychiatry filled as soon as possible. I agree with Mr Connolly that this is one of the urgent issues that we have to deal with and that I think will help set the tone for dealing with mental health and give us a proper understanding of how we can improve mental health services throughout the ACT. I emphasise that that is what we are all interested in. Let us see whether we can get a decent reply through this budget process.

**MR OSBORNE (7.45):** I have been sitting here listening to this debate about that sad and unfortunate incident the other night. I find it a little disappointing, after hearing Mr Moore claim that he blames no-one but that the deceased fellow was treated worse than a kidnapper. As for whether or not that is casting aspersions, I am not an expert. Given that we were not there, my understanding is that the coroner is to look at the incident. I think we all agree in this Assembly that the loss of life as a result of what happened the other night was terribly sad and terribly unfortunate. However, I think it important that we not forget that the police involved there were only doing their job. Having been in situations such as these officers were faced with, whether they adopted the wrong procedure or not, I know that it is very scary.

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I took the opportunity today to speak to the officer in charge of the police who were there and he said that they are all travelling okay. One female officer who was there took the taking of a life pretty badly. I would imagine anyone would. It is a big decision, being a police officer, to remove your gun from the holster, let alone to fire it. Let us not be mistaken. When I went through the academy, if you were going to use your gun, you were going to use it for a purpose. It is sad that it got to that stage, but I think it is important that we remember that, as I said, the police were just doing their job. Perhaps the procedure was wrong, but what do you do when someone lunges at you with a knife? I am led to believe that it was only through this man having had some specialist training that he was not the casualty. I think we all agree that it was unfortunate.

I had a grandmother who had a nervous breakdown as she got older. Back in those days people were just shoved off to Gladesville, and you went to visit them once a fortnight or something. It must be a sad and lonely existence. Let us hope that something good does come out of this incident the other night. A lot of the debate has ignored the police involved, and I would imagine that they would be doing it a little bit tough. I, for one, would not like to have to walk around for the rest of my life knowing that I had ended someone's life. I would imagine, after the coroner makes his report, and hopefully everything comes across as being okay, that the man who pulled the trigger will always question, until the day he dies, whether he could have done something different. It is a great shame that we have to become aware of the problems of mentally handicapped people through one of them being shot.

Mr Speaker, I also stand up here in support of what Mr Connolly said, especially in relation to QEII. Having utilised the facility a number of times, especially with my son - - -

**Mr Moore:** And quite possibly utilising it shortly.

**MR OSBORNE:** Quite possibly within the next couple of weeks. I have to say I was a little bit disappointed when a report came out a few weeks ago in the *Canberra Times* that the nurses at the hospital were unjustly reported on and unjustly treated. I would like to put on the record, Mr Speaker, that I have complete faith in the nurses there, or the ones that I dealt with. I hope that before the building is bulldozed and sold off the Government will let us know what is going to happen with the new hospital. I have heard three different possible scenarios - one is Woden, then Calvary, and the third is an existing facility. I will not mention where because people will think I am biased. I do agree with Mr Connolly. I would have hoped that the Chief Minister could have come out and shown a little more support for the nurses at QEII, but such is life. However, I do hope that we in the Assembly are made aware of what is happening with the hospital there long before it is pulled down.

Mr Speaker, while on the topic of health, I stand up here once again and restate the support I gave to Mrs Carnell in relation to some changes in Health, especially with the Booz Allen report. However, as Mr Moore said, there is one area that I feel a great need to stand up for. I suppose it was after some consultation with Mr Moore on some areas we thought were pretty important to us. Obviously the first, and probably the most important to me, is the police. That area has been left reasonably unscathed, although they are missing \$1m that was promised.

**Mr Connolly:** They never asked for it.

**MR OSBORNE:** I will give you that. They never asked for it. In relation to law and order, education and health, the front-line troops, so to speak, in those three areas were the police, the teachers and the nurses. I am raising this point because I think Ms Follett earlier questioned why it was that I chose nurses when there are so many other things to choose. Was it you, Rosemary?

**Mr Berry:** What about kitchen staff?

**MR OSBORNE:** It might have been you, Wayne, was it?

**Mr Berry:** Yes.

**MR OSBORNE:** It was Wayne.

**Mr Berry:** What about kitchen staff? What about carpenters? What about fitters?

**MR SPEAKER:** What about staying relevant?

**MR OSBORNE:** My answer to that, Mr Speaker, is that I could move for 100 amendments to the budget, but I thought it was important for me - - -

**Mr Moore:** You could have, before our earlier motion.

**MR OSBORNE:** I cannot move any now.

**Mr Berry:** You can vote against the budget.

**MR OSBORNE:** Yes, let us go to an election. You would love that. I told you I would do a deal.

**Mr Berry:** Go to an election. That will be fine.

**MR SPEAKER:** Order! Let us have relevance. We are discussing Health and Community Care, Division 50.

**MR OSBORNE:** Mr Speaker, I chose the nurses because, as I have stated before, I was in the police. I am aware of what it is like to be in a job where you are not appreciated. As I spoke of earlier, it is nearly a week since Mr I'Anson was shot and very little thought has been given to the police. I felt there was a need to stand up for nurses. I agree that there are some problems with rosters and there are too many nurses spending too much time on paperwork. However, being in the police and being aware of how little time you have to carry out your paperwork, I still need some convincing over that issue. I think the correct response in relation to nurses is to allow them to nurse and to look after patients.

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I think the Booz Allen report proposed to cut about 90 nurses from Woden Valley Hospital. For the life of me, after all the meetings I have had, I still cannot see how patient care is going to be improved by taking away nurses; so I do not know. I am a front rower, though. Many of our nurses, Mr Speaker, I agree, could be doing more of that type of work if they were not tied up in administration. I would hope, given that my amendment will not get through today - - -

**Mr Moore:** Will your football game improve if you take away players?

**MR OSBORNE:** There is more money for the players if you divide it among 10 rather than 13. Mr Speaker, I agree that there are too many nurses tied up, and I hope that the Government does work with the unions, no matter how hard it is. It would be like a footballer working with a referee, but I am sure you will work it out.

Still on health, Mr Speaker, there are a couple of little issues that I suppose I am putting the Government on notice about.

**Mr Moore:** You can speak to those the second time around.

**MR OSBORNE:** Okay. Initially, I supported removing the salaried doctors from health centres, but only if they were replaced by doctors who would bulk-bill.

**MR SPEAKER:** You are now using your second 10 minutes, Mr Osborne.

**MR OSBORNE (7.55):** Thank you, Mr Speaker. To date I do not think the doctors have been found.

**Mr Connolly:** It is a bit like the ACTEW pricing tribunal.

**MR OSBORNE:** Yes, it is funny about that. Now this Government is proposing to sell two health centre buildings and to centralise several services like lactation assistance, the very important physiotherapy, and incontinence advice and treatment. That is a good one for Michael. Shifting those services into town centres will make them much more difficult for young families and older people to get to, and selling the centres will certainly lead to higher rents and very likely their closing down as any kind of health facility. Those are two issues, Mr Speaker, that I will give a lot of thought to over the next few weeks. If the Government does not come up with an adequate number of doctors to cover the salaried doctors they have replaced, perhaps we might have to put them back. As for the health centres, at this stage I am opposed to the sale of those, but that is something that Mrs Carnell can continue to try to convince me about.

As I said, Mr Speaker, my main point in standing up to speak on the health budget is to restate my support for QEII and the facilities they provide. Basically, more than anything, I am standing up here on behalf of the nurses to let them know that there is someone in this place who is very sympathetic to them. I am sure that some people on that side of the fence will support me. Finally, Mr Speaker, as we have discovered today, this is Mrs Carnell's health budget. Do not complain in 2½ years' time if it is not fixed up.

**MS TUCKER (7.58):** Mr Speaker, the Booz Allen and Hamilton operational efficiency review is the centrepiece of the health budget. Based on the findings of the first stage of the operational efficiency review, Mrs Carnell has built expected savings of \$5.5m into the 1995-96 budget and \$10m in 1996-97 for efficiencies expected from the findings of the diagnostic stage of the Booz Allen and Hamilton report.

There are a number of concerns about the Booz Allen and Hamilton review, and the Greens and others have spoken about these at length in earlier debates. The methodology was highly questionable. For example, it is all about benchmarking to national standards that may or may not be relevant to the ACT and are rarely based on qualitative factors. In one of the responses to a question taken on notice at the Estimates Committee, Mrs Carnell acknowledged that the development of outcome measures is still in its infancy in Australia and overseas; yet here we are moving to outcome-based funding models and measuring efficiency and effectiveness of service delivery against these models. Despite the fact that this was only the first stage of the Booz Allen and Hamilton consultancy, the recommendations from the first report have been built into a three-year budget. Reforms that are still being negotiated, so-called opportunities for efficiency gains, are included in the budget and are non-negotiable.

Mrs Carnell has been to New Zealand, and many of the key reforms that are central to the health budget, notably the purchase-provider split, are modelled on the New Zealand experience. We have heard a lot about the benefits of these reforms but, as usual, very little about the costs. Many in the health profession are much more sceptical about separating out components of the health system in order to price them so that they can then compete against each other. Despite Mrs Carnell's claims to the contrary, there has been very little informed debate about the appropriateness or otherwise of establishing a market-based system to run aspects of our health service.

In the Booz Allen and Hamilton report, one of the key concerns is the rationalisation of nursing hours - a proposal which, despite Mrs Carnell's claims, can only mean a reduction in nursing staff. This raises two issues. One is about jobs and the other is quality of care. Even if we can achieve costs savings by contracting out some services and other rationalisations in urban services, for example, we may well question such changes because of the loss of jobs. As a society, we need to have a good, hard look at whether State governments should be in the business of shifting employment costs at a State level to unemployment costs at a Federal level in the name of achieving efficiencies. Someone has to pick up the tab somewhere, and it is not only the financial costs. There are all the associated long-term social costs of unemployment which are not factored into the equation when decisions are made.

When nursing jobs are at stake the question is not only one of jobs. There is also, of course, as Mr Osborne has spoken about, an issue of quality of care - something that was largely overlooked by the Booz Allen and Hamilton consultancy team. The nurses are prepared to look at ways of achieving efficiencies - they are prepared to look at the senior nursing structure, for example - but they are not prepared to agree to anything that will result in a reduction in service delivery, and neither should they. The people we employ to deliver services should not be in a position of having to prioritise and ration the delivery of their services. They are there to deliver care, and any action which could threaten this is bad management.

Mr Osborne's proposed amendment did not say that no nursing positions can go. He was saying that they cannot go until agreement is reached with the unions representing the nurses. The Greens support this position, as it is the people on the ground who will have the best idea about the quality of care issues, about the merits or otherwise of overlaps in roster times - despite Mrs Carnell's arguments, there are some very good arguments for the current rostering system - and about how efficiencies can be achieved without compromising quality of care.

As far as the mental health budget is concerned, the very real social justice issue of continued underresourcing of this critical area was not addressed in this budget, and most of the claimed increase in expenditure can really be attributed to Commonwealth funding. Mrs Carnell says that we cannot spend more because we cannot fill positions anyway. This argument, and the response to the Estimates Committee recommendation, is based on a rather narrow view of where to spend money in the area of mental health. Mr Connolly talked about the community-based programs that exist already. The Mental Health Advisory Council has recently recommended that at least \$1.5m could be channelled immediately into community-based projects. The Government could also take a more creative approach towards recruitment.

Mr Speaker, I would like to conclude by pointing out another very disturbing aspect about the health budget; namely, the fact that the savings that are supposed to be achieved through operational efficiency are not being channelled into preventative or primary health care. It is hardly surprising, given the simplistic methodology of the operational efficiency review and the fact that the opportunity costs of doing too little to prevent ill health are not factored into the analysis at all. If anything, there will be less, not more, primary health care in the ACT. For example, there is a proposal to sell two health centres in the ACT, despite widespread community opposition to these sales. Mrs Carnell talks about a strong community health system; yet she is dismantling it, once again in the name of efficiency. So much for access and equity, let alone the long-term financial costs of not adequately supporting primary and preventative health care.

**MS FOLLETT** (Leader of the Opposition) (8.04): I want to speak briefly on the issue of health and community care. Mr Speaker, the first thing I would like to point to in addressing this line of the Schedule to the Appropriation Bill is the amount of money that we are asked to appropriate for this purpose. It is well over \$300m. In other words, it represents about a quarter of the budget. This is a massive amount of money. I believe that there is a continuing problem for all State and Territory governments in the provision of adequate health care for the communities that they serve because of the rapidly escalating costs of health care.

I think the problem here is twofold. Obviously, health care is entirely demand driven, so in many ways it is extremely difficult, if not impossible, to contain costs. The demand on the health side is obviously driven by patients' needs for health treatment and by doctors' willingness to provide it, and at times to provide well beyond what may be needed, in my opinion. But, Mr Speaker, it is entirely a demand driven area of the budget, and that makes it very difficult to contain the costs. I did want to point out that

under Mr Connolly's stewardship the health budget was at last contained. It has been a very difficult struggle indeed. We have seen in the first reporting period for the current Government another blow-out in Health. I do hope that that is not going to be a feature of future health budget reporting, Mr Speaker. I believe it is terribly important that, when a budget is set for Health, that is the budget that is stuck to.

There are a couple of issues in this regard that I want to comment on. The first of those is that, as with other budgets, we always have to prioritise what the money is spent on and in Health that is an extraordinarily difficult problem because you are always dealing with sick people. It is terribly difficult to choose between a range of illnesses or a range of disabilities and say that one is going to get funding priority and another one is not. But that is what all governments are asked to do in the area of health care, and I do not underestimate how difficult it is.

The other thing that I wanted to comment on in the broader picture of health funding is the constant assertion by the Commonwealth that the States and Territories have reduced their spending on health. I think that this notion that is being put around, and has been put around by the Commonwealth for some time, really has to be dealt with. It is my view, Mr Speaker, that all of the States and Territories are under enormous pressure to fund health and community services and it is the State and Territory governments that are judged on the performance, not the Commonwealth. It is invariably the case that in any State or Territory election the issue of the provision of health services is crucial to judging the performance of whoever has been responsible for it. With the spending on health at this level of government of around about a quarter of your budget, I fail to see how States and Territories could possibly add substantially to that when they also are providing a wide range of expensive services like education, policing and so on.

It has been my experience that it is often the Commonwealth who starts off a new scheme, or a new range of spending, in the health area and in other areas, and then leaves it with the States to pick up after the Commonwealth's initial funding runs out. I think this is absolutely reprehensible. It is something that I resisted as often and as strenuously as I could in places like Premiers Conferences and so on. Mr Speaker, the fact of the matter is that very often you end up with the States having a program up and running because the Commonwealth started it - the demand is established and the reputation is built - and then the money is pulled from under you.

I am afraid that this may well happen with the breast screening program that the Commonwealth has started, which is a wonderful program and, of course, it is much needed in our community. It is also very resource intensive and very expensive to run. I hope and trust that the Commonwealth will not pull the rug out from under us yet again. It is an area where the ACT was ahead of the game. We have done a better job, I think, on that breast screening task, and may that always be the case. I want to make the point that I think the Commonwealth all too often downplays the role that the States and Territories have played in the provision of health services, and often does not act in the best interests of the provision of those services.



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I did want to make a brief comment, Mr Speaker, about the issue of funding for mental health services. I am acutely aware of the need to avoid scoring cheap points which I think can only compound the hurt all around that has been caused by the tragedy that occurred here on Friday. I do think that it has highlighted the need for action, both here in the ACT and at a national level. I would urge Mrs Carnell to respond in a positive way to the proposal that the Federal Minister for Human Services and Health has put forward for a national task force to address problems in this area.

Mr Speaker, I would like to comment briefly also on some of the specific findings of the Estimates Committee. I am sure that its non-Executive members - not to mention the Government itself - will by now be only too aware that the committee found that the budget in the area of mental health was presented in a misleading way whereby the Carnell Government appeared to be trying to take the credit for Commonwealth funding. The committee was very concerned that the Commonwealth funding in question might end in 1998 - the scenario that I spoke of earlier - leaving the ACT and the people here who suffer from a mental illness with very little support in this area.

As was shown by the vote on my motion on Tuesday, it is the clear view of this Assembly, of the parliament of the Territory, that the Government should reconsider its funding arrangements for mental health as a matter of urgency. It is now a matter of record that Mrs Carnell gave the Assembly's resolution and the Estimates Committee recommendations very short shrift. They were dealt with over lunch on Tuesday, as far as I can remember, and, Mr Speaker, I do not think that was good enough. I think that the Government should have taken a great deal more notice of the parliament.

I would like to reiterate what happened in the Estimates Committee, Mr Speaker, because I think it was fairly extraordinary. The Estimates Committee sought a guarantee from Mrs Carnell's department that adequate resources would be provided for mental health or to implement a mental health plan. The department's response was clearly less than satisfactory. On the one hand, they advised that increased funding for mental health would be premature at this stage - premature; I do not believe it - because sufficient trained staff and structures are not in place to utilise increased resources. What a cop-out! On the other hand, Mr Speaker, the committee was told by the department that the ACT mental health plan could be implemented only when the funds are available. It is a classic catch-22 situation. It may be that the department handled that clumsily; it may be that that is not what they really meant. But that is very much the evidence that was given to the Estimates Committee and that the Estimates Committee, quite rightly, in my view, found totally inadequate.

Mr Speaker, I believe that the Government must take the necessary steps to make sure that there are adequate funds to implement the ACT mental health plan as a matter of urgency, and that means taking action - something which we have heard Mrs Carnell indicate that she is anxious to do. I hope, on this occasion anyway, that she does a bit more than just hold a forum. On the issue of mental health, Mr Speaker, there is scope for a bipartisan approach. I think it should be, if at all possible, above politics; but that means honest and open dealing on both sides. In view of the tragedy that has occurred, as I have said before, I would be interested in taking a bipartisan approach to this issue, and also a national approach. So I leave that with the Government to further consider.

There is one other issue that I want to raise while we are on Health, because it has been raised with me as an issue where the Government has yet to take appropriate action, and that is the treatment of people in the ACT suffering from hepatitis C. Mr Speaker, some time ago when the hepatitis C support group came to me to talk about their lack of access to the interferon trial, I did seek a briefing from Mrs Carnell on this issue and, to do her credit, I did eventually get a briefing. It took a lot longer than I had hoped; but, when I received a briefing on the issue, it only served to deepen my concern that people in the ACT with hepatitis C were being denied access to the only drug that may offer some chance of relieving this illness that they have. It is a drug that is in a trial phase, and it is a very dangerous drug, so the implementation of the trial is quite resource intensive. It is the case that we have never had a liver clinic here in the Territory and it would have been rather more complex for us to set up the interferon trial than it might have been in other States. However, the fact of the matter is, Mr Speaker, that, for whatever reason, our patients, alone, it seems, of patients all over Australia, are not getting this interferon therapy.

**MR SPEAKER:** You are into your second 10 minutes, Ms Follett.

**MS FOLLETT** (Leader of the Opposition) (8.14): Yes, I will not be long. I have written to the Federal Minister, Dr Lawrence, asking whether there is any way that the Commonwealth can assist the ACT to take part in this trial, as it was a national initiative that brought it about in the first place. I have not yet heard back from Dr Lawrence. Mr Speaker, I believe it is a matter of social justice and a fundamental matter of equity that patients in the ACT with hepatitis C do have access, as do other patients throughout Australia, to this drug. I know that that means the expenditure of some \$300,000. I know that that is a lot to find in a stressed health budget. But I would urge the Government to do what it can to ensure that these services are provided. On the figures that I have seen, Mr Speaker, if interferon does have the effect on the ACT and region patients that it has had elsewhere, then the provision of interferon therapy could well save 300 future liver transplant operations. I think that, just on the cost-benefit analysis alone, it is worth doing; but, on humanitarian grounds and on grounds of equity, I think it is quite imperative.

**MRS CARNELL** (Chief Minister, Treasurer and Minister for Health and Community Care) (8.17): In the area of Health there have been lots of comments that have been raised tonight, but I think we can separate them into two lots. One is the critical care end of the spectrum - that is Woden Valley Hospital, about which specific comments have been made - and the other is community health, which includes areas such as mental health, Kippax Health Centre, QEII and Jindalee. That is the way that we looked at this health budget when we first started to put it together. When you look at the figures in Health - Mr Berry has left, but Mr Connolly has been Health Minister in the past - you will know that the area where the ACT has a problem is our critical care end. It is the area where we spend substantially more than the Commonwealth is willing to fund us to provide. In other words, we spend some 30 per cent more than national averages. Unfortunately for the ACT, 50 per cent of our financing comes from the Commonwealth. The other 50 per cent approximately comes from our own ratepayers and taxpayers. Therefore, there is no capacity to spend substantially more than national averages. There can be a bit of give and take in various areas, but not a whole lot.

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The approach that we took, knowing that we needed to spend proportionally more in the area of primary health care, early intervention medicine, was to address the problems in critical care. It has been tried before. Mr Connolly commissioned the Arthur Andersen report. There have been any number of reports into ACT Health and they have all come up with the same answer, and that is that we spend far too much money, our systems are not efficient, and we do not have a health system that is focused on patients. We have a health system that is focused on systems, not on patients; or on buildings, or on infrastructure, but certainly not on patients.

The approach that we took was to say, "Well, we cannot allow this to continue. We cannot allow the problems in mental health to continue. We cannot allow the problems right across the board in Health, such as the waiting list problems, to continue". Under the Labor Party the waiting list went up from 1,789, I think, to over 4,500. That cannot be allowed to continue. I imagine that the Labor Party would agree with that. The only approach that we could possibly take was to start addressing the problems in the critical care end, so we employed Booz Allen to look at exactly where the problems were.

Mr Connolly had gone half of the way. He got an overview of the problem. He got a report that said, "Yes, we are spending 30 per cent too much in our hospital system". That report said that there are now phases 2 and 3. Phase 2 was identifying exactly where that overspending was. We employed Booz Allen to do phase 2 of Mr Connolly's Andersen report and they have done that. They have shown us exactly where we can save some money to bring our services back to the sort of funding levels that we see in similar services around Australia.

Certainly, I do not want to be average. I do not want an average health system, but unfortunately the only money the Commonwealth gives us is to be average. Certainly, we can top that up a bit, but we do not have a capacity to top it up by much more than possibly 10 per cent. So we have to bring our costs down. I think everyone would agree with that. I cannot believe that anybody would not agree with that. I know that Mr Connolly, and even Mr Berry, attempted to do the same. They attempted to do the same but failed miserably, because the costs are still some 30 per cent above national averages.

The only way that we can spend more money on areas such as mental health is to address the hospital problems. We have now a process and proposals to achieve just that. We are attempting to work through those with the employees at the hospital. Certainly, nursing staff, who provide actual patient care, are absolutely fundamental to any health system; but what is not fundamental to health systems is roster overlaps, having far too many health professionals in administrative jobs, and having a system that is administratively top heavy.

The other thing that is not fundamental to health is to have buildings that are half empty and to spend health resources to keep them open. Regardless of what anyone in this house might think about Kippax or Melba, Melba is more than half empty. I would say it probably is about 80 per cent empty. Kippax is probably just under half empty. These are resources that health dollars are being spent on to keep them open. I do not know about

everybody else here; but my view very strongly is that I want health dollars spent on patients, not on buildings that are just sitting there. What did the Labor Party do to address that? Did we see the occupancy of Melba or Kippax increase over the last three years? Of course we did not. We saw it decrease.

Why did the occupancy decrease? It decreased at Kippax because the Labor Party was unwilling to offer leases in the first instance, and then, rightly or wrongly, decided to offer leases to the existing doctors, who were all private doctors, as we know, at a level that the doctors involved believed was above market value. What happened? They left. So we ended up going from four doctors at Kippax to two. We ended up going from five employed doctors at Melba down to one-and-a-bit. That does not indicate to me good usage of community facilities or, most importantly, good usage of health dollars. So you are right; we will sell those centres or we will attempt to make sure the assets are used properly. We will not leave them sitting there doing nothing and taking up health dollars - dollars that we could be spending on areas such as mental health, prenatal and postnatal care, postnatal depression, people on our waiting lists. I do not apologise for that at all.

We support totally QEII. For years people have spoken about QEII and its future, what we are going to do with it, but nothing was done because it was all too hard. What did we do? We immediately put in place a working party, bringing together the stakeholders from all sides of the equation, to come up with a future for QEII and postnatal care generally. That report is now down, and just in time, may I say, because QEII is not an accredited institution. In fact, we have been told by the Commonwealth that we had better be a bit careful because, in the longer term, and possibly even in the shorter term, QEII may not continue to attract Commonwealth funding because it is not accredited, and also because the sort of postnatal care and hospital facility that QEII is potentially will not fall within Commonwealth guidelines in the future.

We have to plan and we have done that. I think the plan for the future of postnatal care in the ACT is very exciting. I think we can be a model for the rest of Australia. The model is not just a 13-bed facility. It is a stand-alone residential facility as part of the tertiary care approach for full postnatal care; but, as well as that, we have primary and secondary rungs of care. The secondary rung is four community houses. Currently we have two. So there will be, I hope, two community care houses added to that. As for primary care, we are looking at much better integration of current services. I will be very interested to see the responses we get to the report that I personally believe is very good. It is out there for community evaluation at this stage. We will be very keen to take on board comments that we get, but I think this is the start of something very exciting for the ACT and for the rest of Australia.

I suppose the point I am making about all of the things that have been raised today is that it is very hard without raising taxes substantially. We are not talking about raising them a little bit here; we are talking about substantial increases because the Commonwealth is going to reduce our funding by, probably, another \$50m over the next couple of years. We all know that raising taxes tends to hit worst those who can least afford to pay. We are going to have to use our money better.

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In Health, I believe using our money better means moving money from critical care into such areas as mental health, better postnatal care, not spending money on buildings that are half empty, and certainly not spending money on running a nursing home that continues to run at a quite substantial loss when the not-for-profit or private sector can run it quite adequately with levels of service that the Commonwealth determines are appropriate. We can use the money that we are currently losing on that facility to address problems such as mental health, waiting lists, postnatal care, postnatal depression - all the things that we agree are holes in our system. We cannot address the holes unless we address the problems, and that has been the approach we have taken in this budget. I think it is an appropriate approach, and I would like to see some positive approaches to Health for a change. I would like to see some vision, and that is what this budget holds.

**MR BERRY (8.27):** You would not think that this person was the same creature who, over the past few years, has been whirling around the ACT, serving it up to the health system, and trying to undermine the credibility of our health system in the Territory. She put so much pressure on the health system that the Board of Health resigned. It resigned because it had been politicised too much by this person over here, the Health Minister, Mrs Carnell. Day after day after day, Mrs Carnell was moaning about the people who worked in the health system.

**Mrs Carnell:** You are just showing what the problem is. You could not be positive even if your life depended on it.

**MR BERRY:** All of the time she was moaning about that she was moaning about patients. Now that she is in government, of course, all she seems to be worried about is dollars - dollars, not people.

**Mr De Domenico:** Play the person. Do not worry about the ball. Play the person always. When in doubt, kick a head. You political thug. You political Stalinist thug. You are a thug, Wayne.

**MR SPEAKER:** Order! We have all had a nice little sleepies. Now settle down again.

**MR BERRY:** Mr Speaker, would you ask Mr De Domenico to withdraw the imputation that I am a thug?

**MR SPEAKER:** Mr De Domenico, Mr Berry finds it offensive. Would you withdraw the remark.

**Mr De Domenico:** Therefore, he is happy with "Stalinist". I will leave "Stalinist" and I will withdraw "thug", if that upsets the precious little Mr Berry.

**MR BERRY:** Who cares, really? Mr Speaker, Mrs Carnell, like a whirling dervish, was whizzing around our health system, criticising every part of it. In opposition she was terribly worried about clipboard nurses, Vietnamese nurses, Charles Wright, Annie Austin and Cheryl Vardon. She took on all those personality attacks in the process and at

every opportunity launched into everybody within the health system. Tonight I heard Mrs Carnell talking about waiting lists. Her memory has slipped a bit. It was probably in the time when she was on the Health Board, or in an overarching period, that waiting lists doubled.

**Mrs Carnell:** That was because you would not pay any attention to it. You were the Minister.

**MR BERRY:** Who would listen to what Mrs Carnell would tell you to do, because all it would be about would be dollars, not people. That brings me, Mr Speaker, to Mrs Carnell's attitude to services delivered out there in the community. I heard her talking about the health centres. Not once did she talk about the services that were delivered to the community from those health centres. All she talked about was the percentage of them that was unoccupied, how much they cost, how much they could save, and all those sorts of things. How could people think that this is the same person who, before the last election, was talking about health? She is quite different, Mr Speaker, quite different indeed, because here we have somebody with a cold heart for the services which are delivered into the community.

**Mr Hird:** You could - - -

**MR BERRY:** I hear Mr Hird moaning in the background.

**Mr Hird:** Dead right. You said Kippax was going to close. It is not.

**MR BERRY:** You should moan, Mr Hird, because you are a disgrace when it comes to the defence of health services within your electorate.

**Mr Hird:** Rubbish! You told me Kippax was going to close, and you told everyone else out there at Kippax.

**Mrs Carnell:** You lied.

**Mr Hird:** You lied. You lied.

**MR BERRY:** I think that might require a bit of a - - -

**Mr Hird:** Yes. Ask me to withdraw it. It is a fact.

**MR SPEAKER:** I think you had better withdraw, Mr Hird.

**Mr Hird:** No, I will not.

**MR BERRY:** I think you will, or he will tell you to march.

**Mr Hird:** Maybe. Maybe; but you are lying, sir.

**MR SPEAKER:** Order!

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**Mr Hird:** I do withdraw.

**Mr Connolly:** I take a point of order, Mr Speaker. You gave a ruling and Mr Hird quite openly defied your ruling. I would ask you to take action.

**MR SPEAKER:** He has now withdrawn, Mr Connolly. I call Mr Berry.

**MR BERRY:** This evening we have been able to nail the Liberals' performance on the delivery of community health services. We have nailed Mr Hird because he has made no attempt, not one, to defend the community health services in his own electorate of Ginninderra.

**Mr Hird:** I take a point of order. I have not failed and he is misrepresenting me. Mr Berry is putting himself forward against Ms Follett for the position of leader. I think Ms Follett is doing a wonderful job.

**MR SPEAKER:** There is no point of order. Mr Berry, I suggest that we return to Division 50, Health and Community Care, rather than Mr Hird's attitude towards health centres, or your attitude, or whatever.

**MR BERRY:** Mr Speaker, it is most appropriate that you draw our attention to that because that is the area of the budget which has been so badly affected by this Liberal Government of which Mr Hird forms a part. Not only do we have Mr Hird, Mrs Carnell and all the other colleagues abandoning the people of Ginninderra. Last weekend Mr Stefaniak accused them all of being a lot of emotional twits, more or less. The community who attended the rally were not particularly amused by that. Mr Stefaniak demonstrated the attitude of the Liberals to the provision of community health centres out there in Ginninderra. He made it clear that the Liberal Government thought that they were a bunch of emotional twits and that they would not be given the emphasis that was required to deliver quality in those health centres.

It gets back to this basic position, Mr Speaker. The priorities of the Government are wrong in relation to this matter. Mrs Carnell went on a great deal about how empty the health centres are. Maybe she has not been out there lately and seen the list of services which are provided out in the Ginninderra electorate. Maybe she should go down to the Kippax Health Centre and try to measure the level of appreciation for those services. Maybe she ought to measure the level of opposition to the removal of those services to other places. Maybe Mr Hird should take the time to visit his electorate.

**Mr Hird:** Yes, and I would like to ask you what you have done in the last two years.

**MR BERRY:** Why did you not turn up to the rally the other day, because you could have copped a serve like Mr Stefaniak? They are your constituents.

**Mr Hird:** Yes, but I had other things on.

**MR BERRY:** He had other things on.

**MR SPEAKER:** Relevance.

**Mr Hird:** Yes, I did.

**MR BERRY:** The trouble is, Mr Hird, that you were too frightened to turn up and face the people.

**MR SPEAKER:** Relevance.

**MR BERRY:** This illustrates the spineless approach which has been taken by the Liberals in relation to this matter. Mr Speaker, I think that the community is fully aware that they have been abandoned by the Liberals in relation to health care. Mrs Carnell worries now about dollars. Of course, in Opposition she pretended to worry about people. Well might you tell Mr Hird to shut up. He ought to be embarrassed about his performance in the Ginninderra electorate. He has done nothing to defend them.

**MR SPEAKER:** Order! Relevance.

**MR BERRY:** This member of the Liberal Government has done nothing to defend the people of Ginninderra. Neither has his colleague Mr Stefaniak, aside from reminding them of the Liberal Party's attitude to their position on the provision of services in their electorate.

**Mr Moore:** At least Bill Stefaniak was there.

**MR BERRY:** He was there, and he did come down and remind the people that the Liberals thought they were a bunch of nervous twits.

**Mr De Domenico:** I take a point of order, Mr Speaker. Are we talking about the Ginninderra electorate and Mr Stefaniak's presence at a rent-a-crowd rally on Saturday, or are we talking about the budget, Mr Speaker?

**MR BERRY:** No, we are talking about the Kippax Health Centre.

**MR SPEAKER:** I thought we were discussing the budget, Mr De Domenico.

**MR BERRY:** Indeed we are, Mr Speaker, because the survival of the Kippax Health Centre, the Melba Health Centre and community health centres throughout the ACT is dependent on this budget. This budget does not offer the security that the people in Ginninderra require. Mr Hird and Mr Stefaniak are not giving them any help either. All they are doing is reminding the community of what has been the Liberals' attitude to them. Mr Speaker, the health centres will go. The salaried medical officers are on the way.

**MR SPEAKER:** And so will you, because your time has expired.

**MR BERRY:** Mr Speaker, the Liberals have to wear this.



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**Mrs Carnell:** What song did they play at the end of the rally, Wayne?

**MR BERRY:** I do not know.

**MS McRAE (8.38):** I would like to address the area of community care within this line, and to bring - - -

**Mrs Carnell:** Was it not the *Internationale* that was played at the end of that meeting?

**MR SPEAKER:** That is out of order, too.

**MS McRAE:** If you had come, Mrs Carnell, you might have been able to listen, and maybe they would have been able to understand better exactly what you are doing.

Mr Speaker, in the Estimates Committee report the area of community grants was one that ended up without a recommendation specifically, but it is an area which it is fairly important for the Government to pay attention to. I think the Assembly should demand some extra information. Recommendation 15 reads:

The committee recommends that all agency annual reports provide complete and clearly identifiable information about outgoings in the form of community and other grants to non-Governmental bodies.

We also talked about the way that we had to seek extra information and the totally inadequate nature of the information that was given to the Estimates Committee. I would urge the Chief Minister to take this issue very seriously. Despite plausible assurances from the Chief Minister that she is acutely aware of the role of community care within the bigger umbrella of Health, and her quite obvious understanding of the community concern for the amalgamation of the two, particularly aged care and people with disabilities, we constantly hear about concerns from the community in regard to the allocation of funds to people with disabilities and to the aged care area.

We coupled that with that lack of clear information about community grants, the management of community grants, the total amount of community grant money available, and the diversity of grants available, in a clear and readily accessible form in the annual report, in particular, where it referred to grants and the page did not have any grants on it. I think it is of extreme importance for the Chief Minister to take this issue up very publicly, to explain to all the groups that are concerned about community care and community funding and to the Assembly, so that we can have a much better idea of just what is going into this area, what its objectives are, and how the outcomes are going to be assessed.

In the process of the Estimates Committee review and general discussion about community grants it has become clear that there is a level of review going on. But again, it seemed to us, both at the Estimates Committee and in general, that there is very little public knowledge of the nature of the review, the focus of the review, the intent of the review and what these achievable outcomes that I talked about are going to be.

We have seen the Chief Minister take action in terms of amalgamating a whole series of groups, which may or may not be a good idea. For instance, the support group for antenatally depressed women being all moved to O'Connor, whilst in theory may well be an arguable position, meant in practice that quite a few women who live a long way from O'Connor are not able to get to that service.

I am not suggesting that review is not necessary, or that some level of change is not necessary. What I am saying is that during the process of the Estimates Committee, when looking at this line item and trying to come to grips with what is going on in the funding for community groups in this area, it was extremely difficult to get to the information that we needed. This particular paragraph, 3.47, summarises some of the concerns that we have, which I think are not only our concerns but also those of the community. Given that this is meant to be a three-year budget, it is particularly important that this area is spelt out publicly in a lot more detail, so that perhaps the review process becomes a much more open and public one. Armed with that information, perhaps all concerned with the services provided in this area will feel a lot more assured that there is some basis for the types of decisions that are being made and the level of concern that is expressed can be allayed.

Proposed expenditure agreed to.

Proposed expenditure - Division 240 - Health Promotion Fund, \$2,284,800 - agreed to.

### **Department of Business, the Arts, Sport and Tourism**

Proposed expenditure - Division 60 - Business and Regional Development, \$11,238,300

**MR WOOD** (8.43): During the election the Government made some grandiose claims about spending in the area of business and tourism and, again, those claims are repeated in the budget. I recall one time, I think during question time, the Minister was waving Budget Paper No. 2 around, loudly proclaiming achievements on the part of the Government. Let me indicate that there has been some increase in expenditure, but it is certainly a long way short of the \$5m that Mr De Domenico claimed in his policy speech and has written into this document. He read back to me what is in the document, and I can read that.

However, Mr De Domenico has used a sleight of hand here and taken routine capital expenditure and shoved it in here. For example, there is \$1.85m to upgrade the Visitor Information Centre. Mr De Domenico was very insistent that this is business development. It is routine capital expenditure. It does not qualify for the term Mr De Domenico wanted to use. It simply does not fit into that category. There is an amount of money, some \$737,000, to initiate redevelopment of Kingston foreshore. That is a planning issue, and simply that. It is planning. Mr De Domenico is fudging it. In Budget Paper No. 4, it claims \$2.4m in additional expenditure this year, in contrast with Mr De Domenico's claimed \$5m in his glossy propaganda budget paper. If he falls back to a more reliable document, he has exaggerated by twice the amount in order to try to justify his election claims. They simply do not add up.

Mr De Domenico might tell me if this has no reliability. My own estimates are that the increase is in the order of \$1½m, perhaps 1¼m, and that may go into a negative figure if we accommodate the reduction in the employment programs. That comes under this heading, and there is a very significant decrease in the employment programs. Mr De Domenico then tries to compensate for that by saying that the money we put into promotion - the virtually non-existent money - will help pick up that employment. This is a sleight of hand on the part of the Minister, typical of the budget as a whole. There is, let me concede, some increased expenditure, but it is not of the order the Minister claims and it is not of the order claimed in this cheap propaganda brochure.

**MS TUCKER (8.47):** I would like to make a few remarks about the budget in respect of business and regional development. As a number of my colleagues have pointed out over the past few weeks, business is a winner in this budget; yet once again without any strategy for what sort of business or jobs we want here in the ACT. In the Estimates Committee section on tourism, in answer to my question on whether the terms of reference for the tourism strategy included an analysis of the impact on the urban and natural environment of numbers of tourists and the nature of tourism, the Minister, Mr De Domenico, answered with great enthusiasm that the more tourists that came the merrier for everyone and we will see what the market does. That is hardly surprising from the Minister who also had to consult his bureaucrats on another question I asked, which was what his understanding was of the meaning of the word “sustainable” in another section of the estimates.

We have heard a lot about promotion of the ACT and events that we will attract here through the establishment of CanTrade. We have not seen the terms of reference for this group, aside from hearing that it is an exciting initiative to promote Canberra in national and international markets. We have not heard how the Government will be identifying suitable businesses for Canberra or whether this Government has realised that business with strong environmental credentials is the way of the future. Business, too, of all shapes and forms must be part of the path towards a more sustainable future.

The environment should not be just an add-on, as it is in this budget. It should not be just the responsibility of the Commissioner for the Environment. Every government department should have a commitment to making environmental protection an everyday part of its life and, if there are costs involved, these must be understood to be the investment they are, not a burden or a subsidy. This means assisting and encouraging businesses to adopt environmentally sustainable practices. This means attracting environmental consultants to the region, assisting businesses with environmental audits, seeking input into business policy from environmentally-focused organisations, and so on. Environmental protection does not have to hamper economic competitiveness. Obviously, a few motor events or golf tournaments are more important to this Government than a decent education system, libraries, public transport or even supporting local businesses. Maybe the ACT could grab the grand prix from Victoria now that they have taken it from South Australia, but it is not really a very creative approach to developing the local economy.

Another serious issue in this section of the budget is the cutting of labour market programs by over \$2.7m. The same Government that say they want to create jobs have washed their hands of the most needy in the community by taking this course of action. They have even ignored the Estimates Committee recommendation in relation to labour market programs. Even Mr Hird drew attention to recommendation 18 in the estimates report, which calls on the Government to develop a strategy for addressing unemployment in the ACT, particularly for the long-term and youth unemployed, and noted the importance of this issue; yet his own Government will not agree with this recommendation. We can leave it all up to the market again, but it is this same market that has left us with the high unemployment we have in this country.

The other argument they try to use is that the needs of long-term unemployed people rest squarely with the Commonwealth. I will bet Mrs Carnell and Mr De Domenico did not use this line when they were on the opposition benches, and their own budget papers do not even say this. I will read out the objectives of the employment subprogram, since we keep hearing how funding is based on the objectives and outcomes as expressed in budget papers and annual reports. The first part of the objectives of the employment subprogram reads:

to provide a flexible range of services and programs to unemployed people and those at risk of long-term unemployment, especially:

- . identified target groups, which are disadvantaged in the labour force, and to those who are not adequately provided for by Commonwealth services and young people under 25.

By disagreeing with this recommendation, which calls on the Government to develop a strategy to deal with these people who are not provided for by the Commonwealth services, they blatantly contradict their own budget. As I said before, Commonwealth labour market programs are not necessarily tailored to meeting the needs of residents in the ACT. We are interested in this Government taking its social responsibilities seriously, not wiping its hands of the issues and shifting even more costs to the Commonwealth.

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (8.52): Let me once again comment and enlighten Mr Wood. Mr Wood very conveniently says that an expenditure of \$1.85m to improve the Visitor Information Centre in Northbourne Avenue is a routine capital expenditure. Mr Wood once again is wrong. The Government committed \$5m before the election to spend on the area of business, tourism, economic development and promotion of Canberra. In fact, we are spending \$5m. Mr Wood conveniently omitted to tell us about the \$1m extra for CanTrade. That is in there and Mr Wood knows it is in there.

He glibly passed over the expenditure of \$737,000 for Kingston foreshore. He called it a planning issue. Mr Wood was in government. Who was the Minister for Planning for the previous four years? Mr Wood. Did Mr Wood spend one cent on the development of Kingston foreshore? Of course he did not, and he could not, because his Chief Minister,

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Ms Follett, could not even do a deal with her colleague Mr Keating. The deal was done within five minutes of Mrs Carnell taking office. We now wait on the committee to tell us what their views are on Kingston foreshore, and we will spend this year, hopefully, \$737,000 in the promotion and development of Kingston foreshore.

**Mr Wood:** On planning?

**MR DE DOMENICO:** On planning. Mr Wood, I know, is an ex-teacher, so he believes that semantics is the way to argue on budget matters. Mr Wood, it does not work. There is an extra \$5m.

Mr Wood also passed over \$250,000 for further investigation of the transport options for the Sydney-Canberra corridor. I notice that he has a motion on the notice paper telling the Government that what we ought to be doing is spending some money to make sure that we get something going between Sydney and Canberra. Luckily, Mr Wood, we knew that; I think it is about time you took it off the notice paper, by the way, because something will happen. Once again, something started to happen within two minutes of our taking office. We took action, Mr Wood. We have got to the stage where even the New South Wales Premier, Bob Carr, has said what a wonderful idea it is to get a high speed train going between Sydney and Canberra. Mr Wood, while you sat on your hands for five years, we are starting to do something.

Mr Wood once again completely ignored \$850,000 for industry assistance, to provide incentives for businesses seeking to expand and relocate in the ACT - AOFR, Mr Wood, and the potential to create an extra 400 to 500 jobs. That has been done under the Carnell Liberal Government.

**Mr Berry:** Potential. You always talk about potential, Tony.

**MR DE DOMENICO:** No, it is not potential, Mr Berry; it is there. It is soon going to be signed, sealed and delivered. Once again, after nine months of a Carnell Liberal Government, things are being done. Mr Wood skipped over the \$150,000 for the advanced technology industry to support the industry participation in Gungahlin. He did not say anything about that, but targeted semantics by calling things "routine capital expenditures" and "planning issues". The truth of the matter is, Mr Wood, that this Government this year will spend \$5m on promoting Canberra as a business, tourist, cultural and sporting destination - \$5m more than your Government ever contemplated spending. That gets me onto employment. The results are there for everyone to see.

**Mr Berry:** How many extra jobs?

**MR DE DOMENICO:** Some 6,700 extra jobs, Mr Berry, since March this year, in comparison - - -

**Mr Berry:** You did not read the paper this morning.

**MR DE DOMENICO:** No, I do not read the paper, Mr Berry; I concentrate on the statistics that come out of the ABS.

**Mr Berry:** You mean you cannot read?

**MR DE DOMENICO:** What you cannot read is real figures, real things. You are simplistic in your attitude; you are simplistic in your reading habits as well, I should imagine.

**Mr Berry:** You reckon the *Canberra Times* is simplistic too, do you?

**MR DE DOMENICO:** Yes, I do sometimes, Mr Berry; I really do. We are not here to support the *Canberra Times*; we are here to talk about the facts. The facts are, Mr Berry, whether you like them or where you do not, that since March this year there have been 6,700 new jobs in the ACT. We compare that to the previous 12 months under Labor, when there were 700 new jobs.

**Mr Hird:** What was that figure again?

**MR DE DOMENICO:** There have been 6,700 since March this year, by comparison with 700 the year before that, under Labor. So whatever we are doing, Mr Wood, it seems to be working, we think. We think it seems to be working, and so does the community. Let me also say that, coupled with that, we have the highest participation rate ever in terms of jobs in the ACT - 74.3 per cent - and 6.2 per cent unemployment, the lowest unemployment figure since 1991. All this has happened, coincidentally, after nine months of the Carnell Liberal Government. Why does it happen? Because whatever we are doing we are doing right, and we are doing it sensibly.

Ms Tucker and Mr Wood also talked about the employment programs. For their edification, we are spending the same amount of money on employment programs as was catered for in the forward estimates by that lot over there. So let us get away from this nonsense about cutbacks. If you wanted to spend more, why did you not put it into your forward estimates? You were not going to spend more. Let us cut out all that rubbish you talk about cutbacks. All of a sudden, unemployment becomes the sole responsibility of an ACT government.

**Mr Berry:** It ended with the Carnell Government. It stopped.

**MR DE DOMENICO:** We have an answer for that too. What else are we doing in terms of employment programs and creating real jobs - not just providing training with a wish list of jobs somewhere in the future? What else are we doing to create real jobs? As you should know, but I will tell you if you do not know, from 1 January 1996, we will increase the threshold for payroll tax to \$600,000. From 1 January 1997, we have made a commitment, and we will do it, to increase it to \$800,000. What is that going to do? It is going to inject \$13.5m back into the private sector, giving them an opportunity to create more jobs.

**Mr Berry:** How many extra jobs?

**MR DE DOMENICO:** Once again, you sat on your hands for four years. You would not have a clue as to how to create a new job. You could not run a chook raffle in a pub.

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**Mr Berry:** You do not have the guts to answer the question.

**MR DE DOMENICO:** Mr VITAB sold us down the tube for \$3.3m. Mr Wood and Ms Tucker, this Government has come clean with its election commitment of \$5m extra to promote Canberra, and it is working.

**MR WOOD (8.59):** Just to show how Mr De Domenico likes to twist things to suit a spurious argument he propounds, he says nothing happened on the Speedrail proposal until they got elected. That is simply not the case. The former Chief Minister, Rosemary Follett, provided \$50,000 as part of a feasibility study. Things did start to happen when there was a change of government in New South Wales. That was the change. When Bruce Baird went, with his fixation on the tilt train, Carr came in and said, "We will relook at the issue of Speedrail", and they provided money to do so. That is the difference. Where once you had the ACT, and the Commonwealth in some measure, prepared to have a good look at it, it was effectively vetoed because of the attitude of the former New South Wales Government. That is the case, and Mr De Domenico knows it. To claim that his Government got something up and running is just twaddle, and he knows it; but I suppose he has to posture.

Let us take a look at the case of employment. Mr De Domenico correctly asserts that in the forward estimates of Labor's last budget there was no allocated item for these particular programs, and that is quite appropriate. He tries to pass the buck for knocking off millions of dollars worth of programs by saying that it was not in the former ACT Labor Government's program. Those programs were designed, almost year by year, in accordance with the needs in that community. That was the nature of the programs. They were very clearly of that type, and that is why they could stop very suddenly.

**Mr De Domenico:** Yes, on election day.

**MR WOOD:** Go back and see. It was over a period of years, Mr De Domenico. That funding was provided as the need demanded. The need is still there, but you will not fund it. You will not do anything. Once again, the Minister simply obfuscates and tries to disguise the real intent of this budget.

**MRS CARNELL (Chief Minister and Treasurer) (9.01):** I would like to say very quickly, for the record, that Ms Follett, I think, secretly put \$75,000 into the tilt train.

**Mr Wood:** On a point of order: The Chief Minister might indicate how much Ms Follett put into Speedrail.

**MRS CARNELL:** It was \$50,000.

Proposed expenditure agreed to.

Proposed expenditure - Division 70 - Canberra Tourism, \$4,899,600

**MR WOOD (9.02):** Mr Speaker, this is another of those areas where there has been a sleight of hand. There is a claim for an additional \$5m worth of promotional material, promotion for ACT tourism. Time will show that that money will not be spent. We have seen expensive, and I think highly justified, preparation of television advertising material. In his reply the Minister might tell us how much advertising has actually been screened on television sets in Sydney as a result of that. It would be interesting to hear just how much has been put to air so far.

**Mr De Domenico:** Nothing yet, until the ads are finished properly, Mr Wood. You cannot put them on air until they are finished.

**MR WOOD:** It is taking a long time. Courtesy of Mr De Domenico, I saw the mock-up three months ago or something.

**Mr De Domenico:** It takes a while to do it properly.

**MR WOOD:** Granted. Let us see how much money goes into that sort of advertising, because that was a very carefully designed approach, with which I agree, to target Sydney. The Chief Minister wants to pass off little buckets of money now to some overseas promotion, and that is probably all right; but it would be interesting to know whether that is in accord with the views of Tourism ACT, which seems to have a strategy to target Sydney. This is another one of those issues where the money is claimed to be there, but time will show a different story.

Proposed expenditure agreed to.

Proposed expenditure - Division 140 - Arts and Heritage, \$9,735,400

**MR WOOD (9.04):** Let me say that there is certainly a consistency in this budget. Mr Humphries promised \$3m over three years, and let me concede to Mr Humphries that he has provided additional money. But the amount of money additional, again, is not in keeping with his election promise. If this document were a prospectus in the private sector, the Government would be taken and charged, because it is simply inaccurate. Mr Humphries, like Mr De Domenico, hands out his expenditure with capital expenditure - half a million dollars worth for the Canberra Theatre. I do not recall, when I was Minister, taking that sort of step and trying to say that this was increased funding. That was always in the capital works program, and we spent a lot of money on the Canberra Theatre.

Mr Humphries has over \$800,000 from the Health Promotion Fund, and I applaud that. Mr Humphries, let me tell you that I believe that there is an increase there, but you should also go and check what amount of money has been coming from the Health Promotion Fund in recent years for cultural activity.

**Mrs Carnell:** Not \$865,000.

**MR WOOD:** It is not of that order.



**Mrs Carnell:** Because that is more than the whole lot.

**MR WOOD:** It is nevertheless a very significant amount, but Mr Humphries has not taken that into his figuring. He has ignored that earlier amount of money that has been coming from the Health Promotion Fund. Then he has an amount of \$600,000 penned in for arts associated with major capital works projects. Let me concede that that also is an increase, but Mr Humphries should go and check what has been spent at Woden Valley Hospital. Was he the critic, or was it Mr Stefaniak, of that expenditure on very considerable art work in the foyer and other parts of the hospital? Your \$600,000 ought to be related to moneys spent in Labor Government times, because that was money from the same source. I do not believe that it would have been in the order of \$600,000, Mr Humphries, so there is some credit to you there; but that is an inaccurate figure because you are not measuring two comparable figures. You have ignored what happened before. Once again, in the arts area I give credit for some increased expenditure but severe debits for misrepresenting the situation and trying to claim that there is more than there really is.

**MR HUMPHRIES** (Attorney-General and Minister for Arts and Heritage) (9.07): Mr Speaker, I do need to respond to those statements. I have heard upstairs, listening to the broadcast, all the criticisms made of other areas of the Government's budget. You would think that if the Opposition were fair they would unequivocally welcome what, in anybody's terms, must be a huge infusion of additional money for the arts in this area alone. Give us a lashing on health, if you like, kick us in the butt on public transport, and beat us over the head about education; but have the decency to admit that we have achieved something very significant for the arts in respect of this particular component. But no, not this Opposition. They can barely get out a bit of praise before they have to sully it with a whole series of criticisms.

Let me put the record straight, Mr Speaker. Most of the extra \$3m promised and achieved in our three-year budget is recurrent funding for the arts. It is true that there is an element of half a million dollars in there for repair of the Canberra Theatre roof, which could only be characterised as capital works, capital expenditure; but unfortunately, talented as I may be in Cabinet, I find it very hard to argue with my colleagues that I should find money on top of the \$2½m for recurrent funding of the arts when there was an urgent need to spend half a million dollars on repairing the roof of the Canberra Theatre. That was a problem, I point out, which did not arise on 9 March, when the ACT Liberal Government took office. It was an existing problem with the roof of the Canberra Theatre which we inherited and which had not been fixed.

**Mr Berry:** Have you checked it out?

**MR HUMPHRIES:** Yes, it is a longstanding problem - not quite as longstanding as going back to the days of the Alliance Government, I am assured, but still a longstanding problem.

**Mr Wood:** The air-conditioning has been fixed. You do not have to worry about that.

**MR HUMPHRIES:** Maybe it has been; nonetheless, my colleagues said, “You can have \$3m for the arts, but you have to fix the roof of the Canberra Theatre from it”. That seemed like a reasonable proposition in the circumstances, and that is what the Government is going ahead to do.

Mr Wood quite wrongly suggests that the money we have described as an increase in funding from the Health Promotion Fund for the arts does not take into account the existing expenditure on the arts from that source. That is not true. The money put aside is an increase only. That is not the totality of what will be spent from the Health Promotion Fund in the next three years on the arts. It is the increase.

**Mr Wood:** It is \$865,000 extra?

**MR HUMPHRIES:** Yes, extra, on top of what was already there. It represents 17 or 18 per cent of the Health Promotion Fund allocation over the next three years. Also let me make it clear, on the reference to public art, that I consider the allocation a very significant improvement in the position for the work of visual artists in the ACT. Of course, we have not offset that against money spent in previous years by the former Government on public art, because there was no program for such expenditure by the former Government. It was a one-off, ad hoc arrangement which saw funding at the Woden Valley Hospital for public art. Major public buildings since that time have had no provision for public art made in them, to wit, Mr Speaker, this very building, where there was almost no provision originally for public art and only quite - - -

**Ms McRae:** That is not right. There is a new commissioned work, as Mr Speaker knows.

**MR HUMPHRIES:** I hear Ms McRae talking about works that have been commissioned. I am sure that if she talks to Mr Wood she will understand that public art is not just about slapping up paintings or tapestries, or works after a building is completed.

**Ms McRae:** No, you are wrong, Mr Humphries. I will explain.

**MR HUMPHRIES:** I thank Ms McRae for her interjection, but I insist that she is the one who is wrong. There was not an infrastructure for public art in this building. The building is more than a year old. It cannot, therefore, have been part of the public art fabric of the building to have had public art in it. What Ms McRae is referring to is art added to the building once it was - - -

**Ms McRae:** No, you do not know what you are talking about.

**MR HUMPHRIES:** Well, Mr Speaker, Ms McRae knows better. I am only the Minister for the Arts.

**Mr Kaine:** No, she does not. She is just plain wrong.

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**MR HUMPHRIES:** Yes; obviously, I am a recalcitrant. The fact of the matter is that the former Government had no program at all for public art. It was an ad hoc arrangement. Let me talk about another case, the Magistrates Court building. Not one cent had been set aside in that building project for public art.

**Ms McRae:** What about the hospital?

**MR HUMPHRIES:** I have already referred to the hospital. You were not paying attention.

**Ms McRae:** Say it again so I can hear you. Go on; I am paying attention now.

**MR HUMPHRIES:** Can I have a little bit of quiet, Mr Speaker, from Madam Foghorn over there? Not one cent was set aside for public art in the Magistrates Court building. It is very easy to say that we should have offset it against amounts spent in the past, but how can we compare a recurrent program for funding of public art against ad hoc amounts spent by the previous Government? It is very difficult, if not impossible, to do. I remain very proud of our commitment to public art because it is the first major ongoing commitment to visual artists in this Territory to see their work as part of the fabric of public buildings in this Territory. It is not about slapping up a picture or a tapestry or hanging a few bits of tinsel from the ceiling after the building is finished. It is about making public art a part of the fabric of these buildings, and that is something I would have thought the Assembly should be commending the Government for, not attacking it.

**MS McRAE (9.13):** I have to make up for making all that noise. My apologies, Mr Humphries, but I was getting a little excited because you are wrong. We did within the Assembly project have money set aside from the very beginning for a public art program, and the architect from the very beginning was saving that major wall, which is why Mr Westende's statue could not go in front of it. Hal Guida was telling me just last week, when we were receiving the BOMA award, that that artwork, which was commissioned as long as two years ago from Klaus Moje, a very well known glass worker, is very much a part of the fabric of the building, integrating the colours and the style of the building, and was from the beginning of the project very much a part of the project.

I am sorry if you have not caught up with that information, Mr Humphries, but it was very definitely there, and the money has been there and has been waiting. Mr Speaker, I believe, is going to look at a model of it or some sort of preparatory piece before he gives it a sign of approval. However, I put on the record that that has been very much a part of this project, and it was a quite reasonable sum of money, which I believe most public projects at that time were spending, such as the hospital. I do not understand what happened with the Magistrates Court building; I will take your word for that. It obviously does not have artwork within it.

Yes, there are bits and pieces now stuck on walls, and Mr Speaker has improved the building greatly of his own initiative by buying a couple of paintings. The tapestries and the bits and pieces that we had were things that were part of the history and the heritage of this parliament and were added because we owned them. So sure, we have stuck bits and pieces all over the place, but always as part of the Assembly project was an allocation

of funds for public art, and that commissioning took a while. There was also commissioning for a piece of Aboriginal artwork that the Aboriginal Consultative Committee was going to do. There has been some toing-and-froing about that and I do not know whether that will ever eventuate, but from the very beginning that was there. Probably there is no reason why you should have known about it, Mr Humphries, but now it is on the record and it will be there.

**MR MOORE** (9.16): The money for the Aboriginal artwork has probably been handed over to business. After all, that seems to be the way - - -

**MR SPEAKER:** Mr Moore, and I remind all other members of this as well, we are discussing Division 140, Arts and Heritage.

**MR MOORE:** The very words I used, Mr Speaker, were “Aboriginal artwork”.

**MR SPEAKER:** I am sure you are going to address the issue before us, rather than things that have been in the past, Mr Moore. Would you mind continuing.

**MR MOORE:** Certainly, Mr Speaker, I always do that, although sometimes it is important to draw attention to the past in order to make a point about the future. In this particular instance, I made an off-the-cuff comment about an approach taken in dealing with matters of arts and heritage, and the implication I was trying to make was that, for the Liberals, a bit of money going over to business is more important than arts and heritage. That is what I was alluding to, and that is how I see it.

I will add, Mr Speaker, that the matter of the repair of the Canberra Theatre roof did come before my committee in terms of capital works, and there was a response to the capital works report from the Government which was equivocal at best. It said, “Yes, there will be an examination of that asset to determine what needs to be done about it”. Of course, that ought to have been done in the first place, prior to the capital works ever being put up to the committee. I know that, in the Government's response on that issue, the Government said that the capital works program will be appropriately prepared prior to the next budget and by the time it comes through to our committee. Part of the reason for that response was that our committee decided unanimously that if we got such inadequately prepared documentation in the future we would recommend voting against those items that were put up. At the same time, I understand that the Chief Minister has proposed a slightly different system which will be more consultative in this matter; but, then, it could hardly be less consultative.

I would like the Minister to respond now on the roofing of the Canberra Theatre. It was a very large sum of money that was proposed to be spent on what appeared to be a relatively minor job. It looked like one of those very expensive solutions that was done off the top of the head. I want to know what Mr Humphries has proposed to ensure that the approach is done appropriately and that we do not run into this sort of problem again, and whether we have heard anything further about the asset management assessment of that roofing issue.

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**Mr Wood:** How was the show the other night?

**MR MOORE:** It was lucky it was not raining. I think Mr Wood is referring to last night.

**MR SPEAKER:** Order! Let us discuss the show tonight, which is Division 140.

**MR MOORE:** Mr Speaker, you know very well that I am talking about a particular arts thing in the division that deals with arts and heritage. I am perfectly in order, Mr Speaker, and I think I ought to continue to speak on it. If I wish to address a particular show last night within this, I have absolutely every right to do so and will continue to do so.

**MR SPEAKER:** Tell me, Mr Moore: Was it a farce?

**MR MOORE:** Indeed, Mr Speaker, although not as much as some of the rulings I have heard over the last six years from the Chair in this Assembly.

**MR SPEAKER:** Thank you. At least you are not directing your comments at this Chair, or I would caution you not to.

**MR MOORE:** Mr Speaker, you heard my exact words, I am sure, and I am glad you gave me that opportunity. The issue was that it was raining and the roof did not appear to me to be leaking. I am sure that there is a real issue about the roofing of the theatre, but it is one that needs to be taken seriously.

**MS McRAE (9.20):** Mr Speaker, I will just further address the question of art. I want to point out to Mr Humphries how lucky we were with Hal Guida and his associates and the people who managed this project because they, more than anyone else I have ever met, drive the inclusion of artwork in any public work. You only have to sit outside in the gardens to see how well they have been crafted. I wanted to bring to the Assembly's attention in particular, given that this issue has been raised, that the centre table here, the Speaker's table, and the seats outside were handcrafted specifically for the Assembly as part of the public artworks presentation. I realise that the quality of the furniture that has come from a factory in Melbourne is almost as good as the handcrafted work. We were exceptionally well served by the craftspeople that Hal Guida selected.

To infer in any way that this building, of all buildings, did not include a conscious application of public art and accessibility of art in its finish and its interplay with the building would be a very sad thing to leave on the record. One of the things that I think were outstanding about the whole project was the way in which Hal Guida and his associates integrated their concept of art, which in their mind was addressed in every finish, every fabric, every room of the building. We were very lucky in the end that the person who recommends on the interior design, as well as their gardener and their art adviser, were an integral part of the project. If you see each room as it has been furnished by the architect and then the pieces that were specifically commissioned and designed for the building, it will reiterate the point that certainly for this building we can demonstrate exactly what Mr Humphries wants for all other public buildings - that artworks should be an integral part of any building built in the future. As to the Magistrates Court building, I do not know.

**MR HUMPHRIES** (Attorney-General and Minister for Arts and Heritage) (9.22): On the point Mr Moore has raised, I have no doubt at all that there was probably some inadequacy in the public works submission on the roof of the theatre. I recall that it was a matter that came to the attention of Cabinet very late in the process of looking at the 1995-96 budget.

**Mr Berry:** You had plenty of time.

**MR HUMPHRIES:** It was not brought to our attention until quite late. Unfortunately, we do not make a habit of roaming around the Territory inspecting for ourselves the state of particular public buildings that belong to the Territory. So when it came to our attention that there was a deficiency with the roof of the theatre, we fixed it up. That was done, I think, within a very short timeframe between discovery and appearance in the capital works program, which may explain why it was not well documented. We will have to assess whether that work is appropriately done in that way. I have no doubt that the work needs to be done, but whether it costs a little more or a bit less than half a million dollars, I suppose, remains to be seen. If it costs a little less, then we will find other uses for that money within the arts program. It will not go back into Consolidated Revenue, let me assure the Assembly of that.

I will compromise with Ms McRae about public art. I certainly think the furnishings in the centre of this chamber could be counted in the category of public art, and they are fine pieces, I have to concede. But I think it is a mistake to categorise things for which space is saved on a wall as public art. There is an understandable fear amongst artists that public art, in terms of the construction of particular buildings, will be a matter of “Yes, your space is reserved there, and in subsequent budgets, when we have the money, we will buy it and we will put the piece of art up on that wall”. When Ms McRae said that there was a space on a wall, say, for Klaus Moje’s work, that was a matter of some concern. Public art is part of the fabric of the building, not a place where it goes afterwards, and I think that is important. I concede that there is some public art in this building, but I still maintain that there was no consistent program for it over the life of the previous Government and now there is such a program.

**MR WHITECROSS** (9.25): Mr Humphries has been as gracious as he possibly can be. I admit that it is 9.25 pm, but even at 9.25 pm Mr Humphries cannot be terribly gracious. Ms McRae was not talking about a space on the wall for which we hoped one day we would be able to find some money to purchase an artwork. What she referred to, and I know the details of this quite intimately, was an amount of money from the capital works budget that was earmarked for a public artwork and that the architect decided, as part of the fabric of the building, would be integrated into that wall. A process was gone through to commission that work, as part of the capital works budget. The money is still in the capital works budget waiting to be spent, and it is a matter the Speaker has carriage of as a client of the Department of Urban Services in this respect. When the commission is completed, it will be integrated into the building at the place designated by the architect, in accordance with the decisions made about the refurbishment of the building.

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It is simply not the case, and it is a misrepresentation of the situation to suggest, that the public art policy for this building was to point to an empty wall and say, "It would be nice to have a piece of work there one day". That is not what has happened. Money was earmarked in the public works budget for it and that is what it is being spent on. I might add that things like the tables, to which Ms McRae referred earlier, were not paid for out of the public art budget for this project; they were paid for out of the general fit-out budget. So, even out of the fit-out budget, money was put aside for public art over and above the money that was designated for a major work for the entryway. As is the case with entryways everywhere, the view was that we needed a major piece of work that would define the entrance properly and would say something about the Territory in which we live, the role of this building and a whole lot of other things as well.

I had to rise to set the record straight on that point. It is simply not the case that all that was done was the expression of a pious hope that one day an artwork would go there. It has been an ongoing process which has been carefully considered, which both the architects and the people from Public Works who were responsible for the refurbishment of this building worked on closely, in consultation with the then Speaker and now the current Speaker, in their capacity as the client for this building.

Proposed expenditure agreed to.

Proposed expenditure - Division 170 - Sport, Recreation and Racing, \$14,480,500

**MS McRAE** (9.29): Mr Temporary Deputy Speaker, the sport budget was very similar to many of the other elements of the budget we were concerned about in that things were talked about in terms of increased efficiencies that were to be made by further contracting out services. When we questioned the Minister on this, there was some talk about getting increased money from ovals and swimming pools. We have now seen that swimming pool increases have been quite substantial, and we still have not got to the bottom of which ovals are going to be contracted out, at what cost and to whom.

This whole drive for greater efficiencies, undefined, left us pretty worried at every stage of the budget, but in particular in this area. This is not just because we think it is unfair for the large number of parents and children who use our ovals regularly every weekend to then have to pay for these facilities beyond what they already pay in terms of their taxes. It is not simply because we think that is grossly unfair, and that is clearly where it is heading, but because we think it shows the wrong concept altogether about what these facilities are for, whom they are for, who paid for them in the first place, and just what this Government thinks it is doing for the community.

Again, we saw no consideration for the impact on low income earners or people with difficulty in getting to particular facilities. We saw no detail about what it might mean to contract out these services and to seek greater efficiencies. It was all under the banner of greater efficiencies being sought in pursuing this particular course of action. There was no real analysis presented to us in the Estimates Committee. It was followed up when we asked on notice for the 10-year plan for facilities, but no real analysis was presented to the committee in terms of who uses things, what impact any changes will make, what sorts of changes are envisaged, how much extra money will be raised, and at what cost to what user.

All of this was particularly disappointing because the Minister has made such great play of being the most energetic Minister there has ever been in promoting greater participation and interest in sport for the entire community, but in particular for our poor defenceless schoolchildren. Whether they like it or not, this is going to be the brave new world of the ACT under the Liberals: 200 minutes a week running up and down on the spot if you do not have any sporting equipment, but that is too bad because "You will be active" is the new plan. Fine, one thinks; I have yet to be convinced of the merit of all of this, but he is pursuing, despite all my protestations - - -

**Mr De Domenico:** You always whinge.

**MS McRAE:** Yes, but it is not a bad role to be in, Mr De Domenico. It is better than yours, of always being wrong. I would rather be whingeing with good cause, and I have plenty of good cause. Whenever we try to find out some reason, some rationale, some idea as to why anything is being done, we are told either that it is for greater efficiency or, in this particular case, that it is good for you, that it is good for our young ones to be running around in circles. We will see.

The worry with this budget is that, against all that noise of the fitter, faster, leaner ACT community that is going to be involved in all this amazingly wonderful sport, there was absolutely nothing in this budget, as it was presented, that indicated how the sport and recreation budget is going to assist in the implementation of this new program in the schools budget. What we find is that, rather than having some overall idea of what on earth they are doing, this Government has made a series of ad hoc decisions that all seemed like a good idea at the time, without any overall integrated sense of purpose or design as to how those objectives are going to be reached.

It is well known, because the Minister has taken the trouble to point it out repeatedly, that whilst Mr Lamont was Sport Minister and we were in government there were some ovals that we left, that were not watered and not maintained. There was a very clear purpose for that, which was to save money and to reduce the amount of expense to the community of seemingly unnecessary maintenance work. Against that background, which the Minister well knew and has often taken delight in criticising us about, the Minister has launched into a program that demands that every child in the ACT spend at least 200 minutes on their feet doing something active and then denied them the very ground on which to do it. How can we possibly have a sport budget that takes no account of the expense that is involved in maintaining ovals, in maintaining sport facilities - - -

**Mr Berry:** Why do we not get them all little push mowers?

**Mr Connolly:** Get the kiddies pushing the mowers and solve both problems.

**MS McRAE:** Yes, a whole new sport. Mr Connolly has the answer. Mr Connolly, when you are Minister for Sport, this will be the new Olympic sport. How fast can you run behind the mower? There is no indication whatsoever in this budget of the Minister having for one minute considered the impact of every child in the ACT pounding up and down on these ovals. We do not know what the plans are for the maintenance of these ovals. We do not know how on earth all the children he wants to be



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out there are going to have the appropriate support, which must come from beyond the school - this is the budget he administers - the ACT Academy of Sport, the support to Sports House, the support to sporting organisations. There is absolutely no integration in this budget with the demands he is placing on the schools. I do not find this to be in any way convincing.

This Minister wants to improve the level of participation; he wants to wake Canberra up and get people out and running. How can he then turn around and deliver a budget in the sport, recreation and racing area and give absolutely no clear indication of how many ovals will be needed, what sort of sporting resources will be needed in terms of changing goalposts, nets for hockey, basketball rings, tennis courts, and whatever else he thinks people should be out and about and doing things on, even rugby union training facilities. There is no indication of how within this budget those extra demands that will naturally flow from the pressure that is being put on schools are going to be met. There is not even an indication of how the sporting associations that are being asked to assist, and quite gladly are part of that, are going to be able to meet the demands of schools to provide more umpires, to provide more coaches, to provide more support. There is absolutely no indication in this budget.

This is a superficial budget that seems to have been created in total isolation from the other policy initiatives that are being so forcefully pressed in other areas. We find that the overarching drive is for greater efficiency, with no detail about what sort of contracting out we are talking about. We have no idea whatsoever of how the expenses that will result to the individual are going to be met, how the individuals who cannot deal with extra expenses are going to be protected. Then we find that, where something does happen in the area of swimming pools, it is an outrageous policy that again shows no regard for the type of people who most need this public facility. The Minister has no concern whatsoever for them, but in time will say, "Oh dear, oh dear; what a pity more people do not participate in sporting activity in the ACT. It would be much better for everyone if they were out swimming or running or jumping or playing tennis or rugby", or whatever it is he wants them to do. But too bad if they cannot afford it, too bad if the facilities are not there, too bad if the contracting out results in it being much too expensive, and too bad if the sporting groups that want to assist with all of this simply do not have the funds to do it. Minister, I think there is a lot more explanation needed to convince anybody that this budget is good for anyone and in any way will substantially support the initiatives of which you are so proud in the education sector.

**MR OSBORNE (9.39):** I rise to support a number of the issues Ms McRae has raised, especially about school sport. We will differ on a couple of issues. A lot of people ask me where I got this physique from, and I have to say that a lot of hard work went into it, but I am a big fan of school sport. I do have some reservations about making sport compulsory because I am aware that there are a number of people who - I do not know why - just do not like sport. I cannot explain it, but we need to take into consideration these poor unfortunates. On a serious note, although I am a fan of school sport, we need to be very conscious that some people just are not sports oriented.

However, we need to encourage children especially to do something, whether it be a recreation or some health-related course. Perhaps you did go a little bit too hard initially, but I hope you take this into consideration. I applaud your decision on the ACT Academy of Sport. I was a big advocate for something being done about formalising it because we have the Olympics just around the corner. I know that the people of the ACT - - -

**Mr Berry:** Set up by Labor.

**MR OSBORNE:** Set up by Labor, absolutely. However, I am led to believe, Mr Berry, that the funding used to come from all over the joint, and I am pleased that Mr Stefaniak has seen fit to give them some sort of future. I am a little disappointed about the maintenance of some of the grounds. Some of them are not fit for cows to graze on, yet the majority of our young people are playing sport on them. That is something I hope we do not end up debating if somebody gets hurt.

I would like to encourage better usage of Bruce Stadium. I hope the Minister is working towards a satisfactory goal on that front. I share with Ms McRae some concerns about the contracting out of a lot of our facilities, but that is something you can try to convince me on over the next few months. I am very wary of taking what you say as gospel, given your Government's recent history. We will wait and see.

The main thing I want to reinforce is that I do believe in school sport. I went through a school where it was a regular occurrence every Thursday afternoon, so I am somewhat biased; but I think it is very important that we take into consideration that it is not something we can just lump on the schools. Extra funding needs to be looked at, and the children who are not interested in any sport need to be taken into consideration.

**MR STEFANIAK** (Minister for Education and Training and Minister for Sport and Recreation) (9.43): I thank members for their comments. There were some fairly positive comments from Mr Osborne, but I do not think there were too many positive comments from Ms McRae. She did not have too much to say, which is understandable, because basically it is, in difficult times, a good sports budget, which has been acknowledged by the sporting community. I will address a few of the points those members raised.

I have made a number of points in relation to low maintenance ovals and the decision of the previous Government. That is of concern to me, as it is to Ms McRae and Mr Osborne, although Ms McRae was part of that Government. There are a number of things that can be done. One of them is what was done with Macquarie school, where the school, Sport, Recreation and Racing and Urban Services got together and, by pooling their resources and using a bit of commonsense, have plans to get about half of their fairly large playing area, which includes one complete playing field, back to a very reasonable condition. So there are a number of short- to medium-term things that can be done there, and certainly the Government is looking at some more long-term things which better maintenance and more efficient maintenance of our ovals will provide. We are hoping that, by saving money there and also saving money through our other facilities,

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especially the pools, we will have some more money to go around and, hopefully, that can be put back into some of those low maintenance ovals. I accept that there probably are a few which have such little use that there may be no real need, but there are certainly some that concern me and that I would like to see something done about.

Ms McRae made a lot of mention of school sport. I have already mentioned one area in relation to ovals where a number of groups, including the school and Sport, Recreation and Racing, can participate. Basically, school sport is just that - school sport. Ms McRae, you know it is not 200 minutes because you have been participating in the round-table conference.

**Ms McRae:** It started there.

**MR STEFANIAK:** Yes, that was there, but I think that round-table conference was a most useful exercise. We have had two now, and it was pleasing to see that all the members want to continue it. It is a very useful body and a very diverse group indeed. There are Greens on it, representatives of the Independents, Ms McRae of course, and all the relevant stakeholders, and I am pleased to see that people want to continue it.

**Mr Humphries:** It is consultation.

**MR STEFANIAK:** It is consultation. It is something this Government does a lot of, Mr Humphries. I think that has proved to be very effective, and it is good to see that people want to continue it. Ms McRae knows full well that there are a lot of different activities, including - and this will be dear to Mr Humphries's heart - even the rock eisteddfod, which is physical; I think it is in schedule C, which is the range of various sporting and physical activities that kids can participate in as part of compulsory PE and sport from kindergarten through to Year 10. I think that has been a very good process. Obviously, Ms McRae, there are a few things we still need to nut out, as everyone appreciates; but that has gone very well and I look forward to its successful implementation.

One thing the Opposition have a lot of trouble realising is that we want people to participate. We appreciate that people are not going to participate in sport if you price them out of the market.

**Mr Berry:** What about swimming?

**MR STEFANIAK:** I will come to that. Six to 8 per cent of what we spend on ovals we actually get in income, and it is probably unrealistic to expect much more than that because we want people to use them. So the key to any efficiencies there is to maintain them better. With such things as the swimming pools, the Government lost, I think it was, \$1.79m in the last financial year on the pools. The vast majority of that - in fact, I think it was \$1.7m - was for the three indoor pools. The interesting thing is that the Tuggeranong indoor pool, a state-of-the-art pool, loses about \$394,000 a year. When Mr Berry was the Sport Minister there were a couple of community groups who wanted to run that and he reckoned they could have that at least breaking even by about year two of operation. We are past that now and it is still losing money.

We need to look at the experience in other areas. We need to look at what councils do, what other States do, apply a little commonsense and realise that contracting out of those facilities is a very important option and a real way of saving money. It is pointless doing that, obviously, if people are going to be priced out. Looking around the countryside, the price of entry to pools which are run by non-government bodies is in many instances lower or no greater than ours. If it is too expensive, you are going to price people out, and that is totally counterproductive. We appreciate that, but it is crazy to continue the way we are going. We can save significant money there, which can be used for the benefit of all in sport by better efficiencies. That is something this Government had in its election platform, not just in relation to sport but also in relation to other areas, and it is something we are very keen to see because it will be for the benefit of all. When the Opposition say that we are pricing people out of the market, that is crazy. If you do that, you do not have facilities, no-one is going to be interested in running them, and it is totally counterproductive for everyone. That is quite clearly a ludicrous statement.

Ms McRae mentioned ovals. I saw an amazing statement - it was a bit like Newcastle and the \$15m for the Bruce Stadium thing from the Leader of the Opposition - about 100 sporting ovals to be privatised, sold or whatever. We would be lucky to have half-a-dozen organisations who would want to take over the management of half-a-dozen ovals. No-one would want to take over the management of a large number of our playing fields and it would be unrealistic to expect that. Sporting groups simply could not afford to do it and no-one would expect them to. It is quite clear that, for the vast majority of our ovals, the Government is going to have to continue to be responsible for them. I do not have a problem with that. There are a few sporting groups who are keen, either by themselves or in conjunction with other groups, to take over and run ovals, and that is something to be encouraged.

There are some very good proposals floating around at present. One of the soccer clubs has one, I understand; I think we are all aware of the Tuggeranong Valley Rugby Union Club's proposal in relation to Wanniasa oval, where they fitted in with the Aussie rules club when they moved out of the enclosed oval. They will go in with a few other groups and take that oval, redevelop it, and make it into a far better facility than it is. That sort of community involvement, that sort of initiative, should be encouraged, and this Government will certainly do that. But that is going to apply to only a handful of ovals because, quite simply, a lot of sporting groups are not in the game of doing that. The idea that all the ovals are going to be privatised or something like that is, quite clearly, nonsense.

As Mr Osborne said, there are some very good initiatives in this budget. In the lead-up to the 2000 Olympics, Canberra is going to need more enhancement of its Academy of Sport, which has done a very good job and has produced some excellent international standard athletes. This Government has poured in close on an extra \$1m - it is about \$990,000 or so - for the next financial year for 12 intensive training courses. We would be seeking to continue to support the academy in outgoing years because it is important that that receives, at that elite end of sport, proper support in the lead-up to the Atlanta Games and then the 2000 Olympics, as well as the Commonwealth Games in 1998. So that is a very important and essential initiative by this Government.

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There are a number of capital works that have been dealt with already over the last few months, including such things as the Nicholls playing fields. Those athletes on the elite side do not just do their own thing at the Academy of Sport; they go back into the community, and they will be going into the sporting clubs and assisting there. At the mass participation level, we do have some excellent facilities. We are developing them in the newer areas as well, including provision for the Nicholls playing fields. In what is a difficult budget across the board, in difficult financial times, as the Chief Minister has said on many occasions, it is a responsible, very progressive and quite popular sporting budget that has been well accepted by the sporting community. ACTSport put out a press release complimenting me and the Bureau of Sport, Recreation and Racing on producing a very good budget, which I think the Government has done.

**MR BERRY** (9.53): A little while ago Mr Stefaniak was crowing about the issue of participation and I interjected in relation to swimming. Mr Stefaniak went straight on with the old Liberal cry about how much a swimming pool costs. Governments have been subsidising swimming pools since the year dot and I suspect that they will be subsidising them in the future, and they will be subsidising them even if they hand them over to the private sector.

**Ms McRae:** But not in Belconnen.

**MR BERRY:** As my colleague Ms McRae rightly points out, they will not be subsidising an enclosed pool in Belconnen for the Belconnen residents, which was promised before the last election. I would like to know where Mr Hird is, because he should be in here facing the music, along with his colleague Mr Stefaniak. They are the people who abandoned the electorate of Ginninderra in relation to the promised Belconnen pool. Both of these people stood out on the hustings promising people in the Belconnen electorate that they were going to get a swimming pool.

We know what Bill Stefaniak has done in relation to that promise: Nothing. All he has done is strangle Charnwood High to closure, and where was Harold Hird? He was nowhere to be seen. He could not turn up. He was not game to turn up to the community meeting on the subject. There was not a sign of him. Where was Mr Stefaniak? He was nowhere to be seen. Where is the pool? Nobody has even driven a peg into the ground, and the people of Ginninderra are most upset about that. They continually come down on Harold Hird because they know that they have been betrayed by this man. He has betrayed them.

Members interjected.

**MR SPEAKER:** Order! The house will come to order. You are all getting out of your depth on this pool business.

**MR BERRY:** You will not be doing it in the Belconnen pool, I am telling you, because these people have abandoned those - - -

**Mr Hird:** You cannot even swim.

**MR BERRY:** At this point I do not know that you would be able to find your way to the other end of the pool. I find the Government's attitude to sport, recreation and racing disappointing, to say the least. They know that there are many people out there in Belconnen who are highly critical of the performance of Mr Stefaniak and Mr Hird. Mr Hird has long held himself up as the champion of the people of Belconnen, and it has been the greatest phoney exercise we have seen perpetrated in any representative organisation here in the ACT. What does Mr Hird say? Mr Hird says nothing, not a word - no defence at all for the people of Ginninderra. I think this is quite shameful. Mr Stefaniak is just sitting there with a big grin on his face. He thinks it is funny. This is not funny; this is serious - and he is laughing too. I need to get a picture of that to show the people out there in the various community clubs, to ensure that they are fully aware of this issue. Why do you not speak up? Why do you not defend your position, Mr Hird? Because it is indefensible and nobody would believe you. They know that you were not telling the truth at the last election and you have let them down in a big way. It is a disgrace.

Proposed expenditure agreed to.

Proposed expenditure - Division 230, Kingston Foreshores, \$737,300

**MR WOOD (9.58):** Mr Speaker, there are a couple of points I want to make here and questions I want to direct to Mr De Domenico, assuming that this process goes ahead, that the Assembly committee gives the green light, and this money can be spent, because I think that is the proviso on it. That being the case, Mr De Domenico, could you explain to me how it is that this is all going to be done, the site cleared up, contamination assessed and removed, the power station done over to make it a useful proposition - - -

**Ms Follett:** They will get in that cubbyhouse mob; I know they will.

**MR WOOD:** It does not give us much hope, does it? How is this all going to happen, as the Chief Minister has asserted, without cost to the ACT? A private developer, as she has said, is going to do it. Mr De Domenico, you know the private enterprise people in this town. Are they going to do that out of the goodness of their hearts or, if they do bid and win contracts, will the cost of that work be deducted from what they might bid for a contract? Is that the likely outcome? I would like you to explain that.

**MRS CARNELL (Chief Minister and Treasurer) (10.00):** It would be nice to think that all of those things could be done in this financial year, but I am absolutely confident that there is no way on this planet that we can have the whole of the Kingston foreshore site levelled, and all of those sorts of things done, by June next year. At the rate the committee is going at the moment, we will be lucky to have the committee report by then, but we are certainly hopeful. There are a number of funding models we are currently looking at with regard to the Kingston foreshore development. One of the things Mr Moore and I looked at when we were in Japan was a funding model that is being used for the Osaka waterfront development, and there are a number of others. Whichever way we plan to go, this Assembly will be the first to know.

**MR WOOD** (10.01): That is fine, but the response has not said anything. It says that there are a number of models, but the Chief Minister on many occasions has said, "This will be done without cost to the ACT taxpayer". I would like to get some idea of how that is to be achieved. I know that, in many enterprises, part of the responsibility of the private contractor, the person who wins the tender, is to put money into cleaning up, providing infrastructure and all sorts of things. It has always been my view that they discount; we accept that cost in the tender. What you have been saying suggests that that will not be the case, and this is the difficulty I would like you to explain.

**MRS CARNELL** (Chief Minister and Treasurer) (10.02): What you have explained is certainly one of the models we are looking at. As you know, we are planning to set up a permanent Kingston foreshore authority, which will include people with business expertise and other expertise as well, as soon as the committee reports and, hopefully, we get the go-ahead for the deal. There are a number of different ways to do it. One of them is the way you explained. One thing I can guarantee, Mr Wood, is that the land is worth more than it will cost to clear it. Therefore, the bottom line figure will be a black one, not a red one.

**MR MOORE** (10.03): I think one of the other questions that should be raised is that the current chair of the Kingston foreshore development committee, Mr Townsend, was with me in Osaka when we looked at that waterfront proposal, how it was funded and what has happened there. It was very interesting indeed. This is the same person who was responsible for a department that was dealing with such issues as this and which received a scathing report from the Stein inquiry. I think it is appropriate to draw attention to that.

The Chief Minister has to come to some of those fundamental questions about the methodologies that are being proposed to deal with decontaminating that site as well as the fundamental question of how that site will fit into an overall strategic plan for the ACT that she has announced. I think it is appropriate for her to deal with some of those questions. After all, an overall strategic plan for the ACT may indicate that it will be a long time before the site in Kingston is needed for the overall development of the ACT. If that is the case, what are we going to do with that site in the interim? I think those issues need to be addressed, as opposed to the gung ho approach of, "Let us go for this full waterfront development site as quickly as we can because it is a great business opportunity". It really has to fit into what the people of Canberra generally see as the way this city is to be developed.

**MRS CARNELL** (Chief Minister and Treasurer) (10.04): Mr Moore is quite right; the Kingston foreshore is very much a part of our overall strategic plan for Canberra.

**MR BERRY** (10.04): You have only to start with the name of this and you run into phonies. The land swap that was announced by Mrs Carnell has nothing to do with the Kingston foreshore. It is the bit of industrial wasteland behind the road. This has been described as the Kingston foreshore development. It is miles away from the lake - hundreds of metres, anyway - and it is described fashionably as the foreshore. I would not like to try to dive into the lake from there because I would not make it. I would go headfirst into the bitumen on the roadway.

This has been a phoney exercise from the start and it has been a disaster for the ACT community. It might have appeared to be a colourful little stunt to pull early in a government. Mrs Carnell came bouncing out telling us all that she had swapped away a prime piece of land for a small portion of industrial land. We have yet to address all of those issues of pollution, PCBs and so on. To use Mrs Carnell's terminology, the list goes on. There are pollution problems out there that are yet to be exposed. We know that all of the Commonwealth revenue assistance that was provided will be soaked up, and then some, by the development that has been proposed in this dud deal.

Mrs Carnell and others have been trumpeting their advice that if it is polluted the developer will fix it and it will not cost anything. What nonsense! Do you think a developer is going to buy a piece of polluted land and not discount it for the level of pollution that he or she has to clean up? Of course they will not. They did not come down in the last shower. Not even when there is a Liberal government in power would anybody be silly enough to do that, and they certainly would not take their word for it. This issue is yet to be fully resolved, and there is a committee that is looking at the matter.

**Mr Humphries:** You have fully resolved it. You know exactly what you want to do. It is a dud deal, according to you. So much for the committee inquiry.

**MR BERRY:** It is a dud deal because it has already soaked up the Commonwealth revenue assistance - - -

**Mr Humphries:** You will be open-minded about the finding, will you?

**MR BERRY:** At least we have spent a bit of time looking at it. You have spent none. Mrs Carnell, with the open and consultative council style of government, disappeared off to a meeting on national matters and, all of a sudden, bounced back with a big beaming smile on her face and saying, "I have done it. The deal is done. You should be very happy that I have done this deal. I have got \$15.5m. It is going to cost us a lot more than that of course, but do not worry about it".

**Mr Hird:** Eight months?

**MR BERRY:** There was not an auction involved. This was not an auction; this was a give-away - and the Commonwealth was laughing. They were wetting themselves with laughter because this is the sort of deal that everybody would like to get their little hands on. They saw an amateur come on the scene and they grabbed it with both hands. Mrs Carnell has let this Territory down badly. This deal on the Kingston foreshore is going to worry the Territory long after Mrs Carnell is gone. It is a flash-in-the-pan deal, a quick headline and dump the Territory in it, because they are the ones that are going to have to deliver the goods long after she is out of this place.

I think Division 230 is another demonstration of the failure of this Government to respond to its election promises on a few grounds. The first one, of course, is responsible management. They have not delivered it, though it was trumpeted loud and long. As for consultation, after looking at this budget and working through it line by line, I do not think they could even spell the word.



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**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.09): If members opposite need to find out a little more about the Kingston foreshore development, there are two people in particular on the committee - perhaps three, but two in particular - that I would refer them to. My discussions with those two people on the committee suggest that they disagree with Mr Berry. The first is Mr Lamont, the former Deputy Chief Minister. He speaks in glowing terms of what this Government has done about the Kingston foreshore and is a very keen supporter of the development, as is Mr Rod Driver from the CFMEU.

**Mr Whitecross:** I have not heard them speak in glowing terms about you, Mr De Domenico.

**MR DE DOMENICO:** I do not care what they say about me, Mr Whitecross. Neither of them lives in my electorate, for a start, so they can say whatever they like about me. We are here to do a job, and you will find that this Government will continue to do a job, notwithstanding what one or two people think about it. If you want to find out a little more about what those people think of the Kingston foreshore, you might talk to them.

Proposed expenditure agreed to.

Debate interrupted.

### **NEW BUSINESS** **Suspension of Standing Order 76**

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

That standing order 76 be suspended for the remainder of this sitting.

### **APPROPRIATION BILL 1995-96** **Detail Stage**

Schedule - Part II

Debate resumed.

#### **Department of Urban Services**

Proposed expenditure - Division 80 - Urban Services, \$242,847,300

**MR WHITECROSS** (10.11): I rise to express some of the Labor Party's concerns about this appropriation. We are far from happy, from a number of points of view, with the way this appropriation was put together. We are concerned about the cuts in services which underlie the level of this appropriation, and we are concerned about some of the ways that the cost of this appropriation is being reduced by new taxes and charges,

by accounting fiddles and by other pieces of mismanagement which I will get to in a minute. More than many of the other appropriations we are discussing tonight, Mr Speaker, the Urban Services appropriation encapsulates the philosophical direction of this Government, which is away from service provision and towards user pays, ratcheting up fees and charges left, right and centre, and towards arbitrary decisions driven by the ideology of the conservative Right that Mr De Domenico brought with him from Victoria.

Perhaps a classic example of the kind of decision that underlies this appropriation is the decision about the funding of the Library Service. It is classic for two reasons. The first is that the appropriation for the funding of the Library Service entails a substantial cut to a basic service which is provided for all the community. We have heard much discussion of what things might be cut from the Library Service. I have had representations from all over the place about it. I have had representations from advocates on behalf of people who are blind or hearing impaired about what is going to happen to their services and to the people who organise the lending for them. They need more assistance with lending than they are going to get from an automatic book checkout system that Mr De Domenico has boasted about. I have had people complaining to me about cuts in things like story time, which introduces young children to the joy of using books and to the value that books can have in their lives. I have had concerns expressed about the dramatic reduction in the number of new books that can be purchased. Library documents indicate that they propose to spend \$750,000 - - - (*Quorum formed*)

**MR SPEAKER:** I remind members that, if the hourglass runs out and a quorum is not present, we will not be continuing with this sitting.

**MR WHITECROSS:** Well said, Mr Speaker. Mr Speaker, there are a range of concerns about the Library Service. I was just alluding to the substantial reduction in new book purchases that will result from spending only \$750,000. That is the amount highlighted in library documents as being the amount available for new book purchases.

**Mr Berry:** What about the Kippax library?

**MR WHITECROSS:** There is a whole lot of other things. One of the amazing things about this is not just the dramatic slash in services. It is that this Government and this Minister can actually propose a cut of 15 per cent in the library budget, a cut of over \$1m. The Estimates Committee asked, "How are you going to make those savings?"

**Mr De Domenico:** It is not \$1m. It is \$150,000.

**MR WHITECROSS:** In the library budget?

**Mr De Domenico:** Yes.

**MR WHITECROSS:** You are kidding yourself. It is \$1.1m. I suggest that you consult your own documents on that. When this Government is asked, "How are you going to achieve these savings that you have decided to make in the library budget? What services are you going to cut?", they say, "Oh, we do not know. We will let the managers manage. It is their job to decide those things. It is not a matter that we, the Government,

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who are meant to be accountable to the people, are going to take an interest in. Let someone else decide. It is not our problem". Again and again as we went through the Urban Services budget, Mr Speaker, we found that Mr De Domenico just did not know; he just had not thought about the changes he was going to make.

We asked about the changes he wanted to make to driver training. He said, "It has been very successful in South Australia". We said, "Show us the evaluation about how successful it has been in South Australia". He said, "Oh, well, they have not done any evaluation, but they reckon it is pretty good". Again and again we have this notion. Even where they are making reforms which have been made elsewhere, they do not seem to understand how to go about it. They want to expose the Survey Office to competition from the private sector, but they do not know how to go about the business of opening up a government agency to competition. They want to drop the axe on 1 July and open the Survey Office up for competition without giving it the chance to adjust to a competitive environment and without giving their clients a chance to adjust to the business of - - -

**Mr Humphries:** They have six months to do that.

**MR WHITECROSS:** That shows how much you know about what your comrade is doing, Mr Humphries. That is not what he is doing. Mr Speaker, another way that we are seeing savings being made in this budget is by cutbacks in apprentice intakes. We are seeing this Government, and in particular Urban Services, abandoning its role in the training of new apprentices. It just does not employ them. It is not a role that this Government thinks it should be undertaking, whereas, traditionally, the government has played a significant role in providing employment and training for young people, for both the government sector and the private sector. Now we see a situation where they are not taking on apprentices in the way that we did under Labor. Instead, they are reducing the skill levels of the entire work force by not performing the role the government traditionally has in this regard.

Another element which I will briefly mention, Mr Speaker, is the offsets in the budget in the way of the sale of goods and services and the sale of capital stock, which forms an integral part of the amount of money which they think they need to run Urban Services. There are two key examples of this which show the misguided nature of what they are doing. The first is the taxi auction. They budgeted \$3m for the taxi auction. They got only \$2.4m. They are \$600,000 under this year. Mrs Carnell's three-year budget is even further out when we get to the outyears. We have \$22m budgeted for the privatisation of ACT Fleet. Mr De Domenico thought it was so secret that he could not explain to us what the benefit to the ACT would be of that privatisation. All he could say was, "Oh, well, everybody else is doing it, so it must be a good idea". He could not show us the numbers. He could not justify his position. That is why the Estimates Committee recommended that the Public Accounts Committee pick this up. If, as I expect, the Public Accounts Committee has doubts about this, then that is \$22m which is in the Government's three-year budget but which they will need to find from somewhere, Mr Speaker, on top of the \$600,000 they have already lost for this year on the taxi plates. They are just some of the things, Mr Speaker. The range of cuts in services and increases in taxes and charges which underpin this budget is really quite serious and should be of concern to the whole community.

**MR BERRY** (10.21): Mr De Domenico does not seem to have anything to say in response to the contribution made by my colleague Mr Whitecross. That is a bit of a shame because this issue of libraries in all of the suburbs of the ACT is of particular importance. Again, as a member from the electorate of Ginninderra, I raise the point that the Kippax library is another library service that is under threat by this Government.

**Mr Hird**: Yes, but you did not want to put it in. Your Federal people did not want to put it in.

**Mr Moore**: What has Mr Hird done about that?

**MR SPEAKER**: Order!

**MR BERRY**: Mr Hird has done nothing about the Kippax library.

**Mr Hird**: Fifteen years ago you, the Labor Party, did not want to put it in and I persuaded the Liberal Party to put it in.

**MR SPEAKER**: Order!

**MR BERRY**: All he has done is encourage his colleagues to wind it down.

**Mr Hird**: The Liberal Party put it in. Do not start saying to me that you put it in. That is a fact.

**MR BERRY**: You have done nothing. You have done nothing to defend it. It is about time you defended it.

**MR SPEAKER**: Order! Mr Berry has the floor.

**MR BERRY**: Mr Speaker, this is another library service the future of which, before the last election, I recall seeing Mr Stefaniak swanning around and making all sorts of nice warm and positive noises about.

**Ms Follett**: The butchers of Belconnen.

**MR BERRY**: That is not a bad one - "the butchers of Belconnen".

**Mr Stefaniak**: That is not the strangler of Charnwood, is it?

**MR BERRY**: The strangler of Charnwood and his cohort over here will not get up and defend the Government on any issue in this budget. Not once has he risen to his feet and defended the Government. I see Mrs Carnell saying, "Don't you do it, Harold". I would say that, too, Mrs Carnell, because it is indefensible.

**Mrs Carnell**: I did not say a word.

**MR SPEAKER**: You were speaking about libraries, Mr Berry.

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**MR BERRY:** You know that means no. Mrs Carnell has urged Mr Hird not to rise to his feet. She is standing over him and Mr Hird has been dead silent on the issue of the Kippax library. The Kippax library is something that is valued by the - - -

**Mr Hird:** Who put it in?

**MR BERRY:** You did not have much to do with it. You could not have had.

**Mr Hird:** I put it in.

**MR BERRY:** Well, why are you letting it go? Why are you letting it go now if you think it is so important?

**MR SPEAKER:** Order!

**MR BERRY:** You reckon you put it in. Why are you not defending it now? The rest of you - you have to be included in this little cadre - are going to let it go. There is no question about that.

Then we come to the other thing with the stench of rotten fish, the taxi plates. Have you been game to get into a taxi lately? I would not if I were you either, because probably about \$80,000 has been taken off the value of every taxi here in the ACT because the auction company which bears your name did the big deal which cost so much money to those small business people. Mr De Domenico has been one and he has long prided himself on being a great representative of small business. How do you explain to all those small businesses the reduction in the value of their assets by about up to \$17m? How do you explain to the ratepayers - - -

**Mr Whitecross:** It is good for small business.

**Mr Connolly:** Yes, they are smaller.

**MR BERRY:** Smaller than small business? Well, smaller than small businesses are okay. How do you explain to the ratepayers how you missed out on all the money because of the stench that surrounded the arrangements for that last auction? It was badly handled. It was badly managed.

**Mr Hird:** Are you talking about the stench which was to do with VITAB?

**MR BERRY:** Who was responsible for the auction? I will tell you who the community thinks was responsible for the auction. Harold Hird. They think it was him. They know that Mr De Domenico is tied up with this, because there is no trusting this Government on these issues.

Mr Speaker, the handling of Urban Services thus far really must strike fear into the hearts of Canberrans because already those small, small business people have lost something like \$17m off their assets. They have lost about \$80,000 each. I do not know any small, small business people who could afford to lose that. Mr De Domenico does not seem to

be interested in them and is prepared to foster this sort of arrangement where such losses could be incurred by those business people. I would say to Mr De Domenico and Mr Hird, "Stay out of cabs. It is not a safe place for you to go". I would say, Mr Hird, that you really have to defend yourself on that issue, and Mr Stefaniak ought to give it a try as well. In relation to the Kippax library, if it is true, as you claim, that you put it there, and I doubt that, you have to be able to demonstrate to this Assembly and to the people of Belconnen whom you claim to represent that you are prepared to defend it. You have not demonstrated it yet. In fact, all you have done is treat them with silence.

**MR MOORE** (10.27): I have a very short question on Urban Services, Mr Speaker. Considering the amount of rain we have had, I would like Mr De Domenico to be able to assure us that he is going to be able to keep the grass cut as well as his predecessor, Mr Duby, did.

**MR DE DOMENICO** (Minister for Urban Services) (10.27): In answer to Mr Moore's question, I will compare the rainfall in the time that Mr Duby was Minister and then see whether we can make you a promise, Mr Moore. It is interesting to stand up here and defend against such shallow contributions from members opposite. Mr Whitecross stood up and attempted to bag everything that was done under the sun as being the end of the world in five minutes. Mr Berry stood up and said nothing, in his usual way. He attempted to kick some heads, he had a personal go at Mr Hird, Mr Humphries and me, and anybody else who moved, but said nothing anyway.

Mr Berry talked about Kippax library. Who can ever forget Mr Berry saying, when the press release went out, that we were going to sell Kippax library, to bulldoze it down, and whatever. He was wrong. We are not going to do anything of the sort, of course.

**Mrs Carnell:** He is wrong about most of the things he says.

**MR DE DOMENICO:** He is wrong about most things. He is wrong, in particular, about this. I wonder how his constituents in Ginninderra can stomach, time and time again, their representative standing up and saying things that are not true. Finally, he will be caught out, I am sure. I am sure he will be caught out.

Mr Whitecross made some comments about being concerned about libraries. He was suggesting that we are cutting back expenditure on libraries by \$1.5m.

**Mr Whitecross:** By \$1.1m.

**MR DE DOMENICO:** By \$1.1m. I am sorry. Of course, that is not true.

**Ms Follett:** Tell that to the Library Service.

**MR DE DOMENICO:** It will go from \$6.310m to \$6.181m.

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**Mr Humphries:** That is \$1.1m under Labor logic.

**MR DE DOMENICO:** Under Labor accounting, that is \$1.1m. Well, it is not. If Mr Whitecross had read the previous year's budget figures he would have realised that the cutback this year is less than the cutback that his Government made the year before.

**Mrs Carnell:** But the unions did not whinge then. I wonder why.

**MR DE DOMENICO:** The unions did not whinge then, of course. The unions were onside. The minority group of unions, the ones who went off in that Stalinist Left group that former Senator Richardson talks about time and time again, were onside. Mr Whitecross, before you stand up and criticise, get your facts right. Do your homework. You will learn after being here a little bit longer. That is point one on the libraries.

Mr Speaker, we need to talk about the libraries. It is not fair that, whilst other areas are expected to come in on budget, libraries, year in, year out, need to be replenished from other areas. It will not happen under this Government because libraries will be expected to do what everybody else is expected to do - to come in on budget. They can come in on budget and they will come in on budget. You will find, if you go out and talk to the majority of the people who work in the libraries, that they are quite happy to come in on budget, and will come in on budget.

What the Opposition did not talk about is some of the positive things that happen in Urban Services from time to time as well; but, then again, we are not here to talk about positive things, are we? No.

**Ms McRae:** Because that was last year.

**MR DE DOMENICO:** Ms McRae, of all people, will always whinge and moan. No matter how well anything is done, Ms McRae will always whinge and moan. We can understand that. She will continue to whinge and moan for as long as she is in opposition, which will be forever. She will continue to whinge and moan forever. One wonders what the people in Ginninderra think about people who represent them who continue to whinge and moan. They are whingers and moaners. They still have not been able to accept the fact that they are in opposition. We understand that. Finally, it will sink in, I am sure.

Let us have a look at the Urban Services budget. It is up \$1.1m on 1994-95 for a start, on the outcome. There is additional spending of \$3.9m covering a range of initiatives, including management of heavy vehicle parking. What did the former Government want to do about heavy vehicle parking? "Let us ban them all.", they said. What did the Transport Workers Union do? They said, "Listen, that is not the commonsense thing to do".

**Mr Kaine:** They got rid of David Lamont.

**MR DE DOMENICO:** They got rid of David Lamont. Slap bang, thank you, ma'am, let us go in and ban the lot. Do not think; let us do it. What is this Government doing? We consult. We got all the interested parties together around the table and held proper community consultation. You will find, very shortly, that we will come out with an outcome that everybody agrees with. What a positive thing! Of course, it is a positive thing. Do we hear anything from the Opposition about that? Of course we do not. It took us eight months to do it, sure. In one fell swoop Mr Lamont lost the election for them. So there is one positive thing.

Nothing is said about the closure of the Phillip Vehicle Testing Station and the introduction of random vehicle inspections. Is that something that the Liberal Party invented? Of course not. Who was talking about that as far back as two years ago? I can recall Terry Connolly, when he was Minister for Urban Services, talking about that. Did they do anything about it, though? The answer is no. They were gutless. They were hamstrung because, once again, certain elements of the trade union movement said, "You cannot do that". But it has been done. Why? Because it is the commonsense thing to do.

What other commonsense things did we do? We have combined City Operations with City Parks. Mr Whitecross talked about ideology. Is that ideological? Is it not fair that, if you are walking along the path and you see a piece of paper on the grass or on the concrete, you pick it up anyway? What used to happen before the amalgamation, Mr Speaker, was that one union was responsible for the concrete stuff and another union was responsible for the grass, and never the twain shall meet. Is that commonsense? Of course it is not.

The other interesting thing about City Parks and the amalgamation is that for years and years there was a big stoush between the AWU and the CFMEU. Certain pieces of equipment were not able to be driven in this town for two or three years. Guess what happened last week? All those machines are now being driven and being utilised. Under a Labor government? Of course not. Not under this ideologically bent Mr Whitecross. That is something that a Labor government could not do. Under this Government, through the Department of Urban Services, it is being done right now. Is not that positive? Of course it is. Do those opposite talk about positive things? Of course they do not. They are over there to oppose, to whinge and moan, and never will anything positive be uttered from their lips.

What else have we done? Let us have a look at the extension of the popular precinct management system. Are all these people running away from that? They are embracing it with open arms. They are saying, "Thank you; what a wonderful, commonsense idea". Who started that off? I have to say that it was started off by David Lamont at O'Connor. He is no longer here, because of all sorts of reasons; but we continued with that. Is that a right-wing ideological thing to do? Of course it is not. It was the commonsense thing to do. You will find that Urban Services, once again, is contracting out about 80 per cent of the services provided. Why is that? Because we are getting better value for money, for the taxpayer and ratepayer dollar, than we were before. Is not that commonsense government again? Of course it is. Is it ideological? Of course it is not.



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Is it positive? Of course it is. Will they talk about positive things? Of course they will not. Their lot in life is to sit in here, whinge and moan, kick some heads, be personal, and not talk about anything positive that is of value to the people of the ACT. This Government, Mr Speaker, through this budget, will get value for money. Yes, there will be some hardship along the way. There will be some tough decisions to be made, but those decisions will be made.

Taxis have come into the play. Once again, the people opposite know exactly what needed to be done. This Government took the bull by the horns and did it. From time to time there will be some people who will disagree with what we do.

**Ms Follett:** Yes, all the taxi drivers in Canberra. You can start with them.

**MR DE DOMENICO:** But, Ms Follett, we do not govern by press release. We do not govern by newspapers. We do not govern by television. You have to make some tough decisions sometimes. This Government will stand or fall, but we will never be accused of not making the right decision. I commend the budget, and I commend this line of the budget to the Assembly.

**MRS CARNELL** (Chief Minister and Treasurer) (10.36): Earlier we heard Mr Whitecross make a lot of fairly outlandish statements, but then he is very new in this place, I suppose, and he really does not have much of a corporate memory. Poor little Andrew. It is a bit sad. If he had been here longer, or if he had a bit more experience, he would understand, or he might remember Rosemary Follett's Government's response to the Estimates Committee in 1993. Mr Whitecross made some comments about the Urban Services budget; that it did not spell out the savings; that it did not get down to that nitty-gritty; that it was a hopeless line item in the budget because it did not spell out the savings in detail. I will now read a bit from the then Government's response, from Rosemary Follett's response to the Estimates Committee's report in 1993. It says:

... two of the committee's recommendations concerned the level of detail to be provided on future expenditure reductions in health and education. The committee has recommended that Ministers provide details on where and how expenditure reductions are to be achieved. The Government does not support this where expenditure reductions relate to general efficiency targets.

That means that Rosemary Follett does not support spelling out reductions or the nature of savings when they are about efficiency targets. The whole basis of this budget, the whole basis of Urban Services, is about finding savings that are in line with efficiency targets. It just shows that poor Mr Whitecross got it wrong again, or, alternatively, Rosemary Follett got it wrong again that year.

**MR CONNOLLY** (10.38): Mr Speaker, in defending the Urban Services budget we heard Mr De Domenico boasting greatly that, in fact, it increases expenditure on urban services and city services and the like by \$1.1m. I think he said \$1.1m was the overall amount. I am sitting here waiting for the amendment that must be coming to the budget because the bungling of the taxi plates matter, the business of the discredited auction - we want to hear from Mr Hird about that - cost this budget \$600,000. This budget is

premised on \$3m as a revenue item into Urban Services this year. The fact is that that auction was bungled. Controversy surrounded it. There was a general smell about that auction. The reserve price was quoted to the Estimates Committee, although Mr De Domenico, after the failure, was backing away from that statement at a million miles an hour. The fact is that your budget estimate was \$300,000.

I see that the gag is going on again over there. We want to hear from Mr Hird, but the gag is being put on by Liberal members. We want to hear from Mr Hird the full business about this auction. We want to hear his defence. We do not want this constant Stalinist gagging that is going on here. People should see what is going on in the Liberal benches.

Mr Speaker, the budget is premised on a \$3m revenue item and, as a result of the bungling of this Government, that revenue item is, in fact, a \$2.4m revenue item. There is a gap of \$600,000 in that budget. Mr De Domenico boasts of an overall increase in Urban Services of \$1.1m. More than half of that was blown away with this bungled auction. We still have not heard Mr Hird's defence, and probably will not if the gag goes on. So, Mr Speaker, when are we going to get the amendment to this budget, which is clearly necessary if all the budget projections are to be met, which fixes up this \$600,000 hole; or are we to assume that that is already identified as an item in the Treasurer's Advance that will be transferred into Urban Services?

**Mr Hird:** So you are saying that our ACT Chief Minister does not know what she is talking about.

**MR CONNOLLY:** Come on, up you get. We will give you unlimited time.

**MR SPEAKER:** Order!

**MR OSBORNE (10.40):** I rise to support any proposed amendment by the Government in relation to the budget for the Department of Urban Services. If you feel like putting it on you have my support, Tony. I, too, would like to hear from Mr Hird about the taxi plate auction with a difference. I would love you to get up, Harold, and tell us what went wrong.

Members interjected.

**MR SPEAKER:** Order!

**MR OSBORNE:** Mr Speaker, I have two questions. I would like to reiterate my colleague Mr Moore's question. Mr De Domenico, can you guarantee that the grass will continue to be cut at the same standard as it is now?

**Mr De Domenico:** As long as it grows, we will cut it, mate.

**Mr Kaine:** I take a point of order, Mr Speaker. Would you point out to Mr Osborne that this is not question time.

**MR SPEAKER:** Proceed, Mr Osborne.

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**MR OSBORNE:** Mr Speaker, as well, I would like to hear Mr De Domenico explain how any civilised community could consider an overall cut of 15 per cent over the next three years in its library services, especially when loans rose by 1.5 per cent last year, and people coming through the door to use other services rose by 3 per cent in the last three years. Can you give us a guarantee? That is all I want to hear. But, given the recent guarantees that I have received, I do not know whether I should ask. I withdraw that, Mr Speaker.

**Mr Moore:** No; get another one.

**MR OSBORNE:** No; I withdraw. I am not going to ask for a guarantee.

**Mr Moore:** An assurance.

**MR OSBORNE:** I want an assurance from you that the services that the libraries provide will remain.

**MS TUCKER (10.42):** We have been repeatedly assured by the Minister for Urban Services that the public will not see a reduction of the level of service as a result of budget cuts within this portfolio. An interesting point, particularly for those people who have been making use of the Ainslie Transfer Station, is that the station closed well before the completion of the Government's waste management strategy. It is difficult to see sense in developing a strategy which may suggest a range of options while at the same time you are reducing your options. It seems that the Government is putting the cart before the horse.

Of course, it is not only in the area of waste management where this appears to be happening. It is a recurring theme throughout the Urban Services program, a theme that goes like this: "Move to the purchaser provider model and contract out as much as possible". There is no apparent concern for the social and environmental impact, only a short-sighted view for quick fix solutions to the budget; not a long-term view to maintaining the standard of service which the community wants, nor a commitment to meeting other important social goals that should be the responsibility of the Government.

The clearest example of this is transport policy, where, for each of the next three years, the Government is intending to spend \$600,000. One of the major tasks is to identify the community service obligations of ACTION. Mr De Domenico has already admitted that he cannot guarantee that services will not be cut. How can he justify a reduction in the level of service when he has no real picture of the cost of a reduced level of services, a picture that may be complete only after his Government has spent \$1.8m? Efficiency in service delivery is one thing, and it is an important goal, but it should not be the only goal of governments. Jobs should also be an important goal, and not only jobs for the most skilled and efficient in our community. If private operators are contracted to deliver most government services, the government then loses control over who can be employed, and this includes the ability to employ disadvantaged groups.

Mr Speaker, then there is the big cut to library services. Access to information is a basic right and forms the foundation of a democracy. The ACT public library system is not a gold plated Rolls Royce version of a public library system. In fact, according to figures provided to my office by the Government, the ACT is about average when it comes to per capita funding of libraries. Others argue that the ACT is among the lowest spenders. The Government is arguing that use of the library system has decreased in recent years and that this is the reason why funding of libraries can be cut back to the level it was at in 1991. Perhaps the Government should have asked themselves why fewer people have been using public libraries. Is it a reflection of poor staff morale after several years of restructuring, cost cutting and reductions in the number of professional staff? Last financial year the public library system employed 34 professional full-time equivalents. Despite Government statements of a blow-out in staffing in the libraries, this did not represent an increase in the figure from previous years. It was a decrease by 15 per cent over the previous year. What is the cut going to be this year? The Government will not say, or, rather, it says it cannot say, because it does not know. How can the Government say, as was said during the Estimates Committee, that service to the public will not be affected if it cannot answer such a basic question?

The budget papers indicate that the cut to library materials purchasing will be 5 per cent, but this includes the government library which is affected hardly at all. If you separate out the government library, the cut becomes 7.5 per cent. The Government may argue that this is not a serious cut as there will be an unspecified investment in new information technology for the library system coming out of the central budget. However, the cut in the previous year was 8.5 per cent over the previous year. You could hardly call a cut in funding of 15 per cent over two years keeping up with inflation. Mr Speaker, I would like it noted that these figures are not those which have been bandied around by the unions. These figures are based on material provided by the Government to my office. The figures provided by the unions paint a much grimmer picture, and also pose many questions which I have yet to get satisfactory answers to from the Government.

Mr Speaker, if the Government and the Opposition had not decided jointly to stifle democratic debate in the Assembly, the Greens would have sought an amendment to the budget to ensure that the Government could not reduce the level of services, staff or materials in our public library system - a library system which is already stretched and has seen substantial cuts over the last few years. It is because access to information is one of the most important pillars of democracy that the ACT Greens wished to move an amendment to this budget. For democracy to work, people must have the ability to be well informed, and not only if they can afford it.

As elected representatives, it is up to us to do all we can to ensure that the community has free and open access to the information, ideas or entertainment that is stored in our libraries. These are materials that can be shared by all, so they not only serve the community but also save resources. We are very disappointed that the Labor Party, which has spoken out very loudly in support of libraries, decided not to take action to prevent lowering the standard of library services in the ACT. It was a disappointing display by the ALP, after standing here, putting up motions including censure motions,

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and slamming this budget in every way possible, then to take action which effectively has allowed the Government to go ahead with its cuts. We all know why they did that, but they lost their opportunity to show that they care more than the Liberals about listening to the views of the Greens and the Independents.

Mr Speaker, the budget for urban services is not one which will make the community feel any reason to trust that the Government is committed to social justice and the environment. It is, however, a clear demonstration of a commitment to achieve short-term economic goals.

**MRS CARNELL** (Chief Minister and Treasurer) (10.49): Mr Speaker, we have heard an awful lot of comment about the whole library situation, most of which has been totally untrue. As in other areas, it is easy to spout information that is incorrect or that talks about half the figures. I think it is important for this debate to put some of the facts on the table. The facts are that library staff have increased steadily over recent years. They have increased steadily at a time when the population in the ACT has increased only very marginally. So any comment that somehow, as Ms Tucker said, the libraries have been cut and cut and cut again and they have nowhere to go is simply untrue.

In fact, the budget allocation for the year 1991-92 was \$5.406m. The next year it was \$6.161m. The next year it was \$6.580m. Last year, 1994-95, it went down from \$6.580m to \$6.310m. That was a reduction of over \$200,000. In fact, it was quite substantially over \$200,000. That was under Ms Follett. What happened that year when there was a reduction? Did the libraries look at ways that they could become more efficient? No, they just overspent their budget by \$610,000. They just blew their budget by very close to 10 per cent. This year the amount that has been allocated is \$6.181m. That means that the amount allocated has gone down from \$6.310m to \$6.181m - a reduction of about \$150,000.

It is interesting to look at the blow-outs in library budgets over those years as well. In 1991-92 the blow-out was \$750,000. The next year it was \$119,000. The next year it was \$138,000. Last year, as we have already spoken about, it was \$610,000. There is obviously a problem here. We have to find much more efficient ways to run our library system. We have to find ways that we can provide services to the community without those sorts of blow-outs every year, blow-outs that seem to have occurred regardless of which government has been in power.

Questions have been asked about whether we will maintain services. Yes, we will maintain services. We have said quite definitely that we will maintain services. We will maintain services by making sure that minimum staffing levels are available at all times and that all categories of library materials are covered in our purchasing program. We will make sure that existing sites and opening hours remain unchanged, and also that the access and equity unit is unaltered. So all of the issues that have been raised, all of the questions that have been asked in this house tonight, are covered categorically in our approach to libraries.

But what we will be doing is instituting a number of changes, particularly in the technology area - ways to check out books, ways of approaching our temporary contracts, the way we operate - - -

**Ms Follett:** Sack them. We have already heard that one.

**MRS CARNELL:** Contracts usually are not for people who are on staff, surprising as it may seem. We will make sure that we get back to core business. So yes, what we are talking about here is a reduction of \$150,000. You can compare that with the over \$200,000 reduction by Ms Follett last year; but that reduction came to nothing. The libraries overspent by \$610,000 because Ms Follett did not put in place the necessary changes that needed to be instigated if the library budget was going to come in on target and provide services to the community. We will achieve those efficiencies so that we can make sure that people get proper library services - something that we believe, too, is one of the most important parts of a civilised community.

**MR BERRY (10.54):** Mr Speaker, what a load of old rhetoric! You get proper library services, according to the Liberal Party, with a categorical commitment that they are going to reduce services.

**Mrs Carnell:** I just said we were not.

**MR BERRY:** Like Mr Osborne, I would not try to hold you to a commitment anyway. Did I hear you say that all the existing libraries - - -

**Mrs Carnell:** Existing sites and opening hours.

**MR BERRY:** The existing sites and opening hours. Well, I hear your undertaking; but I have seen your performance thus far, and I will not be shocked if you do not stand by it, and neither would the community.

**Mr Whitecross:** They were not going to close any schools, Wayne.

**MR BERRY:** No, they were not going to close any schools either. Yes, that was a good one. They are just going to strangle them to death. That is the line that the Liberals have taken. "It is not my fault.", Mrs Carnell will always say; "It is not my fault. It is somebody else's fault".

I want to respond to something that Ms Tucker raised in relation to this matter. I think Ms Tucker tried to re-chisel the tablets of stone. History is cast in stone and it is not that easy to re-chisel. The situation here is that this is not our government and it is not our budget. If we had our way this budget would not be occurring. It is wrong, I think, and unfair to claim that it is the Labor Party's fault that the community are going to be impacted by this budget. The people who supported this Government are the ones who are going to have to wear the responsibility for that; not us, because we did not support it. I think everybody here will have the opportunity this evening to support or to reject this Government's budget. Some say that that means supporting or rejecting the Government. Well, we reject the Government. We think the Government is lousy. We think they are doing a lousy job and we know that the community agree with us.

**Mr De Domenico:** How do you know that?

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**MR BERRY:** Well, I just - - -

**Mr De Domenico:** It is just a feeling he has in his blood.

**MR BERRY:** No. Every sample of community concern that I come across, Mr De Domenico, makes it pretty clear to me that you are on the nose. That is well deserved, too. This budget is something that will impact on the community. I know activists out there in the community who are concerned about library services and who do not believe you. I do not believe you either. One thing I do hear is a categorical commitment to cut services. That is very clear.

**Mrs Carnell:** To cut services? I just thought that was quite the opposite.

**MR BERRY:** You want to have a look at *Hansard* and see what you said.

**MS FOLLETT** (Leader of the Opposition) (10.56): I listened very carefully to Mr De Domenico's defence of his Urban Services budget. Particularly did I listen to Mr De Domenico's expose of what he believed were the good things in this budget. Nowhere in Mr De Domenico's comments did I hear anything about the closure of the Ainslie Transfer Station. It is my belief, Mr Speaker, that this was yet another example of where this Government has behaved in a totally secretive and underhand manner. Where was their election commitment to close Ainslie Transfer Station? When did we hear of Mrs Carnell or Mr Humphries, as members in that area, going to the Canberra electorate and saying, "By the way, if you elect us, we are going to close your transfer station."? Of course, they did not.

**Mr Humphries:** We did not know we were going to do it until after the election.

**MS FOLLETT:** Mr Speaker, now they say they did not know they were going to do it until after they got into government. Well, why did you do it? Mr Speaker, I would have thought that if they wanted to present themselves as an honest government, if they wanted to present themselves as a government that makes clear what its commitments are, as we keep hearing from them, they either would have been up front about their intentions with regard to the Ainslie Transfer Station or would not have done it.

The fact is, Mr Speaker, that this Government has taken action there which I think they will live to regret. What they have done is involve all of the residents in that northern area of Canberra in a 40 kilometres round trip to get their waste to the Belconnen tip. That 40 kilometres round trip, Mr Speaker, will be beyond some of those people, particularly the older residents there. They will not think it is worth while. The cost to those residents of making a 40 kilometres round trip, the cost to our environment of having all those additional trips made, has not been taken into account by this Government. They just bought the short-term, bottom line, hard monetarist solution. They closed the transfer station. I doubt, Mr Speaker, whether any of them have ever been there. I doubt whether any of them have ever visited the recycling services there, or have ever taken anything to the Revolve station that was there. Mr Speaker, I think it is an absolutely despicable trick to have pulled on the residents of that old Canberra North area.

Another secret that the Government kept well up their sleeves and that has only now come to light is their intention to charge tip fees to householders. This was a very well-kept secret, Mr Speaker. I do not remember Mrs Carnell, or Mr Humphries, or Mr De Domenico, or any of the rest of them, going out and saying they would charge tip fees. This is another example of this Government's approach to their so-called open and consultative government. It is a con. It is a trick.

**Mr Hird:** So you were not going to do it?

**MS FOLLETT:** Absolutely to the contrary. Mrs Carnell went to the electorate - - -

**Mr Hird:** You were not going to do it.

**MS FOLLETT:** I am not going to shout over Mr Hird, Mr Speaker.

**Mr Hird:** But you were not going to do it.

**MR SPEAKER:** Order, Mr Hird!

**MS FOLLETT:** Thank you, Mr Speaker. I do not recall any of the members opposite going out to the electorate and saying to them, "By the way, we are going to charge you fees for going to the tip". What Mrs Carnell did say was that it would not cost you a penny more to have this Liberal Government in office. "Not a penny more" were her words. That was an absolutely false statement, an absolutely false promise, to the Canberra community. Yet another promise, Mr Speaker, has been broken without so much as a batting of the eyelids.

The tip fees have been dressed up as an environmental charge so they can blame it on the Greens. That is what this is. That just doubles the con. You go out to the people in the suburbs, you go out to the people, particularly in North Canberra, and tell them this is not a tip fee, this is an environmental charge. You will be lucky if they laugh at you. They will be more likely to spit at you. The fact that the Minister has not even attempted to defend those aspects of his budget says it all. He would rather still keep the secret. He is hoping no-one will notice. This is their idea of open and consultative government - to not tell anybody about those fundamental changes in the management of his portfolio.

Madam Deputy Speaker, Mr De Domenico also said, with a measure of pride, I thought, that 80 per cent of Urban Services tasks were being contracted out. What sort of a record is that? I would have thought that there was adequate evidence throughout this country, and throughout other countries as well, that the contracting out of services has two results. It costs more and you get less service. But, Madam Deputy Speaker, you cannot persuade these Liberals with the weight of logical evidence. You cannot persuade these Liberals that perhaps we should learn from the experience of other places, because they are ideologically bound to a position that says, "Cut the public sector and give the work to the private sector". It is a purely ideological position that is simply not borne out anywhere else in the world or in this country. It is a ridiculous position.



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It is a position that is taken purely in order to reduce public sector jobs, to reduce the security of people in their employment. Madam Deputy Speaker, they are seeing the results in the industrial action that is being taken. I have heard the Deputy Chief Minister and the Chief Minister making disparaging remarks about the industrial action that is being taken. They would deny people even the opportunity to try to protect their own jobs. I think that is absolutely disgraceful.

Before concluding I would like to respond to some of the comments on this matter that were made by the Greens. I repeat what Mr Berry said: This is the Liberals' budget. It is the budget of a Liberal government. If the Greens or anybody else do not like this aspect of the budget they have the option of voting against it. You can vote against this line in the budget, or against the education line in the budget, and force the Government to change their minds. You can force the Government to come back with a position that you can support. Instead of trying to blame all your own problems on the Labor Party, which is in opposition, I would suggest to you that if you are serious about trying to influence the party that you have put into government you take that action. Madam Deputy Speaker, I think that is the most appropriate action for these members to take. Clearly, their attempts to negotiate and to consult with this Government on a budget that they could support have failed.

**Mr Connolly:** They are taken for granted.

**MS FOLLETT:** They are taken for granted. The Liberals, I think, are calling the bluff of the crossbenchers. It is open to the crossbenchers to respond in the only appropriate way, and that is to vote against this line. That is what I will be doing, Madam Deputy Speaker. That is what I urge them to do as well.

**MR MOORE (11.05):** What a wonderful invitation from the Chief Minister - from the would-be Chief Minister! That was a little slip of the tongue, a little Freudian slip. These things just come out. All we have to do is take a little bite of this apple. All we have to do is vote against one line of the budget and all will be well. Mr Humphries made it very clear earlier today that, if there is a vote against the budget, they will resign, that will be it, and then we will have to find a new Chief Minister. Who could that be? I wonder whom we have in mind? In fact, what we could easily have done - and I showed you again and again how to do it, but no, you were not interested in how we could deal with this - was to follow the process you would expect to find in a local council or in an organisation like ours whereby we could have amended the budget. But no, you would not do that, because that way there was no chance whatsoever that you would get to be Chief Minister. So cut out the duplicitous nonsense that you go on with.

The questions I still have to ask about the Urban Services budget include: What is going on about our milk bottles? That is indeed a most important question.

**Mr Berry:** That comes under Business; it has gone.

**MR MOORE:** I think this is the right line item. We can cover it in here. I am sure that Mr De Domenico will do the right thing. Even if I am slightly in the wrong area, he will cover that for me and explain just what is going on with the milk bottles. In this area we have the environmental section, which looks after environmental issues to do with milk bottles. The environmental issue is about the proliferation of those horrible cartons that are supposedly recyclable, which is to a certain extent true, but they are certainly not reusable, which is a higher order priority, before they are recyclable, as are our milk bottles. As everybody knows from the old advertisements, good things come in glass. That is the way we like our milk and, Minister, that is the way we want you to respond and let us know how that is going to be organised. Minister, if you can answer that question, that will help us along the way to understanding what is the best thing to do about your budget, now that we have that excellent invitation from Ms Follett to give her an opportunity to be the Chief Minister.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (11.08): Mr Speaker, I rise as Minister for the Environment to support enthusiastically the decisions taken by this Government in the urban services area to protect and enhance our natural environment. I find it quite extraordinary that this Opposition, which has always professed to have a concern about the environment, should take such pains to attack what they know is likely to be an electorally difficult or even unpopular decision to do things such as close the Ainslie Transfer Station and impose tip fees at Canberra's tips. They well know that the effect of those decisions on the environment is almost certainly going to be salutary.

The fact is that since the 1990-91 budget, when a decision was made by the former Alliance Government to close the Ainslie Transfer Station, there has been a dramatic change in the environment in which people dispose of their rubbish and waste in their own homes. Today, every ACT householder has at his or her disposal door-to-door collected recycling and waste disposal on a scale that was not available before. Indeed, as a result of this Government's actions also, they have access to very cheap composting bins as well. In the circumstance where every citizen every fortnight has a large bin full of recyclable rubbish taken away and every week has a large bin of non-recyclable rubbish taken away, it is irresponsible from an environmental point of view to continue to encourage people to use ordinary waste tips in the same way as they have in the past. It is environmentally irresponsible.

**Mr Berry:** Now they have to drive to Belconnen with their stuff.

**MR HUMPHRIES:** They should not have to drive to Belconnen; they should use their recycling facilities. The average household can and should be using kerbside recycling facilities to collect the vast majority of waste that the average household collects. Very occasionally, it will be necessary to take rubbish to a tip somewhere else; but having a convenient and free transfer station, as Labor would wish it to be, encourages people not to recycle but to dispose of their rubbish in that way. It is not responsible to allow that kind of regime to continue.

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**Mr Moore:** When was the last time you went to Ainslie Transfer Station?

**MR HUMPHRIES:** I went there about 18 months ago. I have been there five or six times in my life and I visit Revolve regularly. In fact, my father dropped off a number of lights there only last week. We use Revolve quite regularly.

It is true that we did not put up in lights the fact that we were going to introduce domestic tip fees, but I must say that that is a very strange criticism. Ms Follett accuses us of duplicity about that subject. I recall, first of all, that the former Government introduced commercial tip fees also without advertising its position prior to the election. Did I miss the press release before the 1992 election advertising commercial tip fees? Did I miss a part in the ACT Labor Party platform?

**Mr De Domenico:** Did you see the one that said that introducing big bins was environmental madness?

**MR HUMPHRIES:** That is right, yes. I do remember the bit about big bins doing environmental damage. I seem to have overlooked the Labor Party's explicit advance notice that they were introducing commercial tip fees. This is Labor logic, of course. It is okay for a Labor government to introduce commercial tip fees without notice. That is responsible. When a Liberal government introduces domestic tip fees without notice, that is duplicitous. Great! I think we all understand where we come from with the Labor Party.

I also point out that, at the time the Labor Party introduced tip fees, the then Liberal spokesman on urban services, Mr Lou Westende, issued a press release indicating that we thought it was wrong to charge only the commercial sector for use of the tips; it should be across the board, commercial and domestic, at the same time. So the Liberal Party did indicate very clearly its view about these matters. I stand by those decisions. It is not responsible to encourage unlimited use of our tips as if waste sites were an unlimited resource in this community. They are not. We should be telling our community in no uncertain terms that those sites are a limited resource and we should be conserving them. The best way to conserve them is to make people value the use of those sites by charging for them.

**MR DE DOMENICO** (Minister for Urban Services) (11.13): Let me speak very quickly in response to Mr Moore. We are currently looking at bringing in a new milk bottling machine from New South Wales. We are currently negotiating along those lines to make sure that we continue to use milk bottles.

**MR WHITECROSS** (11.14): The Liberal Government was saved by the New South Wales Labor Government on the milk bottle thing. It was lucky the New South Wales Minister stepped in and told their milk people they could not get rid of glass bottles, otherwise you would be in like Flynn getting rid of them.

A couple of fascinating things have come from the Chief Minister tonight in the course of her discussion of the urban services budget, showing her limited capacity to follow abstract argument. She quoted from last year's Estimates Committee report reflecting on across-the-board efficiency dividends of 2 per cent, and sought to compare that with

making a one-off 15 per cent cut to the library budget. She said that, because the Estimates Committee last year had something to say about across-the-board efficiency dividends and the Labor Government did not think you should have to spell out how you were making across-the-board efficiency savings in individual portfolios, that is comparable to cutting 15 per cent out of the library budget. The comparison is not there. The Government has made a deliberate policy decision to make a substantial cut in the library budget without being able to explain how that cut is to be made. That is nothing at all like applying an efficiency dividend, and for Mrs Carnell to try to make that comparison shows her inability to grasp what I would have thought was a relatively simple concept.

The other fascinating thing Mrs Carnell did, assisted by Mr De Domenico, was to do a Goebbels on the size of the library cut.

**Mr Humphries:** Mr Speaker, I think reference to Goebbels in this way is fairly offensive.

**Mr Berry:** It would not be for you. It would not offend you.

**Mr Humphries:** Mr Speaker, that is rather compounding the error.

**MR SPEAKER:** Reference to whom, Mr Humphries?

**Mr Humphries:** I think “to do a Goebbels” is a fairly offensive term. If members opposite wish to use it they lower the tone of the house, but that is entirely up to them.

**MR SPEAKER:** I would rule that that is offensive. I suggest that you withdraw it, Mr Whitecross.

**Mr Connolly:** Mr Speaker, I am halfway through reading the Bullock history of Stalin and Hitler, and Stalin is directly attributed with the deaths of upwards of 20 million Russians and others. Yet “You are a Stalinist” is the daily banter from the Liberals. One would have to wonder why you find such objection to “doing a Goebbels”, which is a well-understood phrase for a propaganda technique and the technique of the repeated fallacy.

**MR SPEAKER:** As far as I am aware, Stalinist is a name given generally. Your reference to Goebbels, I think, was to an individual, was it not, Mr Whitecross?

**MR WHITECROSS:** Mr Speaker, I was, of course, referring to the big lie technique, where you tell a lie and you keep repeating the lie in the hope that people will believe that it is true. In deference to you, I will withdraw.

**MR SPEAKER:** All right. If you like to put it that way, that is all right. At least then you can spell it out.

**MR WHITECROSS:** To get back to the point I was making, various members of the Government repeatedly say, “We are cutting the libraries by only \$150,000, from \$6.3m to \$6.1m”; but the open, accountable Carnell Government has produced highly detailed and very informative budget papers which tell us that the library service is going

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to be cut from \$7.2m to \$6.1m - a cut of \$1.1m. If they have misled the community by publishing a set of budget papers that are wrong, then they have taken a long time to come around to telling us the true story. If that is the true story, Mr De Domenico and Mrs Carnell would do well to table all the relevant documents so that we can see what it is.

What I do know is that there were 12 temporary staff employed in the libraries on 1 July. By the end of this month none of those 12 temporary staff will be employed in the Library Service. That does not sound to me like a cut of \$150,000; that sounds like a much more substantial cut. We have seen the acquisitions budget for the public library service cut from something like \$920,000 to \$750,000. That is more than \$150,000 on its own. According to the calculations I have seen, that is something in the vicinity of 11,000 fewer volumes, based on the comparison of last year's prices and this year's prices of books, which is about 10 per cent different.

I do not see how the Government can possibly sustain the position that this is only a \$150,000 cut, and I do not think they do their cause any justice at all by suggesting that the library budget has not been cut. Mrs Carnell might want to say, "We think the library budget has been running over in previous years", and so be it; I do not know the history of that. What I do know is that last year we had \$7.2m of services, between the public library and the government library, and this year we have \$6.1m, which is \$1.1m less, whichever way you do your arithmetic. They ought to stick to reality in relation to that item.

I repeat what I said before in relation to this appropriation for the functions that are covered by Urban Services. What we are seeing here is a significant cut in services in a range of places, cuts in the involvement of the public sector, with work being pushed off to the private sector, and an abrogation of their role as a trainer of young workers in a range of areas. We see a shift in the operation of the Survey Office from a non-commercialised operation to a fully commercialised operation, open to competition by 1 July next year. That is an extremely rapid turnaround, with no proper safeguards to ensure that, when the clients are untied on 1 July and when they are given the money on 1 July, the ACT Survey Office will be in a proper position to compete.

We were given assurances by the department and the Minister in the Estimates Committee, but when we get to see the Government's formal reply we find that all those assurances we were given in the Estimates Committee are out the window and what is said in the budget papers - - - (*Quorum formed*) We have seen an increase in user pays, and we have seen these changes made, whether to ACT Fleet, to waste management, to taxi regulation, or to libraries, without any evaluation, without any forward planning, without developing strategies such as the waste management strategy or awaiting the outcomes of reviews such as the review into taxi regulation. As Mr De Domenico told us in the Estimates Committee, "The way we make decisions in government is without any evaluation. That is the way we make decisions in government, and when you have been around a bit longer, Mr Whitecross, you will understand that that is the way we make decisions - without any evaluation, without any strategy, without any forward planning. We just make them".

There are taxi owners all over Canberra thanking Mr De Domenico for his approach to these things! There will be people paying their money at the tips, driving all the way to Belconnen because Ainslie Transfer Station is closed, thanking Tony De Domenico for his decision-making! There will be people finding that the books they were expecting to find in the library are not there and that the services like story time are not there. They will be thanking Mr De Domenico for that too, because of the brilliant planning, the brilliant decision-making, that characterises his custody of the Urban Services portfolio!

**MR CONNOLLY (11.24):** Mr Speaker, it is necessary for someone from the Opposition side to get up and respond to Mr Moore's earlier comments, after Ms Follett set out our position. Mr Moore got up here and talked about being offered the nibble from the apple and how tempting it was. But, of course, he would not do it, he said, because if they did that and exercised their perfectly proper right to say no to a line item and forced the Government to go away and reconsider - not a motion of no confidence in the Government, because there is a specific way to do that - "Gary told me the Government would resign, so I could not possibly do it". When you go out big-noting yourself to the education unions and the nurses unions and every other group, you say to them, "Of course, I could have voted against the budget - - -"

**Mr Moore:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** Order! I remind you people, as I am sure you have forgotten, that we are discussing Division 80, Urban Services.

**MR CONNOLLY:** Yes. When he goes out and explains to the library groups why he allowed the cuts in the library services to go ahead - library services, urban services; both, Mr Speaker - he will say, "Well, of course I had to do it because Gary threatened to resign if I did not. I could not upset Gary". What a spineless effort from Mr Moore! Not only had he flagged in advance - - -

**Mr Kaine:** On a point of order, Mr Speaker: I think we will have to charge him with overacting. In fact, what Mr Moore was trying to say was that the alternative of having Mr Connolly as the Minister was so terrifying he could not tolerate it.

**MR CONNOLLY:** So not only has he said in advance, "I'll huff and I'll puff, but I won't blow your house down because I pledged in advance that I would vote for your budget", he has ruled it all out, even where we have made it very clear that all we are saying is that, if he is serious about saying to this Government, "Go back and rethink", he should exercise his vote on the line item or even adjourn a line item. If you are fair dinkum when we come to education, Mr Moore - - -

**Mr Osborne:** What about an amendment?

**MR CONNOLLY:** We cannot breach the law, Mr Osborne; but, if you are fair dinkum about this, you can either vote against that line item or adjourn that line item and then go in and have some serious negotiations with the Government. They treat you like little poodles. They treat you like little lap-dogs, the little lap-dogs that will go yap, yap, yap, yap, yap, but will never bite. Despite the yap, yap, yapping that Mr Moore is doing to the various lobby groups, he has pledged that he will not bite and he will support the

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Carnell-Moore budget - the Carnell-Moore budget that is cutting library services, the Carnell-Moore budget that is cutting education and health services. When the lobby groups say to Mr Moore, "Why did you end up supporting the Government?", his response is, "I had to, because Gary threatened to resign".

Proposed expenditure agreed to.

Proposed expenditure - Division 90 - Public Transport, \$41,373,400

**MR WHITECROSS** (11.28): Once again, the same themes seem to occur when we deal with - - -

**Mr De Domenico**: The world is going to end again, Andrew.

**MR WHITECROSS**: No, Mr De Domenico, but once again - - -

**Ms McRae**: Just the transport services.

**MR WHITECROSS**: Yes, that is right. Whenever we deal with something that Mr De Domenico has his hands on, we find that we have something that has not been thought out in advance and is full of arbitrary figures we hope we are going to achieve. In this case we have the magic \$12m. We had a categorical undertaking from Mrs Carnell, when she first came into this place after the election, that there would be no reduction in services. We now have a proposal which over the next three years will cut \$12m out of the public transport appropriation and in this year will cut \$6m out of it, and we have no explanation of how we are going to get from A to B without reducing any of the services. The fact is that it is not possible. Like everything this Government does, the Government did not announce any of these things. You find out about them through the rumour mill. You find out about them in dribs and drabs. They do not have the guts to get up and announce a cut in ACTION services. They just let it bleed out, from here or there or wherever. They do not have the guts to announce that they are cutting library services. They just hand the library people a budget and let them sort it out. One day you will turn up to the library and something will not be there.

So it is with public transport services. Already we are seeing information coming out that they propose to save money on off-peak routes by extending the routes, by running fewer routes and having them run longer, the result being that commuters using off-peak services will get a worse service than they are getting now. So much for Mrs Carnell's commitment not to reduce services. Go and ask someone who is sitting on an off-peak bus for 40 minutes instead of 20 minutes whether their service has been reduced, and see what they say. They are going to say that their service has been reduced. Mrs Carnell might have lots of weasel words about it, but the punters know that that is a reduction in services.

What is even more interesting about this is that this cut is being made in the face of evidence that what they are doing is not what the customers want. Whenever Mr De Domenico gets let off the leash on ACTION bus services, he waffles on about how we have to provide the service the customers want. ACTION have gone out and done a customer survey, and that is something ACTION management are to be

commended for. Their survey says that customers do not actually mind longer journey times provided that they get more frequent journeys. What has the Government done? The Government has given them the longer journey times, the reduction in service, but without the offsetting improvements through more frequent services.

What we see is not an improvement in services, which might have been able to be achieved in a cost-neutral way, but a simple effort to save money. What really drives Mr De Domenico is a desire to save money and a desire to reduce the size of public transport. If Mr De Domenico were serious about public transport and understood the benefits of public transport to a city like Canberra, he would be thinking laterally, not about cutting the costs of the services necessarily but about all the ways we can improve services. The Labor Government managed to make significant efficiencies in the ACTION budget, and we did it not by cutting services but by introducing an automatic ticketing system, which will save a significant amount of money in future years because of greater compliance with the fare system.

**Mrs Carnell:** We did that.

**MR WHITECROSS:** No, you did not do it, Mrs Carnell.

**Mrs Carnell:** We introduced it.

**MR WHITECROSS:** Mrs Carnell, you cut the ribbon. Mrs Carnell has once again engaged in that famous propaganda technique we are all familiar with, the one of making a statement we all know is not true. She is claiming that it was her idea to introduce automatic ticketing, and it was not. Not only do we have that but we also have savings we made in the ACTION budget through negotiations with the unions about changes to work practices that allow the use of part-time drivers and that we were working towards in the integration of the mechanics with the other services, which Mr De Domenico has taken forward.

These are ways of getting savings in the ACTION system, not by cutting the services, but that is what Mr De Domenico likes to do. Why does he not, in order to reduce the costs of ACTION, look at ways of making the off-peak services more attractive to people, instead of making them less attractive to people, which is what he has done? The logic of Mr De Domenico is all the time to reduce. He does not really relate to government services; he does not like government services. He would rather see his friends in the private bus companies running around. He is not interested in running a public transport system, and his whole approach is informed by that idea.

More evidence of the way Mr De Domenico just cannot relate to public transport is that he too, once again encouraged by Mrs Carnell, who is the master of that well-known propaganda technique, has been running around town for the past year or more telling everybody who would listen that only 5 per cent of Canberrans have ever been near an ACTION bus; that only 5 per cent of Canberrans use ACTION buses. The facts are different. ACTION's own customer survey shows that 50 per cent of the respondents to the survey claimed that they usually used ACTION at least once a week.



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**Mr Humphries:** The survey was taken on a bus.

**MR WHITECROSS:** No, it was not. Once again, Mr Humphries, faced with contradiction of the propaganda, faced with the fact that he has been caught out and his Government has been caught out, engages in that famous propaganda technique with which we are all familiar, saying that the survey was conducted on a bus. It was not. It was conducted by telephone.

Mr Speaker, it does not matter how many amusing gestures they make over there. The fact is that they have been misrepresenting the facts about the commitment of the ACT community to ACTION buses. Fifty per cent of people said that they usually use ACTION once a week; 30 per cent said that they actually used ACTION once in the last week. Perhaps the 30 per cent is more accurate than the 50 per cent; but, either way, it is not 5 per cent. If you look at people who use it every day to get to work, it is still not 5 per cent; it is still over 10 per cent.

These people simply have not been able to tell the truth about the commitment of the public to ACTION. They have been using these falsehoods in order to run down the public transport system, in order to undermine the public transport system. Until very recently, Mrs Carnell and Mr De Domenico were running around, once again using that famous propaganda technique, saying that ACTION cost \$1m a week. It does not cost \$1m a week. The recurrent subsidy to ACTION is only \$600,000 a week and going down. Once again, they cannot tell the truth about ACTION. They have to tell the public that it costs more. They have to tell the public that nobody uses it. They have to use that well-known propaganda technique because they have an agenda of running the ACT public transport into the ground. They want to justify their agenda, which is reducing the services and hopefully, in Mr De Domenico's brave new world, bringing in their friends from the private bus companies so that they can look after some of their mates. That is what they are about.

If they were really committed to a public transport system, they would be working their butts off to figure out ways of improving the public transport system, building on the strong commitment in the community to the public transport system by building on the customer base. That is not what he is doing. The customers say that they want one thing for off-peak services. Mr De Domenico gives them another thing. This is a bad line. The appropriation Mr De Domenico and Mrs Carnell have proposed for public transport for this year will have to result in a cut in services. It cannot be achieved without a cut in services, and we have already heard the stories to indicate that the cut is coming.

**MS TUCKER (11.39):** This Government has repeatedly failed to assure the Assembly that public transport services will not be reduced as a result of the cuts in the budget for ACTION. This is occurring at the same time as both business and community groups are saying that more and better services are required. We have a greenhouse crisis looming. We have a growing gap between the rich and the poor. At the same time, politicians, not just here, not just in Australia, but all around the world, keep on cutting and rationalising essential community services such as public transport on the grounds that they cost money to provide. This blind acceptance of economic rationalism not only ignores long-term interests; it is also misguided in the short term.

I recently attended a round-table discussion on employment, organised by the ACT Business Council and attended briefly by the Minister for Urban Services, Mr De Domenico. One of the major issues raised was the need for access to public transport. This support for public transport at the jobs round table may come as a surprise to the Minister. There appeared to be general agreement that an effective public transport system was essential to generating business and employment in the ACT. Given that the Government is spending plenty of money directly on encouraging private enterprise in the ACT, through CanTrade and tax concessions and giving away parcels of land, it is interesting that it is cutting funding in an area where there is a clear need for improvement in order to assist in the generation of employment, particularly where working hours are becoming more flexible. This was very clearly pointed out at the round table.

Public transport in the ACT is organised around peak hours. After those hours, and in particular on weekends, access to public transport becomes minimal. If the Minister had attended the meeting for a little longer than he did, he would have heard that there is a real need to recognise that a lot of business does not operate between the hours of eight o'clock in the morning and six o'clock in the evening, and we need a better public transport system outside these times. For social, environmental and economic reasons, we need more public transport services, not fewer. We are far too dependent on the private motor vehicle in this Territory.

While the Government has its eyes set on reducing public transport, it has shown no inclination whatsoever to create incentives for people not to use private motor vehicles. "We need more money to do it.", says the Government. Yet that same Government has totally dismissed the introduction of parking charges in Belconnen and Tuggeranong. As we have pointed out to the Government on several occasions, the ACT has twice as many parking spaces per CBD worker as any other capital city in Australia. Only some cities in the United States are in the same league. The Government appears to ignore this fact. The Government could also have been looking at creating incentives for people to use public transport. For example, in urban services, a commitment could have been made to reduce available parking in the ACT to the national average, a national benchmark which the Government is clearly happy to ignore.

**Mr Osborne:** Do you really want to hand your car back?

**MS TUCKER:** I did catch a bus to work today, Mr Osborne. The reliance on private motor vehicles in this town cannot be attributed to the Liberal Party alone. It has taken years to get to this point, and it is in part a legacy of the way Canberra was planned. I do not think anyone in this chamber will deny this fact, but political will is necessary to turn this situation around, to make public transport a viable choice for many more people. I do not think the Liberals have demonstrated this political will by cutting more than \$12m out of public transport over three years.

Discouraging use of private vehicles and encouraging public transport usage is fundamental to the process of reforming our transport systems. You do not need a committee to tell you that.

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**Mr Moore:** I think you should give your car back, Kerrie.

**Mr De Domenico:** Practise what you preach.

**MS TUCKER:** Yet the only vision displayed by the Government in this budget is a commitment to save money. This year, the Government intends to spend \$600,000 of its urban services budget on transport policy. A significant proportion of this will go towards identifying the CSOs associated with the provision of Canberra's public transport system.

Are you listening upstairs, Mr Berry? He had to come down last time he heard me talking about the Labor Party. If the Labor Party were truly committed to the welfare of the community, they would not have supported the Government's motion, which is likely to effectively stop us moving our amendment on public transport. The amendment would have committed the Government to maintaining service levels. Mrs Carnell may say that the amendment would have stopped new services going to Gungahlin. This is not the case. It would not have restricted the Government's ability to increase service levels.

The Greens will always be more than supportive of any move towards increasing public transport services. If this requires additional funding to public transport, then so be it. As environmentalists, we have an absolute responsibility to take a strong stand on the issue of public transport, as dependence on private motor vehicle use is a major contributor to local and global pollution. As legislators, we have a responsibility to our community. Cutting public transport is not in the interests of the community, either now or in the future. It is not a subsidy; it is an investment.

In response to the interjections, we are still waiting for a response from the Remuneration Tribunal about an alternative package rather than a car and a salary, which is what the Greens' policy said. I also remind members that I usually ride my bike or catch a bus, so why not leave off the comments about what we are doing with our cars until we hear from the Remuneration Tribunal?

**MR OSBORNE (11.45):** I seem to have hit a raw nerve there, Mr Speaker. I would like to state from the outset that I will not be handing my car back in. Although we did joke, I do agree with a lot that Ms Tucker said. However, I have a real problem with the proposed changes they want to make in Tuggeranong. The routes now go through several suburbs on the way to Erindale and the town centre. They basically cover all the different suburbs. The proposed new routes circle each suburb and then go to the town centre. That sounds fine; but the problem is that, if you live in somewhere like Chisholm and you want to go to Calwell, you have to go all the way into the town centre. Once again I pose the question to the Minister, although I do not believe what he is going to tell me - - -

**Mr Whitecross:** Ask him for an assurance.

**MR OSBORNE:** I have got that. I moved a motion, Andrew. What is the next step after a motion? I do not know what I can do.

Minister, if that is an example of how you are going to rationalise the routes in Tuggeranong, and for the rest of Canberra, I would imagine, you certainly will not be getting my support on it. How do you justify having to travel all the way into the town centre if you want to travel from one suburb to another? In the main, the people who use public transport are not people like us, who have a car; they are the lower income people, the people who cannot afford a car, or the people who have only one car. They are the ones who use the buses. They are the ones we should be worrying about.

You are a government and there are some services that you do provide as a public service, and I believe transport is one of them. I think you should look at it with a little more compassion and think about the people who use the public transport system. As I said, it is not you or me. It is Ms Tucker.

**Ms Tucker:** It should be.

**MR OSBORNE:** I live in Tuggeranong, Kerrie. I have three children - or two and nine-tenths. You will be pleased to know that I have tied Sally's legs up, Mr Speaker, so that she does not have it before the end of the night.

**Mr Humphries:** Is this a bondage fetish?

**Mr De Domenico:** I got into trouble for less than that. All I said was "Mintie".

**MR OSBORNE:** I beg your pardon? Would you like that on record? Did he say something about Minties, Mr Connolly?

**Mr De Domenico:** No; I said it was McGinty, a New Zealand racehorse.

**MR OSBORNE:** Some people never learn. As I said, I have a great problem with the proposed changes to the ACTION routes. How do people travel between suburbs during the day? I do not know. I would think that is a major stumbling block to any support I give to the Government over it. Mr De Domenico and his department should show a little more compassion to the people who use this service.

**MR WHITECROSS (11.50):** There are a couple of other things about ACTION I want to touch on briefly. One is to emphasise again the point I was making earlier about the misrepresentations on ACTION. The Government's own figures published in Budget Paper No. 3 about the cost of the ACT's public transport system, standardised by the Grants Commission, indicate that the ACT's public transport system is below the average cost of urban public transport systems in Australia. Once again, far from being the hugely expensive thing Mr De Domenico and Mrs Carnell have been telling us it is, it is below the standardised cost according to the Grants Commission. There are lots of complications in these things, but it is the function of the Grants Commission to even out all these complications, and we still come out as being below the standardised expenditure.

I would also like to remind members, in looking at this budget, that one of the Government's early decisions to assist the commitment of the community to the public transport system was to increase the fares by 30 per cent.

**Ms Follett:** Was that an election promise?

**MR WHITECROSS:** I do not recall it being mentioned in the election. “Not one cent more”, I remember; but I do not remember “Bus fares up 30 per cent”. Once again, we are not seeing a strategy designed to bring people onto the buses; we are seeing a strategy designed to make it less attractive for people to be on the buses. Mr Osborne spoke from the heart, as he usually does, about how important it is to have a bus system, and he pointed out some problems he has with bus routes in Tuggeranong. He has the benefit of some information I do not have, and I will be interested to discuss that with him later. What he describes strikes me as being rather strange.

While I agree with Mr Osborne's concerns, I do not think it is entirely fair to blame ACTION management for the result. It is Mrs Carnell who has decided that the appropriation should be only \$41m, not ACTION management. ACTION management are just doing their job, trying to live within the budget. I agree with Mr Osborne that that is not enough and that we should have more. I do not want to see services cut, but that is going to be the result of the appropriation that has been handed down. Like the Greens, I do not want to see services cut. Like the Greens, I believe that we should have a strong, viable public transport system. But, unlike the Greens and unlike Mr Moore and unlike Mr Osborne, I am not willing to tear up our system of government just to satisfy the urge to get the warm inner glow from having moved an amendment to this budget or to satisfy the short-term political expedient of being able to tell some particular lobby group that you tried.

We all know that most of these amendments we have seen floating around the chamber and being publicised by various members in the community were not actually brought forward until after the Labor Party said that we would not be voting for them. Suddenly, after the Labor Party said that we would not be voting for them, everyone on the crossbenches has a list of amendments a mile long. They all see instantly that this is their chance to go out and tell various sectional interest groups that they are right on side, confident in the knowledge that the Labor Party will not be supporting their strategy.

The reality is that if you appoint a Liberal government you do not get Labor Party policies, and the unfortunate thing is that the people on the crossbenches seem to want Labor Party policies. They seem to want the kind of education system and the kind of public transport system that Labor stands for, but they have not made the right choice in the government. Instead they have a government that is going to deliver them reductions in public transport and has not given them the funding to maintain education.

Mr Moore makes much of the revelation, as he would have it, that if people vote against the budget the end result will be that hidden somewhere in the secret things behind this is an aspiration on the part of the Labor Party to one day be in government. If we vote against the Liberal Party Government, there is this secret agenda, according to Mr Moore, that the Labor Party wants to be in government. It is no secret, Mr Moore. The Labor Party is in this place as an alternative government, and we will always, while we are on the opposition benches, stand as the alternative government and say why we think the current Government is doing badly and why we think we could do better. That is our job, Mr Moore. That is our aspiration as members of the Labor Party.

We want to see this town run according to the principles of the Labor Party. We do not want to see the town run according to the principles of the Liberal Party. That is why we criticise decisions by the Liberal Government, which are not Labor decisions. That is why we call on members of the crossbenches, who are not happy with the Liberal decisions of this Liberal Government, to support the Labor Party rather than supporting the Liberal Party. That is not a matter of shame on the part of members on this side of the house. We think that is appropriate. We believe that we could do a better job than those people. People might not want to give us a go, and that is their decision; but, if they end up with a Liberal government because they have voted for a Liberal government, they cannot be too surprised. They cannot, as everyone seems to want to, turn round and say to the Labor Party, "It is your fault that all these bad things are happening". The ACT Greens say that it is the Labor Party's fault that there is going to be a cut to the public transport system. Mr Moore and the Education Union say that it is the Labor Party's fault that there is going to be a cut in education. But it is not the Labor Party's fault. The Labor Party is in opposition. The Liberal Party is in government. While there is a Liberal government you will get Liberal policies.

As Mr Connolly has eloquently pointed out, if you adopt the negotiating position, if you go into your negotiations saying, "Whatever you do we will support you", that is not a very good negotiating position. The end result is that you will not get very much out of the negotiations - and they did not. Unless you are willing to put the Government's job on the line, unless you are willing to say, "Deliver the policies we want or we will turn to the Labor Party and see whether they will deliver the policies we want", you will not get the kind of changes the people on the crossbenches have been looking for.

Maybe the people on the crossbenches are not ready for that change. That is their decision. They have chosen the Liberal Government. It is their decision when they want to change. But we will always advocate how we could do a better job. We will always stand ready to govern, because we are the alternative government in this house. That is the system of government we have, and we will stand by that system. When the day comes that the people on the crossbenches have had enough of this Liberal Government, we will be only too happy to form a government. In the meantime, they cannot blame the Opposition for what the Government is doing.

In relation to public transport, what the Government is doing is really very bad. It is a serious erosion of services, and it is not surprising that we are seeing this erosion of services, because we have a Minister who makes decisions without knowing what the implications of those decisions are, both in urban services and in public transport, and because we have a Minister who is not really committed to public services anyway. He believes, like Mrs Carnell, that it is not the role of governments to provide services.

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**Friday, 24 November 1995**

**MR MOORE** (12.01 am): On this matter of transport, it was interesting to hear Mr Whitecross's dissertation. I must say that it was much more open than many of the other dissertations and denials we heard from the Labor Party earlier, and certainly it was a refreshingly different approach from that taken by his colleague Mr Connolly a little earlier. Mr Whitecross at least admits that his intention is, as soon as possible, to take over government. What he has failed to do in his dissertation, of course, is recognise that there happens to be a difference between majority governments and the way you wish to operate and minority governments with a crossbench. Under those circumstances, you clearly have in your hands the power - you had it in your hands but you threw it away; we could recover that, if you see the light - to amend this budget and to get the consequence we want without changing government. To you, what is much more important than getting an outcome in terms of education is getting you into government; but what you seem to forget is that my experience has been that, when the Labor Party was in government, it did not help education, it was just as bad. You cut it as well.

**MR SPEAKER:** Order! We are discussing public transport.

**MR MOORE:** It did not help public transport. You were prepared to cut that as well. Mr Connolly has been very proud of the fact - and I must say rightly so - that he managed to cut significantly the budget in public transport - - -

**Mr Connolly:** The cost, not the services.

**MR MOORE:** The cost of public transport - I accept the correction Mr Connolly makes - and to make public transport much more efficient, which is the issue he was dealing with, to get better outcomes for the dollar there. That was true. Later his colleague Mr Lamont, I think, achieved quite significant advances in that, and I do not believe anybody can take that away from him.

It now appears that the Liberal Government believe that they can do better, and I am prepared to give them a chance to try to improve the efficiencies even further. What I am not prepared to do is give you guys another go at it, because it is not going to be just this area, it will be the lot. I am not going to give you another go, because you blew it last time. The population as a whole recognises that you blew it. When you got a chance this time to protect a couple of parts that I thought might be important to you, you would not act on it. I just indicate to you, Mr Whitecross, because you drew attention to the fact that there was a plethora of amendments suggested after you made it clear that you would not be supporting it, that the one exception to that is the one I have moved.

**Mr Whitecross:** The one exception is yours.

**MR MOORE:** I have four or five amendments, but they are a series of different things to try to achieve the same goal. That is the one exception, which you now acknowledge, and I appreciate that.

**MS McRAE** (12.03 am): Mr Speaker, this public transport area is an area of great worry, particularly because of the way that our young people are being harassed now to prove that they are young. It is absolutely the most ridiculous thing that I have ever heard. Of greater worry is the lack of understanding of something very simple on Mr Moore's part. Mr Moore, when we first came here, one of the first things I heard from the Greens - in great shock, I might add - was that 10 is more than seven, and 10 is always more than six, and 11 is more than six, and there was major outrage at that rule. May I point out a very simple fact. If you vote against any line, and if in fact this Government does resign, 11 is still more than six. You are then free to re-elect the Chief Minister, the same people over again. That is the correct and open process. What I find absolutely amazing in this whole process is that, when 10 is more than seven for other motions, that does not matter if it is then defined, and yet - - -

**Mr De Domenico:** I take a point of order, Mr Speaker. I have heard that 10 is more than seven, and 11 is more than six. What the hell has it to do with public transport?

**MR SPEAKER:** I thought you would never ask. I uphold the point of order. We are discussing public transport. The last two speakers have rambled all over the world in an interesting dissertation at midnight that has no relevance to Division 90.

**MS McRAE:** No. I am sorry, Mr Speaker, I will explain; I am asking Mr Moore to vote against this line. In arguing that, I am pointing out the consequences of voting against this line. That is a quite appropriate process of argument against this line of the budget. What I find absolutely amazing is that there is some level of faith that, if 10 is more than seven on an amendment to a budget line, that will somehow be enacted; but, if 10 is more than seven on a motion of the Assembly, that does not matter. In my book, that is absolutely shameful, particularly from the crossbenchers. The crossbenchers such as Mr Moore have spent their whole lives saying to us, when we were a minority government, "You are a minority government", and if 10 is more than seven - - -

**Mr Moore:** No; you are a minority opposition.

**MS McRAE:** I am explaining what you did for the last three years, Mr Moore. If the number in the chamber was greater than the number that held government, then their word held sway. Now there is a new rule. Suddenly, the fact that 10 is more than seven does not matter any more. But it does matter if 10 is more than seven for an amendment to the budget. Why? Why is there faith in one outcome where 10 more is than seven, and not in another? I simply do not see the logic. I urge you to vote against this and test this Government. It should be listening to 10 is more than seven. No-one else will be putting up their hand for Chief Minister. The Chief Minister is there and in place.

**Mr Moore:** Come on; there will be three of your colleagues - Terry, Rosemary and Andrew.



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**MS McRAE:** You chose to peddle this line; but, when there are only six of us we cannot vote in a Chief Minister. That is what you are refusing to admit. There are only six of us - that is all - and there are 11 others in here. I just do not understand why, for three years, anything greater than the Follett Government held sway, and now, all of a sudden, we have a new rule - that 10 being more than seven does not matter anymore. Well, prove that 10 being more than seven does matter, Mr Moore, and put your vote where your words are.

**MR MOORE** (12.08 am): Mr Speaker, we have to work out whether we are going to vote for or against this line. In responding to Ms McRae, I could go back to what I said in question time. Ms McRae, you were talking about 10 being more than seven, and supposedly there was something different about when you were in government. Well, that is absolute nonsense. What was happening when you were in government was that, first of all, we moved a motion to force your Government to do something about education, and what did you do? You ignored it. So then we moved a motion of want of confidence in your Minister for Education, which in fact turned into a censure motion of your Treasurer and your Minister for Education. What did you do? You ignored it. Then what did we do? Then we got the numbers together and we moved an amendment to your budget. That is what you do not have the guts to do, and that is the trouble. If you really, genuinely believed in it, you would do it too, because, for all your pretence, all you want is a chance to get back into government.

**Mr Connolly:** This is the “Yap, yap, yap. I will bark, but I will not bite”.

**MR MOORE:** I take a point of order, Mr Speaker. No, I cannot call for a point of order. Did you see that, Mr Speaker? These people, hypocritically, are now doing cat movements. Mr Connolly is holding his hand up and making a cat scratching noise. The only thing, Mr Speaker, is that at least he is doing it at a male this time, and not a female. That is what Mr Connolly is doing.

**Mr Connolly:** On the point of order: I was saying, “I will bark, but I will not bite. Yap, yap, yap”. Cattiness is clearly gender-specific.

**MR SPEAKER:** I did not see it. I was ruminating on the profundities of this debate.

**MR MOORE:** I know there are times, Mr Speaker, when it is necessary to read what is written on the back of our eyelids, but in this case what was happening was that Mr Connolly was making cat comments and cat actions. He was making cat actions that he - - -

**Mr Connolly:** No, no. “I will bark” - that is, “Yap, yap, yap” - “but I will not bite”.

**MR SPEAKER:** Order! You are elected representatives. Act like them.

**MR MOORE:** He was criticising the Government for doing cat actions earlier today. The hypocrisy fits in with what we have heard from the Labor Party for the rest of the day.

Mr Speaker, the truth of the matter is that Labor has the opportunity to do something about this. The Roberta McRae solution is to put them into government, put them out of government, put them into government, put them out of government, put them into government. Every time we do not like something, just take them out of government and then put them back in; take them out of government, put them back in. That, supposedly, is some form of stable government.

**Ms Follett:** You would prefer us to go to court.

**MR MOORE:** You know quite well what we could have done because it is non-justiciable - that is a hard word to say at this time of night - - -

**Mr Osborne:** Ask Harold to say it for you.

**MR MOORE:** It is all right. You know quite well what we could do and what you could still do. We are quite happy to bring that motion on to negate the stupid one that you combined with your Liberal mates to pass early today. We can get rid of that and get a chance to do something about getting an overview of the budget from the Assembly as a whole. You still have the opportunity to do that and you can still deliver. It does not matter how you try to dress it up, and I know you will - the reason you are squirming is that you know that we are right, as much as you try to deny it - you have your chance and you are going to throw it away because you want to get into government.

**Ms Follett:** Sit down. Come on; where is your audience? We have heard it all before. Sit down.

**MR MOORE:** Mr Speaker, one of the things that Rosemary Follett would have noticed over the last six years is that I do not take orders from her. I never have and never will. I am quite happy to continue talking on the public transport system, because the public transport system is important in this debate. What Rosemary Follett would have done with it had she not had Terry Connolly to massage through the reforms that he carried out, one has to wonder about, because, Mr Speaker, the major policy of Rosemary Follett was to do nothing. That is what she did for five years. That is why it is, Mr Speaker, that I am not going to take the risk that she might just wind up as Chief Minister again. She was a hopeless Chief Minister, and that was recognised. That is what is recognised by her backbench. It was not because she did anything bad, Mr Speaker, as such, because to do something bad you actually have to do something.

**Ms Follett:** Like funding education, social justice, health.

**MR MOORE:** She interjects, "Education and social justice". Education is the first one, Mr Speaker. Yes, she did something there. She cut it.

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**MR BERRY** (12.14 am): Mr Speaker, this would have to be the first parliament anywhere in the Westminster system where the Opposition takes the blame for what the Government does.

**Mr De Domenico:** And we like it that way.

**MR BERRY:** Yes. What a joke!

**Mr Moore:** That is minority government, Wayne. You have some power and you will not use it.

**MR BERRY:** We have all heard about that well-known technique - it has been discussed here tonight - of saying the lie over and over again until one convinces other people out there in the community that what one says is true. We know who the well-known person was who devised that technique. It was a Mr Goebbels, I think. But, Mr Moore, you have even given up - - -

**Mr Moore:** I take a point of order, Mr Speaker. I believe you have ruled on that this evening.

**MR BERRY:** No, I have not - - -

**MR SPEAKER:** I did not rule on that. Mr Berry referred to a person.

**MR BERRY:** I have not tied it to anybody.

**MR SPEAKER:** No, it was not a reflection on anybody here. Continue, Mr Berry.

**MR BERRY:** I say to Mr Moore: Do not try that on the community, because you will never convince them with the argument you tried to put this evening. You might be naive enough to convince yourself; but, even to convince yourself of what you are on about, I think you will have to say it a few more times yet. What you are going on with is a lot of nonsense, and you know it.

**Mr Hird:** Yes, as you are.

**MR BERRY:** There are enough people down that end of the room to prop up a Liberal government; you do not need our help. You are not doing a bad job.

**Mr Hird:** Mate, I can tell you now that you are going on with nonsense. Lay off him.

**MR SPEAKER:** Order!

**Mr Wood:** Listen to this mate of Michael Moore's over there. "Do not touch Michael", he says.

**Mr Hird:** I did not say, "Do not touch Michael". He is quite right. Do not touch this bloke.

**MR SPEAKER:** Order!

**MR BERRY:** I think he wants your job, Mr Speaker. Mr Speaker, there are enough people down there to prop up the Liberal Government. They are doing a good job. They have made a decision about it, but I wish they would be gracious enough to lie in the bed they have made for themselves. That is the real issue. We are not responsible for what the Liberals do in public transport; it is a matter which arises from their own ideological position. It is a log jam, if you like, and Mr Moore and company have to bear the responsibility for it. We will criticise them for that because - - -

**Mr Moore:** We are happy to do that. We will bear the responsibility for our actions.

**MR BERRY:** That is fine. If you are happy to do it, do not try to distort the facts by telling yourself a lie. The Opposition is not responsible for what the Government does; you are. You put them there; it is your job to prop up their budget. We accept that you will do that; but you have to wear the responsibility for what is going to happen to education - your favourite little subject - because already a school has been closed and you voted for it.

**Mr Moore:** I raise a point of order, Mr Speaker. You drew my attention to the fact that it was transport that was under discussion and brought me back to the buses.

**MR SPEAKER:** Order! We are discussing Division 90, Public Transport.

**Ms Follett:** What about the free school buses? What happened to the free school buses?

**MR SPEAKER:** What about a bit of relevance?

**MR BERRY:** I am glad you raised that, Ms Follett, because that had slipped my mind for just a moment. This is a public transport issue. They promised bus travel. Mr Moore will take a little time yet to convince himself that what he is going on with is true. Oppositions are not responsible for government policy; the government and those who support them are. We do not.

**MRS CARNELL (Chief Minister and Treasurer) (12.18 am):** I want to bring the debate back to the issue in question here, and that is public transport. The issue that we desperately need to address in this Assembly is where public transport is actually going in this city and whether we want more of the same. We on this side of the house, and I know that Mr Moore, the Greens and Mr Osborne agree, think that more of the same is not good enough in this area. What we need is an integrated public transport system; one that works and interfaces with our strategic plan for urban planning generally.

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What we have to do is start looking at things that work - things like mini-buses; things like how we integrate our taxi service, our bus service and other things - rather than just belly-aching, as we see the Opposition doing.

**MR HUMPHRIES** (Attorney-General) (12.19 am): Mr Speaker, I thought I should put on the record, for the sake of those who might not have been around, that Mr Moore, who is now supposedly propping up the Liberal Government, behaved in precisely the same way during the life of the last Assembly and the life of the last Government. He propped up the Labor Government just as assiduously, often to our chagrin, I confess. He has been irritatingly and infuriatingly consistent on these issues. I have to say that I think he is the last person who should be attacked for propping up a government. He propped up that lot for three years.

Proposed expenditure agreed to.

Proposed expenditure - Division 120 - Emergency Services, \$17,314,300

**MR WHITECROSS** (12.20 am): Mr Speaker, I am going to speak relatively briefly on Emergency Services because it is not one of the - - -

**Mr Moore:** What - for only half an hour or so?

**MR WHITECROSS:** I cannot speak for half an hour, regrettably, Mr Moore.

**Mrs Carnell:** You already have.

**MR WHITECROSS:** No, I have not. Mr Speaker, Emergency Services is a basic community service which all members of the community place great reliance on and look to for reassurance in times of crisis. Once again, under the Labor Party, we found some ways to produce efficiencies and to improve services without running up costs. The use of firefighters to install smoke detectors is an example of the kind of thing we were able to do. That got firefighters out into the community, improved public relations and improved the image of the Fire Service, while at the same time efficiently dealing with the installation of smoke detectors, which, in turn, has the beneficial effect of saving lives in the event of a fire.

Under this Government we have seen an interesting new direction. We have seen stories about closing fire stations. The people of Charnwood, who lost their high school - no thanks to Mr Hird - have had their fire station threatened as well, and I did not hear Mr Hird complaining about it at the time. The Kambah and Chisholm fire stations are also under threat from Emergency Services management, which is being urged to find new ways of reducing the number of fire stations around the place. What did we have when they were caught out in the midst of trying to figure out ways of closing fire stations? We had an assurance from the Minister's office that they knew nothing about it; that it was completely untrue; that they had never heard about it.

Of course, when they were confronted with the fact that they had already been given up by the head of Emergency Services, who said that they did know about it, they said, "Oh, that proposal to close the fire stations? Oh, I remember that one. Now that you mention it, we did have a proposal. We let Emergency Services waste their resources in coming up with proposals to close fire stations, but under no circumstances would we implement them. We are just humouring them by letting them develop these proposals, but under no circumstances would we implement one of these proposals". "But, rest assured", the spokesperson for the Minister said, "if we can think of another excuse to close them, they are back on the agenda, and we will close Charnwood High then". It will be interesting to see how Mr Hird reacts to that, given his strong defence of Charnwood High School.

**Mr Stefaniak:** What has that to do with Emergency Services?

**MR WHITECROSS:** It has everything to do with Emergency Services. The representation that the citizens of Charnwood have had in relation to their high school does not bode well for their fire station. Madam Deputy Speaker, underlying these ideas about closing fire stations and underlying the ideas that Emergency Services management are developing is a complete abandonment of the approach to fighting fires that we have seen in the past when the emphasis was on getting to the fire as soon as possible. They say, "Oh, it does not matter if it takes a bit longer, because there will be more of us when we get there. It is bad luck that your house is on fire and that the fire doubles in size every minute, but when we get there there will be more of us on the truck".

**Mr Connolly:** So if the fire is twice as big there are twice as many firefighters?

**MR WHITECROSS:** No, unfortunately; not twice as many firefighters, Mr Connolly.

**Mr Hird:** They were thinking of closure.

**Mr Stefaniak:** Oh, they were going to close Charnwood Fire Station. I see. We are not. They were.

**Mr Hird:** Never mind about the rubbishing they are giving you and me. They are the ones.

**MR WHITECROSS:** No; I am sorry. No, we were not.

**MADAM DEPUTY SPEAKER:** Order! Mr Hird, resume your seat. Order!

**MR WHITECROSS:** Madam Deputy Speaker, it is interesting to note that Mr Hird is not a unique example of the kind of representation the residents of Ginninderra can expect from the Liberal Party. Mr Stefaniak is every bit as talented as Mr Hird, and every bit as incisive as Mr Hird.

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Madam Deputy Speaker, the fact is that Emergency Services are on about reducing the level of service that they are going to get out of the fire and ambulance services. We have already seen this Government take the decision to defer the emergency services centre at Gungahlin, leaving Gungahlin residents with something like a 15-minute response time. Their people are considering closing fire stations, which increases response times for fires. Already we operate on a 10-minute response time when most States operate on eight, and New South Wales operates on 7.1. This is the kind of commitment we see once again from this Liberal Government to service provision.

**Mr Berry:** And not one word of protest from Harold Hird.

**MR WHITECROSS:** No, there was not one word of protest from Harold Hird. Madam Deputy Speaker, it is an area where the community have a right to expect the best possible service, and this Government is not about giving them the best possible service.

Another interesting thing about this item is that in the budget papers the Government provided money to Emergency Services - - -

**Mr Stefaniak:** Yes, of course we did. That is our job, Andrew.

**MR WHITECROSS:** You provided additional money to Emergency Services in order to recruit new firefighters, but what is Emergency Services doing with that money? They are not recruiting new firefighters. They have wasted all that money paying firefighters overtime because they have not been able to get their act together on recruitment. I do not know whether this has anything to do with Mrs Carnell's "Let the managers manage recruitment freeze". I do not know whether that is what it is about. A more stupid decision than Mrs Carnell's recruitment freeze would be hard to imagine, and a great example of "Let the managers manage" it was, too. Mr Connolly has pointed out what a triumph it has been in the health system, and, Madam Deputy Speaker, we are seeing the same sort of mismanagement showing up in Emergency Services.

One other thing about the Emergency Services budget which is interesting, Madam Deputy Speaker, is the much touted fifth ambulance crew which we are going to get at Fyshwick. The interesting thing about the fifth ambulance crew at Fyshwick is that they have provided only enough money to crew it between 8.00 am and 6.00 pm. Interestingly, most accidents that they need to respond to do not occur during working hours. They occur after work. But never mind the fact that they occur after work and if you want to get an ambulance after work you are back to the old days; they have put the extra one in there, but it is just not going to provide the service when it is most needed.

We do not have the smart thinking you would expect in the delivery of these services. We have a right to expect more from Emergency Services than we are getting. We have a right to expect a stronger commitment from the Government to the provision of emergency services. This is the kind of service that people have a right to take for granted. They have a right to expect that it will be provided. It should not be the kind of service which is subject to the sort of erosion which we have seen this Government try to perpetrate and which, by the admission of the spokesperson for the Minister, they will continue to try to perpetrate when they think up a new excuse to close fire stations.

**MR HUMPHRIES** (Attorney-General and Minister for Emergency Services) (12.30 am): Madam Deputy Speaker, the Government has no plans to close any fire stations and will not do so, but I am certain that those opposite would have been in the position of doing just that had they been returned to government. Mr Berry promised a fifth ambulance crew back in 1991.

**Mr Berry:** No, I did not.

**MR HUMPHRIES:** Yes, you did.

**Mr Berry:** No; I criticised you over it.

**MR HUMPHRIES:** Mr Whitecross now condemns the fact that this Government is finally getting around to providing that fifth ambulance crew, even though it is only a half-time one. What hypocrisy!

**Mr Whitecross:** I have not heard you tell anyone it was half-time.

**MR HUMPHRIES:** What hypocrisy! I have said it very clearly. You did not ask any questions about it in the Estimates Committee, as I recall. You were not even there, I think. Madam Deputy Speaker, we have provided the fifth crew for the first time, and you people are criticising it. Dear, oh dear, oh dear! This Government is going to stand on its record on Emergency Services. We are providing in this year's budget the beginnings, for the first time, of a fifth ambulance crew in the ACT. We are going to provide 15,000 smoke alarms to be installed in ACT homes this year, which is up from 3,900 last year. Over two years, I think it is, we will be having all Housing Trust houses in the ACT equipped with smoke alarms. And we will be providing the rescue helicopter service, based in the ACT, with support from New South Wales. I think that is a pretty good record.

Proposed expenditure agreed to.

Proposed expenditure - Division 130 - Environment and Land, \$41,377,800

**MR BERRY** (12.31 am): One would live in hope, although faint hope I think, that the Government might be able to deal out some decent treatment to the community in relation to the environment; but already, in this first year of a three-year sentence, we have seen this Minister fail on more than one occasion. He failed, in the first place, with the smoke from New South Wales bushfires coming over into the ACT. Mr Humphries was just unable to grapple with the proper consultative mechanisms to resolve that issue interstate. He will bleat that he fixed it up. He had to fix it up in the end because he was nailed on the issue and embarrassed into a situation where he had to provide some resolution. There was no concern at all about people who might be affected by this sort of thing. Mr Humphries failed on that issue. He will argue that he has fixed it up and has reached an agreement with the relevant New South Wales Minister.

**Mr Humphries:** We have.

**MR BERRY:** But not until you were gingered up and caught out.



**Mr Connolly:** And what did Harold do about those residents?

**MR BERRY:** Mr Hird has done nothing about anything that concerns the community. In fact, when community assets are being threatened, where do you find Mr Hird? You cannot find him. That was the first occasion when it became clear that this Minister was not terribly interested in the environment. He became more interested once he was caught out by this Labor Opposition and it was demonstrated to the community that he did not have his eye on the job. I accept now that he has his eye a little bit closer to the job, and I am happy to see that he has done a bit in relation to the effects of interstate bushfires on the ACT. I think we can take some credit for that.

The other issue which I think was one of the clearest indications of this Minister's inability to deal with the environment issue was his approach to tree protection in the ACT. I saw Mr Humphries involved in an admirable project involving saving a stand of snow gums in Belconnen. What I was bound to point out was the hypocrisy of Mr Humphries on this issue, when it came to the protection of trees, because just previously he had removed the protection for native trees in the urban areas. The community really grow to love those old native trees and they would be horrified at the prospect of somebody being able to cut loose on a mature native tree with nest holes for our fauna. But, undaunted, Mr Humphries ploughed on with it, and, of course, he got Mr Moore and Mr Osborne on board. That is not surprising, because they run interference for this Liberal Government, and they, too, are responsible for that change to legislation.

I do not anticipate that the Liberals, with their record on the environment nationally, will behave any differently here, other than when this Labor Opposition and others in the Assembly embarrass them. It seems that, no matter how they are embarrassed in relation to those issues, they will still be protected by those people who put them there. That is not surprising. I guess we will have to live with that until those people sicken of the performance of this Government in relation to that very important issue of the environment. Madam Deputy Speaker, you can rest assured that the Labor Party will be standing guard over this Government's performance in relation to the environment in the ACT, and we will maintain that pace while this Government survives.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (12.37 am): I note that when the Assembly debated Mr Berry's motion on smoke from New South Wales he was so impressive on the subject that he attracted no votes outside the Labor Party. Even the Greens could not be brought to support him. Secondly, on the question of native trees, if Mr Berry thinks that there is a reasonable scheme for protecting native trees, I suggest that he bring one forward.

**Mr Berry:** We had one, and you just took it out.

**MR HUMPHRIES:** You put forward a scheme and you will get support for it. There is no such thing as a feasible scheme. If Mr Berry can find one, he can have it.

**MS TUCKER** (12.38 am): If one is to judge this budget on its figures alone, the Environment and Land program fares quite well. An overall increase of some 7 per cent looks good in a budget where nearly everything else is faced with big cuts, but where is the money going? Most of the increased funding goes to support land development, not the environment. This is at a time when house prices are at their lowest point for years and there is an excess of office space. Why is there a need to increase an area of government which, it would appear, will have less, not more, to do in the coming year? Perhaps the Government is expecting Adam Smith's invisible hand to emerge from the grave and push the housing industry along a bit.

In contrast to land development, the pressures on the environment are not decreasing, but funding is. More people are visiting our national parks and impacting on them. Weeds are becoming more and more of a problem, and siltation continues to be a major issue in the Ginninderra Creek water catchment from Gungahlin development. While on the one hand it is good to see that the Government is adding 100 hectares of primary native grasslands to the ACT's reserve system, it is disappointing that the increased responsibility and workload of the conservation and land staff is not reflected in increased resources available to them. Where, too, is there any commitment to protect all our ecosystems in Canberra?

While 100 hectares of native grasslands is good, there are other areas of grasslands, and also woodlands, wetlands and roadside reserves, that need to be permanently protected and resourced to be properly managed. Is the Government relying entirely on the community to take up the slack? It does appear that way in the budget papers, which proudly state that there will be an expected doubling of the number of water-watch groups and an increased participation in Landcare groups as well. Great, but there is less Federal funding available this year and hardly any change to the resources provided by the ACT Government.

I have said before that the needs of the Landcare groups are fairly basic. They are performing a task of caring for our environment, which is desperately needed, where the Government does not have the resources to do it alone. The continued success of the Landcare movement is dependent on government support. A government's commitment to the environment is not restricted to the environment budget alone. At the back of this year's ACT State of the Environment Report there is a very useful table - Appendix 2, for those who may be interested - which clearly illustrates that virtually every administrative unit of the Government has some environment-related activities.

It would be pleasing if the performance indicators in next year's budget showed environmental indicators for every unit, not just Environment and Land. There is very little that Environment and Land can achieve on its own to reduce greenhouse gas emissions. It is also clear that tourism development has a real impact on our environment. So do building standards, energy and water policies, and decisions on what types of businesses it may be appropriate to promote in the ACT. In the budget papers we find the following interesting facts: At its current level of patronage, ACTION saves 68,000 tonnes of carbon dioxide, 2,645 tonnes of carbon monoxide and 549 tonnes of nitrous oxide emissions each year.

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It would be entirely appropriate for the Government to have in its budget performance indicators which improve on past performance. Yet, in its response to the recommendations in the Estimates Committee report, the Government has dismissed this in relation to the environment and said that this is the responsibility of the Commissioner for the Environment; but the commissioner has not been given the resources that are needed. The Government has totally failed to understand the message which is so clear in the commissioner's most recent report. Responsibility for the environment is not something which lies with one part of government. Every part of government has responsibility.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (12.42 am): Madam Deputy Speaker, I have to reject the assertion that we do not take to heart and understand that particular point in the Commissioner for the Environment's report. One of the things the Government will be doing in the course of the next year or so is developing integrated environment protection legislation. What that means is not treating environment protection issues as just the responsibility of a particular area of government, but rather to work on the principle that a number of areas need to be involved in making things happen.

For example, yesterday I tabled in this place amendments to the Air Pollution Act which are about not just the Environment and Land Bureau or the Environment Protection Authority being able to go out there and deal with people who are producing unacceptable levels of smoke emission from their homes, but also having a mechanism for community consultation about what level of smoke emission is unacceptable, given that it is very hard to measure these things when they are coming out of someone's chimney 10 feet up in the air. Other issues to do with that obviously touch on the health budget, such as measuring acceptable levels of asthma and other diseases that are caused by smoke emissions in this city. Education plays a role in understanding how to burn fuel in a way which is not damaging to people's health, and so on.

Madam Deputy Speaker, I have met with the Commissioner for the Environment and I have discussed with him at length this question of integrating our environment response very much better than we have done in the past. I can assure the Greens that we will be taking that issue very seriously. I do not know why Ms Tucker says we are not going to. I do not think there is any evidence she can draw from the budget that this will not be the case. The comments made in the most recent report of the Commissioner for the Environment were on the last financial year, which was substantially a year under the previous Government. The comments he makes are quite accurate and they need to be built upon, and I assure her that they will be built upon.

Proposed expenditure agreed to.

**Attorney-General's Department**

Proposed expenditure - Division 100 - Attorney-General's, \$52,944,000

**MR CONNOLLY** (12.45 am): Madam Deputy Speaker, the Attorney-General's vote each year has tended to be one of the least contentious items of the budget, government to government, and this year is much the same. The one item I want to address some concerns about is the Ombudsman's area. We heard at the Estimates Committee that the 9 per cent budget cut had simply been imposed by the Government and the Ombudsman's Office had no real idea of how that was to be met. There was still disagreement at that time about how that would be met, and I would certainly express my concerns about that.

It is also clear that the major capital works item in the vote is the Labor Government's project of the new magistrates court which is taking shape across the way here. While there is half a million dollars set down for 1997-98 for Supreme Court refurbishments, that clearly is merely the very temporary essential works for the Supreme Court, and Mr Humphries's rhetoric from year to year in opposition about the need for major refurbishment of the Supreme Court seems not yet to have been addressed. Madam Deputy Speaker, I have to admit defeat. At 12.45 am there is no way I can think of baiting Mr Hird on the Attorney-General's estimates, so I will say no more.

**MR HUMPHRIES** (Attorney-General) (12.46 am): Madam Deputy Speaker, it is my hope that the Government can commit resources in the future to an establishment of better facilities for the Supreme Court. I do not recall any rhetoric about that area in the past. I do not think I have ever spoken very much about the Supreme Court before, but perhaps Mr Connolly can dig out where I have said that. I do not recall having said so.

**Mr Connolly:** There is also no fourth judge, but that is another story.

**MR HUMPHRIES:** Indeed. There are lots of things I would like to be funding, Mr Connolly. You say you would not make any of the cuts we are making, and you say you would not raise any taxes. You do not explain how you would bring down a balanced budget. I am a bit confused about it. You also criticise the size of our deficit. So I do not know how it is all supposed to work. Obviously, we are wasting a hell of a lot of money somewhere in our budget and I wish you would tell us where it was, because we would act on it straightaway, I assure you.

**Ms Follett:** Doctors, business, consultants.

**MR HUMPHRIES:** Funding for business; that is right. I do hope, Madam Deputy Speaker, that we can build better facilities for things like the Supreme Court in future. I hope also that we are able to develop a program of rationalising resources, particularly with the concept of a combined grievance office that takes in the Ombudsman, in a way which does not result in any of those services, including the Ombudsman, suffering any reduction in the quality of their service.

Proposed expenditure agreed to.

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Proposed expenditure - Division 110 - Maintenance of Law and Order, \$51,545,000

**MR CONNOLLY** (12.48 am): Even though the hour is late, this is an area where we really have to make a point. This is one of the more blatant retreats from an election promise - the million dollars additional expenditure for the police which Mr Humphries had been carrying on about. All through the three years of Labor government, Mr Humphries was bleating about the police budget. He bleated about the police budget that we tabled last year, saying it was terrible and we would all be killed in our beds. Of course, the police budget that Mr Humphries has handed down is, virtually down to the dollar, the police budget that was in our forward estimates.

We said that we had to look at addressing police recurrent expenditures and bring them more into line with norms of expenditure. It is still, in per capita terms, the second highest in Australia, exceeded only by the Northern Territory. At the same time we came good on the capital works for the police. There is nothing in this budget for the police facility in Gungahlin. We built the new Winchester state-of-the-art police headquarters.

**Mr Humphries:** But did not pay for it.

**MR CONNOLLY:** We paid totally for Winchester and we did the complete refurbishment of the city centre. Mr Humphries, in his embarrassment at such a paltry effort in police capital works, has been bleating for the last six months or so about the cost of the desks for the refurbished police station.

**Mrs Carnell:** No, it was the chairs that were the problem.

**MR CONNOLLY:** The chairs for the new police station. You get approval for a massive capital works project of some \$8m. You then can come forward in a future budget if you want new furniture as well. Mr Humphries seems to think that because we provided only the \$8m and left him to provide the new furniture he got a rough deal.

The ultimate absurdity, Madam Deputy Speaker, was the missing million dollars - the million dollars that he had promised and the million dollars that he has walked away from. The absurd justification that we got for this at one stage was that the police never asked for the money. Mr Humphries really must think that we all must have come down in the last shower. We have never heard of any agency who would not like a little more money. The police must have a very different approach to this Government than they had with us. Every time I sat down with any of the chief police officers or Federal police commissioners, while they were very happy to work with the Government to achieve budget efficiencies, they always had a whole range of very impressive projects that they could have carried forward if they had a little more money. Mr Humphries says that they did not ask for it, and that, surely, must go down as one of the lamest excuses for abandoning an election promise that we have ever heard. However, at the end of the day the dollar amount in the police budget is the dollar amount that we had got the police budget to, proving that we must have been right all along.

**MR OSBORNE** (12.51 am): I stand in support of Mr Connolly. I have a real problem about election promises that are not carried through. Given Mr Humphries's rhetoric and, as I am led to believe, many calls for the extra million dollars, I want to say how disappointed I personally was when it never eventuated. I am stunned at the excuse. It sounds like something one of my children would come up with - "They did not ask for it". It is a lot like those excuses you used to come up with when you did not do your homework, like, "My dog ate my homework". It is very much in that class, Mr Humphries. I found it quite interesting that the commissioner was very quiet when we raised that question at the meeting we had.

Madam Deputy Speaker, there is one point that I would like to stress. There was a letter in the *Canberra Times* the other day which went far over the top, I would think, in comparing Civic with Kings Cross. Having worked at Kings Cross, I certainly do not think Civic is anything like it. Madam Deputy Speaker, the Government must face the fact that police resources are a major part of the solution to a lot of these problems that we have. I hope that this Government, over the next couple of years, attempts to give back the money that was cut from the police over the last couple of years. I think it was 3 per cent.

**Mr Humphries:** It was 9 per cent.

**MR OSBORNE:** I am sorry; it was 9 per cent over three years. That, I suggest, was absolutely outrageous. As for capital works, I agree that something is needed out at Gungahlin, but something is also needed down in Tuggeranong. I am sure you have been to that poor excuse for a police station down there. The sad thing for me, Mr Humphries, is to realise that at times, in a district covering 100,000 people, there are only two cars on the road. Because of the inadequate police station down there, if someone needs to be locked up, one car sometimes has to travel to Civic or to Belconnen, effectively putting them off the road for up to two or three hours. If the other car is involved with, say, an accident, or is doing something trivial like that, it basically means that there are no general duties police covering the whole area of Tuggeranong. You know my wishes on this. I hope that in the next budget something is done to alleviate this problem.

I will say this, and I put it on the record: If police funding had been cut I would be voting against that line in the budget. It is tough. Mr Moore looks at me, but that is how passionate I am about it. I am putting you on notice, Mr Humphries. As I have stated many a time this evening, that is probably going to fall on deaf ears, or you will probably stand up in a minute and promise five police stations in Tuggeranong. Given that what you say and what you do are two totally different things, I will just wait and see. Madam Deputy Speaker, I feel it is important that the police and the maintenance of law and order remain vital focus points in this Assembly. I will be ensuring that they do.

**MR HUMPHRIES** (Attorney-General and Minister for Police) (12.56 am): It is a little ironic that I should face criticism from Mr Osborne in the position that I am in at the moment. I have been critical of the fact that the police budget has been cut severely over the last four or so years, or the four years before this year. There has been a 9 per cent reduction in spending on policing and on the maintenance of law and order in the Territory. I have delivered the first police budget in five years that has not been cut.

**Mr Osborne:** I have not been here for five years.

**MR HUMPHRIES:** Maybe so. Mr Connolly is also right when he points out that there is still a relatively high level of expenditure on policing in this jurisdiction, per capita, compared with other places in Australia. It is therefore incumbent on us, Madam Deputy Speaker, to make sure that what money we have in this budget is being well spent. My criticism has always been that we have placed too little of the policing resources at the sharp end of policing, the sort of thing that Mr Osborne was referring to in terms of police cars in Tuggeranong and so on. This Government, since it came to office, has reorganised police resources to do just that, and, I might say, in the face of criticism from Mr Osborne. We can just create more resources, I suppose, and put them into the present structures of policing; but that does not make much sense, in my view. We ought to do things on a smarter and better basis. I think that this is the way to go.

As a result of the restructuring we have undertaken, the Liberal Government has arranged to have additional police in all four districts of the ACT. We have an additional six police in Civic to deal with the problems that Mr Osborne referred to in Civic, including plain-clothes police and detectives. We have also put in permanent patrols on Friday and Saturday nights at Manuka, where there obviously has been a major problem. That will continue to be the thrust of our changes in policing - to get police out from behind desks into squad cars, onto foot patrols and onto bicycles. That is the direction that we want to take, and that will be the direction I think we will achieve from the policing budget.

**MR WHITECROSS (12.58 am):** Madam Deputy Speaker, I endorse the comments of my colleague Mr Osborne in relation to the Tuggeranong Police Station. The inadequacy of the accommodation at the current Tuggeranong Police Station is a real concern and it must significantly affect the quality of the performance of the operations. That was something that we had undertaken to do, so I do endorse what Mr Osborne said. It should be a priority. It is an important initiative. It is something that has been put off just to save money.

There is one other thing I wanted to raise, Madam Deputy Speaker, and that is this issue about the commitment of this Government to matching its rhetoric in relation to police funding. Mr Connolly has spoken at length about Mr Humphries's new and creative explanation for why an agency did not get the money that they had been promised in the election campaign, which was that they did not want it. At the Estimates Committee, when we asked Commissioner Palmer why he had been so shy about asking for the money, he looked very surprised to discover that the money was on offer from the Government and that he had missed out on it merely because he had not asked. He seemed rather crestfallen that the opportunity had passed him by; that the million dollars was just outside his reach; that he had just missed out on it. I am sure, Madam Deputy Speaker, that that will be a burden he will carry for the rest of his days in the police force - that he could have increased the police budget in the ACT by a million dollars if only he had known. We can only marvel that the Minister forgot to tell him that this million dollars was at his beck and call.

Madam Deputy Speaker, we were told repeatedly and enthusiastically by the Chief Minister that this budget that she has brought down is a three-year budget. While the Chief Minister has a lot of faults, including an undying commitment to that well-known propaganda technique which we are all familiar with, one thing you could not fault the Chief Minister for is her enthusiasm. She told us that this is a three-year budget. It is interesting to observe in relation to this three-year budget that the increases in the appropriations projected for the future years are less than 2 per cent, which is less than the 3 per cent projected by Mrs Carnell's budget papers as the amount necessary to break even on costs. We can only assume that this means a real cut in future years in the Maintenance of Law and Order budget for the Government, because the money has not been increased in line with what you would expect if they were, indeed, committed to maintaining it. Nor have they made provision for the million dollars which Mr Humphries has in his back pocket any time Commissioner Palmer gets around to asking for it. I am sure that one day Commissioner Palmer will ask. We can all be confident that one day he will ask, especially now that he knows, and be confident that the Liberal Party will stick to this promise, unlike their promises to Mr Osborne.

**MR CONNOLLY** (1.02 am): Madam Deputy Speaker, I have a final contribution on this. I want to refer to Mr Osborne's cynicism about politicians who promise on law and order and do not deliver. At the last election, the 1992 election, Labor promised to deliver, in the area of law and order infrastructure and capital works, a police headquarters complex, a substantial upgrade of Civic, and a magistrates court building. The headquarters complex is there. It is the pride of the Australian Federal Police. The Civic Police Station is finished. Gary had to pay for the desks and the chairs, but we built it. The magistrates court building is up and running. When we promise this infrastructure, we deliver.

**MR OSBORNE** (1.03 am): It would be remiss of me not to congratulate the Government, after the day they have had, in relation to the safety house program. I approached Mr Humphries earlier in the year and asked him for some help in relation to some more staff, and he did provide it. I am pleased to say that the safety house program, although not as operational as I would have liked, is up and running, and for that I thank him. I hope that all members in here would embrace that concept. It is really just a matter of teaching our kids and giving them a safe haven. I do thank the Government for their help in relation to providing the extra police that were needed, although the budget certainly was not amended for it; it was just a swap. It was vitally needed, so I do thank you, Mr Humphries, for that.

Proposed expenditure agreed to.

### **Planning Authority**

Proposed expenditure - Division 150 - Planning Authority, \$6,158,700

**MR WOOD** (1.05 am): Planning in the ACT has always been a highly contentious issue. On the other hand, funding for the Planning Authority has not been contentious at all. Perhaps it should have been. I know that in my period as Minister there were no increased funds for the Planning Authority and they suffered the same sorts of constraints that every other agency of government faced. We did squeeze out little bits and pieces



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for particular important works - for example, the Gungahlin Town Centre planning - but let me acknowledge, as Minister, that times were tight in the Planning Authority. This budget brings a 6 per cent reduction to the Planning Authority in the terms here in the budget papers, and that is due primarily to a reduction in the higher level of activity required for the Gungahlin town planning and through efficiency gains. That will be, I think, much the most substantial part of the saving that is required.

Earlier this week the Chief Minister brought down the Stein report and I am wondering, in the context of that report, whether we need to look again at the funding for the Planning Authority. The Stein report has made some very severe criticisms of all the staff in the Planning Authority. Certain people have been particularly identified, but that criticism carries through to all who work there. I reflect, Mr Speaker, that in the last few years we introduced a Land Act that has brought new and substantially increased functions to the Planning Authority. Associated with that, we introduced a new Territory Plan, also with new and increased functions, and, in particular, significant changes to what could happen in Canberra.

Those changes brought an enormous increase in applications going to the Planning Authority. The changes that were made in the B1 zone and the work that went on in Kingston were an enormous amount of work for the authority. Their workload increased tremendously. I was aware of it at the time; but, in the light of the Stein report, I am now concerned that perhaps we did not fund the authority enough. There is ample comment in the Stein report about difficulties in responding to requests from the community. I think we have to look anew at the budget for the Planning Authority to see whether it has been adequately funded. We will all look most carefully at the comments in the Stein report, those very severe criticisms; but, as we do so, and as we make our assessments about that, we must look at the budget as well. We must be sure that this Assembly has treated properly that very large staff in the Planning Authority with the allocation of funds that we have given them.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning (1.09 am): Mr Wood does raise an important issue in respect of the operation of the Planning Authority. It was perfectly plain to me, as I think it was plain to Mr Wood, that there were intense pressures on members of the staff of the Planning Authority in operating the ACT's planning system, almost all of them due, incidentally, to the way in which we as politicians formulated and developed the planning system that placed those sorts of pressures on them. It became incumbent on the Government to identify better ways of providing services, such as either to relieve pressure on those planners or to develop better resources or more resources to help them meet that task.

I commend to the house in that respect the Mant and Collins report, which I tabled earlier today but was not able to speak to because of the shortage of time. I suggest that that does contain some very interesting suggestions about how we might better organise the available resources in our planning system to overcome some of those difficulties. It may not be the full answer. Indeed, I know that there are some problems with the approach; but I think it is essential that we reconsider the structure of planning administration in the Territory, if Stein did not make that absolutely and abundantly necessary anyway, to deliver our services to people in a way that satisfies them without

driving our planners and people working in this area prematurely grey through the effort of having to deliver those services. I believe that we will have to make sure that resources are made available, either through reorganisation or through improved resources in the future, to meet that goal.

Proposed expenditure agreed to.

### **Housing Bureau**

Proposed expenditure - Division 160 - Housing, \$41,003,600

**MS McRAE** (1.11 am): This again is a very interesting area because it is so difficult to find out exactly what the Government is up to. Most of the answers in the Estimates Committee related to the fact that everything they do, because it is tied with Commonwealth money, is locked into Commonwealth policies and there are agreements and therefore there is not much anyone can do. The reality is that on the ground now there are some fairly radical changes being made to the management of Housing Trust properties and particularly to the lives of tenants. Ostensibly, it is to make it all more efficient, but one cannot help but feel that there is an undercurrent of direct attack on a lot of these people in a most unfair way, and in time that will build up to a crescendo of discontent. The number of complaints I have heard about drive-by inspections, about inspections from people who have not given appropriate notice, about rude and inappropriate behaviour, about quite unfair demands on tenants, is starting to build up.

We heard very little of this when we tried to examine this portfolio during the estimates process, and it is all under the guise of increased efficiency. The fact that it harasses people and creates very little good intent or goodwill is neither here nor there. The ACT has a very proud record of its management of Housing Trust homes, and the fact that people live there mostly all their lives, and choose to live there proudly, is something that seems to have escaped the current Minister. People are being treated as if they are all like the one or two tenants who have been extremely irresponsible. I was very disheartened by the approach that is being taken. There is a marked shift in attitude towards people who inhabit Housing Trust homes, with a lot of harassment and general punitive measures, as if everyone out there is desperately trying to destroy their Housing Trust home and in some way is not proud of the fact that they are there.

Added to that is what we then found out in the budget, which adds further weight to why we have so much trouble accepting the credibility of this Government and its capacity to put together a budget. Under Outlook in the subprogram Business Management we have this charming line:

develop a regeneration plan for Charnwood;

How absolutely extraordinary! First, you shut the high school; first, you send away all the young people; then you regenerate. The left hand does not know what the right hand is doing. Here we have a government that comes on line after Dunlop has begun. It is now going to regenerate Charnwood, and to what purpose? So that people can catch buses and go to school at Ginninderra, at Melba, at Belconnen or at Canberra High.

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What on earth do you want to regenerate it for? All you are doing at the moment is chopping out services, chopping out facilities. Why do you not just bulldoze the place and be done with it? Regenerate! What a joke!

Where is Harold Hird defending? Maybe this was the Harold Hird initiative that nobody knew about. Here we are, regenerating Charnwood. Absolutely wonderful! Regenerate it after you have taken away the high school, after you have taken away all the local facilities. Wonderful, absolutely wonderful! It is the nub of what this Government is on about. Somebody has a good idea here. Somebody has a good idea there. Somebody once thought of an idea five years ago. Aha! Here is their big opportunity. Slip it into the budget somewhere. The fact that it makes absolutely no sense, that it does not combine with anything else, is too bad. This is all efficient and effective. It is going to reduce the deficit, and it is going to get Mrs Carnell re-elected in three years' time because there will be no borrowings. We are regenerating Charnwood. What a joke!

In the meanwhile, we are driving by people's properties. In the meanwhile, we are harassing people by going in and inspecting properties where they have lived for years and years. We are going around telling people that their bathrooms have too much mould in them. For heaven's sake! What on earth has that to do with the management of government property? When somebody has lived in that house for 10 years, who cares how much mould they have in their bathroom? Perhaps they should look to the intent of this whole program, which is to provide adequate and appropriate housing for low income people. It is not a program to harass people, to make them feel like second-rate citizens, to make them feel that they are there at the mercy of the goodwill of this Government. They are throwing people out.

Now we find, again not detailed in this program, that there is to be a bond. Most of the people going into these houses are on benefits. They have absolutely no money. What are they going to be put on? A bond. What a joke! It is revenue-raising from the poorest of the poor in our community. We have to have faith in this Government. We have to think that this is a good and efficient government because it is trying out a new pilot scheme in Belconnen, with new officers, who now have the task of harassing people, of examining their properties, of telling them how to live, of putting them on bonds, of taking money from the poorest of the poor of this community. After closing their high school, after mocking them for wanting to support this high school, after mocking them because the 250 students who were in the school and all their parents said that they were proud of that school and wanted that school, after they said to them, "We do not care about any of that; you can just forget your school because we want that property.", after all of that we find out that they are going to regenerate the Housing Trust properties in Charnwood. What a joke!

If ever there was a good reason why this Government does not deserve our support and why this budget line does not deserve our support, here it is in the stark evidence of the sheer incompetence of the group of people we see before us, the total lack of heart, the total lack of concern for the poorest of the poor in our community, the contempt in which they hold them, when they say, "You will be clean, you will be tidy, you will live in a particular way, you will pay money in a particular way, we will direct debit you.

Too bad if you have particular bills one week and if your children need shoes, or if you overrun your food budget; we are going to get into your bank account first and take your money”.

**Mr Berry:** And 200 minutes of sport every week.

**Mr Stefaniak:** No; 150 minutes, and 30 minutes of health, Wayne. Get it right.

**MS McRAE:** They say, “On top of that, you are going to feel much better because there is 150 minutes of sport. Too bad if you do not have any shoes, too bad if you do not have enough money for food; but your rent will be paid on time, we will have your bond, you will have a clean bathroom and, what is more, we will regenerate your suburb after we have closed your high school”. What a fantastic record!

**Mr Berry:** Fingernail inspection to come.

**MS McRAE:** And drive-bys, just to keep you busy. What an outrageous government, what an outrageous management of this budget. And all hiding under the statement, “We do not have too much room to move with this because we are tied into public funds from the Commonwealth”. God help us! Heaven help us! What on earth are they going to do if ever they do negotiate a new agreement with the Commonwealth? Look out Housing Trust tenants! You have been pretty poorly managed thus far. If the Commonwealth ever does move out of the controls it has placed, all I can say to all the unfortunate people who happen to be in the clutches of this Government whilst in their government houses is: Look out!

**MR STEFANIAK** (Minister for Education and Training and Minister for Housing and Family Services) (1.20 am): From what I can gather, Ms McRae, complaints seem to be down quite a bit. I think Mr Speaker could probably vouch for that because he takes a very particular and keen interest in looking after the interests of Housing Trust tenants and matters relating to the Housing Trust. He is nodding away up there, which is good to see. You talk about this heartless and cruel Government. I remember signing off a number of answers to questions on notice in relation to evictions and, comparing what they were last year with what they are this year so far, the numbers are very similar.

We have a different attitude, Ms McRae. I will give some credit. Your previous Minister did start a reasonable sort of process, which we are developing, and that was a housing review. We have a very basic and sensible approach in terms of housing, and that is that people have responsibilities and they have rights, whether they are public tenants or anything else. That, I think, is fundamental to living in a civilised community. I think the vast majority of people in our system very much appreciate that.

**Mr De Domenico:** Lamont was not a bad Minister. He was a good Minister, in fact, because he did things.

**MR STEFANIAK:** Yes, he was not too bad. As to your crazy assertions of taking from the poor and all that, what we are doing is ensuring that we provide a very good service to our clients. Instead of having to wait hours, or even days, to get service, now they can go into, for example, the Belconnen office, where the pilot is being progressed.

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*(Quorum formed)* Instead of taking a long time and filling out five forms, we are now piloting such things as one form. You go to the counter and you will be able to talk to someone about your problem pretty well straightaway, within a few minutes. It is a user-friendly service.

I recently launched a scheme whereby every household will receive a little booklet in which they can tick off what maintenance they think they need, give an inventory of their property and list what they think needs fixing. Again, that is user friendly. Ms McRae, we are not going to take the Tom Uren approach which is that you do not pay any rent, it is yours for free. Of course we are not. People have responsibilities, as they have rights, and we treat our housing tenants very well. They pay a certain percentage of their income in rent, whether they are on a pension or a part pension, or whether they are full-fee-paying commercial tenants. As I have quoted before, 13 per cent or so of our tenants do pay commercial rates; 69 per cent, I think, are on full pensions, and about 18 per cent are on part pensions. They have variable rates, and it all depends on their income.

We are the biggest landlord in Canberra. Yes, we are tied into the Commonwealth-State Housing Agreement, which does cause some problems in terms of flexibility. I am pleased to see that Mr Howe at least floated a scheme, which is option B, at the Commonwealth and State Housing Ministers conference. Hopefully, that will be developed, because it will improve the lot of our public tenants and improve the flexibility of the Housing Trust in the ACT to manage its affairs. I think we have established a number of very good reforms, such as putting in smoke detectors throughout our Housing Trust homes. One of the earlier Government speakers spoke of how that is progressing over two years. The Fire Brigade is putting them in. They have been put into a number of places already, and that is absolutely essential. It is very important because it does help save lives. We have had, unfortunately, a few fires and a few people have died who may not have died had those smoke detectors been put in.

Ms McRae, we certainly are not going to tolerate people who thumb their noses at the system. You have seen the media reports about such things as the horror house in Macgregor and so on. No, we are not going to tolerate that, and if people absolutely thumb their noses at us, trash a place, never pay rent, or have absolutely no regard for the system or for their responsibilities, yes, of course we will take action, as it seems even your Government did. Also, we are very mindful of providing a decent service to our clients. It is true to say that we adopt an approach of being fair, firm and friendly. That is something that, as Minister, I am very keen to encourage, and I am pleased to see that it is happening. I am pleased also to see that, overwhelmingly, the response of our tenants, and I think of the general community, is very positive. I think the Housing Trust now has a very good name, even in the general community.

As to the inspections, it is not a question of going in and telling people how to do things. It is important to see what our stock is like and to make sure that people are doing the right thing. There are some people who do not, and they need to be pulled into line.

I do not have any qualms whatsoever about that. We are seeing, too, as I indicated to you in the Estimates Committee, very pleasing results in some of these inspections and drive-bys especially. We went through a few suburbs where some of the houses that were bad were houses in the private sector and there were no Housing Trust houses in that category. That is very pleasing indeed.

On your comments in relation to Charnwood rejuvenation, what on earth is wrong with that? Why not have the Housing Trust develop schemes that will rejuvenate a suburb?

**Ms McRae:** It is a bit late.

**MR STEFANIAK:** You were a bit late, too. You sat on your hands. You sat on your hands in relation to Charnwood High School. You talk about Charnwood High School. In six years it went from 640 down to about 200. You should have acted two years ago. I am not going to go back over old debates on that. We have said all that before, Ms McRae. That is absolute rubbish.

We have also reduced the time after which people can buy their own home from eight years' residence to five years' residence. There have been some very positive initiatives since this Government has been in office in terms of Housing Trust policy. I think they have been generally very well received. I might even throw in Tenant of the Month, too, Ms McRae. I will invite you to Tenant of the Year, which we will hold in March. We will have about 10 Tenants of the Month there. That is a scheme that is going very well. It is very important to acknowledge the very many tenants we have in our system who are excellent tenants, exemplary tenants. There have been a number of reforms and there will be ongoing reforms in terms of improving our client service, improving our debt management processes, and generally improving our service to the public and making sure that we run an efficient and effective operation, which I am pleased to see the Housing Trust is doing. There will be further reforms, too, Ms McRae. I would not pooh-pooh the idea of the Charnwood rejuvenation. You might be pleasantly surprised.

Proposed expenditure agreed to.

### **Department of Education and Training**

Proposed expenditure - Division 180 - Government Schooling, \$206,624,000

**MR MOORE** (1.28 am): Mr Speaker, I move:

Page 11, 1. Recurrent, omit "206,624,000", substitute "210,424,000".

**MR SPEAKER:** Mr Moore, amendment No. 1 proposes to increase the moneys appropriated to Division 180. The Assembly standing orders do not contain a prohibition on non-Executive members moving amendments that would transfer or alter the destination of moneys to be appropriated. However, they do prohibit non-Executive members moving an amendment to a money proposal, that is, "an enactment, vote or resolution for the appropriation of the public money of the Territory", if that amendment "would increase the amount of public money of the Territory to be appropriated".

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In accordance with the provisions of standing order 180, practice in the Assembly to date and practice elsewhere, the most ready definition of “vote” in the context of Assembly consideration of the Appropriation Bill is a division as listed in Part II of the Schedule to the Bill. Any amendment to decrease the amount of proposed expenditure in a vote or division would be in order, as it would be to oppose a proposed expenditure. To propose an amendment that would increase the amount of a proposed expenditure in a particular division or vote is out of order, even if the total amount to be appropriated by the Bill would remain the same or be decreased. I therefore rule Mr Moore's amendment No. 1 out of order.

**MR MOORE:** Mr Speaker, I move:

That the Speaker's ruling on the amendment be dissented from.

In doing so, Mr Speaker, allow me to clarify that it is not dissenting from your position as Speaker or you as Speaker, but rather to have the house assess the ruling you have made, so that the ruling is not one of the Speaker but one that is either confirmed or rejected by this house.

**MR SPEAKER:** Members, there is no provision in Assembly standing orders for a motion of dissent from a ruling of the Chair to be moved without notice. In the past, the Chair has ruled that if a member wished to move a motion of dissent the member would have to seek leave of the Assembly, move a motion to suspend standing orders, or give notice of a motion. I might add that the Assembly has given leave for members to move motions of dissent.

**MR MOORE:** Mr Speaker, I seek leave to move a motion of dissent in order to allow this Assembly to determine whether it is appropriate to support this ruling or to reject this ruling.

Leave not granted.

**MR MOORE:** I move:

That so much of the standing orders be suspended as would prevent Mr Moore from moving a motion concerning a dissent from the Speaker's ruling.

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

That the question be now put.

**MR SPEAKER:** The question is: That the question be now put. Those of that opinion say aye; of the contrary, no. I think the ayes have it.

**Mr Moore:** The noes have it.

Members interjected.

**Mr Kaine:** Mr Speaker, on a point of order: I know it is early in the morning and people have been here for a long time, but I think the intention of my motion ought to be quite clear. Mr Moore moved for the suspension of standing orders. I moved that that motion be put. That means that it should be put without debate. I mean exactly that.

**MR SPEAKER:** That is correct, and I have ruled that the ayes have it.

**Mr Moore:** Yes, and I have said that the noes have it.

*A vote having been called for and the bells being rung -*

**Mr Moore:** Mr Speaker, I seek leave to withdraw my call for a vote.

Leave granted.

Question resolved in the affirmative.

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

**MR MOORE** (1.35 am): I move:

That the Speaker's ruling on the amendment be dissented from.

Mr Speaker, I emphasise that I move this motion not as a dissent from your position as Speaker but to test the ruling you have just given that my amendment is out of order. Considering the time of night, it may be better for us just to vote on this matter.

Question resolved in the negative.

**MR SPEAKER:** The question before the Chair is: That the proposed expenditure of \$206,624,000, in Division 180, Government Schooling, be agreed to.

**Ms McRae:** Mr Speaker, on a point of clarification: In 1993 there was an amendment moved to the Appropriation Bill which referred to "this Act and no other Act". It related to reduced teacher numbers. The critical wording was "and no other Act". The point of clarification I need before we go into this debate is whether that amendment is still live. I understand about the long title of the Bill, but the specific amendment did refer to any other Act and, in my opinion, therefore is still live. I would like clarification from you because this might be already law, in which case all this pain about dissent is not necessary.

**MR SPEAKER:** I am advised by the Clerk that that Act is no longer effective, Ms McRae.

**Ms McRae:** Why not?

**MR SPEAKER:** It has been superseded.



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**Ms McRae:** But it said “any other Act”.

**Mrs Carnell:** Yes, but it was an amendment to an Act that is no longer valid.

**Ms Follett:** Mr Speaker, if I may speak to the point of order, the fact that a further Appropriation Bill is passed does not mean that the previous one ceases to be in existence; quite the contrary. The Appropriation Bill is passed every year for the simple reason that the other one is still on the books. It is not like the Supply Bill, which does cease to exist. This is an amendment to the Appropriation Act and, as the amendment moved by you, Mr Speaker, said that the motion would apply to the Appropriation Act or any other Act, it is my view that it is still in operation.

**Mr Moore:** Do not worry, because I will put that as my fourth amendment and you will be able to support it then.

**Ms McRae:** We have never supported it, Michael.

**MR SPEAKER:** Order! It is a matter of law - - -

**Mr Connolly:** Mr Speaker, could I urge you to seek legal advice on this. In a previous existence, I had to give a legal advising - Mr Humphries would be familiar with this case - on the question of a person who dies intestate. There was a substantial asset. When there is nobody to take the asset it goes to the Crown. The question was: Which Crown? That issue, which arose in 1990, turned on the Commonwealth Appropriation Act 1988, which set up the first financial body politic of the ACT. In 1990, the clear view of Commonwealth legal advisers, because this went to a published advice by the Commonwealth Solicitor-General, was that it turned on the interpretation of the 1988 Appropriation Act. So Appropriation Acts, while it is very rare, can, in my advice to you now, be valid. I would urge you to take a formal advising on this point - not now, obviously.

**MR SPEAKER:** That is exactly what I was about to say. It is a point of law, and I do not know that I am going to be able to get one at 20 to two in the morning. Could I take it on notice?

**Mr Connolly:** Yes.

**MR SPEAKER:** I do not know that I can do anything else, to be perfectly honest.

**Ms McRae:** I am sorry, Mr Speaker; but, quite seriously, if we are going to contemplate any activity similar to that again, I think we need to know the legal status of the first one.

**MR SPEAKER:** I do not know that I have any choice, Ms McRae, except to take it on notice for the moment.

**MR MOORE** (1.41 am): In speaking to Division 180, Government Schooling, I start by noting the claim that there is no connection between improved educational resources and improved educational outcomes. That has often been used to justify both spending reductions and increased class sizes in government schools. In fact, Bill Wood, as Minister for Education, made that argument quite a number of times when he sought, with the support of his colleagues in the Labor Party, to cut 80 teachers out of the public education system. It has even been suggested by the Institute of Public Affairs that we could save \$1.4 billion if all State education systems cut their resources to the level of those of the lowest-spending State, namely Queensland, and that cutting this amount from education programs would make no difference to student learning.

Unfortunately, certain economists have concluded that because they find it difficult to measure outputs of schooling these outputs do not exist. We have had, to a certain extent, a debate about that earlier. Perhaps they suffered from a very limited and rigid education themselves - perhaps the sort of limited and rigid education that is necessary with large classes. From certain economic studies that have failed to establish a relationship between inputs and outputs in schooling, it has been concluded that there is no relationship and that expenditure can be reduced without ill effects on student learning. This evidence is contradicted by a range of other studies which demonstrated that increased spending and especially smaller classes are associated with improved student learning.

If educational resources make no real difference to outcomes, it is remarkable that other nations spend as much on education as they do. If expenditure makes no difference, why do the governments of the United States, Canada, the United Kingdom, Ireland, New Zealand, Switzerland, Sweden, Finland, Norway, Denmark, the Netherlands, Belgium, France, Italy, Spain and Hungary all spend more of their GDP on school education than we do? Perhaps they do not subscribe to the theories of the Institute of Public Affairs. It seems doubly strange for economists to argue that in education there is no relationship between resource inputs and product outputs. In every other field of economic production, economists believe that there is a relationship between the raw materials and labour inputs, on the one hand, and production of goods or services, on the other.

There is more at stake here than academic error. If we get our educational resources wrong, we will undercut all our efforts. Far from being marginal to outcomes, educational resources are central to them. We know that resources alone will not guarantee high-quality education, but without improved resources little can be done to improve education at all. How can we provide every student with equitable access to information technology unless we pay for computers, information software and teacher training? How can our education system claim to be accessible and equitable if we do not provide adequately for those students with special needs? How can we expect our students to excel in their later years of schooling if we do not properly resource the early years, when their decoding skills are developing? We expect our community to be well educated and to gain, if possible, tertiary education. We must, then, properly resource our high schools and our colleges so that our youth have the best possible chance

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contribute back to our society. After all, the education of our youth is indeed an investment in our future, producing the long-term economic returns. When education outlays are reduced there might be short-term cost savings but our future is also being reduced.

Governments that pride themselves on a long-term vision of the future simply cannot cut into education. Over the past five years Commonwealth Government funding of government schools has increased as the State funding has decreased. It is the State government, however, that has the major constitutional responsibility for funding government schools. It is the responsibility of this Government to provide a sound education system to our community. The Chief Minister is well aware of how important it was to reassure her electorate through a promise not to cut education if she was to obtain government. It is now time to deliver. Just as I have supported the Chief Minister in matters of health because I believe that the community made their wishes known at the last election, I must now oppose this concept of cutting education as well.

The other issue we need to deal with is the kind of cultural cringe that comes out of the Grants Commission process, whereby we look at words that are designed specifically to draw comparisons, words such as "benchmarking", where we go to the lowest common denominator. In this case, even in dry economic terms, where we see Canberra as an education industry and the centre of a great education system in Australia, we cannot continue to try to lower ACT education to the lowest common denominator. I believe that the community as a whole is interested in being supportive of education. We ought to get past the stage where we are trying to work out whether we should or should not cut education; rather, we ought to work out by how much we should increase it to ensure the best possible educational outcomes. We can then begin to do a true benchmark up to the areas where we are going to compete, and that includes the other nations in the OECD. The nations I named earlier are all spending far more than we are on education, and if we are going to do genuine benchmarking, if we are going to be able to compete with those nations, if we are going to be able to sell education in Canberra, then we have to have the highest possible standards of education, and that is where we should put our spending.

I have spoken on this issue on many occasions when Labor was in the business of cutting education and now that this Liberal Government is in the business of cutting education. No doubt again Labor will give me the opportunity to support them as a government, but I have not had the experience that they do any better in education than the Liberals. I will continue to do what I can to protect education, and I would draw members' attention to the fact that I have circulated a series of other motions intended to protect education, which I will be seeking to put. No doubt, Mr Speaker, you will have a comment on whether or not they are in order.

**MS McRAE** (1.48 am): The most appalling thing about all of this is that the Government tried so hard to explain why a cut was not a cut, and it did not succeed. We have heard over and over again that it has been a more than generous budget, that there have been amazingly wonderful allocations, better than anybody has ever seen since the beginning of time; yet there are advisers being moved from the central office, there are teachers being taken out of every secondary college - \$1.5m has to be saved from secondary colleges - and there is a range of work that is not being done because there is no money.

It just does not add up. I still need to hear from the Government today - maybe they need to take me through every single line of the budget - why it is that, if the allocation of money to the education sector has been increased, has been improved, is better than it has ever been, these changes are being made which are reducing the number of teachers in secondary colleges and which have taken away critical advisers within the central office - a clear reduction of positions. Nothing we have heard from the Government has explained this adequately enough to please me, the Education Union, the P and C or, most of all, Michael Moore.

We have talked before about our role in this Assembly and the role of the Independents and the role of government. Quite clearly, if you vote for a Liberal government, you get a Liberal budget. But we are told that this is not a Liberal government; this is a minority government. So at the very least, if you vote for a Liberal government, you should get a Michael Moore budget. Why on earth would a Liberal minority government turn its back on the person who supports it? It makes absolutely no sense. We are not told, "It is because we want to defy Michael Moore and show how tough we are and how we are going to run the show". No, we are told, "Well, it is not true. You are all wrong. There is more money in the education budget than there has ever been - \$7.7m more - and all of you collectively are wrong". Not only am I wrong - I am allowed to be wrong; I am in the Opposition - but Michael Moore is wrong, Kerrie Tucker is wrong, Paul Osborne is wrong, the teachers union is wrong, the P and C Council is wrong, and every single teacher who is complaining about the loss of service from the central office and about the attack on the secondary college system is wrong. What an extraordinary situation!

On top of all of that, there are six of us and we are the problem. There are 11 other people in this Assembly who can exert their authority on this Government collectively, and the six of us are the problem. The six of us are the problem because the Government has taken \$3.8m out of the budget? The logic just does not add up.

**Mr Stefaniak:** We are paying that, Roberta.

**MS McRAE:** This is what you are trying to tell me, Mr Stefaniak. You have tried to tell me several times and you have tried to tell everybody else several times, but why are we losing four or five teachers out of our secondary colleges? Why are we losing our evening Year 12 programs? Why have we lost our LOTE adviser? Why have we lost our Aboriginal education adviser? Why has the system been so dramatically changed if the money is being increased, for heaven's sake? It does not make sense, and you are going to have to tell a pretty good story.

There are all sorts of other yarns being spun that we are the problem, and that suits the Government for the time being; but that story is going to last for only a few minutes. People will understand that there is a government here that is in charge of its budget, that is supported by four Independents, and they have cut this budget, not us. There are no stories coming from our side. It is those people collectively who have put this budget together and are willing to support this budget which has an increase for education,

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we are told, not a decrease; but the increase in education results in all those job losses that I have discussed, including those quite dramatic changes to our college system. I have heard a lot of doubletalk in this Assembly, but today's stories are going to have to be pretty good before anybody can make any sense of what on earth is going on here.

On top of all of that, the policy changes we heard discussed, in the Estimates Committee and all year, are ill founded, unfinanced and badly thought out. We have a school-based management paper which says nothing, which gives only three weeks for schools to respond, and which again shows how this Government has absolutely no concern for equity issues. There is nothing in the school-based management paper that protects the interests of schools that, no matter what they do, cannot raise any income above that provided by the Government. There are schools like that across the system, although not many, and they are probably not the ones that are enthusiastic about school-based management. I know full well that there are many schools that are very happy about school-based management. I have no problem with that, but that is not my point. My point is that the Government has walked away from the equity issues.

Of course the rich and well-resourced schools are going to have no problem with school-based management. They do not care about the equity issues. It is not their problem; it is the Government's problem. So not only are we seeing these non-cuts; we are seeing the poor getting poorer and the rich getting richer out of these policies. The Government is offering nothing to the schools that either are situated in low socioeconomic areas or for other reasons are not in a position to raise any extra funds from their school community, no matter how hard they compete in the marketplace, to use the jargon, no matter how hard they go out and sell themselves. This Government has not taken that into account and then has promulgated a paper that walks away from basic responsibilities to ensure that no child is disadvantaged in our system because of where they live or where they happen to go to school. At a later date, Mr Stefaniak, I am happy to go through those figures with you and talk about which particular schools I mean and why you have done these schools such a major disservice. A policy that has come out cold has to be responded to in three weeks. Of course some schools are going to be enthusiastic, but the majority should not rule here until the Government has made it clear that the schools that are caught in a place and a time and a situation where extra income is impossible to gather are protected by the system.

The other policy we have seen promulgated this year with no intelligent backup whatsoever is the IT policy. I have said this often in places where I have spoken and it is nothing new, but I will repeat it: We are now at the same phase with information technology as we were with that major shift from when there were enough books for people to buy every book that was ever written to libraries. There has been a quantum leap, an extraordinary change, in the amount of information that is now available on computers, and therefore there is an absolute need for every schoolchild not only to have contact with a computer but also to learn how to access data and how to use that data and learn all the associated writing and research skills that go with that.

The Government has put out a policy, an overview document, which is not backed by any funding, by any practical planning, by any forward thinking about how all this is going to be networked, by any planning about how it is going to be maintained, and again, back to the equity issue, with no protection for the schools which, for whatever reasons,

do not have the resources to put together the number of computers and the amount of software, the maintenance and the programs that have now become basic to our education - as basic as libraries. I think this budget showed a complete lack of concern. That policy has been pushed through as a framework, with no depth, no analysis, no backup, no cost. I have talked before about sport, which suffers from exactly the same lack of analysis.

**MS TUCKER** (1.59 am): I will keep this reasonably brief. A strong education system, like the health system, is part of what Eva Cox is referring to in her Boyer Lectures as social capital, part of the basis of our society. It is not an add-on if we can afford it. Education, our social capital, is an investment in the future. It is essential to the wellbeing of our society, and the resources that go into education do make a difference to the outcomes. That is one of the reasons why the ACT has the highest retention rates in Australia, an often quoted fact.

It is very disturbing to the Greens to see the education budget effectively being cut, despite all the promises and rhetoric around election time about maintaining the education budget. The Government apparently thought no-one would notice that they have not maintained real expenditure compared with the 1994-95 outcome. What will these cuts mean? Teaching positions will be affected, particularly in the college system, and the effect of the budget decisions will likely be to reduce student choice of units and increased class sizes. As the parent of a college student, I have already been notified by the college that budget cuts will require them to reduce staff, thereby reducing student choice of units and increasing class sizes. Also affected will be student services related to work experience, careers advice, and library and sport services. Programs related to vocational education will also be cut. It is interesting to know that the Government's objective is to make greater provision for such opportunities.

Core support functions have been cut from central office, which will affect a range of areas. ESL programs have been cut, particularly programs catering for long-term residents. Cuts to the Aboriginal education budget will not only impact here; there is also a possibility that Commonwealth funding will be put at risk. Despite the Government's claim that the schools are up to scratch in curriculum development, there are very strong arguments for maintaining ongoing curriculum policy officers in the eight key learning areas. There are many teachers who have contacted us on this topic, and it is certainly not the consensus that this support is no longer needed. Particularly with school-based curriculum development, a strong level of central support is vital to keep abreast of research and development in particular fields. Curriculum development is not a one-off process; it requires ongoing commitment. Then there is the equity issue of charging full fees for evening college classes.

The Greens were also concerned about the Government's initial statements regarding Birrigai outdoor school. At a time when teaching our children to respect the environment in which they live is more important than ever, we simply cannot afford to submit everything to the same economic formulas. Some services run by government do not recover their costs. That is why we pay taxes and have governments. Of course the Greens want to see Birrigai run as efficiently as possible, but only if the quality of the programs and affordability are not affected. We will be assessing very carefully changes proposed to the management of Birrigai.

Because education is so fundamental to the wellbeing of society, the Greens said they would support any measure which would see funding restored to the education budget, and therefore we would have supported Mr Moore's amendment. It has been estimated that it would cost \$13m to maintain education services at current levels. However, the amendments that were proposed were not asking for this. Education will have to live with less, but a real cut to funding in this area is not on, and the Government has simply been asked to live up to its election promise and not try to get away with fiddling with numbers. Unfortunately, Labor and Liberal have joined forces to prevent these amendments from even being debated. This Government, as we have said before, is blatantly ignoring the fact that they are a minority government and should therefore seriously consider the wishes of the Assembly. When 10 members of the Assembly indicate that they are unhappy with aspects of the budget, they still dig their heels in and refuse to change the bottom line.

**MR WOOD** (2.03 am): Mr Speaker, I want to press again some of the points I made earlier in the debate and which the Government was understandably very reluctant to acknowledge. The Chief Minister a little while ago, in answer to a question, used figures and I think misrepresented the situation. The figures that are in the *Hansard* indicate quite clearly that there has been no increase in education expenditure and that there has been no real allowance, no full allowance, for salary increases. Therefore, the cut that is being imposed is a very definite cut. There is no question about it. She can equivocate and beat around the bush and say, "There is money here; there is extra money."; but, on her own admission, something like \$4.7m that she said was extra money is for new activities, for something different, for new requirements coming in and not comparable with what was in last year's budget. Then there is \$2m for increased enrolments, and that is a standard procedure. You just cannot make that comparison with the former budget.

The actual budget last year, on the Chief Minister's figures, was \$200.1m. The comparable budget this year, excluding those extra items I mentioned, is \$199.9m - effectively the same. There is simply no scope there for the full range of salary increases that ought to have been given. Mr Moore knows that, and that is the point of his complaint. The Government is wrong. It has tried to say many times that black is white, but it does not work out that way. Ms McRae gave a different perspective. She pointed out where those cuts are actually impacting in the schools. The cuts that do not exist are taking teachers out of our colleges and having all sorts of other impacts. So the cuts are there. They are real and genuine, and they are a problem. Mr Moore now has the opportunity to vote against this line, to send the Government out there to think for the next couple of days just what they might do about it. I am sure that he will be voting no to this line item.

**MR STEFANIAK** (Minister for Education and Training) (2.06 am): Given that Ms McRae is going to speak again, I will save my second lot of comments until after everyone else has spoken. However, there is something I want to say first. As Mrs Carnell has said, the original budget for 1994-95 was \$199,865,000, and we added the CPI adjustment of 4 per cent, or \$7.77m, plus the \$2m for the enrolment adjustments. We then added a further \$4,680,000 for additional funding. What we said we would do was budget for the 1994-95 education figures, plus the CPI increase, maintaining education spending in real terms. That is exactly what we have done.

Mr Moore even accepted that we have delivered on what we said we would do. I know that he would like a lot of other things added in. In fact, I think the Greens said that if you wanted to do that it would probably be about \$13m more. That really is not what it is all about. We have actually done what we said we would do.

Mr Wood, let us go back a couple of years and see what was debated in 1993. I was going through *Hansard*, and it is absolutely fascinating. What you people said - - -

**Mr Wood:** What page do you have there, Mr Stefaniak?

**MR STEFANIAK:** I will go through a couple of pages, Mr Wood.

**Mr Wood:** Tell me.

**MR STEFANIAK:** I will. What you people said was very elucidating. Let us go to page 4138 on 25 November 1993. In the first paragraph on that page, Mr Wood, the then Minister, said:

Madam Speaker, acting from the central point that our Commonwealth funding will continue to shrink, I have not accepted the literally unbelievable argument that we can continue spending as much as ever on education. Instead of merely accepting the situation, we should find new, affordable ways of delivering relevant learning and training to our students. We are already building on the foundation of a very successful education system. The Auditor-General's report has some very good news about the effectiveness of our school system. One instance is the great success enjoyed by graduates of ACT government school systems in gaining entrance to universities.

He went on about that.

**Mr Whitecross:** Is this the one you have just cut the funding from?

**MR STEFANIAK:** No. The interesting thing there, Mr Whitecross, is about the Commonwealth funding and the "unbelievable argument that we can continue spending as much as ever on education". This is from your party, the previous Government.

**Mr Whitecross:** You are just cutting the funding.

**MR STEFANIAK:** I will come to that. I have another interesting quote from Mr Wood about "you cannot keep the status quo". Let us go to the second paragraph on page 4140. Mr Wood said:

There are, accordingly, new prospects for not just maintaining but improving the quality of ACT schooling, and they do not depend upon a mode of teaching and learning essentially unchanged since the last century.



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This is in relation to teacher cuts, Mr Wood, which you were going to make. You went on:

Our opponents would have Canberra people believe that quality is conditional upon the preservation of a certain industrial configuration that serves those who are paid to serve the system. As I have shown, that is not necessarily so. Quality does not need to suffer because there will be about 80 fewer positions in a teaching force of more than 3,000. On the one hand, our funding from the Commonwealth will continue to shrink. On the other, we are determined to maintain and raise quality. The people of the ACT know that our opponents will see the necessity for the reconciliation of those two imperatives. I trust that they will do that today. In the end, goodwill and intelligence should prevail.

I do not think even you people are suggesting that anything we are doing will see anything like 80 positions go, Mr Wood.

**Ms McRae:** About 60, I have calculated.

**MR STEFANIAK:** I thought you were suggesting 36 the other day.

**Ms McRae:** Yes, that is in colleges.

**MR STEFANIAK:** Is it? That is interesting.

**Ms McRae:** And then the rest.

**MR STEFANIAK:** Yes, and the rest. We will see what happens when it all comes out in the wash, Ms McRae.

**Ms McRae:** You are talking about an increase; you are not talking about cuts.

**MR STEFANIAK:** You people were, too, actually. I will come to that, Ms McRae. Let us go on now to Ms Follett, the then Chief Minister. In the last paragraph on page 4144, she said:

Madam Speaker, what the Government's schooling program is being asked to do is to achieve savings of \$3.5m in an appropriation, as we see before us today, of \$203,569,100.

We will come to that in a minute. She continued:

That is hardly an unachievable objective, in my view. As we have managed reducing budgets over several years now, I can tell you that this is a long way from being the hardest task faced by a program within the ACT administration. It is a very modest target; it is an achievable target; and it is a target which will maintain the quality of the service that is being delivered to the community ...

Let us now go - - -

**Mr Moore:** The problem is that she was cutting, but at least she was honest about what she was cutting.

**MR STEFANIAK:** We will come to that, too, Mr Moore. There is, funnily enough, a 4 per cent increase in education spending in that budget as well, and I will come to that in a minute. Let us go to Ms Follett again, in the third, fourth and fifth paragraphs on page 4146:

Madam Speaker, in looking at the savings for this year and at the plan, I think there are a couple of other things that also ought to be said. I refer again to the Auditor-General's performance audit of the Government's schooling program. I believe that there has been some fairly crude reporting of the Auditor-General's report.

She goes on for the rest of the paragraph about a headline, and then continues in the next paragraph:

What the Auditor-General has said in his report is that there are some areas that could be looked at if you are seeking greater efficiencies in this particular program. It was a performance audit, and that is precisely what the Auditor-General was looking for in undertaking a performance audit - areas of greater efficiency in delivering this program. I think that it would be foolhardy indeed for the Assembly and for the Government to ignore the report of the Auditor-General. I consider that we have been extremely well served by his work. In all of his reports, we have been able to find ways of increasing the efficiency, the management competence and so on in all of our programs.

I am not about to ignore the Auditor-General's report, and I have no doubt that Mr Kaine is not about to ignore it either, as he is the presiding member of the Public Accounts Committee and will, of course, be examining that Auditor-General's report as fully as he does all other Auditor-General's reports. So do not kid yourselves that you can just put it to one side and pretend that it did not happen. It did, and its recommendations, its line of argument, must be taken seriously. Madam Speaker, the strategies that are being implemented this year in education will also be linked to educational developments at the national level, and they will focus on improving educational standards and vocational education and training needs in the Territory.

Mr Speaker, we also have a statement about "cannot expect education to be quarantined". Let us go to the second paragraph on page 4147:

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What we are about is a planned approach to educational services in the future within this Territory's financial constraints, which simply cannot be ignored. To pretend that there were no such constraints or to pretend that education could be completely quarantined from such constraints is simply not responsible. I consider that what we have put forward is realistic, it is achievable and it will protect our schools both this year and into the future.

*(Extension of time granted)* On page 4153, Mr Connolly spoke of, among other things, a 4 per cent increase in education in that particular budget. He is criticising Mr Moore here, when he says in the second paragraph:

Mr Moore criticises slicing fritz, continuing to spend less money every year. He said that the Labor Government should not slavishly follow the advice of bean counters; they should prioritise and they should treat education as they treat some other areas and have some marginal increases in expenditure. Madam Speaker, it is a pity that before Mr Moore wrote that speech he did not actually do a little bit of homework. When you look at what we are debating, which is the budget, and when you look at what the budget shows for expenditure, you find that the Government has done exactly what Mr Moore urged it to do. We have not sliced the piece of fritz on the education budget, Mr Moore. We have in fact shoved a bit of fritz on. The recurrent expenditure for government schooling last year was some \$195,072,000. This year, in Mr Wood's so-called slash and burn budget that is slavishly following bean counting advice to reduce expenditure, it is \$203,569,000. Madam Speaker, the rhetoric from Mr Moore displays a fundamental lack of basic research.

While across the board we have sought to reduce expenditure by about 2 per cent, there have been some programs that have taken some dramatic cuts. I point to my programs of city services, where we have been constantly striving for reform and I think have hit the jackpot with a 19 per cent saving; public transport, with a 4 per cent saving ...

He goes on to a few others there. In the next paragraph he says:

Mr Moore said, "You, Labor Government, should show your commitment to your priorities and you should deal with education as you have dealt with health. You should perhaps find a little bit more". Mr Moore did not read his budget papers, because what we have done is in fact to increase recurrent expenditure on public education by 4 per cent and on non-government schooling by some \$3m, or almost 5 per cent.

He goes on:

Madam Speaker, this talk of cutting and slashing and reducing expenditure in education is - - -

**MR SPEAKER:** Order! The member's time has expired.

**MR STEFANIAK:** I had an extension, Mr Speaker.

**MR SPEAKER:** That is right. Do you want an extension?

**Ms McRae:** But he has had his extension.

**MR SPEAKER:** Do you seek leave to continue?

**MR STEFANIAK:** Yes, I do, Mr Speaker.

Leave granted.

**MR STEFANIAK:** Thank you. Mr Connolly says:

Madam Speaker, this talk of cutting and slashing and reducing expenditure in education is ill researched, ill considered nonsense. Mr Moore did not actually look to see how this year's expenditure compared to last year's expenditure. That is not to say that the Government is not committed to a program of creating greater efficiency. The education budget, like any other budget, cannot just grow like Topsy. Every dollar has to be carefully targeted. We have to look for what Mr Moore said we should look for, which is efficiencies.

Mr Speaker, it is very hypocritical for the Labor Government to criticise this Government when one looks at what they said only two years ago.

**Mr Wood:** Bill, we said we were reducing the budget, so we are happy to take that point.

**MR STEFANIAK:** You did, but you also said it was going up by 4 per cent. It is amazing. You talk about efficiencies there, Mr Wood. You talk about recurrent expenditure being up from the previous year, and a disciplined budget which will be targeted more effectively. You talk about things which you are criticising us for saying now. Really, Mr Wood and Ms McRae, I find your comments very hypocritical in the extreme.

**Ms Follett:** We did not promise to quarantine it and you did.

**MR STEFANIAK:** We have quarantined it. We promised that we would use your figures last year plus the CPI increase- the 1994-95 figures plus the CPI increase. That is exactly what we have done. We have increased it in real terms, just like you said two years ago. It had actually gone up 4 per cent, yet you had to find efficiencies there, which all those quotes quite clearly show. The way you did it was to attempt to reduce teaching numbers by 80. So for you to criticise this budget is quite hypocritical because that is a classic case of *deja vu*.

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**MR WOOD** (2.19 am): Mr Stefaniak has mucked it up. He read about six or seven extracts which we read, and they read quite well. They are in *Hansard* and they are accurate. We stood up here a year ago and said we were reducing the education budget. Quite a number of us said that. We made that acknowledgment. The difference between last year and this year, and the Government last year and the Government this year, Mr Stefaniak, is that we said it the way it was. You are not saying it the way it is. You are trying to say black is white. You are trying to say there is no cut when there is a cut. You are being hypocritical because you will not acknowledge that you are cutting the education budget. You could not even get the same figures that Mrs Carnell gave us earlier today. She told us this morning that the \$7.7m CPI adjustment was added on to \$192m. You tried to tell me a minute ago that it was added on to the \$200m. So get our figures together. You did not build into this budget - it is clearly acknowledged - sufficient money to cover all salaries. You have to make cuts in order to do that. You have to reduce the salary budget to do that and make those cuts, and you will not even be honest about it. It stares us all in the face. It is in the documents and you will not be honest about it. It is incredible.

**MR WHITECROSS** (2.21 am): Mr Speaker, I am lost for words to describe the extraordinary speech that Mr Stefaniak just made.

**Mr Stefaniak:** That is good. Well done, Andrew.

**MR WHITECROSS:** But not completely lost for words. A word which Mr Stefaniak used towards the end of his speech seems particularly apt under the circumstances. It is the word "hypocritical". The debate from which Mr Stefaniak was reading, a debate in the Assembly in 1993, was a debate in which the Liberals came into this place and said that cutting 2 per cent off the education budget, as Labor proposed, was a terrible thing; that cutting the 80 teachers which Labor said it wished to cut in order to make the 2 per cent saving was a terrible thing. Indeed, the Liberals moved an amendment, Mr Speaker, to stop us from making that cut.

We have expressed our view today about the appropriateness of that amendment, but the fact is, regardless of the merits of that amendment, that the Liberals moved it. The Liberals took the position that under no circumstances should education be cut. They were the ones who sought to make heroes of themselves among the education lobby around this town by doing that. They are the ones who sought to reinforce that message by going into the ACT election promising to maintain the funding. They are using the well-known propaganda technique that is used so frequently by Mrs Carnell and now seeking to say that a cut is actually not a cut. We find ourselves in the situation where the only people who think that this cut is not a cut are the Government.

Compare the record of the Government in this regard to the record of the Opposition. The Labor Government came into this Assembly in 1993 and proposed a 2 per cent cut - the same cut we were proposing in other budgets. The fact is, as we know, that the Assembly did not agree with us and eventually, by the process that Mr Moore has outlined, the Assembly imposed on the Government and the Government was not able to make that cut. In 1994 the Government did not cut education. The Government listened to what the Assembly had to say in 1993.

The Labor Party then went to the election in 1995 reiterating its undertaking not to cut education and going further by promising an extra \$6m for education, not just to replace voluntary fees but also to make up the amount that is not collected in some schools where the collection rate is low. We also undertook to provide \$1m for information technology, unlike Mr Stefaniak, who has a policy but no money to implement it. That was Labor's response to the situation that occurred in 1993, to the views that appeared to be out in the community about the education budget. We turned around our policy of seeking to apply efficiency cuts in education but to maintain the education budget in real terms and we promised new ways of improving the education system. That is Labor's record. The Liberals, speaking from the opposition benches, were saying, "We think that cutting the education budget is a bad thing."; but, the first time they get onto the treasury benches, on go the cuts. That is the reality of the situation.

Let us look at the attitudes of other people to this. Are the education unions, the parents and citizens and people like Michael Moore attacking the Government for having done an about-face on the position that they took in 1993? No. The villains of the piece are the Labor Party, who did hear the voice of the Assembly in 1993, who maintained that position in 1994, and who went to the electorate in 1995 with a policy not only of maintaining education funding but of increasing education funding. Yet everybody wants to say that it is our fault that the Liberal Party have gone back on their position in 1993, have gone back on their election promise and have cut education. It is not a sustainable position.

Mr Moore said earlier that he expected an invitation from the Labor Party to vote with the Labor Party. I have to extend it to you, Mr Moore. You should vote with the Labor Party on this because the Liberal Party's policies are not only wrong but also hypocritical. They go against the position they took in 1993 and they go against the position they took to the electorate in 1995. We should be going down the track that the Labor Party has advocated of voting out this appropriation and sending the Government away to come up with a new one. I understand that Mr Moore says, "Well, that will mean the fall of the Government. Mrs Carnell threatened to resign, so I cannot go against that threat". I still would advocate, Mr Moore, that that is the best thing.

I want to say one other thing in relation to this, because Ms Tucker repeated again the suggestion that we in the Labor Party had wrongly ganged up with the Liberal Party to rule out these amendments. Mr Speaker, whatever views people might have on the system of government we have in the ACT, it is the system we have to operate under. There are appropriate procedures that can be put into place if people want to go about the business of trying to change the system of government in the ACT, but we have a system now which does not allow non-Executive members to amend the budget. That is the fact. A linchpin of Mr Moore's argument in his comments on the motion earlier was that it does not matter because in his opinion it is not justiciable; that we can do the wrong thing because nobody can stop us. That is a linchpin of his argument; that it is a non-justiciable matter, which means, "Who cares whether it is right or wrong? We will just change the rules and no-one will be able to stop us".

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I do not accept that that is a valid way to go about business. We have a parliamentary institution here in the ACT which operates in the same way as parliamentary institutions in other places. I do not accept that it is not justiciable. We have a different view on that subject, and Mr Connolly's opinion expresses that different view. Even if Mr Moore's opinion is right and it is not justiciable, that is not an excuse for doing the wrong thing. That is not an excuse for undermining the self-government Act as it is written, and our standing orders as they are written, and the enormous weight of opinion about what the self-government Act means.

I think that the business of rewriting rules is a dangerous one. It is a temptation to which people on the crossbenches are sometimes particularly prone, but it is not a temptation into which we should fall. There is a right way of doing things and a wrong way of doing things. Mr Moore earlier outlined the procedure that was followed in 1993 - first the motion calling on the Government, then the censure motion, then the amendment to the budget. We have clarified now that amendment to the budget is not allowed. Interestingly, it was Mr Moore who supported the adjournment of the censure motion, which really should have been debated and voted on before the budget as part of that process which he said occurred in 1993 to put pressure on the Labor Party. He has chosen not to follow the same path to put pressure on the Government now. We believe he should have. We moved the motion on purpose to give him an opportunity to put that pressure on the Government. We are disappointed that he did not follow it, that he sought instead to adjourn the motion. We again offer him the opportunity to vote against this line, to put the pressure on the Government. We offer him the opportunity to change his negotiating position from one of saying, "Whatever you do I will vote for your item.", to saying, "Mrs Carnell, we mean business. If you do not change, you are in trouble".

**MRS CARNELL** (Chief Minister and Treasurer) (2.30 am): Mr Speaker, a budget is not just a whole lot of single line items. It all goes together. It relies on prioritising different items. It relies on living within one's means. The reason why I believe strongly that a vote against this single line in this budget would be a matter of confidence in this Government - in other words, the sort of thing that would mean that the Government would resign - is that it is not one line of a budget; it is a budget as a whole. It is the position that we have taken and, to my knowledge, every other government has always taken when it comes to a budget. If this line or, for that matter, any other line of the budget were defeated, the Government would have no choice but to resign. I think that goes without saying.

You cannot look at a single line on its own. We have put this budget together in a way that we believe is fair and just, with the money that we had at our disposal. I would love to spend lots more money on health, lots more money on education, and lots more money on police, but we just do not have the money. We are not willing to put more and more money on the ACT Bankcard and to run up a bigger and bigger debt for our kids. We do not believe that is appropriate. We believe that we should be spending the money we have in the wisest way possible.

I am the first to admit that it would be lovely to make sure that no class size in primary school in the ACT was larger than 25. It would be lovely to have a situation where everything was absolutely perfect. We will work to achieve the best possible education system we can, within our means; but we believe that the most money we can possibly make available in this budget is here in front of us in this line item. If this Assembly chose to vote against this line we would have no choice but to resign.

**MR CONNOLLY** (2.33 am): That is mere political bluff to keep Mr Moore in line. To say that the Government would have no alternative but to resign if a single line item in the budget were changed is merely political puff. It is not a statement of the constitutional position in this Assembly. It is in the House of Representatives, because there is no other prescribed form for dismissing a government. It is an accepted convention that it has only to be a reduction in the line item, not the rejection of the line item. The accepted form used to be the reduction of a line item by £1. I think that now the House of Representatives practice is that the accepted form is reduction of a line item by \$10. That may have changed with inflation. The accepted constitutional principle is that there is only one consequence of that motion, and that is resignation of the government. But that is not the case here because, under our constitutional arrangements under the self-government Act, there is a prescribed form for changing a government. That prescribed form requires a specific motion, with specific notice being given of that specific motion.

Mrs Carnell can make that threat in order to stare down Mr Moore, but it is merely a political threat. Mr Moore can answer that threat and say to Mrs Carnell, here or outside this place, "Don't be so silly. See reason". He can vote either to reject this line item or, as we suggested earlier, to adjourn this line item and give the Government a week to think about it. But it is not a statement of the constitutional position or the law that Mrs Carnell would have no alternative but to resign. It is merely a piece of political puffery. It is merely a threat. It has been made very clear on this side of the house, when we say that we are objecting to this, that this is not a matter of confidence; that this is a matter of negotiating a budget process. It is up to Mr Moore whether or not he is going to stick to his principles or simply collapse to Mrs Carnell's puff.

**MR MOORE** (2.35 am): Through you, Mr Speaker, I would like to thank Mr Whitecross for his kind invitation to join him. Mr Whitecross, I must say that I am a little bit miffed that you did not accept my kind invitation to join me when I moved my amendment to this budget at the start of the process.

**Mr Berry**: Because it was wrong, Michael. No matter how many times you say that it is right, it is still wrong.

**MR MOORE**: I hear the interjection from Mr Berry that it was wrong. Mr Whitecross took quite some time to make the point about what was right and what was wrong, what was non-justiciable and so on. I must say that, to a certain extent, Mr Whitecross had a quite valid point. The difficulty was that your view was based on legal opinion. I had the opposite legal opinion.



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**Mr Stefaniak:** Several legal opinions.

**MR MOORE:** Several legal opinions. I had the opposite legal opinion. That is what the law is about. Lawyers have jobs because they give opinions. Different lawyers give different opinions. It was a matter of legal opinion that could have been resolved on the floor of this house. I do not wish to reflect on the vote. It was resolved on the floor of this house because you did not accept my invitation to vote for my amendment.

I would like to move away from that issue and get to the real point of the porky pies of the Government. This Government is telling us that there were no cuts to education.

**Mr Stefaniak:** We said that we would maintain it in real terms, in 1994-95 figures.

**MR MOORE:** At the same time they said that they would maintain funding in real terms and all that sort of business. They keep putting it in that way. I have in my hand a document entitled "1995-96 Budget: Government Schooling", which has been put out by the Education Department. In a short while, after I have read from it, I will seek leave to table this document. On the second page of the document there is this statement: "After 'maintenance of funds' provision and other adjustments, need \$4.7m to balance budget". If you like, read that back to front; there is a \$4.7m cut. That is what it is. We have it on official paper from the Education Department, which was used as part of the briefing material. The briefing material is usually for me. In this case the Education Union was kind enough to fax it to me because it was used to brief the union. There is a \$4.7m cut. When I say that the Government is telling porkies, that is what they have to be. It is a porky. If I were in government now I would be particularly embarrassed.

One of the items just above that is, "Biggest item the 1994 wage increase - it was unfunded". The amount is \$6.9m. There is also provision for the opening of two new schools. There is a whole series of items listed. It actually goes on to list items identified to try to account for this shortfall in the budget. That is also known as a cut. There is a total of \$3.15m. To do that, \$1m is taken off here and there. There is \$1.2m in central office; \$0.2m in contracting out at Birrigai; colleges free to run evening programs, \$0.25m; system pool reduction, \$0.25m. The department is considering further options, because \$3.15m was not enough. The department did not want to put down the other options, which include taking teachers away from high schools; cutting the number of teachers, which this Government, when it was in opposition, prevented from happening. There is just a tad of hypocrisy from the Government on this matter.

This is the issue that I have taken to the Chief Minister almost daily for the last couple of weeks. I do not recall any day that I did not raise a matter with her. There may have been one. I know that the kind invitation from the Labor Party to put them in government instead is there. But look at 1993; you were doing the same thing. At least you were doing it clearly by saying that it was 2 per cent. You made that point, and that is a valid point. You were quite open. Mr Whitecross says, "Yes; but we have changed".

I can see that Mr Whitecross has been added to the bench and that Mr Lamont is no longer there. I still have a little bit of trepidation, and at this point I am not ready to change the government. On that issue, the reality is that Mrs Carnell is now in this position: If we vote against the line item and she does not resign, then we have got her for misleading the Assembly. Then we can take her out. We are in a win-win position. You still have a couple of opportunities. It is not too late, guys. There are still a couple of opportunities to correct this.

First of all, I say to the Government: It is not too late for you to move the amendment to your own budget. You have been telling porkies, and it is time to correct that situation. We are not even asking for the \$4.7m; we are asking for \$3.8m to be taken from the Treasurer's Advance and moved across. It is not too late. That is what you should be doing. You have been telling us that there are no cuts. Your own Government documentation, from your department, Bungalow Bill, is - - -

**MR SPEAKER:** Order! Please refer to the Minister by his correct name.

**MR MOORE:** Thank you, Mr Speaker. Mr Stefaniak, from your own department you have this - - -

**Mr Berry:** He is known in his own department as that.

**MR MOORE:** Indeed. These papers show a \$4.7m cut. You have been saying all the way along, you have been arguing here while doing the fancy paper footwork, "No; it is not really a cut. We are doing things exactly as we are. It is all hunky-dory. It is all above board". Of course, it is not.

**Mrs Carnell:** It is.

**MR MOORE:** For heaven's sake, we still have the Chief Minister saying that it is. Here it is from your department. You should now accept the message, accept the weight of opinion of the Assembly and change it. That way we do not interfere with the self-government Act, the legal opinions or any of those things. You recognise that you made a genuine mistake, because it is quite clear that until this document you genuinely believed that you did not make the cuts. You ought to be increasing the amount by \$4.7m, I have to tell you. That would be reasonable. We took the conservative view and took the \$3.8m figure - - -

**Mr Berry:** You have nothing to bargain with. You said that you were going to support this budget. What is the point of arguing with them?

**MR MOORE:** I will be happy with the \$3.8m figure. Keep good faith, instead of telling the porkies. We heard some of the porkies. Now that the exact figures have been shown to you, you should be moving an amendment. They are in this document. I will seek leave to table it shortly, but I want to use it for a bit longer. You have been telling those porkies. The idea is that, to keep good faith, you should move that amendment yourself. You can do it off the top of your head, or you can borrow my wording. You should move it. You can do that; no worries at all. That is why I think that it is appropriate for you to change that.

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**Mr Berry:** We will move to adjourn the sitting, and the Government can think about it until tomorrow.

**MR MOORE:** Tomorrow is actually Saturday.

**Mr Stefaniak:** That is right. Do not be silly. That is not such a good idea, Wayne.

**MR MOORE:** The last item in this document, which I will seek leave to table, says that the department is considering further options. I think that it is time for not just the department but also its Minister and the Chief Minister to consider those options as well.

I believe that you have been dealt with relatively gently until now. I accept some of the arguments that Labor has put forward that we could have used better processes. I believed that you would see the light, because you had not only made the announcement in your own policy that you were not going to cut education funding as you have but also assured me that when you got into government you would not cut education funding. That is exactly what you have done. That is why we are going to lose teachers; that is why we are going to lose standards; and that is why you are losing, let me emphasise, the support that you have had until now. It is not too late, and I want to emphasise that, for you to move an amendment to your budget. I strongly recommend that as the smartest thing for you to do. Mr Speaker, I seek leave to table this document.

Leave granted.

**MR OSBORNE (2.45 am):** My understanding was that when Mr Moore voted for Mrs Carnell as Chief Minister she gave him a promise that there would be no cuts to education.

**Mrs Carnell:** No; that is not true.

**MR OSBORNE:** Anyway, given that Mrs Carnell does have Mr Moore's support, given that education is his baby and given that this is a minority government, I would have thought that you would have taken into consideration his very grave concerns. I would like to say, as I did earlier, that if the same issue arose in relation to the police I would probably be a lot harsher than Mr Moore was. He is a little more experienced in Assembly matters than I am. However, I would like to restate my support of Mr Moore on this issue because I think that it is very important, Mrs Carnell, that you do take into consideration the wishes of the people who put you where you are.

**MS McRAE (2.47 am):** Mr Speaker, I realise that it is quarter to three in the morning; but I do marvel at the things that I hear. It has been more than clear all night to Mr Moore, and to anybody else who cares to listen, that there are six votes on this side of the house, and six votes only. We heard Mr Moore earlier say to the Speaker, "I want to dissent from your ruling, but I am not challenging you as Speaker". Mr Moore is able to make that distinction about the Speaker when no-one else does. May I say, because I read it all very thoroughly, there is no such hairsplitting in any of the parliamentary advice. Any dissent from the Speaker's ruling is a vote of no confidence in the Speaker. I was very well aware of that. I realise that it is quarter to three in the morning.

We hear, on the one hand, that we can run one line about the Speaker - "I am not going to chuck you out, Mr Speaker, but I want to dissent from your ruling" - but, on the other hand, we are not prepared to run the other line of, "I am not going to chuck you out, Mrs Carnell, but I want to dissent from your budget". May I say again that there are only six votes on this side; and 11 is bigger than six, always. Mr Moore has not yet heeded that lesson.

We are talking about a government that is prepared to lie and then perpetuate a lie. Every bit of lobbying that I have had has told me totally and clearly, and again and again - to use Mr Stevenson's favourite phrase - that the reason why we were thrown out of government was that the populace overwhelmingly believed that this Government would not cut funds to education. Mrs Carnell can put on that any spin that she likes, but I have had any number of people come to see me and say, "McRae, until your lot get their act together on education, you will never be voted in again. The reason why Mrs Carnell got her mandate was that education is a vital issue to this community. You - the Labor Party - failed. This Government promised to keep real funds". In the mind of every person who came to see me and to lobby me - every person who came to see me believed that - that meant no cuts. That is the position whichever way you look at it - and I have heard, as I say, all sorts of strange things.

It is 10 to three in the morning. There are drastic changes being made in our education system. The question comes, "Who on earth is making these decisions, and how can the Government put a gloss on them that they are just bureaucratic changes?". We have a Minister responsible for education who cannot even go through the list and say, "Ms McRae, no, no, no; we are not taking \$1.5m out of the colleges".

**Mr Stefaniak:** We are not.

**MS McRAE:** We will see.

**Mr Stefaniak:** I was getting it on the record.

**MS McRAE:** We will see. Thank you. How is it that the secondary colleges are lobbying me and saying, "We are going to lose at least four teachers out of our college. We put up options to the Education Department to save money, and it did not take them, and we are going to lose four teachers."? Mr Stefaniak, you do not know what is happening in your own department. Why have the advisers gone from central office? We are told blithely, "Because their services have finished". It is not what the people on the ground believe. There is no replacement of those officers. Why am I getting lobbied about the drastic changes that have happened to these areas?

Who is making these decisions? What sort of a department are you running, Minister, when no-one knows why these cuts are being made, for what purpose, and what is happening in the education area? Minister, you do not know what is going on. If you do, this is your opportunity to spell it out. "We did not; we did not; we did not" is what we heard from Mrs Carnell tonight, probably more often than we heard that 11 is more

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than six. The reality is that the people who come to talk to us, the people who talk to Mr Moore, the people in the education system who talk to anybody, believe that they have lost advisers unnecessarily from the central office; that they are going to lose at least five teachers from every secondary college; and that there are more cuts to come.

Mr Moore produced a piece of paper, but we were given most of those details in the estimates process. We were given a list of changes that were to happen, which were the clear result of there being insufficient money. We have the Chief Minister telling us that everything we have heard, all the lobbying that has happened, everyone who speaks to us is wrong, wrong, wrong; that this \$3.8m - now we find a \$4.7m shortfall - is wrong, wrong, wrong; and this is a generous government. This is not good enough.

I urge Mr Moore to apply the same logic to the Chief Minister as he did to the Speaker, to use this opportunity to say, "We will not accept this". There is no constitutional basis for Mrs Carnell to throw a tantrum about loss of confidence. We have seen perpetually that there are 11 votes to six votes; and that is the clear separation of power within this chamber. No matter what anybody tries to say, we go back to the first lesson that Michael Moore gave to the Greens and that I repeated earlier, namely, that this Assembly is about numbers and that these numbers are absolutely important. The whole basis of how anything is decided here is by majority vote. The numbers are quite clear; the choices are quite clear; this Government is wriggling every possible way it can.

The Minister clearly does not know what is going on; the Chief Minister is trying to put a spin on what thousands upon thousands of people believe to be different; and it is a great pity that we do not have a constitution like other parliaments have, where this sort of drama would trigger an election, because I would dearly love her to go to an election right now and tell the people, "Yes; when I said that education funding was going to be maintained, I really meant a \$4.7m cut". I would dearly love that to be taken to the people tomorrow because, if what I am told is true, one of the major reasons for shifts in alliances was our record in education. I am ready to accept that. But they did not shift because they thought that this Government was going to take out \$4.7m and then not face up to it. We at least said, up front, "Yes; we are cutting 80 teachers, and this is the reason why". We paid a price for that. This Government goes to the electorate and says, "We will retain education funding". It then cuts funding by \$4.7m. I would dearly love to have an election tomorrow and test it, because you would fail the test dismally.

**MR WHITECROSS** (2.56 am): There is one key thing that Mrs Carnell has been saying.

Government members interjected.

**MR WHITECROSS** Mr Speaker, are you running this parliament or not?

**MR SPEAKER:** Order! As long as you stay at Division 180, Mr Whitecross.

**MR WHITECROSS:** I certainly will be staying at Division 180, Mr Speaker, because I want to pick up on what Mr Moore was saying about the fact that there has been a \$4.7m cut in education funding - - -

**Mr Moore:** Was “cut” the word used?

**MR WHITECROSS:** Yes, I used the word “cut”. Ms McRae articulated those cuts in great detail earlier. The thing that I want to point out is that Mrs Carnell has explained to the parliament something which ought to be of great interest to members of this Assembly, to the community at large and to the media, both here and, later, on reading this and having it drawn to their attention: She did not promise that there would not be any cuts; all that she promised was that she would maintain funding in real terms.

Let us all be very clear - and I am sure Mr Moore appreciates the point that I am making - that in future, when this Government tells us that it is maintaining something in real terms, we should not be confused; we should not misunderstand; it does not mean that there will not be cuts. This is a very important point for us all to understand, and it will help us. It will help Mr Osborne when he is trying to interpret Mrs Carnell's assurances in the future. It will help Mr Moore when he is trying to understand Mrs Carnell's assurances in the future. When she says that she is maintaining something in real terms, that does not mean that she is not going to cut it.

Question put:

That the proposed expenditure be agreed to.

The Assembly voted -

*AYES, 9*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mr Moore  
Mr Osborne  
Mr Stefaniak

*NOES, 8*

Mr Berry  
Mr Connolly  
Ms Follett  
Ms Horodny  
Ms McRae  
Ms Tucker  
Mr Whitecross  
Mr Wood

Question so resolved in the affirmative.

Proposed expenditure - Division 190 - Non-Government Schooling, \$65,740,600 - agreed to.

Proposed expenditure - Division 200 - Training, \$7,509,400 - agreed to.

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Proposed expenditure - Division 210 - Children's, Family and Youth Services, \$45,512,200

**MS McRAE** (3.02 am): This, perhaps, is one of the most disappointing areas of the whole budget that we have had to look at. This is the area where we tried to find out what the Minister was thinking about regarding the implementation of mandatory reporting. If I take you back in time, we had already debated in the chamber the motion, not that mandatory reporting be implemented but that the plans for mandatory reporting become public and then be regularly reported on in the Assembly. That motion was actually not voted on, but the intent of the Assembly was quite clear.

It was a major disappointment to come to the estimates process and find that not only had the Minister not thought about it but also no other department had; nor did he have an interdepartmental committee; nor could he tell us where in the three-year budget that was before us was the incremental allocation of funding. It was made quite clear that this was something about which, although lip-service had been paid to it and it was an important area, nothing but nothing had been done. We were very disappointed to find out the level of shallow thinking, inappropriate planning and total lack of concern for how this looked in terms of a three-year budget.

We then found, a week or so later, when we were back in the Assembly, that the Minister had clearly realised his folly and he came in with this statement to add insult to injury. Finally, an interdepartmental committee was formed. What a revelation! Then \$50,000 was allocated. What a total disgrace! This is a three-year budget, and \$50,000 is all that they have found. There is absolutely no plan. A motion had been nearly passed but quite clearly supported by the Estimates Committee. It took that for this Minister to even begin to look as if he realised that there was an issue before him. There is not much in this budget to be commended, but this was totally and utterly disgraceful.

It is an issue of the utmost importance to the people in the ACT. I am not referring to the implementation of mandatory reporting. That is not the issue. The planning for it, the regard for it, the incremental resources for it are important. Then we find out that he comes through with the plan. What are we going to do? To train people in one area, with enough money for one trainer, is disgraceful. Why could you not have had three trainers?

**Mr Stefaniak:** You actually quite liked it. You went on ABC radio at one o'clock, and you quite liked it. Do not be so hypocritical, Roberta. Do not tell porkies, Roberta.

**MS McRAE:** Mr Stefaniak, I did not want to make a political issue of it.

**Ms Follett:** Mr Speaker, on a point of order: Mr Stefaniak interjected that Ms McRae was telling porkies. I think that it is unparliamentary and needs to be withdrawn.

**MR SPEAKER:** Yes, I ask Mr Stefaniak to withdraw.

**Mr Stefaniak:** I will withdraw that. Do not misquote yourself, Roberta.

**MS McRAE:** I realise that it is a little difficult for you to follow, Mr Stefaniak. On radio, I supported the beginning of the project. I said that I was not pleased that it was only in one area. I do not take to going on radio and making emotive and inflammatory statements about mandatory reporting. I will in here, because it is your responsibility. Even in here I am not asking you to implement it. I have repeatedly said that I want to see long-term and careful planning to build up the resources. I think that one trainer in one area is disgraceful. I think that at the very least you could have had three. Then at least they could have supported each other and worked together.

You are allocating \$50,000, and one region is being done first. As it is, I cannot understand the logic of it. Why were not all the doctors, all the nurses or all the teachers everywhere done together? No; it is limited to one region. I understand that you may have some idea, but at the Estimates Committee it was a disgraceful performance. Then for you to come into the chamber was at least a step forward. I praised it on radio because it was at least a step forward. Now I want to put it to you in here - not in the press, not out loud, not with press releases, but in here, when we are looking at this line item - that you have not given this area sufficient thought, sufficient resources and sufficient guidance to ensure that in your three years we are a little closer to offering the protection that we need to offer.

I am very pleased that children's, family and youth services are now together. I think that it is very logical to combine the three services. I have heard that that type of combination within the Education Department has already reaped good rewards, which makes it even more important that this planning is done thoroughly and properly and is properly resourced. As these three different departments start to work together, the proper support needs to be given to people. Then the proper action, backup, activity and chastisement, I suppose, of those involved in child abuse can occur in an integrated and proper fashion.

I want to put on record that the way that you dealt with the budget in the Estimates Committee and your slightly improved position since are still not good enough. The debate on the motion before the Assembly has not finished. No doubt we will all have a go at it and probably pass it. It was quite clear, from the debate on the motion before the estimates process, that Assembly members were united in their view that that type of planning had to happen. The inadequacy of the resources that have been put to it is very disappointing.

**MR OSBORNE (3.09 am):** I support what Ms McRae has just said. I have been a big advocate of mandatory reporting in this house and in the media. I find it very hard to fathom how the Government, as Ms McRae said, would choose only one area and allocate only \$50,000. By comparison, I believe that the amount being spent to upgrade Learmonth Drive is about \$90,000.

The unfortunate thing is that abuse of children is far too common. The opponents, the people who do not believe in this type of reporting, claim that it is open to abuse; that oftentimes children cannot be trusted in what they say. I am of the belief that, if there are a thousand complaints reported but only one of them is proven to be true, it is well worth



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the effort and the money. Children are born into this world innocent; they do not ask to be born; all that they ask is to be loved. To be abused in any form is totally beyond comprehension, and we as an Assembly should do, and be doing, our utmost to protect these innocent members of our society.

God help any children who slip through the safety net and slip through the net in areas like Tuggeranong or Molonglo which at this stage do not have any facilities or any programs in place. I only wish, Minister, that you had been a little more generous in your support of mandatory reporting. I only hope that we are not debating this issue like we did the mental health issue, after some tragic incident. I would like once again to state my support for what Ms McRae just said.

**MRS CARNELL** (Chief Minister and Treasurer) (3.12 am): This is an important issue; but it is an issue on which I do not believe that we should be throwing insults the way we do, because if we wanted to go down that track we could ask the previous Government what it did, not just for one year but for the whole time it was in office. Mandatory reporting has existed for close on 10 years in some States. It certainly has existed for five years. I do not think that it is the appropriate way to go. What we did when we got into power was have a look at ways in which we could implement it, even though it had not been done by the previous Government. There is not only \$50,000 but also \$60,000 rolled over from last year, which was not spent by the previous Government because it did nothing. That makes it \$110,000 for training from now until the end of the financial year. There is only just over six months left.

We are planning, as we said, to go to a region-by-region approach. We looked in depth at whether we should go to a region-by-region approach or a profession-by-profession approach, as Ms McRae said. We decided to go to the region-by-region approach because we needed to get some knowledge of what sort of increase in reporting we would get. Going to a single profession, particularly the ones that would be most obvious - and that would be either nurses or doctors - would not give us that information. Doctors all around Australia are traditionally low reporters, regardless of whether or not there is mandatory reporting. Nurses currently in the Community Nursing Service report anyway. It is very difficult to go on a profession-by-profession basis. We did the work and looked at what that would achieve. We decided that the only way we could avoid the problems of the States was to go to a phased-in introduction to determine the effect.

The ACT is in a unique position. We already report at very high levels; in fact, at levels that are similar to the States that do have mandatory reporting. We are not sure what is going to happen, but I think that the approach that has been taken is appropriate and is well funded for what we are doing. The \$110,000 will adequately fund the first regional education program. We will then be able to see what increase we get in reporting and be able to fund that. What happened in the States is that they introduced mandatory reporting willy-nilly, ended up with huge increases, ended up with kids falling through the net and ended up - as happened in New South Wales anyway - with children actually dying, simply because there were not resources on the ground to handle the increase. I do not want that to happen here.

**MS FOLLETT** (Leader of the Opposition) (3.15 am): What Mrs Carnell has just said is absolutely astonishing, coming from a government which has not funded this program. In the Estimates Committee hearings in regard to the mandatory reporting of child abuse the Minister conceded that implementation of mandatory reporting would cost a couple of million dollars a year. That is common ground. My Government did the sums on this as well and came up with about the same figure. We have seen from the Government an allocation through the budget of \$50,000 a year. Clearly, that will buy only the most minimal level of additional resourcing by way of training. It does not implement a mandatory reporting scheme, and that is the issue that Ms McRae quite rightly raised.

In the Estimates Committee hearings we got the same line from Mrs Carnell: It was all all right; it was all under control; the Government was being clever and was doing this by not doing it. The real truth of the matter came from the bureaucrats concerned. One of them offered a view that we did not need to undertake mandatory reporting because, in her view, there was no evidence of unmet need. However, when the questioning turned to the line manager in charge of this area she was clearly appalled by such a proposition. She made it quite clear that she regarded the implementation of mandatory reporting as a matter of some urgency. I agree with that. I do not know how many other members of the Assembly were present for that part of the Estimates Committee hearing, but it is one of the Estimates Committee hearings that have stuck most clearly in my mind and it is one of those areas where I believe that the Government still has to show its credentials. I do not believe what Mrs Carnell is saying - that everything is all right; that this Government is cleverer than any other; and that it will not be neglecting to protect children in the ACT. I believe that it is absolutely essential that mandatory reporting be implemented and be implemented very urgently.

I have taken seriously the comment that the Government has made in its response to the Estimates Committee report. The Government has said in its response that it will supplement the budget in order to implement mandatory reporting. If Mrs Carnell continues with this line that everything is okay and that we do not need to do anything and if she fails to actually do that supplementation to implement mandatory reporting, then I believe that she would rightly be subjected to censure in this Assembly. I tended, in looking at this matter, to take the Government's response to the Estimates Committee in good faith. But, if Mrs Carnell continues with the line that we have heard tonight, then clearly there is no basis for having that good faith and the Assembly will have to take other action.

**MR STEFANIAK** (Minister for Education and Training and Minister for Children's and Youth Services) (3.18 am): Quite clearly, this Government has done something. After a lot of thought and discussion, because we did look at all the possibilities, including, Ms McRae, such things as mandating doctors - and the Chief Minister has indicated why that in itself was a problem - we came up with the regional approach. It is a very good, staged plan. Probably after the results for the first region - the Belconnen-Gungahlin region, which in terms of regions is about the best one to choose, because of the demographics and the homes there - are to hand, it will give us a very good idea of what increases we are likely to have to find extra money for; what other resources we need to put in; and what increase in the already high level of reporting we have. Hopefully, it will not be huge; but we will get a very good idea probably after the results for the first region are to hand.

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Then we have a graduated process, with several months for the second; then another several months for the third; and finishing, I think, in April 1997 for the fourth. It will be mandated on 1 June 1997. It is a graduated, very logical and very appropriate way, which we came to after considerable thought and considerable discussion with people in the area. We are doing something, and I think that you have effectively conceded that. We have a process in place. At least this Government is doing something to overcome this very real problem in our community.

I sincerely hope that we do not have anyone fall through the net, as Mr Osborne states. What we have put in place is probably about the best that we can do and the most sensible scheme. I look forward to seeing the results from it. We will see the additional resources that we do need to put in. At least we are doing something. We have acted on it, and the Government should be commended rather than criticised for that.

**MR OSBORNE** (3.21 am): I find it interesting how Mr Stefaniak came to his decision to choose the Belconnen-Gungahlin area, when the majority of children live in the Tuggeranong Valley. I would have thought that the most sensible place to run a program, irrespective of my being a member there, would be the place where you have the most children. Maybe it is too sensible and too smart to do it that way. I might be wrong.

**MS McRAE** (3.21 am): I remember the radio interview now, and I want to let members know that I was invited to speak about mandatory reporting on the Elaine Harris program. I was to speak after a bureaucrat spoke about the program, not Mr Stefaniak; and I was very disappointed about that. I might have said something a little different, had you actually been there, Mr Stefaniak; but I was very disappointed that it was not you there explaining the Government's decision. I also think that it is very unfair for a politician to attack a bureaucrat. I might have taken a slightly harder line had it been you - although probably not, because I do not believe that it is good politics to inflame the issue. I thought that members should know that, when the issue was talked about, it was not by you; it was by a bureaucrat.

Proposed expenditure agreed to.

### **Canberra Institute of Technology**

Proposed expenditure - Division 220 - Canberra Institute of Technology, \$59,405,700

**MR BERRY** (3.23 am): One of the problems with the Institute of Technology has been that under this Government the students are being asked to bear the costs in relation to the institute. The receipts are set to rise from \$16.9m to \$19.1m this year, reaching \$28.5m in 1998-99. Student fees from the Australian International Hotel School make up the rest of the receipts of the CIT. It has become clear that the rising costs of the CIT are to be borne by the students.

**Mrs Carnell:** They agreed.

**MR BERRY:** I am sure that everybody lined up and said, "Yes, we would love a fee increase". The community was promised not one cent more; not one cent more would it cost under a Carnell government. Who is "they"? Not the students who are thinking about going to the institute for training. The fact of the matter is that if you are not compatible with this Government you are in trouble. The theys of the world have been subdued by threats from this Government, with all the force that it has been prepared to bring to bear on these people. The fact of the matter is that the future students, who have not had a say in these fees increases and are not getting a say in them, are going to have to pay more under this Government. Again, the ACT community will have to suffer because of a breach of promise by this Government. Again, I go back to the old promise: Not one cent more.

**Mrs Carnell:** Who said that?

**Ms Follett:** You did.

**Mrs Carnell:** No, we did not.

**MR BERRY:** Not one cent more. Mrs Carnell, not one cent more. You can add them all up. People will be paying hundreds of dollars extra per year to live under this regime, because of the broken promises. They will have fewer schools. There will be less access to the Institute of Technology because of these increased fees. The people who need the training the most are those who often can least afford it. With these increases, we get another serve of the cruel Carnell Government. I heard somebody snigger about that issue. It is a serious issue.

**Mrs Carnell:** No. That was just a stupid statement; that is all.

**Ms McRae:** Of course Mrs Carnell would know, wouldn't she, Mr Berry?

**MR BERRY:** She would be the best one to pick out a stupid statement. She has had plenty of practice at it. We end up seeing receipts rising by 68 per cent over four years, while the appropriation from the Government rises by only 13 per cent. We know who is paying for the increased costs in the CIT. Not the people who are there now, but future students who require that training. They have certainly not been asked whether they want increased fees. I draw that to the attention of members. This is another good reason to oppose this cruel budget.

**MR STEFANIAK** (Minister for Education and Training) (3.27 am): I remember Mr Berry saying, I think a couple of months ago - and it is a classic - that there should be consultation. He is a great unionist and always wants the union involved. The Students Association was consulted in relation to this fee increase and was very happy with it. The association supported a 10 per cent increase. The association wanted extra student places as a result and got them. The fact is that there are over 500 new places for the CIT next year. The Students Association was quite happy with this fee increase. Mr Berry's press release was quite incredible, because we consulted the very people that he would want us to consult.

Proposed expenditure agreed to.

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**Advance to the Minister administering the Audit Act 1989**

Proposed expenditure - Division 250 - Treasurer's Advance, \$12m

**MR MOORE** (3.28 am): I have circulated an amendment in regard to this section of the budget. That amendment does not attempt to add any money at all to the Treasurer's Advance. It intends to reduce the amount of money available in the Treasurer's Advance. It is quite clearly in order, Mr Speaker, as you made clear in your statement earlier that it would be in order to remove money from a particular line item. That is what my amendment No. 2 does.

I also draw your attention at this stage, Mr Speaker, to my amendment No. 3, as circulated. I indicated that I would move it later, at the stage when we look at the clauses of the Bill. It also seeks to reduce the amount of money in the Treasurer's Advance, other than if it happens to be used for education. Under those circumstances, it does not necessarily have to be reduced. The effect of my amendment No. 3 would be to reduce the amount. It is my intention not to move amendment No. 2, that is, simply to reduce the amount of money in the Treasurer's Advance, but rather to wait till we get to the new clause 9A, which seeks to reduce the amount of money in the Treasurer's Advance, except if the Government wants to use it for education. I indicate at this stage, Mr Speaker, because we are dealing with the Treasurer's Advance, that that is what I intend to do.

Proposed expenditure agreed to.

Schedule - Part I agreed to.

Clauses 1 to 9, by leave, taken together

**MS FOLLETT** (Leader of the Opposition) (3.32 am): I would like to ask the Treasurer to explain why clause 7 does not permit her to pay the salary increase to the teachers. It seems to me that that clause would allow her to make a payment where that pay rise was due to an enterprise bargaining agreement which had been registered with the Industrial Relations Commission and could therefore be interpreted as an order made under a law. Perhaps the Treasurer would care to explain that.

**MRS CARNELL** (Chief Minister and Treasurer) (3.32 am): Are you talking about the education increase from last year?

**Ms Follett:** Yes.

**MRS CARNELL:** We are paying it now, Ms Follett. We have been paying it ever since - - -

**Ms Follett:** Why not use that course?

**MRS CARNELL:** It is there; it is in place; it is being paid; it is that simple.

Clauses agreed to.

Proposed new clause 9A

**MR MOORE** (3.33 am): An amendment has been circulated in my name. It would add a proposed new clause. That amendment is the one that I spoke about earlier. The effect of the amendment that has been circulated in my name, but not yet moved, is that it would restrict the Government in that \$3.8m of the Advance to the Minister administering the Audit Act, normally known as the Treasurer's Advance or slush fund, could not be used other than to increase the appropriation in Division 180 - Government Schooling. The effect is to reduce the amount of money in the Treasurer's Advance; except if it is going to be used in government schooling, when it would be available. I move:

That the following new clause be inserted in the Bill:

“**9A.** The Executive shall not use \$3,800,000 of the Advance to the Minister administering the *Audit Act 1989* other than to increase the appropriation for Division 180, Government Schooling.”.

**MR SPEAKER:** Mr Moore and members, you would be aware that earlier this sitting we carried the following motion, which was carried by 13 votes to four:

That this Assembly reaffirms the principles of the Westminster system embodied in the “financial initiative of the Crown” and the limits that that initiative places on non-Executive members in moving amendments other than those to reduce items of proposed expenditure.

I therefore rule this amendment out of order.

**Mr Moore:** On a point of order, Mr Speaker: I very carefully explained that this amendment does have the effect of reducing the funds, and I believe that your interpretation is inconsistent with the motion that was passed earlier. Members, including you, Mr Speaker, should look carefully at what I have written in this amendment. It was specifically designed to meet that need and to ensure that it is a reduction and in no way requires the Government to increase spending. Therefore I think it is entirely appropriate.

**MR SPEAKER:** The amendment cannot be read in isolation but must be read in the context of its place in the Appropriation Bill. This Bill, together with the Audit Act 1989, manifests a clear legislative intention that money, once appropriated, will be spent. If inserted, the amendment would control the direction of that money and, in effect, place an obligation to transfer the money. Therefore, the appropriation in Division 180 would increase.

**Mr Kaine:** Mr Speaker, on a point of order: I submit that this amendment has no effect whatsoever, except to freeze the amount of \$3.8m in the Treasurer's Advance. If the Treasurer chooses not to spend it for the purpose for which Mr Moore has earmarked it, then it is simply not spent. Its net effect is simply to reduce the effective amount in the Treasurer's Advance from \$12m to \$8.2m, and it has no further effect than that.

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**Mr Moore:** If I may speak to the point of order, Mr Speaker: In one sense Mr Kaine is quite right, except that it does have the same effect as reducing a part of the budget. That is a valid part of the role of a non-Executive member. If the Government wishes to spend some of that money, however, this allows it to do so on the occasion that it wishes to spend it on a particular item in the budget. Mr Speaker, I would ask you to reconsider once again.

**MR SPEAKER:** No, I am not prepared to do that.

**MR MOORE** (3.36 am): In that case, Mr Speaker, I seek leave to move dissent from your ruling in the same terms as I did previously. It is not a motion of no confidence in you, but a dissent from your ruling.

Leave not granted.

**MR MOORE:** In that case, I move:

That so much of the standing orders be suspended as would prevent Mr Moore from moving a motion of dissent from the Speaker's ruling whilst not indicating want of confidence.

Question put:

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

The Assembly voted -

*AYES, 10*

*NOES, 7*

Mr Berry  
Mr Connolly  
Ms Follett  
Ms Horodny  
Ms McRae  
Mr Moore  
Mr Osborne  
Ms Tucker  
Mr Whitecross  
Mr Wood

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mr Stefaniak

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

**MR MOORE** (3.40 am): In that case, I move:

That the Speaker's ruling be dissented from.

I am not moving a motion of no confidence in you, Mr Speaker. The arguments have been put. I do not think that they need any further elucidation.

**MR BERRY** (3.41 am): The Labor Party will not be supporting Mr Moore's motion. Clearly, an extension of what Mr Moore has moved would end up with the whole of the Treasurer's Advance being quarantined. It flies in the face of the proposition that we carried earlier.

**MR MOORE** (3.42 am), in reply: We have had a long debate. There would be a high level of hypocrisy and duplicity by any Liberal Party members who vote against this motion, when it was the Liberals who set the precedent in 1993. The motion was put by you, Mr Speaker. Of course, we know the position of the Labor Party.

Question put:

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

The Assembly voted -

*AYES, 4*

Ms Horodny  
Mr Moore  
Mr Osborne  
Ms Tucker

*NOES, 13*

Mr Berry  
Mrs Carnell  
Mr Connolly  
Mr Cornwell  
Mr De Domenico  
Ms Follett  
Mr Hird  
Mr Humphries  
Mr Kaine  
Ms McRae  
Mr Stefaniak  
Mr Whitecross  
Mr Wood

Question so resolved in the negative.

**MR MOORE** (3.44 am): Mr Speaker, I seek leave to move my amendments Nos 4 and 5 together.

Leave granted.

**MR MOORE**: I move:

Page 3, line 16, after clause 9, insert the following new clause:

**“9B.** The Executive shall not use money appropriated by this Act for the purposes of reducing:

- (a) the number of persons employed as teachers in schools or colleges in the Territory;



- (b) the number of teaching hours provided overall in those schools and colleges taken as a whole.”

Page 3, line 32, clause 10, after subsection (2), insert the following subsection:

“(2A) Notwithstanding the provisions of subsection (2), where monies are received from the sale, lease, rental or other use of school buildings no longer used for Government schooling, that money is to be credited to Division 180, Government Schooling.”.

**MR SPEAKER:** Mr Moore and members, you will recall that earlier this sitting we carried the following motion:

That this Assembly reaffirms the principles of the Westminster system embodied in the “financial initiative of the Crown” and the limits that that initiative places on non-Executive members in moving amendments other than those to reduce items of proposed expenditure.

I therefore rule these two amendments out of order.

**Mr Moore:** Mr Speaker, I would like to place on the record my dissent from your ruling. I can read the numbers. I presume that the numbers would fall the same way. Therefore, I accept what the result would be.

Clauses 10 and 11 agreed to.

Proposed new clause 11B

**MS TUCKER** (3.45 am): I move:

That the following new clause be added to the Bill:

“**11B. (1)** The Executive shall not use money appropriated by this or any other Act for the purposes of reducing the level and quality of public library services, including maintenance and renewal of library stock, number of staff, the time efficient manner in which services are available to the public or reducing total opening hours.

“(2) Nothing in this section will limit the Executive increasing or adding new services to the public libraries.”.

**MR SPEAKER:** Ms Tucker, I simply reaffirm the motion passed earlier this sitting which members will be quite familiar with by now. I have quoted it twice already. I rule the amendment out of order.

**MS TUCKER:** Mr Speaker, this amendment does not imply that there is more money added to the bottom line.

**Mr De Domenico:** Yes, it does.

**MS TUCKER:** I would argue that it does not.

**MR SPEAKER:** I still rule it out of order. There are two reasons. First of all, there is the motion that I mentioned to you earlier. Secondly - and this may throw some light, Ms McRae, on something that you raised what seems to be a very long time ago - in addition to the motion that we carried earlier this sitting, the amendment also contains the words "or any other Act". The question arises whether the inclusion of these words contravenes the provisions of standing order 181, which provides:

An amendment may be moved to any part of the bill, provided it is within the title or relevant to the subject matter of the bill, and otherwise conforms with the standing orders.

The title of the Bill is:

An Act to appropriate certain sums out of the Consolidated Revenue Fund for the purposes of the Territory in respect of the year that commenced on 1 July 1995, and for related purposes.

Whilst it is possible to give the term "and for related purposes" a very wide meaning, it is generally used for matters that arise out of the subject matter and purpose of the Bill or that are directly related to the Bill. The use of these words entrenches this prohibition on expenditure in other Acts which may or may not be related to the appropriation of funds from the Consolidated Revenue Fund for the 1995-96 financial year. I therefore rule it out of order on those grounds.

**Ms McRae:** Mr Speaker, I follow up my earlier point of order. Are you now saying that the 1993 amendment has been entrenched?

**MR SPEAKER:** Yes, it is - - -

**Ms McRae:** There you go, Mr Moore; they cannot get rid of any teachers. The 1993 provision is entrenched. Mr Speaker has so ruled.

**MR SPEAKER:** We will still be seeking an opinion.

**Ms McRae:** Mr Speaker, with the greatest of respect: If you are going to rule Ms Tucker's amendment out of order on that basis, then you cannot have it both ways. Either it is entrenched or her amendment is in order. I am taking a point of order on that because my understanding of what you are now saying is that either the 1993 amendment is entrenched or Ms Tucker's amendment is in order. This is very serious.

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My understanding of what you are saying is that you are ruling her amendment out of order because the words “any other Act” would then become entrenched and go beyond the charter of the current title. If you are ruling it out of order on that basis, then it must ipso facto mean that the 1993 amendment is entrenched.

**MR SPEAKER:** I know that it is late. I said that I was also ruling it out of order because of the motion that we passed earlier this sitting, and that is:

That this Assembly reaffirms the principles of the Westminster system embodied in the “financial initiative of the Crown” and the limits that that initiative places on non-Executive members in moving amendments other than those to reduce items of proposed expenditure.

I could rule it out of order on that ground; and I do so. I am also happy to take on notice, as I said earlier, and seek a legal opinion on the second area. If it proves that the amendment is not out of order on the second ground, it certainly is on the first. There is no impediment to ruling it out of order at this stage. I will seek legal opinion on the matter that you raised.

Proposed new clause 11A

**MS HORODNY** (3.51 am): I move:

That the following new clause be added to the Bill:

**“11A. (1)** The Executive shall not use money appropriated by this or any other Act for the purposes of reducing the standard of public transport services provided [including current standards relating to frequency, proximity to bus stops or total operating hours].

**“(2)** Nothing in this section will limit the Executive amending existing routes or adding new routes.”.

**MR SPEAKER:** I rule it out of order for the same reasons as I ruled out your colleague Ms Tucker's amendment.

Title

**MS TUCKER** (3.51 am): The right of members of this place to vote against the Government's budget is an important and fundamental aspect of protecting the people of the ACT against unfettered executive power.

**Mr Hird:** On a point of order, Mr Speaker: What is the member talking about, and in what regard is she addressing the Chair?

**MR SPEAKER:** She is speaking to the question “That the title be agreed to”, and she is entitled to do so.

**MS TUCKER:** Earlier Mr Humphries said that if any single division went down the Government would fold. He quoted from precedents set over half a century ago. Mr Humphries, time has moved on. What was appropriate then is not, in our view, appropriate now. If you do not get a line approved, then we believe that all you have to do is amend your budget. If you choose to take it as a no-confidence motion, that is your choice, Mr Humphries, not ours. The Liberals - the advocates of council-style government and of a modern approach to politics - are now refuting and renegeing on those ideas and saying, "If we cannot have it our way, we do not want it at all". Again, that is your choice.

The Appropriation Bill is the most important aspect of a government's policy agenda. It outlines the government's spending priorities over the next three years. In a parliament such as ours, where the Government commands only seven votes, it is inappropriate for those spending priorities to be made without close consultation with other members. Some members of this place and members of the media may herald these few remarks by me as an attack on stable government. The Greens believe that stability of the legislature is an important responsibility of all members of this place. However, stability is not the sole responsibility of the crossbenches. The stability of this Government is affected by two related issues: Their performance as a government and the confidence that they hold of the other members of this place.

The stability of this Government, as it relates to the confidence that members of this Assembly have in it, cannot be affected by the votes of the two Greens or even the four crossbenchers in isolation. This is an important point. All four members of the crossbenches cannot determine who is to govern. This can be done only with the support of the six Labor members. In reality, Labor has a much greater ability to threaten the stability of this Government than any other party or group in this place, other than the Government.

This brings me to the fundamental role that a government has in ensuring that it creates the conditions for stable government. To be assured of stability, the Greens believe that the Government has a set of responsibilities. The Government has a responsibility to work with all members of this place to create the best possible outcomes for the people of Canberra. Many of the most important outcomes will be derived from the budget. The Greens also recognise that our constituents expect us to do all that we can to ensure good government. It is our belief that the budget brought down by this Government does not represent good government, and it is for this reason that we will vote against it. However, as I said before, this does not mean that we are withdrawing our support for this Government; it simply means that we are withdrawing our support for this Bill.

There have been few, if any, parliaments in the Westminster system that have been blessed with a minority government such as ours. For this reason, little work has been done to create participative processes and systems that ensure that all members have an opportunity to be meaningfully involved. The Greens believe that it is time that this place began to create those processes and to cease protecting the entrenched political power that the older parties are so keen to hang onto. It is no longer acceptable that the four Executive members of this place are given carte blanche to do what they will without fear or hindrance. In short, it is time that this Government took responsibility for every action that it takes and ceased to act as though support for it were guaranteed.

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Until members of the crossbenches demand that they be taken into account when creating budgets we will be ignored by the major parties. We have all had bad experiences. For example, it appears that Mr Moore believed that he had an arrangement with the Government on the education budget; that arrangement was broken. Mr Osborne believed that he had an agreement with the Government over an issue related to ACTEW; that agreement was broken. We would remind Mr Osborne that, if he had supported the committee, then he would have been much more likely to have his requirements met.

Why does this Government, and perhaps the Opposition, too, believe that it can operate in a vacuum, ignoring the ideas and wishes of the crossbenches? Because this Government believes that it has an inalienable right to do what it wants, because it says that more people voted for it than voted for the Labor Party. It believes that it should, and must, bring down its own budget without consultation with or reference to any other member in this place. The reality is that no party received over 50 per cent of the vote and that a great number of people voted for the members of the crossbenches. That is irrelevant to the Government. It believes that it should be allowed to do what it wants, no matter what the cost.

The Greens believe that this is an antiquated view that is not relevant to this place. Prior to the election, Mrs Carnell expressed exactly the same sentiment. Mrs Carnell, in a speech this morning, talked of the consultation that had occurred in the lead-up to the budget. It was consultation in a vacuum. Real consultation occurs before, during and after; not just at the beginning, without any knowledge of the Government's objectives and priorities. Further, she said that we had access to regular briefings. This is true; we have had access. We appreciate receiving it. But good briefings are only part of the consultative process. We believe that better outcomes can be and have been achieved on issues like sport in schools because of constructive input from many members of this place. However, we have not been offered those opportunities with the budget, with the result that we are seeing today a great deal of dissatisfaction.

I listened with increasing incredulity to Mr Humphries's speech on citizens-initiated referendums. In his speech Mr Humphries talked about how society is demanding participation and how well the Government is responding. This Government cannot even offer participative processes to the other 10 members of this place.

**MR SPEAKER:** This is very wide-ranging, Ms Tucker.

**Mr De Domenico:** On a point of order, Mr Speaker: We are supposed to be debating the title of the budget Bill. Ms Tucker is now talking about citizens-initiated referenda.

**MR SPEAKER:** I must uphold the point of order, Ms Tucker. We are debating the title of the Bill. You must relate your comments to it.

**MS TUCKER:** Do we sit back and say that it is okay for the Government to mislead members of this place as regards education?

**Mr Moore:** Are the procedures leading to appropriations reasonable?

**MS TUCKER:** Of course they are about this Bill. The Government chose to ignore us as regards ACTEW and has failed to deliver on a cornerstone of its election promise of open and consultative government. The Greens do not believe that it is okay; the Greens believe that the processes must be changed if we are to achieve good government in this place. We believe that an inclusive process can and will work well. The crossbenches and the Labor Party have a choice: Be ignored and have our rights as representatives of our constituents ignored, or stand up to the bully-boy/girl tactics of this Government and say that enough is enough.

Our decision to vote against this budget is not taken lightly; it is a question that we have debated both within our own offices here and within the party for many weeks. With the best available information before us, we cannot in all honesty say to our constituents that this budget is good enough to pass the Assembly. It is not, and this Government has not put the work in to make it so. Labor's failure to support the amendments put forward by the crossbenches is disappointing. If at any stage in the future we were to be asked to vote for the Labor Party to form a government, it would have to display rather than promise a much greater commitment to participative processes.

However, having said that, I wish to reiterate that this is the Liberals' budget; it is they who formulated it and they who can most easily change it. It is they who have refused to do so. This Government has abrogated its responsibilities to this place and to the people of Canberra. Therefore, as far as we are concerned, it should either amend the budget or resign.

Title agreed to.

Question put:

That this Bill be agreed to.

The Assembly voted -

*AYES, 9*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mr Moore  
Mr Osborne  
Mr Stefaniak

*NOES, 8*

Mr Berry  
Mr Connolly  
Ms Follett  
Ms Horodny  
Ms McRae  
Ms Tucker  
Mr Whitecross  
Mr Wood

Question so resolved in the affirmative.

Bill agreed to.

**PRIVATE MEMBERS BUSINESS - PRECEDENCE**  
**Suspension of Standing Orders**

**Mr Moore:** Mr Speaker, I believe that it is appropriate to bring the censure motion back on now. I believe that I adjourned the debate.

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

That so much of the standing orders be suspended as would prevent the order of the day, private members business, relating to the censure motion being called on forthwith.

**TREASURER**  
**Motion of Censure**

Debate resumed.

**MR MOORE** (4.04 am): Mr Speaker, we may need to be reminded of the motion that Ms Follett moved. She moved:

That this Assembly censures the Treasurer for:

- (1) her continued defiance of the will of the majority of the Assembly by failing to act upon the unanimous recommendations of the Estimates Committee; and
- (2) the failure of the Government to live up to its promise of open and consultative government in the preparation of the 1995-96 Budget.

Mr Osborne, speaking just before I adjourned the debate, said to the Labor Party, "We will see how you go at supporting the amendments that we are putting up, before we consider this motion". Mr Speaker, my intention at that stage was not to support the censure motion unless Labor supported the amendments to the budget. However, having listened to the arguments put by the Government, particularly once I had raised the issue of a \$4.7m cut that I found in a Government paper - I know that you used other words for that - - -

**Mr Whitecross:** "Maintained in real terms".

**MR MOORE:** "Maintained in real terms" now equals "cut". Considering what was put there, I think it is entirely appropriate that the Treasurer be censured for her defiance of the will of the majority of the Assembly and for her failure to consult. As far as I am concerned, the Government failed to undertake appropriate consultation. It is not enough to say, "Yes, I have listened. Now, tough". That is not what consultation is about. It is about a bit of give and take. I believe that in the end it was all take and no give. Therefore, it is appropriate that the Treasurer be censured.

Mr Speaker, I also take this opportunity to foreshadow a motion that I have circulated to censure the Leader of the Opposition for the double standards adopted by her in her approach to the 1995-96 Appropriation Bill. I will be seeking to bring that motion on after we have dealt with this one. Mr Speaker, I certainly will be supporting this motion and I have had an indication from my colleague Mr Osborne that he also will now be supporting it, for similar reasons to those that I have just put.

**MS FOLLETT** (Leader of the Opposition) (4.06 am), in reply: Mr Speaker, I will respond very briefly to close the debate on this motion. I want to remind members that in the course of this debate - it was, in fact, yesterday - Mrs Carnell said of the motion that had been passed by this Assembly on the Estimates Committee report that it was "smart arse". She later had to withdraw the term "smart arse", and for it she substituted "irrelevant". Mr Speaker, I think that the use of that term sums up everything you need to know about this Government's attitude towards the Assembly. It is an attitude of total contempt. I think it is terribly sad that the Government has been able to get away with that attitude of total contempt. Mr Speaker, as I have said before, the Estimates Committee report was a serious enough proposition for any government, but to act as the Government did when faced by a motion passed in this Assembly to require them to take that Estimates Committee report seriously, which they did not, I think is a very grave matter indeed. It demonstrates a total contempt, a disdain, for the processes of this parliament and for the members of this Assembly.

The same contempt was shown by Mrs Carnell's attitude in the earlier debate on this motion. Mrs Carnell produced what she claimed to be her consultation file for the preparation of this budget. Mrs Carnell made a grand gesture in flinging the file down on the table and saying, "Anybody can look at it. Here it is. Here are our consultation processes. You can use up all your photocopying allowance making photocopies of it". That is what Mrs Carnell said, Mr Speaker. Of course, the minute anyone moved to take her up on that, the minute I went and got the file and started to read through it, Mrs Carnell wanted it back. I said to her, "Why do you want it back?". "It is confidential.", she said to me. This is a confidential file on consultation.

Mr Speaker, I have to say that in the brief time available to me I ascertained from that file that it contained the fairly standard budget submissions which I am sure every member of this Assembly received in the lead-up to the budget and it contained some handwritten notes. There were a couple of significant ones, but I will mention only one. Mrs Carnell seems to think that the name of the head of the teachers union is Mr Haggard. It is close. If that is a demonstration of her approach to consultation, Mr Speaker, it is an absolute sham. The grand gesture by Mrs Carnell in saying, "Here is our consultation document." was farcical. No sooner had she produced it than she snatched it back. The whole gesture was completely empty. It was as empty as the rhetoric that we have had from this Government about an open and consultative budget process. As I said, secrecy has become the hallmark of this Government. Even when they might make an expansive gesture, a little move towards openness in saying, "Here is the file.", immediately the old secrecy germ comes back and they revert to type.



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Mr Speaker, what we have seen from this Government is an abject failure to live up to their promise of open and consultative government. I believe that the budget, as I have said on many occasions, is a complete fraud. The processes which led to the budget, the processes which we have seen in this parliament, should give every member in this parliament the greatest cause for concern. Mr Speaker, as some people on the crossbenches get to flex their muscles a little, get to feel their strength a little, they might be prepared - I hope they are - to actually put this Government on its mettle and challenge what the Government is doing in a way that might bear results, not in a way that they know is doomed to defeat.

Mr Speaker, I believe that this 1995 budget prepared by the Carnell Government has been well and truly the subject of censure. I commend the motion to everybody in the Assembly. I hope that I never again see the Government defy the will of this Assembly in the way that we have seen, and I certainly hope that in the lead-up to future budgets we will see a real consultation process - a process that involves all members of the Assembly, including those from the Labor Party, and that involves real consultation with the community, a two-way process, not just an edict from on high from this arrogant Government such as we have seen this year.

Question resolved in the affirmative.

**LEADER OF THE OPPOSITION**  
**Motion of Censure**

**MR MOORE** (4.13 am): Mr Speaker, I seek leave to move a motion to censure the Leader of the Opposition.

Leave granted.

**MR MOORE:** Mr Speaker, I move:

That this Assembly censures the Leader of the Opposition for the double standards adopted by her in her approach to the 1995-96 Appropriation Bill.

Mr Speaker, this motion is about the general duplicity and hypocrisy of the Labor Party as a whole and particularly about the double dealings of its leader, Rosemary Follett. A moment ago Ms Follett stood in this Assembly and said that, to a certain extent, the crossbenches can now enjoy flexing their muscles, but - I am paraphrasing - they really ought to do it in a way that bears results. As Ms Tucker said in her speech, with the Labor Party's support we could well have borne results, but instead they chose to follow a process - - -

**Mr Connolly:** I raise a point of order, Mr Speaker. The speech in support, and indeed the motion itself, seem to be totally a reflection on a vote of this place - the vote that we took yesterday afternoon when Labor and the Government - - -

**Mr Humphries:** What do you think your motion just before was?

**Mr Connolly:** Just a minute. Labor joined with the Government in passing a motion which, in effect, said that you cannot amend a budget. This motion, and certainly Mr Moore's speech, are an attack on the leader of our party for our party's vote on that motion and surely are out of order.

**MR SPEAKER:** I do not uphold the point of order. I will listen carefully. Mr Moore, you have heard Mr Connolly.

**MR MOORE:** Mr Speaker, I heard Mr Connolly and I take the sentiment of what he has raised. Mr Speaker, this is a serious matter. Censure motions are indeed serious matters. Mr Speaker, what we see here is a situation of two-timing and two-facedness, particularly by people like Mr Wood and other members of the Labor Party who have followed Ms Follett in what has been a treacherous move over the last few days on areas where we would have expected them to take appropriate action to project some social justice in this community. Mr Speaker, instead of social justice - - -

**Mr Connolly:** Mr Speaker, the same point of order arises. The "treacherous move" is the failure to move an amendment, and that is a reflection on the vote of the house. Since we opposed every line of the budget, the "treacherous move" in failing to take action can refer only to the issue of amending the budget, and that is the issue which the house has voted on. Mr Moore had to concede that there was some substance to my earlier point of order. I would ask you to rule again.

**MR SPEAKER:** I still caution Mr Moore. He is aware of my caution. I do not uphold the point of order, Mr Connolly, at this point. Please be careful, Mr Moore, that you do not reflect on a previous decision of this house.

**MR MOORE:** Indeed, Mr Speaker. Is that not interesting, Mr Speaker? It is obvious that it is Thanksgiving. We can tell by the number of turkeys in the house. They might actually be bustards, Australian bush turkeys.

This censure motion has an element, particularly for the crossbenches, of putting a plague on both your houses as was the case with Montague and Capulet. That is about the level that you are at. Mr Speaker, I think that what we have seen is absolutely shameful. An opportunity has been wasted - - -

**Mr Berry:** I raise a point of order, Mr Speaker. Mr Moore is clearly reflecting on a decision of this Assembly. He said that it was shameful that we did not move amendments which would have been contrary to your ruling in relation to amendments which he put.

**MR SPEAKER:** Mr Moore, you did state "what we have seen". If you are to continue, I will need an explanation from you as to what you are talking about.

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**MR MOORE:** Mr Speaker, what we have seen over the last weeks is a blatant move by the Labor Party to attempt to gain power at the expense of social justice. That is what we have seen, Mr Speaker. I must say that a great deal of what we have seen and what the censure motion is about has already been spoken about. The points of order that have been taken make it a little difficult for me to elucidate, so rather than elucidate - - -

**Mr Connolly:** I raise a point of order, Mr Speaker. That seems to be a concession that this entire motion, as I said in my first point of order, is premised on amendments - - -

**MR SPEAKER:** There is no point of order.

**Mr Connolly:** Mr Speaker, he just said, "I cannot make the points in my motion because of the points of order". That is a concession that this is all about his petulance over amendments.

**MR SPEAKER:** He did not say that at all.

**Mr Connolly:** I will show you the transcript when we come back. That is what he said.

**MR SPEAKER:** At 20 past four in the morning I would suggest that everybody just settle down.

**MR MOORE:** It would appear that the Labor Party are particularly sensitive, as they have been all day today and yesterday. They ought to be sensitive. They are feeling uncomfortable, and they ought to be feeling uncomfortable. The Leader of the Opposition should be feeling particularly uncomfortable for all her duplicitous conduct.

**Mr Connolly:** Over what?

**MR SPEAKER:** You can take a point of order on that.

**Mr Connolly:** That is my point of order.

**MS FOLLETT (Leader of the Opposition) (4.20 am):** Mr Speaker, I will not waste my breath taking the point of order. It has been taken three or four times and you have not taken it up yet. It is my view that you should have.

**MR SPEAKER:** I thought you would probably have taken a point of order on the word "duplicitous".

**MS FOLLETT:** I am responding to Mr Moore's motion, and the quicker the better. I have a further motion here, Mr Speaker, drafted by Ms Kerrie Tucker. It says, "That this Assembly censures Mr Michael Moore for wearing a ghastly tie and causing distress to members of this place". I have to say that I regard that motion more seriously than I do Mr Moore's. Mr Moore's motion is just about trying to save his face. It is just about trying to get his own back. That is all it is about. It is a childish schoolboy stunt.

**Mr Hird:** I move: That the motion be put.

**MS FOLLETT:** Mr Moore knows as well as I do, Mr Speaker, that the Labor - - -

**Mr Moore:** I raise a point of order, Mr Speaker. I heard Mr Hird move: That the question be put. He ought to withdraw it, because it is entirely inappropriate.

**MR SPEAKER:** Continue, Ms Follett. I will not accept that.

**Mr Hird:** I withdraw it.

**MS FOLLETT:** Mr Moore knows as well as I do that the Labor performance on budgets, and on education budgets in particular, has been entirely consistent. Earlier in debate we heard Mr Stefaniak try to prove where Labor had been duplicitous. He read page after page of the *Hansard* from years ago. He read on in vain. In fact, he had an extension of time so he could read some more. He still read in vain. The fact of the matter is that the speeches that he read out that I had made, that Mr Wood had made and that other members had made were totally honest and were totally in accord with the budget which we had presented at the time, and Mr Moore was obliged to concede that in the end.

Mr Speaker, I do not have Mr Moore's actual motion before me, but there is no doubt in my mind that what has occurred over the education budget in the 1995-96 Appropriation Bill could have been avoided. All of those on the crossbenches knew how to avoid it. The fact of the matter is that they attempted to grandstand on particular issues. They knew as well as anybody else that the action they were proposing to take could not succeed. They had the Government's legal advice; they had our legal advice; they had your legal advice, Mr Speaker. Still they continued to grandstand.

Mr Speaker, what Mr Moore did not ever concede was that the proposition put by Labor on how to deal with this problem was one which could have succeeded if only it had attracted sufficient votes. I think I am giving Mr Moore a great deal of credit, more credit than he is due, in allowing that he may have been genuine in his stand on the education budget. Mr Speaker, the alternative proposition is that, by taking a course of action which he knew could not possibly succeed, he never intended to amend anything.

**Mr Hird:** You are not reflecting on a vote that was taken earlier, are you?

**MS FOLLETT:** No more than anybody else has, Mr Hird. Mr Moore, I believe, is simply trying to save face and to say to Labor, "I hate you as much as I hate the Liberals, if not more". I think it is an entirely pathetic proposition moved by a person who is probably at least as tired as the rest of us are and is clearly not thinking at his best. If he had been, he would have seen this for the petty and vindictive antic that it is.

Mr Speaker, no double standards whatsoever have been adopted by Labor. We adopted the same approach to amending the budget in 1993 - that is, we opposed it - as we did in 1995. Mr Moore cannot find fault with that. He has changed his mind; I have not. Everybody over there has changed their minds; nobody over here has. Let us get it straight about who has done what. Mr Speaker, I think that Mr Moore is deserving of

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our sympathy. He has obviously had a very bad week indeed. I do not think that this is a genuine censure motion. Even if it were, you are censuring the Opposition. We have six votes. I know that; you know that. So what? What are you going to do to me as a result of it? It is crazy stuff. It is pathetic. Forget it.

**MR HUMPHRIES** (Attorney-General) (4.25 am): Mr Speaker, there are double standards in use by the Opposition. The double standards are that the Leader of the Opposition knew that the house in 1993 resisted her proposals for there to be changes to her budget. She refused to accept those changes. In fact, she defied a motion of censure against her and stood by the changes to her budget, and today she moved censure of the Government for doing exactly the same thing.

**Ms Follett:** Just make it snappy, Gary. We know what the result is going to be.

**MR HUMPHRIES:** You might not like it, but that is a double standard. The other issue which to me seems to be a double standard is Ms Follett's views about the blocking of supply of governments. I heard Ms Follett say in a radio interview some while ago that she was motivated to get involved in politics because of what happened to the Whitlam Government in 1975. Mr Speaker, when I heard that, I assumed that she was motivated by anger at what had happened to the Whitlam Government in 1975. Obviously, she was motivated by a desire to do to somebody else the same thing that had been done to the Whitlam Government. That is a double standard, in my view. Those opposite might not like it, Mr Speaker, but it is a fact of life that you cannot oppose the blocking of government supply 20 years ago and now say that it is perfectly all right to do it on the floor of the Assembly here. Mr Speaker, if they cannot see the way in which they deserve to be censured, perhaps it is time that they were given a salutary lesson and made to experience a censure motion.

**MR BERRY** (4.27 am): Mr Humphries, again grasping at straws, talks about double standards because Labor has moved a censure motion against his leader over her refusal to accept the outcome of a committee of this Assembly. We have always been pretty consistent about the committee process in this Assembly. We have recognised the work that has gone into the committees and the role they play in the democratic processes in this place. Do not accuse us of double standards on that issue. We have been straight, right down the line.

Mr Humphries dredges up this discredited argument about the issue of supply and tries to draw some comparisons between this place and two other places, the Senate and the House of Representatives on the hill. My colleague Mr Connolly will probably give you a better lecture on this issue, but I do not think it is worth while putting a lot of effort into this. If Mr Humphries cannot work out the difference between the Senate and this place - and he is the Attorney-General - we are in a lot of trouble. I think I will give up on that score, because if you do not know the difference by now nothing that I say will convince you.

**MR WHITECROSS** (4.29 am): Mr Speaker, the only way I can assist my colleague Mr Berry in trying to grapple with what Mr Humphries was talking about is to say that this motion is so without purpose and so without basis that Mr Humphries had to introduce this spurious argument to at least give it the veneer of having some purpose.

In Mr Moore's entire speech we never actually got to find out what it was that Ms Follett had done that constituted double standards. It was never said. We know why it was never said. It was never said because, as Mr Connolly pointed out several times, what he was really criticising was the fact that this Assembly had upheld a constitutional position which is upheld in all parliaments in Australia and is part of our tradition going back hundreds of years in the United Kingdom. Only governments introduce money Bills; only governments propose appropriations. Mr Moore might not like that. He is trying to censure us for upholding the Westminster tradition of parliamentary government. What an extraordinary thing!

Mr Speaker, there are other things about this motion. Observers of the ACT Legislative Assembly will be familiar with the "no hard feelings" gesture from Mr Moore. Having done over the Chief Minister with a censure motion about her disgraceful budget - and I have to agree with him about the budget - it is important to Mr Moore to move the "no hard feelings" motion saying, "But you should not feel too bad, because I am going to get together with you and give the Opposition a kick as well, just to show that I am still good enough to invite upstairs for a scotch after work". That is fair enough, but let us be - - -

**Mr Humphries:** It is sake these days.

**MR WHITECROSS:** That is right. Let us get back to the basics. As I said in the debate on the Appropriation Bill, we are the ones who listened to what the Assembly said in 1993. We are the ones who have adopted education policies along the lines that you were advocating in 1993, Mr Moore. The Liberals are the ones who sided with you in 1993 and have since changed their minds. Mr Moore, our position in 1993 was that a budget should not be amended. I wonder, Mr Moore, whether in 1993, had you been faced with the situation you are faced with today, you would have done what you have done today. Would you really have believed in 1993 that you would get the education budget you wanted if you tipped us out and put them in? I bet you did not think so. We all know that it was a convenient thing for them to vote from the opposition benches for the amendment that was moved in 1993, but they would not have done that to the education budget if they had been in government.

There is no question of our having a double standard. We had a position in 1993 which we went into the parliament with honestly. We argued for it honestly, but we lost the argument. Since that time we have adopted an education policy consistent with the outcome of that debate in 1993. The Liberals are the ones with the double standards. The Liberals are the ones who did not want to cut teachers in 1993 but do want to cut teachers now. We do not have anything to be ashamed of. We have been consistent all through this debate.

Mr Moore correctly says that it is interesting that in 1993 we had one amendment and in 1995 we have something like 10 amendments. How many amendments would we have had next year if we had allowed this to continue? Mr Moore is right when he says that he did not have the benefit of Mr Connolly's legal advice or any of the other legal advice when he moved his amendment; but, like everybody else, he did have the green book.

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If he had picked up the green book and read it, as Mr Connolly did, he would have seen the same references that Mr Connolly saw, saying that you cannot amend a budget, that you cannot increase an appropriation. If he had picked up the self-government Act, he would have seen that you cannot amend a budget.

I do not criticise Mr Moore for engaging in the manoeuvre. He had his reasons for engaging in the manoeuvre, but he should not be censuring us for not participating in it. We had to take the responsible position of upholding the self-government Act, of upholding the parliamentary system of government. We have done that. We did that in 1993; we have done that now. Whatever this parliament decides today about Mr Moore's motion, the Labor Party will be proud of its role. We have acted in a principled way and we have acted in a consistent way.

**MR CONNOLLY** (4.35 am): Mr Speaker, Mr Moore has been foolish and petulant enough to move a censure motion at 4 o'clock in the morning, a motion which, on its face, gives no reason for our being censured. In his attempt to argue his case he had to concede that he was prevented by the standing orders from setting out the reasons for his motion. In other words, he had to concede that this motion was all about his petulance with the fact that we voted with the Liberals on the proposition, which we have always maintained, that you cannot amend a budget. That is petulance and foolishness.

The Liberals, it seems, are now going to join Mr Moore and censure us for voting with them. We really have reached a low point in absurdity in this chamber, which is perhaps a product of the late hour. If you people move a motion of censure of the Leader of the Opposition suddenly at 4 o'clock in the morning, you have to expect that we might want to debate it a little. It is a serious matter, although Mr Moore devalues the currency. He has moved a censure motion which is unique in the annals of censure motions in this Assembly. The speech that supported it made absolutely no argument. Towards the end of his speech Mr Moore had to concede that he was prevented from making an argument in support of his censure motion by my persistent points of order, thus acknowledging that the motion itself really should be ruled out of order. Mr Speaker, this is an absurdity. The cynicism of the Liberals in jumping on board is, I suppose, to be expected; but we really are reaching a fairly low point in the proceedings of this place when we get silly petulant little motions like Mr Moore's.

**MR MOORE** (4.37 am), in reply: Mr Speaker, this censure motion is serious. It is about the duplicity of Labor in presenting themselves as being on about social justice, when in reality they are on about power. They have demonstrated that over a long time. We were asked to recall Ms Follett's approach to this whole issue of appropriation. She explained time and again, Mr Speaker, that in government she has always respected motions of the Assembly. At question time today I was able to illustrate very clearly that that was not the case; that in fact, with her then Minister for Education, Bill Wood, she had rejected a motion of the Assembly, rejected the Assembly as a whole through a censure motion, until she was forced to take some action. Yet she comes into this house and tries to take the high moral ground and tell us that she has always respected motions. There is a duplicity about it, Mr Speaker, to ensure that she will get to a point where she will have a chance for power.

Mr Speaker, this manoeuvre is much more about her own position in her party than it is about anything else. She is shoring up her position as leader. In fact, I have probably helped her a little this morning. It is also about the real question of social justice. There is duplicity in Labor, on the one hand, presenting themselves as standing for social justice and, on the other, going for power.

Question put:

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

The Assembly voted -

*AYES, 11*

*NOES, 6*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Ms Horodny  
Mr Humphries  
Mr Kaine  
Mr Moore  
Mr Osborne  
Mr Stefaniak  
Ms Tucker

Mr Berry  
Mr Connolly  
Ms Follett  
Ms McRae  
Mr Whitecross  
Mr Wood

Question so resolved in the affirmative.

### ADJOURNMENT

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

That the Assembly do now adjourn.

**Assembly adjourned at 4.41 am (Friday) until Tuesday, 5 December 1995,  
at 10.30 am**



*23 November 1995*

**ANSWERS TO QUESTIONS**

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

**QUESTION NO 79**

**Retail Malls in Town Centres**

**Ms Horodny** - asked the Minister for the Environment, Land and Planning in relation to retail space in the ACT:-

1. What is the actual floor space built in the retail malls in each of Canberra's town centres.
2. Are the built areas in each of these centres different from the gross floor space provisions in their respective leases, and if so, by how much.
3. What (a) applications have been lodged for expansions of each of these town centres over the last 12 months, and (b) amount of total floor space is involved.
4. What is the amount of car parking currently provided by the malls in each town centre and is this consistent with the requirements of each lease.
5. What is the date for completion of the Government's review of the Metropolitan Plan, and will this review include consideration of a new retail hierarchy for Canberra.
6. Will the Government be making decisions on major expansions of retail space in any or all of the town centres prior to the outcome of this Metropolitan Plan Review.

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

1. The actual floor space of each of the malls has not been subjected to detailed survey but the Gross Floor Area allowance in the lease for each centre is as follows:-

Tuggeranong Hyperdome	47,696 square metres
Woden Plaza	52,337 square metres
Belconnen Mall	97,600 square metres
Canberra Centre	65,905 square metres

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2. The approved plans for the all of the above centres indicate that they have been built within their permitted gross floor areas.
3. The Government is aware of the following proposals to expand existing retail malls:-

a) Tuggeranong Hyperdome

An application was lodged on 22 May 1995 to increase the maximum gross floor area of the development by 16,480 square metres from 47,696 square metres to 64,176 square metres and to increase the car parking provided from 1,560 to 2,742 spaces.

b) Belconnen Mall

An application was lodged on 21 June 1995 to increase the gross floor area of the building by 2,850 square metres from 97,600 to 100,450 square metres.

No formal application has been lodged to increase the permitted size of the Woden Plaza. However, the lessees have held discussions with the Department concerning possible expansion and the construction of structured carparking.

The current proposal is for an additional 17,000 square metres of space. This would take the allowable space in the Plaza from 52,337 square metres to 69,337 square metres.

4. The only mall lease that has a car parking requirement is the Tuggeranong Hyperdome where 1,445 spaces are required and 1,450 have been provided.

In the case of the other malls, the original lease did not require on-site carparking because there was sufficient public car parking in the area. However, a condition of approval for the subsequent expansion of these malls was the requirement to provide additional car parking. This was achieved by granting leases over existing ground level public carparks and requiring the mall owners to build multi-storey car parks to the satisfaction of the Territory. The car parking provided adjacent to the malls as a result is set out below:-

Woden Plaza	766
Canberra Centre	1,918
Belconnen	1,945

5. There is no current review of the "Metropolitan Plan" although the Government is undertaking a Strategic Review in conjunction with the Planning and Environment Committee of the Assembly. It is anticipated that the Strategic Review should be completed within two years.

The ACT Planning Authority is intending to prepare a retail strategy options paper which, at this stage, should be released for public consultation, in early 1996. The strategy will draw on the completed Ibecon retail study, the current retail trading hours inquiry and a proposed social impact assessment of local centres. The Government should then be in a position to make a considered assessment of the retail hierarchy for Canberra. Any change to the retail hierarchy will require a variation to the Territory Plan.

6. The *Land (Planning and Environment) Act 1991* requires the Minister to make a decision on any application lodged within the statutory period; usually 18 or 20 weeks unless the time is extended to require further information or the applicant requests that further time be given to enable the application to be assessed.

Decisions on applications are made in accordance with the policies and guidelines which exist at the time. For instance, the ACT Planning Authority assesses development applications in accordance with the principles and policies set out in the Territory Plan and such additional Matters for Consideration that are in Part D of the Plan.

The Government is currently considering an interim strategy to facilitate dealing with the wide range of proposed retail changes at town, group and local centres prior to the completion of a retail strategy.

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**Chief Minister for the Australian Capital Territory  
Legislative Assembly Question**

**Question No. 81**

**Aboriginal and Torres Strait Islander Community Facilities**

**MS FOLLETT** - Asked the Chief Minister upon notice on 17 October 1995:

What response, if any, has there been from the Federal Government regarding the granting of leases in perpetuity to the Aboriginal and Torres Strait Islander community over Boomanulla Oval and the site of the keeping place/cultural centre.

**MRS CARNELL** - The answer to the Member's question is as follows:

I am advised that on 16 September 1994, the Special Minister of State, the Hon Gary Johns MP, wrote to you as the then Chief Minister, and advised that:

*"I have referred your letters to the Deputy Prime Minister, the Hon Brian Howe MP, who, as Minister for Housing and Regional Development, has portfolio responsibility for these matters. I have asked Mr Howe to reply to you as soon as possible."*

To date, the ACT Government has not received any substantive reply from Mr Howe about "these matters".

The Government has now written to Mr Howe and sought a detailed response to your original letters of October 1993 and August 1994.

**MINISTER FOR URBAN SERVICES**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 82**

**Roadworks - Drakeford Drive**

**Mr Wood** - asked the Minister for Urban Services

In relation to Drakeford Drive, Kambah, when will the long overdue repairs be done to the road?

**Mr De Domenico** - the answer to the member's question is as follows:

The contractor responsible for the rectification of the sealing works on Drakeford Drive, Pioneer Road Services, is required to undertake the work as soon as the weather conditions permit. Given the recent variation in temperatures and the need to ensure that the rectification works are successful, the work is likely to commence during the warm to hot weather at the end of December 1995 or early January 1996.

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**APPENDIX 1:** Incorporated in Hansard on 22 November 1995 at page 2287.

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

**Mr Osborne - Asked the Chief Minister a Supplementary Question to a Question Taken Without Notice on 21 November 1995**

Supplementary Question:

Can you inform this Assembly what the total salary package is for the position for the Chief Executive, Chief Minister's Department is?

**Chief Minister - My answer is:**

Further to the answer I gave yesterday to Mr Osborne's question in relation to the salary package for the position of Chief Executive, Chief Minister's Department, I would like to clarify that the salary package comprises a base salary of \$142,299 which is determined by the Remuneration Tribunal, plus a number of standard package elements which are commonly made available to members of the SES, bringing the total package to \$176,476.



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**APPENDIX 2:** Incorporated in Hansard on 22 November 1995 at page 2287.

**MINISTER FOR INDUSTRIAL RELATIONS FOR THE  
AUSTRALIAN CAPITAL TERRITORY  
QUESTION WITHOUT NOTICE TAKEN ON NOTICE**

**Mr Connolly - Asked the Minister for Industrial Relations a Supplementary Question to a Question Taken Without Notice on 21 November 1995**

Supplementary Question:

1. What is the cost of the Houlihan consultancy;
2. How was Mr Houlihan selected; and
3. Will you table the Terms of Reference for that selection.

**Mr De Domenico - My answer is:**

1. The consultancy is expected to be for a short period of some 2-3 months and is dependent upon the number of days. Total cost is expected to be in the order of \$20,000 - \$25,000.
2. In determining who to engage, discussions were held with two other consultant firms. Five other organisations known to provide general industrial relations advice were considered but not specifically contacted.
3. Terms of Reference include:
  - . Provision of advice on general strategic directions or industrial relations issues including:
    - . implications of AIRC decisions
    - . analysis of Industrial Relations developments
    - . strategic approach to dispute resolution
  - . Provision of advice on the strategic direction of enterprise bargaining in the public sector including:
    - . strategic focus
    - . information and consultation arrangements with staff
  - . Provision of advice on agency specific reform agendas and possible productivity improvement measures.

**APPENDIX 3**: Incorporated in Hansard on 23 November 1995 at page 2360.

LEGISLATIVE ASSEMBLY  
OF THE  
AUSTRALIAN CAPITAL TERRITORY

MINISTERIAL STATEMENT ON THE TABLING OF THE

LIQUOR ACT 1975

REGULATION ( ) 1995

To be presented by  
Mr Gary Humphries MLA

23 November 1995

THE REGULATION WILL HAVE THE EFFECT OF MAKING THE CONSUMPTION OF LIQUOR AN OFFENCE FOR THE DURATION OF THE 1995 SUMMERNATS EVENT IN THE AREAS PRESCRIBED IN SUBREGULATION 11(3).

THE PRESCRIBING OF DRY AREAS FOR SUMMERNATS 1993 AND 1994, ALONG WITH OTHER CHANGES IN FORMAT, HAS RESULTED IN A SIGNIFICANT LESSENING OF PROBLEMS ASSOCIATED WITH THIS EVENT

THE REGULATION ALSO HAS THE EFFECT OF MAKING THE CONSUMPTION OF LIQUOR AN OFFENCE FOR THE DURATION OF THE BOOZE LESS BE YOUR BEST SLEEPOUT EVENT IN THE AREA OF STAGE 88 IN COMMONWEALTH PARK IN CANBERRA.

THE SLEEPOUT IS SPECIFICALLY TARGETED AT PERSONS AGED 12 TO 18 AND ORGANISERS OF THE EVENT, FM104.7, HAVE REQUESTED THE DECLARATION OF THE DRY AREA TO HELP ENSURE THE EVENT AND THE SURROUNDING AREA IS ALCOHOL FREE.

THE AREA DECLARED DRY FOR THE SLEEPOUT IS SIMILAR TO THE AREA DECLARED DRY FOR THE 1995 FOOD, WINE AND ALL THAT JAZZ EVENT.

I HAVE BEEN UNABLE TO TABLE THIS REGULATION WITHIN 15 SITTING DAYS OF THE EVENTS. I APOLOGISE FOR THIS INCONVENIENCE AND COMMEND THIS REGULATION TO THE ASSEMBLY.

**APPENDIX 4**: Incorporated in Hansard on 23 November 1995 at page 2361.

1995

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**CORONERS (AMENDMENT) BILL 1995**

**EXPOSURE DRAFT**

TABLING STATEMENT

Circulated by authority of

**GARY HUMPHRIES MLA  
ATTORNEY-GENERAL**

## CORONERS (AMENDMENT) BILL (1995)

The *Coroners Act 1956* provides for inquests into the manner and cause of sudden, violent or unexplained deaths and for inquiries into the cause of fires which cause damage to, or the destruction of, property in the Australian Capital Territory.

The draft Coroners (Amendment) Bill 1995 has been prepared to amend the Coroners Act as a consequence of a review of the procedures, jurisdiction, and penalties in the Act and to provide for certain statutory *prima facie* entitlements to be given to members of the immediate family of a deceased whose death comes within the coronial jurisdiction.

Following community concern expressed about the clash between the requirements of the coronial jurisdiction and those holding particular cultural attitudes or spiritual beliefs, an issues paper which discussed matters relating to the Coroner's Court, including multicultural and family concerns about post-mortem procedures, the jurisdiction relating to the investigation of fires and disasters and the power of the Coroner to commit for trial from an inquest or inquiry, was released in June 1994.

In general, responses from the community to the issues paper indicated that there was support for requiring that consideration be given by a Coroner to cultural and religious attitudes to the treatment of the dead and for improved participation in the coronial process for the family of a deceased whose death is the subject of a coronial investigation.

To provide for access to the coronial process for the family of such a deceased, the Bill proposes that an interested person or a member of the immediate family of the deceased may apply to the Coroner holding an inquest for an order that the holding of a post-mortem examination should be dispensed with, for access to the evidence the Coroner intends to consider or that a certain witness be called to give evidence at the inquest or inquiry.

A Coroner would also be required to give consideration to the sensitivities of the family of a deceased when deciding whether to order a post-mortem examination or an exhumation and to have regard to whether the family of a deceased has been informed as to the holding of an inquest.

A member of the immediate family of the deceased would be able to apply to the Coroner holding an inquest for authorisation to view the body, to view the scene of death and to be present at the post-mortem examination, or to have a further post-mortem examination done.

While these proposals essentially reflect the current practices of the Coroners Court, making statutory provision for such matters will clarify the means of access for those concerned.

It is also proposed that, where an inquest has been dispensed with or concluded, or a fire is not to be inquired into, the decision to dispense with the inquest or inquiry may be reviewed by the Chief Coroner. A decision refusing such an application is proposed to be reviewable by the Supreme Court.

The *Coroners Act 1993* (NT) and the *Coroners Act 1980* (NSW) provide for jurisdiction for a Coroner to investigate a disaster and an explosion, respectively. The Coroners Act is proposed to be amended to provide for jurisdiction to investigate, with the consent of the Attorney-General, a 'disaster', that is an occurrence not necessarily involving a fire, but which has caused or which had the potential to cause substantial loss of life or property, injury, or environmental damage.

Such a jurisdiction would provide, in the established investigative forum of the Coroner's Court, for an economic and public airing of the causes, consequences and means of the future prevention of such occurrences.

The Bill proposes the amendment of the Act to provide for the appointment of an investigator to assist a Coroner. This proposal, which would give statutory power to the current practice, emerged during the course of consultation on the extension of the jurisdiction to a disaster and on the best means by which deaths associated with domestic violence might be investigated.

Power is proposed to be given to a Coroner to make interim findings. This would allow matters flowing from an inquest or inquiry, such as registration of a death or insurance matters, to be dealt with more quickly.

The draft Bill is an 'Exposure Draft'. The intention is that it be made available to members of the community for comment. The intention is that a consultation period to the end of February 1996 be entered into with community groups to assist in the development of a 'final' Coroners (Amendment) Bill.

An Explanatory Statement has been prepared to accompany the Exposure draft Bill. The Statement discusses the intended effects of the proposed amendments as well as dealing in detail with the clauses in the draft Bill.

I table for the information of Members, an Explanatory Statement for the Exposure draft Bill.

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**APPENDIX 5**: Incorporated in Hansard on 23 November 1995 at page 2361.

TABLING STATEMENT

MANT / COLLINS REVIEW  
OF A.C.T. PLANNING FUNCTIONS  
AND STRUCTURES

Presented by

GARY HUMPHRIES M.L.A.

Minister for the Environment, Land and Planning

Thursday 23 November 1995

Mr Speaker -

I present the Mant/Collins Review of Planning Functions and Structures and seek leave to make some remarks about it.

On Tuesday, the Chief Minister presented the Report of the Inquiry into the Administration of the ACT Leasehold System. That report contains a damning indictment of the land management and planning systems in the ACT, and makes many general recommendations about the administration of those systems.

The Government will evaluate those recommendations and decide how best to reshape the processes of planning in the Territory over the next couple of months. But in doing so, we want to address concerns of staff who feel that they are all being made the scapegoats for a series of inadequacies in the processes, which are, after all, established by the Assembly.

At the same time as this major inquiry was being conducted, the Government commissioned planning experts, John Mant and John Collins, to conduct a smaller scale review of planning procedures, addressing the administrative structures dealing with planning in the ACT and responding to concerns from staff about workloads.

I am today presenting that report for the information of members. Its recommendations complement the Stein Report, but give us some more 'on-the-ground' direction to reform of the planning approvals process. I have directed senior staff to commence briefing staff at the Planning Authority and within the Department of Urban Services about the report, its processes and recommendations. I am pleased that, as part of the process of review, staff were consulted and appeared very keen to examine new methods of more effectively delivering services to their clients.

The Stein Report is critical of the lack of strategic planning in the ACT. As the Chief Minister said on Tuesday, the Commonwealth and ACT Governments have taken steps to ensure that the development of a strategic plan is at the forefront of this Government's planning priorities. For some time, the Government and the Assembly's Planning and Environment Committee have been working together toward the establishment of such a plan.

Last week, the Chief Minister announced that the Commonwealth and the ACT would co-operate on a review of Canberra's metropolitan growth strategy. These significant initiatives show a willingness to address a basic inadequacy in the overall structure of planning at the highest levels - that is a lack of direction as to where we actually want Canberra to be heading.



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But what do we do once we've got a strategic plan? Where do we go with it, and how does it fit within the structures of our planning and land management system? The Mant/Collins review addresses that concern by suggesting that planning in the Territory comprises four functions:

1. Whole of Government strategic planning;
2. The establishment, via the Territory Plan, of development control 'rules' (a policy-making function);
3. administration of the development controls established in the Territory Plan (an arbitral function); and
4. 'Place management' (the co-ordination of Government actions and decisions impacting on specific localities within the ACT).

These are functions in which, arguably, the involvement of the political process would become more transparent and obvious, not subtle and indistinguishable.

Under these recommendations, the management of a long-term strategic plan would be the responsibility of the Chief Minister's Department. A very small number of staff would co-ordinate the development and management of that plan.

The Government would, of course, maintain the responsibility for formulating the rules associated with development. Those policies and rules, the Territory Plan, would be still be the property of the Assembly and always subject to review by the Assembly.

Under these proposals, the most significant change would come about with a restructuring of the ACT Planning Authority, to make it a genuinely independent statutory authority. It would have a small staff and a genuinely independent arbitral function. The Authority would have the responsibility to grant approvals or to not approve applications on its own. If the development meets the rules, the Authority may complete the approval at arms length from the political process.

But, to aid in creating a truly transparent planning process, the Executive or the Assembly, perhaps through the Planning and Environment Committee, would have the power to 'call in' any application. Those applications, which would be ones of major importance, would be subject to assessment within the appropriate processes, such as preliminary assessment and environmental impact.

Then, when an application is called in, everyone knows that it's been the subject of political consideration by Government or the Assembly, instead of the approach which exists now, where, frankly, doubt exists about the independence of the process from politics. It will prevent the Planning Authority's decisions being coloured by politics - rather, politicians can wear making the political decisions and not duck it to the planners.

The Authority would consist of a very small staff, primarily the decision-makers and a small group of support staff. But the assessments would be done by staff with a variety of special skills working in the Department of Urban Services, whose job it will be to develop place management in the ACT.

The concept of place management is not a new one - to a certain, but limited extent, it has been part of the Planning Authority's set-up. But the formation of place management practices will put the onus on government to ensure the needs of local areas are taken into account.

For example, a place management team could be established to guide the development of the Gungahlin Town Centre's growth, or the way South Tuggeranong will look and grow. In turn, more emphasis can be put on management of growth or redevelopment in key areas, while taking into account the local needs of particular communities.

Mr Speaker, the Government has introduced a trial of the Local Area Planning Advisory Committees. These Committees could well play a major role in the development of place management strategies. At the moment, their charter is to develop regional awareness guidelines, but if place management is implemented as part of our planning regime, we can better take account of these needs in the assessment and policy development process.

Mr Speaker, the Government has recognised the serious problem with the planning processes in the ACT. Those problems led me to make a series of policy announcements in a June statement to this Assembly which sought to address areas of major concern.

The fundamental dissatisfaction with the management of the leasehold system in the ACT and the accusations of improper conduct in leasehold dealings led to the most wide-ranging inquiry ever conducted into the system, which gives the Government much to work toward in terms of reforms to the lease management system.

But the fundamental problems being encountered by both staff and clients at the Planning Authority with a process which has become so unmanageable is an area of concern which needs some attention. This attention needs to be toward processes rather than staffing.

The Government will seek to introduce measures which will make the processes for planners simpler and more transparent. That will mean considerable changes to the way planners do their jobs, but my wish is for them to accept this challenge and work with us to develop better processes.

As I said in June, Mr Speaker, this Government was not elected to keep things as they had been in planning. The enormous dissatisfaction with the processes expressed by the people of Canberra necessitate reform - and we are willing to work with staff to deliver those reforms. In other words, we won't be throwing more money and more staff at the problem - that will only make it bigger.

I recognise that problems associated with lease management and planning are as a result of some unwieldy processes, not as a result of the staff themselves.

The Government will seek changes to the process to make it more transparent, more accountable, more client-focussed and help staff confront the source of their problems.

I would like the Assembly to be involved in that process to a high degree, because we all have a responsibility to shape the vision we all have of Canberra, and the processes which will lead us there.

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**APPENDIX 6:** Incorporated in Hansard on 23 November 1995 at page 2368.

Australian Capital Territory

**Attorney General's Department**  
*Constitutional and Law Reform Branch*

SUBJECT: APPROPRIATION BILL 1995 - Section 65 of the  
*Australian Capital Territory (Self-Government) Act 1988*

Mr M McRae  
Clerk of the Assembly

**LEGAL OPINION**

*Questions and Short Answer*

Question 1

Is it possible for a member, who is not a Minister, to move an amendment to the *Appropriation Bill 1995* that would have the effect of transferring funds from Division 250 - Treasurers Advance to one of the Divisions relating to education (either 180 or 190) or would this infringe section 65 of the *Australian Capital Territory (Self-Government) Act 1988*?

Short Answer

It would not be possible for a member, who is not a Minister, to move an amendment to the *Appropriation Bill 1995* that would have the effect of transferring funds from the Treasurer's advance to one of the education appropriation units. It would be a breach of section 65.

Question 2

Would a transfer of funds *within* a Division, as opposed to *between* Divisions, infringe section 65?

Short Answer

No.

*Reasoning*

Question 1

1. As you note in your request for advice, Mr Michael Moore MLA has publicly canvassed the possibility of seeking to amend the *Appropriation Bill 1995* by moving an amount of money from the Treasurer's Advance to one of the education appropriation units.
2. The ability to amend the *Appropriation Bill 1995* turns on the interpretation to be given to section 65 of the Self-Government Act. Section 65 provides:

**"Proposal of money votes**

**65. (1)** An enactment, vote or resolution ("**proposal**") for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister.

**(2)** Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the amendment is to increase the amount of public money of the Territory to be appropriated."

3. It is clear that section 65(2) of the Self-Government Act permits a member to move an amendment to a *proposal* provided it does not increase the amount of money to be appropriated.
4. The issue here is what is a 'proposal'. Section 65(1) of the Self-Government Act talks in terms of "An enactment, vote or resolution ("proposal") for the appropriation of the public money of the Territory". Enactment and resolution have obvious meanings. However, what 'vote' means may not be immediately clear. To understand the meaning of vote in the way it is used here it is necessary to examine the context in which it is used. Accordingly, before discussing the meaning of vote it is important to understand the purpose of section 65.

*Purpose of section 65 - the Financial Initiative*

5. Section 65 seeks to protect the *Financial Initiative* of the Executive by restricting the way an appropriation bill can be amended. The Financial Initiative is a centuries old constitutional principle that operates in all Westminster-style parliaments, whether large (like the Commonwealth Parliament of Australia) or small (like the Northern Territory Legislative Assembly). It has been summarised as follows:

- . The Executive Government is charged with the management of revenue and with payments for the public service.

- . It is a long established and strictly observed rule which expresses a principle of the highest constitutional importance that no public charge can be incurred except on the initiative of the Executive Government.
- . The Executive Government demands money, the [parliament] grants it, but the [parliament] does not vote money unless required by the Government; and does not impose taxes unless needed for the public service as declared by Ministers of the Crown." (House of Representatives Practice 2 Ed p 42)

6. The effect of the principle is neatly summarised by Erskine and May in relation to the House of Commons as follows:

"An amendment infringes the financial initiative of the Crown, not only if it increases the amount, but also if it extends the objects and purposes, or relaxes the conditions and qualifications, expressed in the communication by which the Crown has recommended a charge. Accordingly no amendment to a motion for Supply is in order except a simple reduction of the amount demanded." (*Parliamentary Practice* 21st Ed pp 693-694)

7. The Commonwealth Parliament, each of the State Assemblies and the Northern Territory Assembly all have similar provisions to our section 65 in their constitutional documents. So for instance, section 11 of the *Northern Territory (Self-Government) Act 1978* (Cth) provides:

11. An enactment, vote, resolution or question, the effect of which is to dispose of or charge any revenues, loans or other money received by the Territory, shall not be proposed in the Legislative Assembly unless the purpose for which such revenues, loans or other moneys are to be disposed of or charged by reason of the enactment, vote, resolution or question, as the case may be, has in the same session been recommended by message of the Administrator to the Legislative Assembly."

8. The Standing Orders of the Northern Territory Legislative Assembly also provide that:

229. No proposal for the appropriation of any public moneys shall be made unless the purpose of the appropriation has in the same session been recommended to the Assembly by message of the Administrator. No amendment of such proposal shall be moved which would increase, or extend the objects and purposes or alter the destination of, the appropriation so recommended unless a further message is received."

9. The Financial Initiative is an important power reserved to the Executive to ensure that the Executive can govern. The government is

accountable to the parliament and the people for its performance and requires control over finances to effectively carry out its role of governing. Traditionally, if a parliament refuses to pass an appropriation or supply bill, or, in some cases, if the parliament simply reduces one item by a token amount, it signifies that the Executive has lost the confidence of the parliament.

*The meaning of 'vote' in section 65*

10. When section 65 is considered in this context - that is, as protecting the financial initiative of the Executive - the meaning of vote becomes very important. In the House of Commons, 'votes', in this context, "are units of appropriation." (Erskine and May *Parliamentary Practice* 21st Ed p 697). So, in 1989-90 in the House of Commons, the main appropriation bill of the year contained 167 'votes' to various Departments. (ibid)
11. In the Australian Senate 'vote', in the context of appropriation, also means a unit of appropriation, or more specifically, a line in an appropriation bill that appropriates money to a particular Department.
12. Even the heading to section 65, which can serve as an aid to interpretation, is entitled "Proposal of money votes". In other words 'vote', in section 65, means a money vote, a unit of appropriation within an appropriation bill.
13. The question arises as to which categories of proposed expenditure contained in the *Appropriation Bill 1995* may be described as a 'vote'. The Bill, at clause 4, enables the Treasurer to issue a certain sum out of the Consolidated Revenue Fund and apply it in respect of services provided in the financial year by the 'appropriation units' specified in the Schedule. Part I of the Schedule lists 25 'appropriation units'. Part II of the Schedule is entitled 'Detailed Appropriations' and not only provides a breakdown in respect of the appropriation units but also groups these appropriation units.
14. Under the *Appropriation Bill 1995*, money is appropriated by reference to 'appropriation units' and, in my view, it is those line appropriations that are 'votes' for the purposes of section 65 of the Self-Government Act. In the case of education, for example, there appear to be four separate categories of expenditure which are all 'votes'.
15. For the purposes of section 65, the Legislative Assembly is being asked to approve not simply the enactment being the *Appropriation Bill 1995*, but each of the 'votes' within that Bill. It is not possible, under section 65, for a non-Executive member to move an amendment to increase the total amount being appropriated in the enactment, nor is it possible to increase the amount of any particular appropriation unit.

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*Transfer of funds between votes*

16. Section 65(2) enables a member to move an amendment to a vote provided the amendment does not increase the amount of public money of the Territory to be appropriated. It seems that the only way to transfer money from one vote to another is to amend one vote by decreasing the amount of public money of the Territory being appropriated in that vote, and to amend another vote by increasing the amount of public money of the Territory being appropriated in that vote. In my view, the former amendment would be allowed. However, the latter amendment would increase the amount being appropriated in a vote and would therefore be invalid.

17. Following this reasoning, it is not possible to transfer funds from Division 250 to either Division 180 or 190 because to do so would require an amendment to Division 180 or 190 increasing the amount appropriated to that Division. Such an amendment would be an amendment to a proposal (ie a vote) contrary to section 65.

**Question 2**

*Transfer of funds within a vote*

18. Within each vote, there does not appear to be any legislative restraints on transferring amounts. This view is consistent with the statement in the Explanatory Memorandum to the Self-Government Act which refers to allowing a 'transfer' of amounts. In my opinion this would mean any transfer that is not prohibited by section 65(2), or in other words, transfers within a proposal (ie. a vote).

19. Accordingly, in my opinion, section 65(2) would permit members to, say, transfer amounts between recurrent and capital expenditure within a vote.

In accordance with past practice, I shall be forwarding a copy of this advice to the Attorney-General.

Andrew Barram  
A/g Director  
Parliamentary & Constitutional  
10/11/95.

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

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Mr Speaker

**PROPOSED AMENDMENT TO THE APPROPRIATION BILL 1995-96**

1. You have sought advice on the question of whether it would be in order for a Member to propose to the Assembly an amendment or amendments to the Appropriation Bill 1995-96, the object of which is to transfer a sum of money from Division 250 - Treasurer's Advance to one of the Divisions relating to the Department of Education and Training (Divisions 180, 190, 200 or 210).
2. No such amendment has been proposed in the Assembly to date. The key issue is whether a non Executive Member may propose an amendment or amendments to the Appropriation Bill which, though not increasing the amount of public money to be appropriated by the Bill, increases the amount appropriated by one or more divisions with the amount being offset by reductions elsewhere.
3. My advice relates specifically to standing orders 200 and 201 and I have sought advice on the provisions of the *Australian Capital Territory (Self-Government) Act 1988* (Commonwealth) (Self-Government Act) from the Deputy Law Officer, Constitutional and Law Reform. That advice is attached.

**Background**

4. The question that immediately arises is whether the amendment would infringe the provisions of standing order 201. Standing orders 200 and 201 provide that:

**Money proposals submitted - without notice**

200. An enactment, vote or resolution for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister. Such proposals may be introduced by a Minister without notice.



### **Limitations on amendments**

201. A Member, other than a Minister, may not move an amendment to a money proposal, as specified in standing order 200, if that amendment would increase the amount of public money of the Territory to be appropriated.

5. These standing orders were adopted in their current form following a report of the Standing Committee on Administration and Procedures which recommended that standing orders 200 and 201 be amended to reflect section 65 of the Self-Government Act. Since the standing orders were amended on 16 June 1994 there has been no amendment moved to an appropriation Bill in the Assembly. The amendment to the Self-Government Act had been enacted in January 1994. The section now reads:

### **Proposal of Money vote**

**65. (1)** An enactment, vote or resolution ("**proposal**") for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister.

**(2)** Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the amendment is to increase the amount of public money of the Territory to be appropriated.

6. The explanatory memorandum to the amending Bill read:

Subsections 65(1) and (2): amended to ensure that the initiative of the Government in introducing legislation into the Assembly on financial matters is no greater or less than that of the Commonwealth Government under section 56 of the Constitution. The reference in the present section 65 to the 'object or effect' of a proposed law, and absence of reference to 'appropriation', suggests that section 65 covers proposals to increase the Territory's possible financial liabilities without actually appropriating public moneys. This is not intended.

7. The explanatory memorandum specifically addresses the question of the introduction of legislation. It does not address the question of the ability of non Executive Members to propose amendments.
8. Section 56 of the Commonwealth Constitution states:

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.

9. In the House of Representatives, the financial initiative of the Crown: "... the constitutional and parliamentary principle that only the Government may initiate or move

to increase appropriation or taxes, ..." is, in regard to appropriation, expressed in and given effect by section 56 of the Constitution. *House of Representatives Practice* paraphrases it as follows:

- . The Executive Government is charged with the management of revenue and with payments for the public service.
  - . It is a long established and strictly observed rule which expresses a principle of the highest constitutional importance that no public charge can be incurred except on the initiative of the Executive Government.
  - . The Executive Government demands money, the House grants it, but the House does not vote money unless required by the Government, and does not impose taxes unless needed for the public service as declared by Ministers of the Crown.
10. The rule is an old one that goes back at least to a standing order of 1713 which declared a permanent prohibition of private Members' financial initiatives. In *The Politics of Financial Control* Reid comments that when the rule was written into the Australian Constitution the architects, mostly practising politicians from the colonial Parliaments, were suspicious of Executive strength in the new federal body. They liberalised the rule even further than it had been liberalised in the British North America Act. In line with the Westminster standing order (as distinct from Westminster practice of the day), they omitted reference to taxation, so as to leave scope for private Members to introduce proposals on the tariff. And, accordingly, section 56 of the Constitution provided simply that expenditure proposals 'shall not pass' without a recommendation from the Governor-General. He added that it was interesting that in subsequent years, both in Canada and Australia, the respective Houses, under the influence of powerful Executives, had adopted all the restrictive interpretations of the rule - and more - that have been made at Westminster.
11. *Quick and Garran* state, in relation to section 56 "The constitutional principle, which vests in the Crown the sole responsibility over national expenditure, is a most important one, and it greatly enhances the power and influence of the Executive.". They quote (at page 681) Hearn's *Government of England*:

It is accordingly a fundamental rule of the House of Commons that the House will not entertain any petition or any notice for a grant of money, or which involves the expenditure of any money, unless it be communicated by the Crown. We are so accustomed to the general practice, and the deviations from it have been so inconsiderable, that its importance is scarcely appreciated. Those, however, who have had the experience of the results which followed from its absence, of the scramble among the members of the Legislature to obtain a share of the public money for their respective constituencies, of the 'log-rolling,' and of the predominance of local interests to the entire neglect of the public interest, have not hesitated to declare that 'good government is not attainable while the unrestricted powers of voting public money and of managing the local expenditure of

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the community are lodged in the hands of an Assembly.' This salutary rule has too often been evaded.

12. *May* 21st edition states at pages 693-4,

The House of Commons has long found it necessary to place restrictions on the moving of amendments in order to keep intact the principle of the financial initiative of the Crown.

and *May* goes on to state:

The Crown's recommendation lays down the maximum amount of a charge and its object and purposes. An amendment infringes the financial initiative of the Crown, not only if it increases the amount, but also if it extends the objects and purposes, or relaxes the conditions and qualifications, expressed in the communication by which the Crown has recommended a charge. Accordingly no amendment to a motion for Supply is in order except a simple reduction of the amount demanded.

13. The background to the standing orders in the Assembly and the 1994 changes is set out in the June 1994 report of the Standing Committee on Administration and Procedures entitled *Standing Orders 200 and 201*, a copy of which is attached.

## Issues

14. Standing order 201 places limitations on amendments that may be moved by Members other than Ministers, Members being prohibited from moving an amendment to a "money proposal" as specified in standing order 200 (ie. an enactment, vote or resolution for the appropriation of the public money of the Territory), if that amendment would increase the amount of the public money of the Territory to be appropriated.

### *An "enactment ... for the appropriation of ... public money".*

15. Firstly, clearly, the Appropriation Bill 1995-96 is a bill for an Act to appropriate public money of the Territory, the public money of the Territory being defined by the Self-Government Act as "... revenues, loans and other money received by the Territory".

16. Section 65 and standing order 200 use the terms "An enactment, vote or resolution ... for the appropriation of public money". An "enactment" is defined by the Self-Government Act as "a law ... made by the Assembly under this Act" or "a law, or part of a law, that is an enactment because of section 34." (Section 34 deals with certain laws that have been converted into enactments). However, I believe that it is clear that in the terms of standing order 200, the Appropriation Bill 1995-96 is an "enactment ... proposed in the Assembly". An amendment as suggested, that is to transfer money from Division 250 to another division, would not increase the amount of public money of the Territory to be appropriated as it is presumed the bottom line \$1,343,690,900 would not be increased. However, we need to address the meanings of "resolution" and "vote".

### **Resolution**

17. The words "a resolution for the appropriation of public money" merit some scrutiny. It is my assumption that, at least in part, the use of the term in section 56 of the Constitution relates to the then financial procedures in the colonial legislatures and the UK House of Commons (and used by the House of Representatives until 1963) where certain Bills were based on financial resolutions (as they still are in certain jurisdictions). Financial procedures were more complex involving consideration by the committees of supply and ways and means. The procedure in relation to the main appropriation Bill of the year culminated with formal consideration of the Committee of Ways and Means after which a Bill to give effect to the resolution was brought in and usually passed formally and immediately (*see House of Representatives Practice*, p.408). Such procedures are not used by the Assembly.
18. At this stage I cannot envisage anywhere in our procedures whereby a " resolution for the appropriation of the public money of the Territory" could be readily proposed in the Assembly. Were we to alter our financial procedures (remembering the Territory is altering its whole method of financial reporting), circumstances could alter and appropriation of funds could proceed, to some extent at least, by way of resolution.

### **Vote**

19. The question remains as to what is a "vote". In one sense, a question in the Assembly may be decided by Members challenging the opinion of the Chair as to whether the "Ayes" or "Noes" have it and requesting a call of the Assembly. Members then vote on the question.
20. In relation to items of appropriation, the term is not defined in the Assembly Standing Orders. Standing order 180, which deals with the consideration in detail of the appropriation bill for the ordinary annual services of the Executive, provides that:

... any schedule expressing the services for which the appropriation is to be made shall be considered before the clauses and, unless the Assembly otherwise orders, the schedule shall be considered by proposed expenditures in the order in which they are shown.
21. The practice of the Assembly in considering items of expenditure is relevant to the question and I will return to that later.
22. *House of Representatives Practice* does not define a "vote" in relation to items of proposed expenditure. Their standing order 226 is very similar to Assembly standing order 180, providing that "... any schedule expressing the services for which the appropriation is to be made shall be considered before the clauses and ...that schedule shall be considered by proposed expenditures in the order in which they are shown.". *House of Representatives Practice* (p.423) states that the proposed expenditures are "traditionally listed in alphabetical order of government departments". It is worth noting in passing that House of Representatives standing order 292 makes explicit provision in relation to proposals for the appropriation of public moneys in that:

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No amendment of such proposal shall be moved which would increase, or extend the objects and purposes or alter the destination of, the appropriation so recommended unless a further message is received.

23. This standing order is more restrictive than Assembly standing order 201 (see earlier comments by Reid).

24. *May* at page 697 states:

The principle underlying the classification of estimates is that each class of the estimates is designed to correspond to a separate programme as classified in the Government's Public Expenditure White Paper; as far as possible connected services appear together, and the estimates for the services controlled by a particular department are mainly grouped in the same class.

Each class is divided into a number of votes, on each of which it is possible for the House to take a separate decision .... Votes are units of appropriation .... They are drawn up on a departmental basis, and each vote specifies which department is accountable for it, but there may be several votes controlled by a single department.

Each vote is in turn divided into 4 parts.

25. *May* earlier (at page 690) states:

Three important precepts of financial practice are implied in the appropriation of expenditure. (1) A sum appropriated to a particular service cannot be spent on another service. (2) The sum appropriated is a maximum sum. (3) It is available only in respect of charges which have arisen during the year in respect of which it has been appropriated by the relevant Act. As a consequence, any sum found to be saved on a vote at the end of a financial year must be surrendered to the Exchequer.

26. In the New Zealand House of Representatives, the term "vote" in relation to an item of expenditure is widely used. Their standing order 224, similar to House of Representatives standing order 226 and Assembly standing order 180 contains the proviso:

Provided that in considering an Appropriation Bill containing the main Estimates the schedules expressing the services and purposes shall be considered before the clauses, and, unless the committee otherwise orders, the Votes in the schedules shall be taken in such order as may be determined by the Leader of the House.

27. Their Public Finance Act defines "vote" as meaning:

- ... a grouping of one or more appropriations for
- (a) Classes of outputs or programs; or
  - (b) Capital contributions; or

- (c) Benefits or grants, -  
that are the responsibility of one Minister of the Crown and administered  
by one department.
28. The practice in the Assembly is of interest (see attachment B). With the exception of the consideration of the Appropriation Bill 1989-90, the Assembly has consistently considered the Schedule by Division, considering Part II of the Schedule of each Bill in the order as printed. (Standing order 180 makes provision for the order to be varied).
29. The Schedule to Appropriation Bill 1995-96 is in 2 parts (as is the past practice). Part I is the summary and lists 25 appropriation units. Part II lists the detailed appropriations by Division and also uses the term "appropriation unit". In previous years the term "Division" has always been used. The term "appropriation unit" has not been used in previous years, the term used being "Program". Other terms have been used in Supply Bills. There are 25 Divisions. Taking aside the Legislative Assembly, the Executive and the Auditor General, the remainder are spread between 6 Departments nominated on the Schedule (Chief Minister's Department, Department of Health and Community Care, Department of Business, the Arts, Sport and Tourism, Department of Urban Services, the Attorney-General's Department, Department of Education and Training), the Planning Authority, the Housing Bureau, Canberra Institute of Technology and the Advance to the Minister Administering the Audit Act.
30. Clauses 4, 6 and 10 of the Bill refer to the Schedule. Clause 4 providing that the Treasurer may issue the sum of \$1,343,690,900 and " ... apply it in respect of services provided in the financial year by the **appropriation units** specified in the Schedule" (emphasis added). Clause 6 provides that specified sums authorised to be issued by section 3 of the Supply Act and section 4 of "this Act" and amounting to the sum of \$1,343,690,900 "... as specified in the third column in Part I of the Schedule are to be taken to have been appropriated on 1 July 1995 for services provided in the financial year by the relevant **appropriation unit** specified in the Schedule" (emphasis added). Clause 10 deals with net appropriations and provides for annotated items (Divisions 40, 50, 80 and 130 are so annotated) to be credited with revenue received in connection with the provision of services to an appropriation unit.
31. The explanatory memorandum to the Bill states, in referring to the Schedule:
- The Appropriation Units differ from the Programs existing in the 1994-95 Budget as a result of the Administrative Arrangements order dated 29 June 1995 - Funds are to be appropriated to the Appropriation Unit level. Programs retain importance in that they remain the mandatory reporting level.
32. The Administrative Arrangements of 29 June 1995 (Australian Capital Territory *Gazette* S149 of 30 June 1995) lists administrative units that do not tally with the appropriation units listed in Part I of the Schedule. There are agencies listed as appropriation units in the Bill that are not listed in the Administrative arrangements and agencies in the Administrative Arrangements are not listed at the Division level or as headings to each collection of Divisions in the Bill. In addition, it should be noted that the order in Part I (Summary) of the Schedule is not reflected in Part II (Detailed Appropriations).
33. Given the terminology in this year's appropriation Bill, it could be argued that a "vote" refers to an "appropriation unit". However, as pointed out above, there are inconsistencies between the Schedule and the Administrative Arrangements that could lead to some confusion. This becomes important as can be seen in my concluding

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comments. However, the consistent practice of the Assembly since 1990 has been to consider Part II of the Schedule by Division.

34. In the event of an amendment being moved, such as that noted, a definitive ruling will have to be given on what a "vote" is. There is no definition in the context of the Appropriation Bill 1995-96, however, in the light of the provisions of standing order 180 and the Assembly practice to date, it can be concluded that a "vote" in the current context is a Division as listed in Part II of the Schedule.

### ***Transferring appropriations within a vote***

35. Unlike House of Representatives standing order 292, Assembly standing order 201 does not specifically prohibit an amendment that would extend the objects and purposes or alter the destination of the appropriation recommended (unless a further message from the Governor-General is received). This issue is addressed by Mr Barram in his advice of 10 November 1995, where he refers to the explanatory memorandum of the Self-Government Act. The explanatory memorandum reads:

Sub-clause 64(2) [now, as amended 65(2)] enables Members of the Assembly to move amendments to monetary proposals made by a Minister but only to decrease or transfer the amount proposed.

36. Former Assembly standing order 201 did contain a prohibition on non Executive Members moving amendments in these circumstances which would have the effect of altering the destination of the amount of public money of the Territory to be disposed of or charged.
37. In summary, there is no prohibition on non Executive Members of the Assembly moving amendments to enactments, votes or resolutions to transfer appropriations, but in doing so it cannot have the effect of increasing the amount of public money to be appropriated to any vote.

### **Conclusion**

38. As mentioned above, no amendment such as that envisaged has been proposed in the Assembly and no amendment has been proposed to an appropriation Bill since standing orders were amended in 1994.
39. The standing orders do not contain a prohibition on non Executive Members proposing amendments that would transfer or alter the destination of the moneys to be appropriated, except they do prohibit non Executive Members moving an amendment to a "proposal" (ie. enactment, vote or resolution) that would increase the amount of public money of the Territory to be appropriated. Whether such an amendment as proposed would be in order depends on the definition of "enactment, vote or resolution for the appropriation of public moneys", especially, in this context, the term "vote".
40. In accordance with Assembly standing order 180, practice in the Assembly to date and practice elsewhere, the most ready identification of a "vote" in the context of Assembly consideration of the Appropriation Bill is a Division as listed in Part II to the Schedule

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to the Bill. For this reason, any amendment to decrease the amount of the proposed expenditure in a Vote or Division would be in order, as it would be to vote against a proposed expenditure. To propose an amendment to increase the amount of a proposed expenditure in a particular Vote or Division would be out of order, even if the amount to be appropriated by the Bill overall remained the same. It would be in order however, to move to transfer money within a vote (eg. from capital to recurrent within the same division).

Mark McRae  
Clerk of the Assembly

14 November 1995



# Australian Capital Territory Attorney General's Department

*Constitutional and Law Reform Branch*

SUBJECT: APPROPRIATION BILL 1995 - ABILITY THE  
LEGISLATIVE ASSEMBLY TO DIRECT THAT FUNDS  
BE SPENT

## LEGAL OPINION

### Question and Short Answer

Q. Can the Legislative Assembly direct that funds appropriated under the *Appropriation Bill 1995* must be spent?

A. As the Bill stands at the moment, it would appear not. However, it may be possible by amendment.

If there were a transfer of funds from, for example, the Minister's Advance to Education, it does not mean that the money appropriated must be spent. An appropriation merely allows the expenditure of public moneys: see the terms of the *Appropriation Bill 1995* and the *Audit Act 1989*.

2. The *Appropriation Bill 1995* provides, at clause 4, that the Treasurer may issue a certain sum out of the Consolidated Revenue Fund and apply it in respect of services provided in the financial year by the appropriation units in the Schedule. The *Audit Act 1989* provides, at section 37(1) that:

"The Minister may make payments from the Territory Public Account in accordance with an appropriation of the Consolidated Fund."

3. However, a requirement that money appropriated must be spent may be technically achievable by a provision in the *Appropriation Bill 1995* expressly directing expenditure to occur. I note that somewhat similar action was taken in respect of the *1993-94 Appropriation Bill* where there was a provision inserted into the Bill which directed that money appropriated for education could not be spent on redundancy packages.

4. I am of the opinion that such a provision would override the procedures under the *Audit Act 1989* that provide for the Executive, via the Treasurer, to have control over what money is paid from the Territory Public Account in accordance with an appropriation of the Consolidated Fund. This

would arise because of the direct inconsistency that would occur and the general rule of statutory interpretation that a later enactment in time prevails.

5. As regards enforcement of a provision in the *Appropriation Bill 1995* expressly requiring expenditure to occur, I note that our view, in relation to the provision in the 1993-94 Appropriation Bill prohibiting expenditure, was that standing to seek judicial assistance in making the Government comply with such a provision would be quite wide and open to anyone who was directly affected by the Government's non-compliance.

6. However, apart from the technical difficulties in obtaining mandatory orders from a court, in my opinion, it would be difficult to draft a provision that could be enforced in practice. For example, circumstances could arise where it was practically impossible to spend the money allocated - I do not think a court would direct that public money could be literally thrown away if there is not genuine occasion under the terms of the legislation to spend it.

Please do not hesitate to contact me if you wish to discuss any aspect of this opinion.

M. Baxter

for Len Sorbello  
Deputy Law Officer  
4 October 1995

Contact officer: Michelle Baxter  
Telephone: 70548

23 November 1995

Australian Capital Territory  
**Attorney General's Department**  
*Constitutional and Law Reform Branch*

SUBJECT: APPROPRIATION BILL 1995 - ABILITY OF A MEMBER  
TO AMEND THE BILL

LEGAL OPINION

Question and Short Answer

Q. Is it possible for a member, who is not a Minister, to move an amendment to the *Appropriation Bill 1995* that would have the effect of transferring funds from the Treasurer's advance to one of the education appropriation units?

A. Our view is that it would not be possible for a member, who is not a Minister, to move an amendment to the *Appropriation Bill 1995* that would have the effect of transferring funds from the Treasurer's advance to one of the education appropriation units

The Appropriation Bill 1995

Before considering the questions stated above, it is necessary to first discuss the scheme of the *Appropriation Bill 1995*. The Bill, at clause 4, enables the Treasurer to issue a certain sum out of the Consolidated Revenue Fund and apply it in respect of services provided in the financial year by the appropriation units specified in the Schedule. Part I of the Schedule lists 25 'appropriation units'. I have spoken with the Office of Financial Management and was advised that the term 'appropriation units' was created in an effort to satisfy Government policy with regard to specific allocations of appropriations to take place at certain levels. Part II of the Schedule is entitled 'Detailed Appropriations' and not only provides a breakdown in respect of the appropriation units but also groups appropriation units, for the most part, under 'administrative units' as established under section 13 of the *Public Sector Management Act 1994*.

2. The use of the term 'appropriation units' is not defined, and is not entirely clear. In the past, appropriations have been made to 'programs' and even though 'program' was not defined, it was clear that the term was being accorded its ordinary meaning. 'Program' is defined in *The Macquarie*

*Dictionary, 2nd edition* to mean 'a plan or policy to be followed'. It is not clear in what sense the term 'appropriation unit' is being used in the Bill as, in some cases, it would seem to be referring to an organisational unit whose status is not entirely clear - 'appropriation units' do not completely match up with either administrative units or programs - and in other cases, the term 'appropriation unit' seems to be referring to a category of expenditure.

3. Further difficulties may arise as clause 9 of the Bill relevantly provides that money is to be taken to be appropriated for the purpose of payments under Acts administered by appropriation units. Legally, Acts are administered by the administrative unit that has been charged with the administration of an Act under the Administrative Arrangements pursuant to section 14 of the *Public Sector Management Act 1994*.

4. Clause 9 in this year's Appropriation Bill is worded differently to last year's Appropriation Act where the money was appropriated "for the purpose of payments under Acts administered as part of a program". There was no suggestion that the program actually administered the Acts.

5. I am not of the opinion that the issues noted above would render the Bill unworkable or void, as in some cases, there is a marriage between administrative units and appropriation units. However, I note that the scheme employed in the *Appropriation Bill 1995* could cause evidentiary difficulties in terms of precisely linking expenditure to appropriation. Part II of the Schedule may assist in clarifying some of the problems that might arise.

6. There could be a number of ways to resolve the issues identified above, eg by including a definition of 'appropriation unit' in the Bill. I would be happy to provide assistance on this aspect should the matter be pursued further.

7. Notwithstanding these matters, for the reasons set out below, they do not affect our views on the operation of section 65 of the *Australian Capital Territory (Self-Government) ACT 1988 (Cth)* ("the Self-Government Act").

#### Question 1

8. Michael Moore, MLA has publicly canvassed the possibility of seeking to amend the *Appropriation Bill 1995* by moving an amount of money from the Treasurer's Advance to one of the education appropriation units.

9. The ability to amend the Appropriation Bill-1995 turns on the interpretation to be given to section 65 of the Self-Government Act. Section 65 provides:

"Proposal of money votes

65. (1) An enactment, vote or resolution ("proposal") for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister.

(2) Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the amendment is to increase the amount of public money of the Territory to be appropriated."

10. It is clear that section 65(2) of the Self-Government Act permits a member to move an amendment to a proposal that would not increase the amount of money to be appropriated.

11. The issue here is what is a member able to amend. Section 65(1) of the Self-Government Act talks in terms of "An enactment, vote or resolution("proposal") for the appropriation of the public money of the Territory". What 'vote' means is not immediately obvious. I attach a copy of an earlier opinion on this issue and please note that I have reproduced parts of that opinion below. Apart from the references to the original version of section 65(1) and to editions of texts that have now been superseded (the new editions have been checked and are not inconsistent with the old references), the earlier opinion still generally represents the view of this Branch.

*Meaning of 'vote' in section 65 of the Self-Government Act*

12. It is most likely that the interpretation to be given to 'vote' as used in section 65(2) of the Self-Government Act is the monetary sense of the word. Section 65(1) defines a 'vote' as a 'proposal' for the purposes of the section. Clearly the context in which 'vote' is used must mean a proposal for the appropriation of the public money of the Territory. To give 'vote' a meaning related simply to a vote in the Assembly (which could be another interpretation) would make no sense in this context; such a vote does not appropriate public moneys, nor can it be amended.

13. This interpretation is also supported by the heading of the section which reads 'Proposal of money votes'. Although a heading to a section of an Act cannot be taken to be a part of the Act ( see section 13(3) of *the Acts Interpretation Act 1901 (Cth)*), regard can be had to such headings for interpretation purposes under section 15AB(2)(a) of that Act if it is capable of assisting in ascertaining the meaning of the provision.

14. It could also be argued that Commonwealth Parliamentary practice and usage in existence at the time of the enactment of the Self-Government Act gives the greatest assistance in determining the meaning of section 65. The practice in the Senate is that 'vote' means a sum of moneys being appropriated to a particular Government Department (the Commonwealth practice in Appropriation Bills is to set out in Schedules amounts allocated to specific 'Departments and Services', which are further dissected into 'Divisions', 'Sub divisions' and Items').

15. The House of Representatives does not use the term 'vote'. Instead, the practice is to refer to 'proposed expenditure'. However, as set out in the attached earlier advice at the bottom of page 3, it is likely that the House of Representatives would rely on the English usage of the term 'vote' which is a unit of appropriation drawn up on a Departmental basis.

16. However, while the *Appropriation Bill 1995* does not fully follow the Commonwealth model of appropriation bills by appropriating money to Government Departments, this does not affect reliance on Commonwealth and indeed Westminster Parliamentary practice to determine the meaning of 'vote' in section 65 of the Self-Government Act.

*Which categories of expenditure are 'votes'?*

17. The question arises as to which categories of proposed expenditure contained in the *Appropriation Bill 1995* may be described as a 'vote'. It may be useful here to consider what the Legislative Assembly is being asked to approve: the Legislative Assembly is being asked to approve not only the enactment being the *Appropriation Bill 1995*, but also the 'votes' within the Bill.

18. Under the *Appropriation Bill 1995*, money is appropriated by reference to services provided by 'appropriation units' (which are not identical to Administrative Units or Departments).

19. Part I of the Schedule sets out lines of appropriation by reference to 'appropriation units' and, in my view, it is those lines that are the appropriations, so that each such appropriation is a 'vote' for the purposes of section 65 of the Self-Government Act. Part II of the Schedule seems to be a setting out of sub items of a vote as between recurrent and capital expenditure.

20. In the case of education, for example, the appropriation is not to the Department of Education and Training but to four separate categories of expenditure notwithstanding that Part II of the Schedule appears to re-group the appropriations largely by reference to administrative units.

*Transfer of funds between votes*

21. Section 65(2) of the Self-Government is different to the relevant section of the Commonwealth Constitution, section 53, which deals with the amendment of 'proposed laws'. (However, while technically the Constitution allows amendment to a 'proposed law' we note that in the earlier opinion, at the bottom of page 1, the Senate rarely acts in reliance upon section 53). Section 65 of the Self-Government Act on the other hand, is cast in much wider terms and talks about amendment of "enactments, votes or resolutions".

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22. Section 65(2) enables a member to move an amendment to a proposal unless the amendment is to increase the amount of public money of the Territory to be appropriated. It seems that the only way to transfer money from one vote to another is to amend one vote by decreasing the amount of public money of the Territory being appropriated, and to amend another vote by increasing the amount of public money of the Territory being appropriated. In my view, the former amendment would be allowed but not the latter as there would be an increase in the vote in question and thus a contravention of section 65(2) of the Self-Government Act.

23. This view is not inconsistent with the statement in the Explanatory Memorandum to the Self-Government Act which refers to a 'transfer' of amounts. The Explanatory Memorandum envisages that certain types of transfers are permitted though these are not specified. I think 'transfer' refers to transfers within a proposal (i.e. vote) so far as that is possible.

24. Accordingly, in my opinion, section 65(2) would permit members to move amendments to transfer funds within a vote but not between votes. This would mean that amounts could be transferred between recurrent and capital expenditure within a vote.

*Other views on the meaning of 'vote'*

25. There are however, three other possible interpretations as regards the meaning of 'vote' as applied to the *Appropriation Bill 1995*. The first being that a 'vote' is the aggregate figure declared to be appropriated by clause 4 of the *Appropriation Bill 1995*. Thus, a member could move an amendment to the enactment known as the *Appropriation Bill 1995* to move money around within the enactment and not be in breach of section 65(2). However, I do not believe that such an argument should be preferred as it would make use of the word 'vote' meaningless. There would be no occasion where a member could not amend an enactment dealing with a number of lines of appropriation. If there is a meaning that could be given to 'enactment' and 'vote' that allows both to operate, that meaning ought to be preferred.

26. In my view, for both 'enactment' and 'vote' to operate in section 65 of the Self-Government Act, it is necessary to accord 'vote' a meaning of each line of appropriation within an enactment while 'enactment' would refer to enactments such as the *Appropriation (ACT Forests Trusts Account) Act 1993*. Such an approach is in accordance with Westminster Parliamentary practice. Additionally, such an approach is obviously designed to stop an Appropriation Act from being amended generally by inserting some new expenditure into the Act.

27. A second possible interpretation would be to read each item in Part II of the Schedule to the *Appropriation Bill 1995* as a separate 'vote'. In my

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opinion, such an interpretation would be inconsistent with the use of the word 'total' in Part II which suggests that the items listed are sub-items of something larger and are, therefore, not the whole vote but only part of the vote.

28. A third possible interpretation would be that a 'vote' refers to each item in Part II of the Schedule that are blocked in bold eg the "Department of Education and Training". In my view, such references seem merely to provide an explanatory view of what is happening based on the administrative unit structure of the ACT Government and Part II is not meant to detract from the scheme of appropriations in Part I.

Please do not hesitate to contact me if you wish to discuss any aspect of this opinion.

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Deputy Law Officer  
28 September 1995

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## **POWER OF THE ACT LEGISLATIVE ASSEMBLY TO AMEND A BUDGET**

### **OPINION**

1. I am asked to advise on the powers of the ACT Legislative Assembly to amend the budget, in particular whether certain appropriation units may be increased by transferring funds from the Treasurers Advance.

2. My short answer is that, while the Assembly has the power to reject the budget, and the power to amend appropriation units so as to reduce the amount of money appropriated, it may not increase an appropriation unit, even if this increase is offset by a corresponding reduction in another appropriation unit.

### **Reasons**

3. The budget for the Australian Capital Territory is contained in the annual appropriation bill. For the present year this is the Appropriation Bill 1995-6. The Bill provides for the issue and application of \$1,343,690,900 out of the Consolidated Revenue Fund to be applied in respect of services provided in the financial year by the appropriation units specified in the Schedule (s 4). The Schedule, "Appropriations" lists 25 Appropriation Units, which correspond to the services provided by the Executive Government of the Territory, together with the Treasurers Advance.

4. The law concerning the passage and alteration of an Appropriation bill is to be found in the Self Government Act 1988 of the Commonwealth, and in the practice and procedure of the Assembly and the Parliament of the Commonwealth. It is based on the premise that under the Australian tradition of responsible parliamentary government, it is for the executive

government, formed by the party or parties which enjoy the support of the popularly elected house of the parliament, to formulate its budget.

5. This intention is given legislative effect in section 65 of the Self Government Act which provides:

**Proposal of money votes**

65(1) An enactment, vote or resolution (proposal) for the appropriation of the public money of the Territory must not be proposed in the Assembly except by a Minister.

(2) Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the amendment is to increase the amount of public money of the Territory to be appropriated."

6. Section 65(2) was amended by the Arts, Environment and Territories Legislation Amendment Act 1994 to clarify the law. In its previous form it was open to the interpretation that any Private Members Bill which had a consequential effect of causing public money to be expended was contrary to law. This became an issue during the Alliance Government, when the Speaker ruled that a number of Private Members Bills, including the Human Rights Bill, were invalid because their effect would be to involve the expenditure of public funds. A series of legal opinions followed- from the Government Law Office supporting this interpretation, from myself opposing this interpretation, from Mr Brazil of Macphillamy Cummins and Gibson supporting my view, and from D. Jackson Q.C. concluding that it was in each case a matter for interpretation. As a result the Commonwealth acted to clarify the law, and it is clear from the Explanatory Memorandum to the Arts Environment and Territories Legislation Amendment Bill 1994 what this intention was:

"Subsections 65(1) and (2): amended to ensure that the initiative of the Government in introducing legislation into the Assembly on financial matters is no greater or less than that of the Commonwealth Government under section 56 of the Constitution. The reference in the present section 65 to the 'object or effect' of a proposed law, and absence of reference to 'appropriation' suggests that section 65 covers proposals to increase the Territories possible financial liabilities without actually appropriating public moneys. This is not intended"

7. Section 65 is in effect repeated in standing orders 200 and 201. Following the passage of the amendments to the Self Government Act referred to above the Standing Orders were themselves amended to reflect the clear intention of the Act. It is instructive to refer to the Report of the

Standing Committee on Administration and Procedures (given effect 16 June 1994) as a convenient statement of the practice of the Assembly. The Report states:

"1. The concept of the financial initiative of the crown is said to be "a major constitutional principle" and a feature of the Westminster system. The principle of the financial initiative, which is dealt with at length in May, may be paraphrased as follows:

- . the executive government is charged with the management of revenue and with payments for public service;
- . it is a long established and strictly observed rule which expresses a principle of the highest constitutional importance that no public charge can be incurred except on the initiative of the executive government; and
- . the executive government demands money, the House grants it, but the House does not impose taxes unless needed for public service as declared by ministers of the crown."

8. It is thus clearly the law that an appropriation can only be moved by a Minister. The question remains as to whether a member may move an amendment to an appropriation. This must also be answered in the negative, as an affirmative answer would render the "major constitutional principle" referred to above a mere technicality.

9. Section 65 on its face precludes an amendment to a proposal if this amendment "is to increase the amount of public money of the Territory to be appropriated". The question is whether this prohibits an amendment to a line appropriation. Mr Moore argues that, so long as the total amount of \$1,343,690,900 in this years Bill is unchanged, line appropriations may be increased provided there is an equivalent offset- his intention being to reduce the Treasurers Advance by the corresponding amount.

10. Section 65(2) refers to an amendment to "a proposal". A proposal is defined as an enactment, vote or resolution.(s 65(1)) The process of the Assembly, derived from the practice of the House of Representatives, is that the Appropriation Bill is voted on line by line in the Schedule. Standing Order 180 provides:

"In considering an appropriation bill for the ordinary annual services of the Executive, any schedule expressing the services for which the appropriation is to be made shall be considered before the clauses, and, unless the Assembly otherwise orders, the schedule shall be considered by proposed expenditures in the order in which they are shown."

Thus, each line of the schedule to the Appropriation Bill, which corresponds to an appropriation unit, must be separately voted on. At this vote, the Assembly considers the amount to be appropriated to that unit. An amendment at this stage to **reduce** that appropriation unit would be perfectly in order and in accordance with practice. Pettifer's House of Representatives Practice notes that an amendment in the form "That the proposed expenditure for the Department of .....be reduced by \$10" is the normal form for a general debate on the performance of the Government (423). If carried this would be a question of confidence- in 1941 the successful passage of an amendment to reduce the first item by one pound resulted in the resignation of the Fadden Government and the creation of the first Curtin Ministry.

12. An amendment to **increase** that appropriation unit, which is Mr Moore's proposal, would clearly at this stage amount to an increase in the amount of public money to be appropriated, and so would be inconsistent with s 65 and the equivalent standing orders. This is consistent with Commonwealth practice- Pettifer states quite clearly that "A private Member may not move an amendment which would infringe the financial initiative of the Crown."(423)

13 . British practice supports this view. The current (21st) edition of Erskine May's Parliamentary Practice sets out the equivalent British Practice, where estimates are voted line by line, and where May states (705) "In accordance with the general rules of the House relating to financial procedure, no amendment to a motion for the grant of a sum is in order which seeks to increase the total sum to be granted." It is interesting to note that in 1980-81 the House of Commons established a Select Committee on Procedure (Supply), which established for Britain the estimates committee process . This Committee considered the possibility of allowing amendments stating that "in the opinion of the House" increases in a particular vote should be made, but recommended that such a motion should not be in order.(May, 706) This clear finding on the question now under consideration is of particular significance because this was the Parliament immediately following the election of the Conservative Government in 1979. The events of the previous Parliament- the first minority Government in modern British constitutional practice- would thus clearly have been in contemplation. Any argument that the Assembly should accept a different practice because of the regular feature of minority government would thus be refuted.

14. The primacy of the executive Government, as the representative of the Crown, in outlining the boundaries of the budget is expressed at length in May. It is described, properly in my view, as "the long established and strictly observed rule of procedure, which expresses a principle of the highest constitutional importance, that no public charge can be incurred except on the initiative of the Crown."(671)

15. A section on amendments in May is worth setting out in full :(p 693-4)  
"APPLICATION TO AMENDMENTS OF RULES REGULATING  
FINANCIAL PROCEDURE.

The House of Commons has long found it necessary to place restrictions on the moving of amendments in order to keep intact the principle of the financial initiative of the Crown.

**The royal recommendation fixes the upper limit of a charge**

The Crown's recommendation ( for ACT purposes the Treasurers budget speech) lays down the maximum amount of a charge and its objects and purposes. An amendment infringes the financial initiative of the Crown, not only if it increases the amount, but also if it extends the objects and purposes, or relaxes the conditions and qualifications, expressed in the communication by which the Crown has recommended the charge. Accordingly no amendment to a motion for supply is in order except a simple reduction of the amount demanded."

16. I thus conclude that it is not in order for Mr Moore to move to amend a line item in the debate on the Appropriation Bill 1995-6.

17. While the Standing Orders may, of course, be suspended, section 65 of the Self Government Act which is in effect our constitutional settlement, may not be overridden by vote of the House.

18. I thus conclude that an amendment to increase a line appropriation would be contrary to standing orders and must be ruled out of order. A question then would arise if the Speaker was to rule the amendment in order, or if the Assembly were to accept a motion to suspend the standing orders- in effect to acknowledge the breach and to seek to remedy it. While such a ruling ,or motion if carried ,would remedy the defect due to breach of standing orders, it could not correct a breach of s65. While the question of a decision of the Assembly to act in breach of a Standing Order is probably non justiciable, a decision of the Assembly to pass a vote inconsistently with section 65 of the Self Government Act would in my opinion lead to the law in question being subject to challenge. While the Courts in the United Kingdom take the view that Parliament is

sovereign in respect of its procedure, and that the question of whether a Bill followed correct parliamentary procedure is non justiciable, the Australian Courts have rejected this view- "The principle that the courts may not examine the way in which the law making process has been performed has no application where a legislature is established under or governed by an instrument which prescribes that laws of a certain kind may only be passed if the legislature is constituted or exercises its functions in a particular manner." Gibbs J, *Victoria v Commonwealth (The Petroleum and Minerals Authority Case)* (1975) 133 CLR 81 at 163. In *Victoria v Commonwealth (The Australian Assistance Plan)* (1975) 134 CLR 338 the Court specifically held that the question of whether an Appropriation Act was valid was justiciable.

19. Although falling beyond the realms of a legal advising, it is appropriate to contemplate the consequences of a different answer. If the Assembly can alter an appropriation item , even if limited to the total global appropriation contained within the particular Appropriation Bill, a practice could well develop where coalitions form from time to time to pass particular special interest amendments. The political history of the Assembly has been that no party has ever commanded a majority, and a variety of parties and independent members have come and gone. The practice in United States legislative bodies of "log rolling"- where members support each other's special interest budget amendments in return for support for their own has led to a breakdown in fiscal responsibility- particularly if taxation measures contained in the budget are also watered down or defeated. The long term political and economic interests of the Canberra community would clearly be ill served if any other view were taken of the law.

**TERRY CONNOLLY**

9 NOV 1995