DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

14 December 1995

Thursday, 14 December 1995

Adjournment:

Answers to questions:

Thursday, 14 December 1995

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.

LEAVE OF ABSENCE TO MEMBERS

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

> That leave of absence from 15 December 1995 to 19 February 1996 inclusive be given to all members.

PETITION

MINISTERIAL RESPONSE

The Clerk: The following response to a petition has been lodged by a Minister:

By **Mr Stefaniak**, Minister for Education and Training, in response to a petition lodged by Ms Follett requesting that the Assembly restore the level of funding for the Year 12 adult evening college program and support adult education within the ACT.

The terms of the response will be recorded in *Hansard*.

Adult Education

The response read as follows:

> TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
>
> On 22 November 1995 a petition from 106 residents was presented to the Assembly having been lodged by Ms Rosemary Follett MLA. The petition requested the Assembly to act to restore the level of funding for the year 12 Adult Evening College Program and support adult education within the ACT.

My response to the petition is as follows:

In the current budgetary climate the Government cannot justify using scarce government schooling resources to subsidise adult evening courses of a general nature - particularly at the expense of school age students. Most of the mature age students attending evening college are not enrolled for Year 12 Certificates and TER scores. Those who are enrolled in a two year, Year 12 Certificate program will be able to complete their programs in 1996 under a fee structure currently being negotiated with colleges.

The ACT Government has removed the restrictions on the number of colleges which are able to offer evening college programs.

This approach to the conduct of evening classes will improve access and equity for evening college students and allow the evening college program to become more cost effective.

There will be no changes in the arrangements for students with special needs. The special education classes are not part of the Year 12 program and it is not the Government's intention to change the arrangements for these classes in 1996. This means that students in special education classes, Signing for the Deaf classes, and ESL classes will continue to be subsidised. The Government has undertaken to examine ways to set an appropriate subsidy for evening college students enrolled in the Year 12 certificate program who hold pension cards.

Policies for Adult and Community Education in the ACT will be reviewed in the very near future. This process will be undertaken by the Vocational Training Authority in consultation with the adult and community education sector, including such initiatives as adult evening colleges in the 1997 ACT Training Profile.

BILL STEFANIAK MLA

Minister for Education and Training

12/12/95

MOTOR VEHICLES (DIMENSIONS AND MASS) (AMENDMENT) BILL 1995

MR DE DOMENICO (Minister for Urban Services) (10.32): Mr Speaker, I present the Motor Vehicles (Dimensions and Mass) (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

> That this Bill be agreed to in principle.

Mr Speaker, I seek leave to incorporate my speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 1.

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

MOTOR TRAFFIC (CONSEQUENTIAL PROVISIONS) BILL 1995

MR DE DOMENICO (Minister for Urban Services) (10.33): Mr Speaker, I present the Motor Traffic (Consequential Provisions) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

> That this Bill be agreed to in principle.

I seek leave to incorporate my speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 2.

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

COMMUNITY REFERENDUM LAWS ENTRENCHMENT BILL 1995

MR HUMPHRIES (Attorney-General) (10.34): Mr Speaker, I present the Community Referendum Laws Entrenchment Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

The Community Referendum Laws Entrenchment Bill 1995 is designed to complement the Community Referendum Bill 1995. It will seek to entrench several major aspects of the community-initiated referendum process established under that Bill through the entrenchment provisions of the Australian Capital Territory (Self-Government) Act 1988. The purpose of the Community Laws Referendum Entrenchment Bill 1995 is to ensure that the Legislative Assembly cannot easily tamper with the spirit of the CIR process. I believe it is important for the people of the ACT to be assured that the laws they initiate and vote for have some degree of constitutional protection. The principles of giving average people the right to initiate their own laws and the right to vote on those laws and see them passed into law if they are supported by the majority of the citizens of the ACT will be safeguarded to a high degree if this Bill is enacted.

In essence, the Community Referendum Laws Entrenchment Bill will entrench the Community Referendum Act and the laws made under that Act. A law that amends, repeals or is inconsistent with the Community Referendum Act will have to be passed by at least two-thirds of the Assembly or by a majority of voters voting at a referendum. The same restrictions will apply to laws that amend, repeal or are inconsistent with the laws that people make through referendum, for the first 12 months that those laws are in operation. These restrictions and the laws caught by the restrictions are explained in more detail in the explanatory memorandum to the Bill.

Entrenchment is not essential to establish or run the community referendum process. However, Mr Speaker, by entrenching that process we will be signalling to the community our commitment to the rights of ordinary citizens to participate fully in the democratic process. In order to entrench the community referendum process, this Bill has to be passed in the same way that it seeks to restrict the Assembly in the future. That means that this Bill will have to be passed by a two-thirds majority of this chamber and be passed at a referendum. A two-thirds majority may not be easy to obtain. Indeed, I think the community can rightly see this Bill as a test of the willingness of the members of this Assembly to show a commitment to democratic principles. The Government is taking this course of action to ensure that the community referendum process is safeguarded. I hope that all members of the Assembly will give proper recognition and support to that initiative. Mr Speaker, we in the Government are fully committed to the idea that the people, not just politicians and bureaucrats, have the power to assume responsibility for fulfilling their democratic entitlements. I hope that the other members of this Assembly share that commitment. I commend the Bill to the house.

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

MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1995

MR HUMPHRIES (Attorney-General) (10.37): Mr Speaker, I present the Magistrates Court (Amendment) Bill (No. 2) 1995, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

I seek leave to incorporate my presentation speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 3.

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

DOMESTIC VIOLENCE (AMENDMENT) BILL 1995

MR HUMPHRIES (Attorney-General) (10.38): Mr Speaker, I present the Domestic Violence (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

> That this Bill be agreed to in principle.

I seek leave to incorporate my presentation speech in *Hansard*.

Leave granted.

Speech incorporated at Appendix 4.

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

BOXING CONTROL (AMENDMENT) BILL 1995

MR STEFANIAK (Minister for Education and Training and Minister for Sport and Recreation) (10.39): Mr Speaker, I present the Boxing Control (Amendment) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: I move:

That this Bill be agreed to in principle.

I seek leave to incorporate my presentation speech in *Hansard.*

Leave granted.

Speech incorporated at Appendix 5.

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

UNIVERSITY OF CANBERRA (TRANSFER) BILL 1995

MR STEFANIAK (Minister for Education and Training) (10.40): Mr Speaker, I present the University of Canberra (Transfer) Bill 1995, together with its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: I move:

That this Bill be agreed to in principle.

Mr Speaker, I am pleased to present this Bill. Cabinet agreed in August to the transfer of the university from the Commonwealth to the ACT. The Bill amends the University of Canberra Act and other laws where necessary. Commonwealth legislation to enable the transfer has been introduced into parliament this session. This will place the University of Canberra under ACT jurisdiction. Commonwealth legislation should be passed early next year. A Federal election could disrupt this timetable. Optimistically, the University of Canberra will become part of the ACT in mid-1996.

The Bill is the culmination of extensive consultation with university officers and Commonwealth and ACT governments. It will bring the university under Territory legislation. All other universities are under the auspices of States or Territories, with the exception of the Australian National University. There are considerable benefits for the Government. The transfer identifies the university with the Canberra community. It is a sign of confidence in the Territory and our Government. It will facilitate collaboration between the university and government agencies, business and community organisations.

A number of general principles underpinned the Bill. These were: There will be no additional cost to the ACT; the university will retain its autonomy; legal continuity of the university will be preserved; staff employment conditions of university staff will continue; and there will be no additional cost to the university. The Bill includes a set of values and principles. These fulfil a similar purpose to those in the Public Sector Management Act. They include service to the scholarship and education of Australian people; fairness and integrity; efficiency and effectiveness; and accountability for the university performance.

The university will continue to be accountable to the Government and the community. Where Commonwealth procedures parallel Territory practice, they have been retained. This ensures both major universities in the ACT are accountable along similar lines. The Government will maintain a close association with the university. The Chief Minister will appoint 10 of the 22 members of the council. This will give the Territory substantial input into the affairs of the university. All university statutes will be tabled in the Assembly. Executive and Assembly will have the power to disallow legislative statutes that determine or alter existing law. The university has undertaken to establish whistleblowing provisions by statute. The Assembly will be able to examine these statutes and ensure they comply with government objectives on public interest disclosure.

In setting annual reporting and auditing guidelines, Commonwealth and Territory requirements have been taken into account. The university will continue to report on a calendar year basis. Financial statements will be submitted to the Auditor-General within two months of calendar year end. The annual report will be tabled in the Assembly within four months of the calendar year end. The Auditor-General will audit all financial matters and report any irregularities to the Minister. The university power to borrow will be subject to the Treasurer's approval. This will also be the case with some investments. The university investment powers are similar to those of the Canberra Institute of Technology.

The university will be able to form or participate in a company or joint venture. Company or joint venture objectives must be consistent with the objectives of the university. Where the university has a controlling interest, council must authorise all changes to company memorandum or articles of association, the Treasurer must receive copies of documents lodged with the Securities Commission, company and joint venture operations and financial statements must be summarised in annual reports and the Auditor-General will inspect and audit financial accounts and records under the Audit Act. Controlling interest has been defined as in commercial practice. It involves control of the board of directors, control of casting votes or ownership of 50 per cent or more of issued share capital.

The university will be liable for Territory taxation, unless exempt under specific laws. The university has taken this opportunity to change aspects of its operations. The office of deputy chancellor has been created with a seat on the council. The deputy chancellor will deputise for the chancellor when the chancellor is absent. The title of vice-chancellor will be augmented to include that of president. The vice-chancellor will use the title of president when conducting business overseas. This approach is being adopted by other Australian universities.

Both academic and general staff will continue under the current industrial awards. Long service and maternity leave are provided for under industrial awards. The Commonwealth Safety, Rehabilitation and Compensation Act will continue to apply after transfer. The university will be subject to the ACT Occupational Health and Safety Act. Commonwealth affirmative action provisions for women will apply. The university will be subject to the ACT Discrimination Act. All employee liabilities will continue to be fully funded by the university. The Territory will incur no liability for superannuation costs or long service leave liabilities. The ACT has received assurances that unions have been consulted about the transfer. Unions have agreed to the proposed terms and conditions of employment for staff.

The Bill has been developed over a period of three years. During this time, all substantive transfer issues have been clarified with senior executives of the Government and the university. The transfer of the University of Canberra is a watershed for the Territory. Like other States, the ACT will now have its own university. The transfer is testimony to our growth as a regional centre for excellence in education. The university's undergraduate and graduate programs continue to expand. Its research and international education services are of great importance to the continued economic and cultural life of the city. It is with great pleasure that I commend the Bill to the Legislative Assembly.

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

SOCIAL POLICY - STANDING COMMITTEE
Reference - Disability Agreement

MS FOLLETT (Leader of the Opposition) (10.46): Mr Speaker, I seek leave to remove the word "Services" from the motion standing in my name on the notice paper. The agreement is correctly described as the "Disability Agreement".

Leave granted.

MS FOLLETT: I move:

> That the Assembly appoint a Select Committee to inquire into and report on the operation of the Commonwealth-Territory Disability Agreement, with particular reference to:
>
> (1) gaps which have emerged in service delivery;
>
> (2) any overlap or duplication of functions by the Commonwealth and the ACT;

(3) the impact of the Agreement on outcomes of ACT people with disabilities in terms of:

(a) employment;

(b) support services for both children and adults; and

(c) education and support services for school-age children; and

(4) funding of services under the Agreement.

I am moving this motion, Mr Speaker, primarily in order to give us as a Territory an opportunity to review the operation of the Disability Agreement, which was entered into some five years ago, in 1991. The agreement was made between the Commonwealth, the States and Territories, local governments and community organisations. The fundamental purpose of this agreement - and I quote from the agreement - was:

> To establish an initial framework for the rationalisation of administrative arrangements for the provision of disability services by the Commonwealth and the States.

The rationalisation that was envisaged had two main features. Those are, first of all, that the Commonwealth would assume full responsibility for the approval, administration and evaluation of employment services for people with disabilities; and, secondly, that the States would assume full responsibility for the approval, administration and evaluation of accommodation and other support services for people with disabilities. In entering into the agreement, the Commonwealth and the States spelt out quite a range of objectives which they hoped to achieve via this agreement. Those achievements related to issues like maximising opportunities for streamlined, cost-efficient administration of services by reducing overheads, simplifying access to services, having better planning and integration at the service delivery level, having clear requirements for service providers, promoting appropriate and effective access by persons with disabilities to generic agencies, focusing on support through a range of service models designed to be of varying durations and types, providing a range of innovative employment and accommodation and support services, improving consumer information, assessment and referral systems in relation to services, and so on.

Mr Speaker, the agreement was entered into with a great deal of hope on the part of the then leaders who were signatories to it. As a result of the agreement, States and Territories legislated to reflect this agreement. The ACT was one of the first to prepare and pass legislation reflecting this agreement. The agreement, when it was entered into, was planned to have a five-year life. It seems to me that that implies that this agreement and its operation will be subject to review within the next year or so, and the States and the Commonwealth will then be faced with continuing this agreement, entering into a new agreement or making some completely different arrangement. It seems to me that this is the appropriate time for us as a Territory to review all of these issues to see whether the objectives of this agreement have actually been met and, as my motion says, to review where this agreement has fallen down.

The disability area is one where, unfortunately, I believe the demand will always exceed the supply. With the scarce resources that are around at the moment, it seems to me that we must endeavour to make the very best use, and the best targeted use, of the resources that we have. I am aware, and I am sure other members are aware, of concerns frequently brought to us as representatives by people with disabilities. Those concerns relate to the number of services that are available, the types of services that are available, gaps in services, and so on. As an Assembly we ought to be examining all of those issues in a very thoughtful and very careful way, to ensure that we are offering the very best that we can as a Territory but also to ensure that, if and when we are to enter into a new agreement with the Commonwealth, we do that with the very best of information available to us. That information must be based on consultation with the community and with those who provide services in our community. It is a very major task that I have called upon a committee to perform.

I know that the Greens propose to move an amendment to refer this task to the Standing Committee on Social Policy rather than to a select committee. I will not be opposing that amendment, but I should explain my reasons for wanting to establish a select committee. In the first place, Mr Speaker, I am aware that the Standing Committee on Social Policy has just taken on a very major reference of reviewing mental health services in our Territory. I think that represents a large amount of very necessary work for the committee, so they might have trouble doing both references together.

The other reason why I want to set up a select committee is that I hope that I might be on it. I am not a member of the Standing Committee on Social Policy. The area of disability services is one in which I have a very close interest and a fair amount of experience. I hope to be able to work on this issue myself. Nevertheless, Mr Speaker, as I say, I will not be opposing Ms Tucker's amendment. If it is the will of the Assembly that this issue go to the standing committee rather than a select committee, so be it. But I thought I should explain my reasons for the original wording of my motion.

Mr Speaker, members will be aware that the Disability Agreement that has been entered into does not specifically mention education or services for school-age children or school-related services. It is my view that the committee that examines this matter should have a very close look at those issues as well. It seems to me that for many children with disabilities the course of their lives can be vastly affected by the start they get in life and by their educational opportunities. I know that that is a view that has been pretty much bipartisan in this Assembly and that governments, of whatever persuasion, have attempted to increase services for children with disabilities, including educational services. We have seen a range of integration activities and a range of innovative educational opportunities presented in the Territory, so I believe that it is very important that, whichever committee does this task, also have a look at education and opportunities for school-age children with disabilities. Mr Speaker, I commend this motion to the Assembly. I think that, whichever committee performs the task, it will have a large amount of work to do. It would be very much to the credit of this Assembly if we were able to come up with a thoughtful, well-considered report, one that involved all the relevant groups in our community, and if that body of information could then inform whatever arrangement replaces the Disability Agreement that was entered into five years ago. I commend the motion to the Assembly.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (10.55): Mr Speaker, I would like to start by quoting in this place a letter from Bryan Woodford, who is the general manager of the Koomarri Association, in their *Outcomes* publication of 7 December 1995. He says:

> Years ago, when most Accommodation Support Services for adults with disabilities were set up, it was relatively easy to work out their budgets and funding needs. Most residents either went to a Sheltered Workshop or to an Activity Therapy Centre. Residents and staff alike could set their watches by the time of departure - often in large buses - and the time of return. The system was simple because there were very few exceptions; virtually everyone went to one or other of the two options. Also, the Commonwealth funded the great majority of services which meant that service providers were only negotiating with a single funding source.
>
> Then came *The Disability Services Act* and the *Commonwealth States Disability Agreement*. Both set out to change the status quo, and both succeeded.
>
> *The Disability Services Act* provided the backdrop for the movement of people out of Sheltered Workshops into open, community based employment. Working hours started to change. Some people worked part time and others full time. Some worked shifts and others worked in settings in which late or early starts were the norm (e.g. hotels and restaurants, newspapers, and bakeries). Suddenly, accommodation services had to stagger their staffing and be prepared to provide support at all sorts of odd hours. Needless to say, this had significant cost implications. Budgeting became highly unpredictable and requests for additional funding support were submitted. And submitted. And submitted.
>
> Then came the *Commonwealth States Disability Agreement*. Under this Agreement, the Commonwealth retained responsibility for funding employment services and a handful of other areas, while responsibility for funding accommodation support passed over to the States and Territories. Meetings were held and negotiations conducted on how much money the Commonwealth would pass over to the States and Territories to address their new responsibilities. Deals were done and hands were shaken.
>
> But if the Commonwealth realised that costs for accommodation services for adults were rising because of the changing nature of employment services, nobody remembered to tell the States and Territories. And they - bless them - were too new to the game to realise that they were about to walk into a great big funding ambush.

> Today, we have a terrible funding impasse and nobody wants to know about it. The ACT Government is strapped for cash and has no spare dollars to help out the accommodation services which day in, day out have to squeeze a quart from a pint pot. The Commonwealth? 'Not our worry' they say. 'Accommodation services are within the purview of the Territory's Government'.
>
> As I said in a letter to the ACT's Chief Minister recently,
>
> > "I fully appreciate that the problem we are now facing is not of the Territory Government's making, but the reality is that many people with disabilities are being hurt, and sometimes, through lack of support, being exposed to risk."
>
> There is currently a Review being undertaken of the *Commonwealth States Disability Agreement* and it is hoped that this issue will be addressed.

Mr Speaker, the Commonwealth-State Disability Agreement to which the ACT is a signatory is, as Ms Follett said, a five-year agreement between the Commonwealth and State/Territory governments providing for the clarification of Commonwealth, State and Territory responsibilities in the field of disability support. The agreement with the ACT was signed on 31 July 1991 and is in effect for a period of five years. The agreement included a provision that it would be reviewed prior to any new agreement. Before any such agreement is negotiated, the current CSDA is being evaluated nationally during the 1995-96 financial year. At the spring 1994 conference of the Standing Committee of Community Services and Income Security Administrators, the SCCSISA, held on 25 October 1994, the CSDA evaluation was considered. In October 1994 the chair of the SCCSISA wrote to the then ACT Minister for Housing and Community Services to seek approval for the evaluation strategy. The evaluation strategy was approved by the then Minister for Housing and Community Services in December 1994. Mr Speaker, the evaluation process for the agreement is well under way and was approved under the previous Government. It would appear that the then Minister did not pass on that information. In the communication from the chair of the SCCSISA it was stated:

> The purpose of the evaluation is to indicate the efficiency and effectiveness of the CSDA as an initial arrangement for the rationalisation of administrative arrangements for the provision of disability services; and report to the Ministers on the outcomes of the CSDA and its implications for further agreements in this sector.

The methodology for the evaluation proposed a three-phase approach which includes initial data collection, development of an issues paper for public consultation, and final reporting to Ministers. Within the evaluation strategy, peak disability organisations and joint advisory bodies at both Commonwealth and State/Territory level are being consulted. Senior officers of the ACT Department of Health and Community Care have also been participating in the development and progress of the evaluation strategy through the disability services subcommittee of the SCCSISA.

The ACT involvement in the evaluation of the CSDA has been as follows. We have had two forums for community consultation which were arranged by the Wright Consultancy, one for consumers and one for service providers. The Community Programs Branch of the ACT Department of Health and Community Care has provided input to the following studies: Demand study undertaken by the Australian Institute of Health and Welfare, costings study undertaken by Australian Healthcare Associates, linkages study undertaken by Ernst and Young, and equipment study undertaken by Ernst and Young.

The current CSDA evaluation process is clearly identifying the issues which will need to be considered in the negotiations for a further agreement. Professor Anna Yeatman from the University of Western Sydney has been appointed as the principal consultant to bring together the information in the four studies and the consultations I have just outlined. She is currently preparing an interim report which will take the form of an issues paper. Early in the new year this will be released for further consultation prior to the release of the final report.

As has been noted, the evaluation is still in progress and the further consultations in the second phase have yet to occur. The first phase of the CSDA evaluation is to provide Ministers with the final report and clear options for a new agreement, obviously taking into account the very definite shortfalls of the old agreement that were very well spelt out by Bryan Woodford in his letter. As part of the evaluation, a number of major concerns are being raised across Australia. These include gaps in service delivery, access to daytime programs, and school-to-work options. As I have outlined, there are well-established processes by which people may raise concerns about specific CSDA-related issues to feed into the process of the evaluation report. To appoint a select committee at this time would not serve any benefit but would be a waste of the very precious resources that we have in the area of disabilities. Our focus should be on progressing the current activities aimed at implementing the disability reforms which are in progress in the ACT and which of course were approved under the previous Government as an appropriate way to go. I do not believe that a select committee at this stage would help this process.

I plan in the new year to put forward to the Social Policy Committee a progress report on the implementation of the recommendations coming from the Dell report. The Anna Yeatman report will be available to the Social Policy Committee as well. In view of all of the above, it is certainly not appropriate to have a select committee to inquire into and report on the operation of the CSDA. We have a fairly in-depth process, started under the previous Government, to look into that not just in the ACT but federally as well. I think it is very important, though, that the Social Policy Committee be part of the evaluation process; but to start it all over again would simply be a waste of resources. We have to understand, as I am sure at least those on the crossbenches do, that a full-scale inquiry seeking submissions from all interested parties and so on would be a huge drain on the resources of particularly community groups that are already inputting into the evaluation processes in place.

There is a very definite role for the Social Policy Committee in inputting into this assessment process and the way we go with a new agreement, but I do not support the approach that has been taken here to appoint a select committee with terms of reference that really do not look so much at a new agreement as at the very definite gaps in the old one. Bryan Woodford has very adequately spelt out those gaps and they are being spelt out through the process that is currently in place. I have absolutely no problems with the Social Policy Committee being part of this process, but I am sure that members of this Assembly would agree that we are not in the business of reinventing the wheel. What we are after is very good outcomes for the people of the Territory, particularly people with disabilities.

MS TUCKER (11.07): Mr Speaker, I move the following amendment:

> Omit "the Assembly appoint a Select Committee to", substitute "the Standing Committee on Social Policy".

I have listened with interest to the discussion. I put this amendment up because it is our view that it is more appropriate that the Social Policy Committee look at this issue. It is obviously well within its terms of reference. I note Ms Follett's reasons for proposing a select committee. I would welcome her input into the Social Policy Committee. I believe that the mechanisms of this place allow her to be formally part of the committee if she so wishes. The rest of the committee would be happy with that. That is something that we can discuss later.

Ms Follett believes that we should look at this matter in a certain way. Mrs Carnell has a different view. I tend to agree that there is already so much work going on in this area that we do not want to reinvent the wheel. One reason I want the reference to come to the Social Policy Committee is that the load on the secretariat would be greater if we appointed a select committee. I was advised that that would be the case. I understand the strains that being involved in another committee would impose on the secretariat and on members of this place.

I acknowledge Ms Follett's point that we have a mental health inquiry coming up and that it will be a big job. In light of what Mrs Carnell said, I think that at the beginning of next year the committee will need to discuss exactly what our role will be in this very important area. We will have discussions on that. I definitely support the view that we need to look at this issue and that we should have more input.

MR MOORE (11.09): Mr Speaker, I listened carefully to what the Chief Minister had to say about the doubling up of work by the committee that looks at this matter, whether it is a select committee or the Social Policy Committee. That effectively pre-empts how a committee might go about its work. If this matter goes to the Social Policy Committee, as is my preferred stance, the committee could determine that it will keep a watching brief. A select committee could do likewise. Having heard the explanation of the Chief Minister, I think it is most likely that the Social Policy Committee or a select committee would take that course. The possibility of a watching brief is a strong

argument that the reference should go to the Social Policy Committee. However, I think it is worth keeping in mind that any member may be involved in a committee's research, although not in its deliberations. I hope that the Social Policy Committee extends such an invitation to ensure that members are aware of when this matter is being examined.

Ms McRae: It is always on the yellow sheet.

MR MOORE: That is not the same thing. There is much more control on how a select committee works. This issue is very much within the terms of reference of the Social Policy Committee. For the reference to go to them and for them to keep a watching brief would be entirely appropriate.

MS FOLLETT (Leader of the Opposition) (11.11): I thank members for their comments. Mr Speaker, I want to say at the outset that I have made absolutely no recommendations or even comments about how a committee might go about the task that is the subject of my motion. Indeed, I would expect any committee taking on such a task to do so in the most efficient and effective way possible. I am aware, as are other members, of the body of review activity that has been going on into the operation of the Disability Agreement. I am also aware that, for the most part, that review activity has been conducted at a fairly organised and formal level and that there has been little opportunity for individuals or some of the less formal organisations to have a great deal of input. I know that one forum has been held for consumers, for the people who expect to benefit from the disability services; but I do not think one forum, which they may or may not have been able to attend, is exactly over the top in terms of consultation on a very difficult and very diverse issue. There was also one forum for the providers of services. Again, Mr Speaker, I do not regard that as exactly an extravagant consultation process.

I know that papers are in preparation and that reports were brought down over the course of the existing agreement. They need to be evaluated, but I believe that this Assembly has a legitimate role in examining a very important social issue, an issue which affects a vast number of people in our own community. I believe that those people have every right to feel that their local representatives are taking an active interest in that issue and are prepared to listen personally to their views. I am aware of the bureaucratic arrangements that are going on and I am aware of the formal and organisational arrangements that are going on, but I have a strong view that, over and above all of that activity, we ought to take a part as well.

Mr Speaker, I am certainly not denigrating anything that is occurring. I would be the last one to do that. As Mrs Carnell said, most of what is occurring was set in train by my Government. But I am also aware that in much of the material gaps were identified and great difficulties in the operation of this agreement were brought to light. As I have said, I do not mind which committee takes on this task, but I expect that if a committee does take it on it will be done thoroughly and in an open and consultative manner. I do not think it is appropriate for a committee simply to take whatever the Government hands over to it, and I do not believe that any committee of this Assembly would do that.

Our committee system has been a very strong feature of our particular model of representative government. By taking on a substantive reference which involves a lot of work in relation to people with disabilities we are reflecting the best of our committee system and providing to the community an opportunity, which many of them will not have had before, to have a say in this important matter. Again I commend the motion to the Assembly and I repeat that I will not be opposing Ms Tucker's amendment.

Amendment agreed to.

Motion, as amended, agreed to.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Reference - Remuneration Tribunal Legislation

MS TUCKER (11.15): I ask for leave of the Assembly to amend my motion in the terms circulated.

Leave granted.

MS TUCKER: I move:

That the Standing Committee on Public Accounts:

(1) inquire into and report on the Remuneration Tribunal Bill 1995 and the Remuneration Tribunal (Consequential and Transitional Provisions) Bill 1995 with particular reference to:

(a) the need for such bills, given the existence in Canberra of the Commonwealth Remuneration Tribunal;

(b) the possible mechanisms to link public office holder and contract employee salaries and conditions to the salaries and conditions of permanent ACT public sector employees to avoid wage blow-outs at the senior executive levels; and

(c) any other related matters;

(2) report to the Assembly by the last sitting day of March 1996 and, on the presentation of the report to the Assembly, resumption of debate on the question 'That this Bill be agreed to in principle' be set down as an order of the day for the next sitting for each of the Bills.

Mr Speaker, I am moving this motion because I believe it is critical to the wellbeing of the Canberra community that we find an equitable solution to the problems surrounding senior executive and chief executive salaries. We have heard that the budget is tight; that we have to become more efficient; that cuts against environmental education, public transport, nursing positions, libraries, et cetera, are all being made because apparently we do not have the cash to pay for them. It is therefore ironic and confusing when we hear about some of the exorbitant salaries paid to some newly arrived members of the senior executive ranks.

Yesterday in the Assembly we heard about just two of those salaries. At present the likes of Mr Anderson are being paid roughly 20 times what a person at the bottom end of the salary spectrum is being paid. These salaries are made more offensive as we approach the end of the year and the Christmas season, which so many people find a time of severe financial hardship. The Government has made the generous offer to ACT employees of a one per cent pay increase, a pay increase that for many would mean a before-tax increase of just a few dollars a week. This is when the Government insists on massive salaries for an elite few.

We have heard over and over again the arguments about the need to reduce funding to social service delivery. More and more when I go out in the community I am being asked the question - last night people were approaching me at a function at Narrabundah College - why is it that education is no longer valued as demanded by the community? On the issue of Birrigai, I have had many people coming to me absolutely horrified by the fact that this very special place, which most children in the ACT visit and which is a very special place for all of them, is being subjected to the axe of the economic rationalists.

The Greens believe that we must find a more equitable way to distribute our salary dollars. We are not arguing that everyone should be paid the same; rather, that the difference between the top salary earners and the bottom salary earners should be less. While delaying these Bills may have some minor implications for the Public Sector Management (Amendment) Bill passed yesterday, we believe that those implications can be overcome quite easily. Therefore, we urge all members who are committed to some measure of equity in our community to support the delay of these Bills to give us an opportunity to look at the issue carefully and to give the community time to consider the implications of this kind of approach. We see around the world the gap between rich and poor widening all the time and the social consequences of that. We in Australia pride ourselves as not having such a huge gap, but it is actually increasing all the time, as we have stated before. I urge members to consider supporting this motion.

MR KAINE (11.19): Mr Speaker, I must say that I oppose this motion to refer these Bills to the Public Accounts Committee. I am not too sure what Ms Tucker means by all of this, to be frank, and I suspect that neither does she. In subparagraph (a) of her motion she talks about "the need for such bills, given the existence in Canberra of the Commonwealth Remuneration Tribunal". I am not too sure what the relevance of that is. Certainly, the Commonwealth Remuneration Tribunal exists and, certainly, we have used it since self-government was granted in 1989; but there is no presumption, nor ought there to be, that we will continue to use such a Commonwealth body. What is the merit?

That was established for Commonwealth purposes. We are no longer subservient to the Commonwealth. We have our own ACT public service. We, as members of this Assembly, are totally independent of the Commonwealth. Why would we rely on this sort of continuing paternal oversighting by the Commonwealth of what we do? I do not agree that the fact that the Commonwealth Remuneration Tribunal exists is any argument at all in this matter.

Secondly, if you read on, Ms Tucker is discounting the existence of a remuneration tribunal, Commonwealth or otherwise. If it is her proposition that we should continue to rely on the Commonwealth Remuneration Tribunal, then we have to rely on their processes. Their processes do not do what she is proposing in subparagraph (b). I think that she is totally confused about the nature of the Remuneration Tribunal's processes, what they do and how they do it. The Commonwealth Remuneration Tribunal is certainly not going to do what she is asking in subparagraph (b) - that is, to look at the possible mechanisms to link the salaries and conditions of public office-holders and contract employees to the salaries and conditions of permanent ACT public sector employees. The reason they do not do that is that their task and the task of any remuneration tribunal, local or Commonwealth, is to look at work value and to make a determination about the value of what people do and, consequential upon that, to make a determination about what is a reasonable remuneration for performing those tasks.

To say that we should link, for example, backbenchers' salaries in this place with those of some public servant, Commonwealth or otherwise, is totally to ignore the difference in what we do. I do not consider that what I do has any relationship to the work done by a public servant of the Commonwealth at any level or a public servant in the ACT public service at any level. What I do is totally different. I work in a totally different environment, and the framework of what I do is totally different. It is a nonsense to suggest that you can link my job with some public servant's job and say that I should be paid the same as they are. The level of responsibility is different. No public servant fronts up to an election every three years to see whether they need to continue their job, for example. They are totally different. As I said before, I suspect that either Ms Tucker is uninformed about the way things are done or, if she is informed, she has misunderstood the way things work.

To come to the point of this motion, it is that the Standing Committee on Public Accounts look at these two Bills. I remind Ms Tucker that the Public Accounts Committee already has looked at them. If you read our report on the Public Sector Management (Amendment) Bill, you will find that there is reference to it there. What on earth can the Public Accounts Committee do by looking at the Bills again? It would be a waste of time. The Public Accounts Committee will contribute nothing at the end of the day.

Finally, Mr Speaker, the Assembly this week passed the Public Sector Management (Amendment) Bill. The establishment of a remuneration tribunal is integral to the implementation of the Public Sector Management Act. One relies on the other. To say that we have given the Chief Minister permission to get on with the business of restructuring the public service in the fashion that she has proposed and at the same time to say that we will not set up a remuneration tribunal that is concomitant with it and allows the Chief Minister, through proper authority, to establish remuneration levels that are appropriate to the jobs that will be created is a nonsense.

I oppose the motion on a number of grounds. If the Assembly were to adopt this, they would be acting most irrationally. I believe that the majority of the members of this place are more rational than that, and I urge them to reject this motion.

MR MOORE (11.25): Mr Speaker, quite clearly, this is a delaying tactic. Mr Kaine has put a very good case as to why these Bills ought not to go to the Public Accounts Committee yet another time. On quite a number of occasions over the last year the Greens have put arguments as to why we should consider something, and the Assembly has been generally quite receptive to the notion of considering things by committee and, when required, taking extra time to consider a piece of legislation. I hope that will continue. In this case we quite clearly have a tactic to delay something that has been part of the consideration of the Public Accounts Committee already. I believe that now it is time to get on with the job and make our decisions about this remuneration tribunal when the Bill comes forward.

MRS CARNELL (Chief Minister) (11.26): Mr Speaker, I think this motion is a bit of a nonsense. The whole point of having a remuneration tribunal is for them, at arm's length from this place, to set salaries based upon the job involved and the responsibility and the tasks that go with that job. To assume that this Assembly should somehow override the remuneration tribunal, whether it happens to be Commonwealth or ACT based, is at total odds with what a remuneration tribunal, whether Commonwealth or ACT based, does. As Mr Kaine said, there is a misunderstanding of what a remuneration tribunal does. We would not need a remuneration tribunal at all if we linked senior government salaries to standard ACT public sector salaries. We could get rid of the tribunal. We would not need one, because everyone would be linked to everyone else. The motion is a nonsense. We have to get on with this. We have to have an ACT-based remuneration tribunal because it is part of our whole step to have an ACT-based public service, to stand on our own two feet and to have our own identity.

MS FOLLETT (Leader of the Opposition) (11.28): Mr Speaker, as the chair of the Public Accounts Committee, I should make some comment on this motion from Ms Tucker. It is difficult to debate this issue without anticipating the debate on the Bills which the Assembly will be considering later. I know that you would have pulled up Mr Kaine and Mrs Carnell if they had gone on for much longer on that tack.

MR SPEAKER: It is a very difficult area. I agree with you, Ms Follett.

MS FOLLETT: Mr Speaker, I think it is an entirely appropriate reference to the Public Accounts Committee. The Public Accounts Committee has the right, indeed the duty, to examine all matters relating to the financial affairs of this Territory and, indeed, to the Public Sector Management Act as well. I think that the remuneration that applies under those provisions, whether it is to us as Assembly members, to the senior bureaucrats - now senior contractors - or to other statutory office-holders in the Territory, is also an entirely appropriate subject for the Public Accounts Committee to consider. Mr Speaker, as the chair, I can say that I would be perfectly willing to take on such a reference. I therefore support the motion.

MS TUCKER (11.29), in reply: Mr Speaker, it is certainly interesting to hear that we are seen to be delaying. This is not the intention. We actually think that there is a serious issue here, and I have already explained what it is. It is about a huge blow-out in the wages budget. Ms Follett said that as chair she is quite happy to look at it in the Public Accounts Committee. It was my understanding that after looking at this issue the committee suggested that a remuneration tribunal should be looked at again. It is going to cost people in the ACT $60,000. We are not paying for the Commonwealth services at this point, so I do not know why we have to be so anxious to form our own tribunal.

Of course, the other issue is that we, as I said, are interested in seeing how these sorts of salaries can be linked to the other wage-paying mechanisms in the ACT. Mr Kaine thought it was a nonsense to suggest that we link his salary with those of other wage earners. That is exactly the attitude that upsets people in this community. Average earning people are not comfortable with seeing other people who consider their value as a human being and as a worker so extremely greater that they should earn much more than the average worker. This might sound very confrontational to people like Mr Kaine, but the point is that a lot of people in the community feel that. Maybe the fact that we have been here for only eight months puts us more in touch with that feeling. Perhaps people in this place are losing touch with how it feels not to be here. I would say to you all that you need to understand that it does not do any credit to people in leadership roles to be claiming the right to earn much more than the average earning person in the ACT. If leadership is about setting an example, then let us do it with the amount of money that we think is appropriate for our services. I urge members to support this motion.

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

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

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

Question put:

> That the motion (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 8	*NOES, 9*
Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Follett	Mr De Domenico
Ms Horodny	Mr Hird
Ms McRae	Mr Humphries
Ms Tucker	Mr Kaine
Mr Whitecross	Mr Moore
Mr Wood	Mr Osborne
	Mr Stefaniak

Question so resolved in the negative.

SOCIAL POLICY - STANDING COMMITTEE
Report on Social Policy Issues Raised by Community Groups - Government Response

Debate resumed from 20 September 1995, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

MS TUCKER (11.36): Mr Speaker, this report may seem like history now; but there are some very important issues here, particularly in the light of the first Liberal budget. In responding to the Government's response to the first Social Policy Committee report, I have to say that I am disappointed about the lack of a comprehensive strategy for social policy in the recent budget. Mrs Carnell's Government has provided a very clear economic strategy for the ACT, yet this has not been integrated with social or environmental strategies.

An ad hoc approach to social policy is not good enough and this is why the committee has been so concerned about coordination in this area. The Community Relations Branch has been given this brief under the new Administrative Arrangements. The Government's response to this report - this is reflected in the budget performance indicator for this subprogram - indicates that the Community Relations Branch has responsibility for developing policy to come up with better outcomes for people of non-English-speaking backgrounds, women, and Aboriginal and Torres Strait Islander groups. I wholeheartedly support the Government's commitment to this area, but this does not amount to an overall strategy to integrate our social policies with economic strategies. It is not mapping a course and setting out priorities in the broad and complex area that makes up social policy. I ask the Government again: How will this unit ensure that the social impact of the Government's policies is considered in a coordinated way? This is fundamental to good management.

I will comment briefly on some of the specific recommendations. As chair of the committee, I am pleased to see general agreement about the recommendations, and it is always good to see some immediate action. I commend the Government's commitment to developing an ACT government information policy and look forward to seeing the draft report. As for mandatory reporting, there was a lot of attention given to this in the budget as the money set aside falls far short of what has been recommended by several reports as being necessary for the full-scale introduction of this policy, although we acknowledge that the Government is making a start. Child abuse is a very serious issue for our society; but it is essential that people have confidence in the system, and Family Services cannot meet its case management load as it is. If mandating is introduced and does bring a significant increase in reporting, the support services must be in place, and this can only mean extra resources.

I would like also to comment briefly on some other concerns in the response of the Government. Although there is in-principle agreement that the provision of school and holiday programs for adolescents with a disability as recommended by the Dell report is necessary, there is no money for this in the budget. This is not a new issue and it is about time there was action. On the question of services to people with disabilities more generally - we have already had discussion this morning on that, again - the committee will be monitoring what is going on in this area. I think it is important that a copy of the report that will be presented to Cabinet is also made available to the Social Policy Committee. I look forward to working with the Government on this in the next year.

As far as community consultation is concerned, the Government's rhetoric and practice of consultation are often quite different. We are watching with interest the development of the local area planning advisory committees. I commend the Government on taking up the Greens' suggestion to offer experienced facilitators from the community development network to these committees to assist in the development of awareness guidelines. I was present as an observer at one of these meetings and noticed how it did set a very different tone for the meeting. It is challenging for a group of community representatives who have never worked together before and who may have quite different world views to come up with recommendations regarding planning issues. If it works, it is a big step forward.

Critical to this issue, of course, is the lack of an overall strategic plan for the ACT. It is easy to blame the community if the process fails, but governments must acknowledge that the work is all the more difficult if there is a policy vacuum. This may be seen solely as a planning issue, but there are very important social policy implications as well. Despite this initiative, the ACT is still lacking a holistic strategy for community consultation. If we are to take this issue seriously it must be coordinated and strategic, and I remind members again that the Social Policy Committee has prepared a discussion paper on this issue and we do welcome input.

In the Government's response to this report there is also little detail on the management review of all ACT government committees and advisory councils. We do not know what the criteria are, whether the Social Policy Committee will be consulted, or when the results will be known. In conclusion, Mr Speaker, I would like to say that the committee looks forward to monitoring the Government's progress in the area of social policy and I hope we will be given the opportunity to be involved in a constructive manner in ongoing deliberations and discussion on social policy issues.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on the Future of Policing in the ACT

Debate resumed from 21 September 1995, on motion by **Mr Connolly**:

That the report be noted.

MR HUMPHRIES (Attorney-General and Minister for Police) (11.41): Mr Speaker, I have a Government response to the Legal Affairs Committee's report, "Future of Policing in the ACT", and I seek leave to have it incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 6.

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

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE
Reports and Statements

MR OSBORNE: I present Report No. 18 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Mr Speaker, Report No. 18 of 1995 contains the committee's comments on one Bill. Mr Speaker, as this is the last sitting day I would like, as chairman of the committee, to thank my fellow members - Mr Whitecross, who stood in for me on a number of trips away, and Mr Hird - and also the staff, Mr Duncan and Ms Irvin. I would like to thank them for their help throughout the year, and I especially thank Professor Whalan for his expertise. I commend this report to the Assembly.

MR WHITECROSS: Mr Speaker, I ask for leave of the Assembly to present a report on the scrutiny conference I attended in Hobart on 8 December 1995 and to make a short statement.

Leave granted.

MR WHITECROSS: Mr Speaker, I present Report No. 19 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation entitled "Chairmen and Secretaries of Scrutiny Committees Conference". Mr Speaker, the main item before the conference was processes for better scrutiny of national scheme legislation. The committee was encouraged by the bipartisan support for better scrutiny

processes and by the sympathetic attitude of at least some members of the executive governments who represented COAG and SCAG, including our own Attorney-General. Delegates attending the conference are optimistic that a workable model for scrutiny of national scheme legislation can be found by working cooperatively with those bodies. It is all set out in the report.

EXECUTIVE BUSINESS - PRECEDENCE

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

That Executive business be called on forthwith.

REMUNERATION TRIBUNAL BILL 1995

[COGNATE BILL:

REMUNERATION TRIBUNAL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1995]

Debate resumed from 23 November 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 2, the Remuneration Tribunal (Consequential and Transitional Provisions) Bill 1995? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

MS FOLLETT (Leader of the Opposition) (11.45): I do not think it will come as any surprise to members of the Assembly to know that the Labor Opposition will be opposing both of these Bills in principle. We do so for a number of reasons, Mr Speaker. The principal reason is that the creation of a separate Remuneration Tribunal for the ACT is, in my view, a clear duplication of services. It seems to me that where you do have such a clear duplication of services there can be no very good reason for creating an additional body. Not only is it a duplication of services; it is also a quite expensive duplication. There will be additional costs to the Territory involved. We keep hearing from the Government how short they are of money; but, when it suits them, they are only too profligate with the Territory's funds. So, as I say, we do regard it as an unnecessary duplication of the existing mechanisms for determining remuneration to be paid not just to MLAs but also to statutory office-holders and senior public servants.

The Commonwealth Remuneration Tribunal has served the Territory well, in my opinion, since the introduction of self-government and it has done so at no cost. That, to me, is a major consideration. The Commonwealth Remuneration Tribunal also has expertise in the market rates paid to public sector workers throughout Australia. Mrs Carnell has put forward as part of the rationale for the creation of a separate tribunal that we need a body which does have expertise in the market rates. Well, the Commonwealth tribunal does have that expertise. It has been determining the salaries of senior public servants in the Australian Public Service, and it is also seen by the Canberra community as a fair and independent arbitrator in determining remuneration. In particular, it has been seen as an impartial umpire in deciding the salaries for MLAs. I think that is something that we should all bear in mind. I think that is possibly because it has been seen to be independent of the ACT government. We have never at any stage been seen to be setting our own salaries. If we create our own body which does that, there could well be a perception in the community that that is what we are trying to do. I just caution members opposite about that feature of what they are proposing.

I think we have been fortunate that the salaries of MLAs, generally speaking, have not been subject to the divisive and counterproductive debates that we have seen elsewhere in Australia. Also, we have not seen, significantly, the posturing that has occurred elsewhere about disallowing increases for MLAs. We did have Mr Stevenson attempting to posture, and the Greens, I think, were a bit inclined to go that way but have not really persisted with it. Mr Speaker, it is a fact that many of us who took our seats in this place or who stood for election to this place in the very earliest days of self-government were completely unaware of what, if any, salary might be paid. Mr Kaine will well remember this, as will you, Mr Speaker. When we stood for election initially there could have been no salary whatsoever; there could have been a part-time salary, or merely an allowance; or there could have been a reasonable remuneration. We did not know. But it was not the salary that motivated us to come to this place.

In the event, the salary that was set was, I think, reasonable, or a bit on the low side. It was obviously a wait and see type of arrangement until the Remuneration Tribunal had been able to assess the actual workings of this Assembly and the work that was involved in our representing our electors. I think the Remuneration Tribunal that has done the task for us as MLAs has done so in a very responsible manner, and in a manner that does reflect what has been occurring throughout Australia. I think it is very important that they retain that objectivity, but it is even more important that they retain the community's confidence in that objectivity. I, for one, am most unhappy to think of our creating our own body to set our salaries.

Mr Speaker, I would like to refer briefly to the Public Accounts Committee report. We did examine, albeit very briefly indeed, the Remuneration Tribunal Bill that the Government has brought forward. The Public Accounts Committee recommended that the views of the Commonwealth Government and the Commonwealth Remuneration Tribunal should be sought, and that those views ought to be considered before the Assembly considered the Government's Bills further. At this stage I am not aware that the Government has done that. In evidence offered to the Public Accounts Committee there was no sign put forward that the Remuneration Tribunal or the Commonwealth had been consulted on this matter.

The view put forward by the public servants who appeared before the committee was that the Commonwealth Remuneration Tribunal would be only too happy to hand over this task to another body. There was no substantiation of that view, however. It may well be that such substantiation has occurred since; but I draw it to the Assembly's attention that there is that unanswered question that was brought forward by a committee of this Assembly, and it ought to have been considered seriously by the Government.

Mr Speaker, the Government has said that the cost of this ACT tribunal will be in the order of $60,000 per year. There has been no examination of whether the services from what appears to be a single member and consultants could be achieved at a lower cost by either the Commonwealth Remuneration Tribunal continuing to do the job, or some other wage fixing tribunal doing it. What we are talking about here is a wage fixing tribunal. There are a number of bodies who might have been able to perform the task if the Government did not want the Commonwealth Remuneration Tribunal to continue doing it.

The Government has also said that it is only appropriate that the ACT have its own body; yet, in many other cases, the ACT does make use of non-ACT bodies to perform tasks for us where it would clearly be the case that there could be duplication. We continue to use, for instance, the Commonwealth Native Title Tribunal. The decision was taken not to duplicate native title tribunals for a task which was thought to be probably fairly scarce. It was considered not cost effective to set up our own tribunal. I think the Remuneration Tribunal's tasks are also pretty few and far between, and the same arguments could apply.

The ACT continues to use the Australian Valuation Office - a Commonwealth body, an independent body. We use that as the basis for our rate setting in the ACT, and I do not know of any proposal to establish our own valuation office. We use the Commonwealth Ombudsman, albeit under our own legislation; but we have not established our own Ombudsman and, Mr Speaker, I do not think there is any proposal that we would. We use the Commonwealth Administrative Appeals Tribunal as well. Again, there has been no proposal for us to establish our own Administrative Appeals Tribunal. We have arrangements with the Commonwealth for the use of Commonwealth bodies on purely ACT matters - for instance, the Commonwealth Human Rights and Equal Opportunity Commission. We use their services, by arrangement, and I think that has worked out pretty well.

The Government is putting up a false argument when it says that we need to have our own organisation in order to establish an ACT culture which better reflects our own community. That is simply not the case in relation to any of those other functions or those other bodies. Indeed, I think Mr De Domenico has told Mr Osborne that he is considering using the New South Wales pricing tribunal for ACTEW. Again, it seems to me that that pretty much demolishes the Government's arguments about the need for a separate ACT body here. Obviously, Mr Speaker, the ACT makes use of other organisations where there are both financial and convenience reasons for doing so, and those bodies exercise their responsibilities in an independent way and in a way which is perceived to be independent. In some cases, the use of such bodies ensures community confidence in the level of expertise that is being applied, and I think that is a very important consideration.

To conclude, Mr Speaker, the Government has simply not convinced the Opposition of the need for this additional body. We are concerned about the cost of it. Over and above that concern, I am concerned about the community perception of partiality that might apply to a separately created body. We will be opposing this legislation in principle.

MR HUMPHRIES (Attorney-General) (11.56): Mr Speaker, the creation of an ACT Remuneration Tribunal is an appropriate and necessary step in the ACT's process of developing self-government. The creation of a separate ACT public service and the changes that we have made, even this week, to senior executive levels of the public service mark important steps away from the Commonwealth model that we inherited. The Bills before the Assembly today reflect the fact that the ACT public sector, as the Chief Minister has previously said, is not a smaller version of the Australian Public Service. It is a different organisation, which must meet different objectives. Just as the ACT now acts on its own behalf in negotiating, for example, pay levels for our public servants through the enterprise bargaining framework, so there is a need for a Territory body to determine remuneration for our ACT public service executives and statutory appointees.

The report of the Public Accounts Committee asks that we seek the views of the Commonwealth and the Commonwealth Remuneration Tribunal before any action is taken. Mr Speaker, Commonwealth Government departments have been consulted as necessary on technical issues. The Government does not consider that any further consultation is necessary beyond this point. We appreciate the services that the Commonwealth tribunal has provided, but the Government and the Commonwealth recognise that the ACT should start deciding these matters for itself.

Ms Follett: What evidence have you for that? What is the Commonwealth view?

MR HUMPHRIES: That is their view.

Ms Follett: I have not got it.

Mrs Carnell: They wanted us to have our own public service, did they not?

Ms Follett: Where have they said they want us to have our own remuneration tribunal?

MR HUMPHRIES: Mr Speaker, I cannot produce their having put that in writing at the moment. They may have done so, but I do not have that available to me at the moment. Many things are said between governments, and not put in writing, necessarily.

Ms Follett: We use their police force, their Privacy Commissioner, their Ombudsman.

MR HUMPHRIES: We have our own Electoral Commission, for example, and there are some times when we feel it is appropriate to have our own services, our own facilities. With respect, it is a question of horses for courses, Mr Speaker, and we have to decide what the appropriate thing is. We on this side of the chamber believe that it is appropriate for us to have that capacity within the ACT.

We are moving further away from the Commonwealth. We are progressively developing our own requirements and I think the point would have been reached ultimately anyway where the Commonwealth would have sought to transfer responsibility for this sort of matter to the ACT. I am not aware of other jurisdictions it provides this kind of service for, and I think the time will come. We are proactively establishing that service ourselves, rather than waiting for that point to be reached.

To answer another point made by Ms Follett, I do not believe, Mr Speaker, that the proposal will generate excessive costs. The legislation provides for a tribunal of up to three members, but there is specific provision in the legislation for a single member to sit as the tribunal. The Government believes the tribunal will require probably no more than one part-time member, and that, I think, is a very lean and cost-effective model. The Northern Territory tribunal has run along similar lines for some 15 years. I do not believe there is any problem with the way in which it has operated, or any criticism within the Northern Territory, even from the Opposition there, about the model that they use. This Bill calls for annual reviews of remuneration. This occurs under the Commonwealth legislation as well. Reviews will not automatically lead to increases in remuneration. Again, these arrangements are similar to those operating successfully in the Northern Territory.

There was some concern in the Public Accounts Committee about the remuneration of judges, Mr Speaker. Because our current Supreme Court judges also hold appointments as Federal Court judges, their remuneration is of necessity set by the Commonwealth, and the Bill reflects that. Where future judges do not hold Federal Court appointments, we believe that it is important for the ACT tribunal to be able to consider appropriate remuneration for those judges. In taking this step there is a possibility that the remuneration of judges who hold a single commission for the Supreme Court will differ from that of a Supreme Court judge who holds a second commission for the Federal Court. If this occurs the reason will be that the Remuneration Tribunal has duly considered the issue, has weighed up all the relevant issues, and has decided that because of the difference in the commissions held by the judges the work of the two sorts of judges in that court is different and that there needs to be some difference in remuneration. I would not expect that to be the case. I would expect the Remuneration Tribunal to provide for remuneration at the same level to judges, whether they hold dual commissions or they do not, because judges in those circumstances are pretty well equally busy; but that is a matter for the tribunal.

It is not an issue that we are saying should be automatically decided now. It needs to be decided by the appropriate body. Indeed, there is no reason that the Commonwealth tribunal would not make a similar decision in the same circumstances if it had the capacity to decide for ACT judges who were not also Federal Court judges. The possibility of such a difference occurring, Mr Speaker, is no reason to decide that remuneration for ACT judges should be tied for all time to Commonwealth determinations for the Federal Court. The ACT Remuneration Tribunal proposed in this Bill is an important final step in the gradual transition to self-government and it reflects the reality that we are no longer a part of the Commonwealth public sector.

Ms Follett made the comment that, because this is going to be an ACT tribunal, people may take the view that, in fact, the ACT Government, or even members, are themselves somehow setting their own salaries. Mr Speaker, it is possible that some people could think that, but I believe most people understand the difference between remuneration tribunals and parliaments making these sorts of decisions. The tribunal, even if appointed by a process of legislation in this place, is still a separate statutory body with the power to determine, separately from politicians, what the salary levels should be. I do not think many people would run around saying, "The politicians have decided their own salaries because the tribunal that set them was appointed by ACT Government politicians". I think that is a fairly long bow, Mr Speaker. I think that the Leader of the Opposition's concerns on this matter should be allayed on that score.

MR BERRY (12.03): Mr Speaker, this is the second day in a row when Mr Humphries has come into a debate and put an argument which has not been tainted by factual background. This debate is a classic because we have an element of the old States' rights argument creeping through - we have to have our own; we cannot let the Commonwealth control it. That sort of Liberal philosophy seems to be popping through here. One of the most important issues is that an overwhelming number of public servants will still have their wages and working conditions sorted out by the Industrial Relations Commission, the Commonwealth statutory authority. Here we have a government, at a time when they do not have money to provide proper funding for education and those sorts of things - they had to close schools, they had to sell off public bodies - - -

Mrs Carnell: This is $60,000.

MR BERRY: Okay, this is only $60,000. You want to save about $18,000 by cutting out mammography at our public hospital and rinsing out pots instead of sterilising. What a joke! You are prepared to spend $60,000 to duplicate what is already available elsewhere. Mr Speaker, I think that each time one of these members opposite gets up they weaken their own argument. Mr Humphries is another one.

Mr De Domenico: You are not doing much for yours.

MR BERRY: Well, deny that the wages and working conditions of our public servants are dealt with by a Commonwealth statutory authority. You cannot deny that because it is true.

Mr De Domenico: What has that to do with it?

MR BERRY: "What has that to do with it?", Mr De Domenico interjects. This goes back to the old days when Mr De Domenico was wishing we could set up our own Industrial Relations Commission in the ACT. He was wishing that we would spend an extra $1m to set it up. What a nonsense! This is the very issue that has emerged here because it is inappropriate to go around spending taxpayers' money to duplicate authorities which are already available to us without cost to the taxpayer. It just seems so stupid to me that you would suggest that.

The only thing that I can link it to is this issue of State rights; that we have to have one just like Victoria probably, or maybe just like Western Australia. Otherwise, it makes no sense because we have in place the authority that deals with these issues. Mind you, the ACT Government would not have much say in the appointment of the people to that authority, which would be a good thing, I suggest. Of course, that level of independence might be something that they are not too happy about. From Labor's point of view, we are happy about the independence of it, and we are happy that the ACT taxpayer does not have to pay for it.

The Commonwealth, as I said earlier, will be responsible for dealing with the overwhelming number of ACT public servants in so far as their wages and working conditions are concerned. So why set up a statutory authority for a few of your senior public servants, for a few of the judiciary and for politicians? What sort of a message does that send to the community?

Mrs Carnell: Do you want to have enterprise bargaining here? Is that what you want?

MR BERRY: If you wanted enterprise bargaining here and the community was the arbitrator, I know where you would end up. Let us face a few facts. Taken on your record, if you put your work value case on the basis of what you have done thus far, I know what you would end up with.

Mr De Domenico: A bigger majority. That is what we would end up with, and you know that.

MR BERRY: I am sure the people out at Charnwood who have had their school closed would be lining up to vote for you! They would love it! The people who use Kippax Health Centre, the 5,000 people who signed the petition in relation to the health centres, just cannot wait to vote for you, I am sure! What a joke you people are!

This just adds another dimension to the nonsense that this Government is prepared to go through in order that it can implement some ideological position in relation to having similar things to what other States have. The fact is that we have it for nothing now. Why would you want to create an extra cost to the community, as I said, when we have now all of these difficulties that Mrs Carnell keeps pointing to in relation to public utilities? I will go over them again - schools, education generally, the health system, and the list goes on, Mrs Carnell.

MRS CARNELL (Chief Minister) (12.09), in reply: Mr Speaker, I was very interested to hear Mr Berry's comments. At this stage I know quite a lot about industrial relations. We are spending a lot of time talking about it with the unions and so on. I do not believe that the Industrial Relations Commission sets salaries or wages any longer. My understanding - obviously, Mr Berry would know lots more about this than I would; ha, ha! - is that the Industrial Relations Commission sets out the processes and then we have this thing called enterprise bargaining. Enterprise bargaining, the process we are currently in, sets up and determines on agreed outcomes for salaries. I think that any view that the Industrial Relations Commission sets wages for people out there may be somewhat out of date, Mr Berry.

I think that the bottom line of this debate, Mr Speaker, is that the ACT, after passing the Public Sector Management (Amendment) Bill this week, no longer mirrors the Commonwealth. We will have our senior executives on contracts, which is not a mirror of the Commonwealth situation. It certainly is much closer to situations that exist in New South Wales, Victoria and other States. On that basis, how silly is it to have a remuneration tribunal to set wages in a system that simply is not the same system any longer? It may have been sensible when the system was virtually a mirror image. It is no longer a mirror image. This is part of our move to have our own public service which mirrors the needs of the people of Canberra. I think I remember Ms Follett saying in the debate when we passed the Public Sector Management Bill last year that what she was aiming at was a public service that reflected the needs of the ACT; one that was not the poor relation of the Commonwealth but was an entity in its own right. I believe that the amendments that we passed yesterday were part of that transition to having a public service that reflects the ACT, and I believe that this Bill is another part of that process. It is an essential part of mirroring a public service that is a stand-alone entity; one that can do its own thing and can reflect the needs of the people of Canberra, not the needs of the Commonwealth Government.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9	*NOES, 8*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Follett
Mr Hird	Ms Horodny
Mr Humphries	Ms McRae
Mr Kaine	Ms Tucker
Mr Moore	Mr Whitecross
Mr Osborne	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

REMUNERATION TRIBUNAL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1995

Debate resumed from 23 November 1995, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 9	*NOES, 8*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Follett
Mr Hird	Ms Horodny
Mr Humphries	Ms McRae
Mr Kaine	Ms Tucker
Mr Moore	Mr Whitecross
Mr Osborne	Mr Wood
Mr Stefaniak	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.16 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Legislative Assembly - Comments by Speaker

MS FOLLETT: Mr Speaker, I have a question to you. It refers to an article in the *Canberra Chronicle* for this week which is attributed to you. A range of views and quotations are attributed to you. Is it appropriate for you, the Speaker, to reflect on the unanimous decisions of this Assembly - for instance, the one against French nuclear testing in the Pacific, and the criticism of Shell for their support of the Nigerian Government which recently committed what the British Prime Minister, John Major, has called judicial murder? Is it appropriate for you to reflect on those decisions of this place simply because you appear subsequently to have changed your mind on the issues?

MR SPEAKER: I do not believe it is inappropriate at all. Standing orders, as you know, allow no reflections within the chamber on matters coming before this Assembly. As you know, Ms Follett, you often make comments outside the Assembly on matters.

Ms Follett: You are the Speaker. I am not the Speaker.

MR SPEAKER: Just a moment. The two issues that you referred to were matters that I believe were not within the province of this Assembly, and I have every right to express that view, in my opinion, outside the chamber.

MS FOLLETT: I have a supplementary question, Mr Speaker. Given your responsibilities as the Speaker - not as Greg Cornwell, MLA, but as the Speaker - to represent the views of this Assembly as a whole, how on earth do you justify criticising what were unanimous decisions of this Assembly which you raised no dissent from at the time?

MR SPEAKER: As you know, the Speaker, unless it is a conscience matter, does not involve himself or herself in debates in this chamber.

Ms Follett: But there is nothing to stop you.

MR SPEAKER: Just a moment. There is a convention.

Ms McRae: There is not.

MR SPEAKER: There is a convention, which I am certainly happy to go along with, that I do not involve myself in debates in the chamber unless they are conscience votes. As you know, I have spoken twice on matters - one in relation to the prayer, which directly affected this house and me as Speaker, and secondly - - -

Mr Kaine: If the Leader of the Opposition would like to ask several other supplementary questions, Mr Speaker, you may or may not decide that you will answer them.

MR SPEAKER: Are you raising a point of order?

Mr Kaine: No; I have a question without notice.

MR SPEAKER: Just a moment; let me finish off on this point. I have been prepared to acknowledge the convention that one does not participate in debates in this Assembly as Speaker unless the matter is a conscience vote or something that directly affects it. I do not believe, however, that that prevents me from speaking on matters outside this chamber, any more than it does any other member of this house.

Industry Assistance Program

MR KAINE: I presume the Leader of the Opposition has no third and fourth supplementary questions. My question, Mr Speaker, is to the Chief Minister. Chief Minister, I understand that there was an agreement signed recently between the ACT Government and a company called AOFR Ltd, for that company to expand its operations in Canberra. I understand further that that agreement will lead to several hundred new jobs being created in Canberra over the next five years. Chief Minister, was this simply a one-off, as is claimed by the Leader of the Opposition, or has the Government been able to support other local ACT companies to develop new markets and to expand their employment bases as well?

MRS CARNELL: Thank you very much, Mr Kaine, for the question. Mr Speaker, when this Government came to office it did so on a platform that Canberra would be open for business under our new approach. For the last six years successive ACT governments have recognised that if we are to develop a stronger, longer-term, sustainable economy we must diversify our employment base. The traditional industries, such as retail, construction and public service, are no longer growth areas and we cannot afford to rely on them any longer. This Government is taking up the challenge of diversification, of seeking new markets and new business opportunities, with a vengeance. Much was said by Ms Follett when she was Chief Minister about her willingness to foster a more vibrant partnership with the private sector, but what happened? Absolutely nothing. The resources, the commitment and the vision fell by the wayside. But, enough about the past, Mr Speaker, because the Canberra business community and this Government are looking to the future.

Late last month this Government, as Mr Kaine noted, did sign an agreement with AOFR Ltd that enabled this organisation to stay in Canberra and to establish its regional headquarters in the Symonston advanced technology estate. Today I want to talk about another company that is making its mark in Australia and the South Pacific, one that has not ended up with quite the same media attention but deserves recognition all the same.

Ms McRae: Why do you not make a ministerial statement?

MRS CARNELL: We believe that these companies are important, Ms McRae, even if you do not, because they actually employ people.

Ms McRae: You can make a ministerial statement if you think it is so important.

Mr De Domenico: Just sit back, listen and suffer.

MR SPEAKER: Order!

MRS CARNELL: This Government, under our expanded industry assistance program - one that has not exactly ended up with huge accolades in this place, we have to say - has helped this company to diversify and grow right here in the ACT. As announced in the budget earlier this year, $850,000 was set aside for targeted industry assistance packages, and there were those in this place who criticised that. In June this year the Government provided a grant of $50,000 to SPL Coatings Technology to assist with the

purchase of plant and equipment to establish a plastics coating operation. Last Friday it was with much pleasure that I was able to open the company's new factory at Oaks Estate. SPL Coatings holds the South Pacific licence for a patented coating process first developed in Canada.

Ms McRae: Why do you not table it? We will read it.

MRS CARNELL: Because this is really important. It employs Canberrans. Maybe you do not care, but we do. Put simply, it uses a high-tech plastic refinishing process which rejuvenates photocopiers, facsimile machines, telephones, laser printers and other office equipment to as new condition. This process gives a better finish and cases can be recoated many times. When the product can no longer be used it can be recycled as virgin plastic.

Mr Moore: I raise a point of order under standing order 118(a). The Chief Minister is confining her answer to the subject matter, but the standing order requires that the answer be concise. This is much more like a ministerial statement. We would be happy to give the Chief Minister the opportunity to make a ministerial statement if she so desires.

MRS CARNELL: We are seven minutes into question time and we are onto the second question. I do not think that is an enormously long time.

Mr Kaine: I would like to speak to that point of order. I asked the Chief Minister a question because I wanted to know the answer. This has to do with jobs for people in the ACT. I think the Chief Minister should be able to answer the question comprehensively.

Mr Berry: Perhaps Mr Kaine does not understand the question.

MR SPEAKER: He understands the question. He is trying to get an answer.

MRS CARNELL: I will be as precise as I can.

MR SPEAKER: I do not uphold Mr Moore's point of order. The standing order says:

> The answer to a question without notice:
>
> (a) shall be concise and confined to the subject matter of the question;
> ...

I think that the Chief Minister is being quite concise. She has confined the answer to the subject matter of the question. It is not as if we have a limited time for question time, as you know, Mr Moore. You will get your chance, along with everybody else.

MRS CARNELL: A second side of the business is that they are able to recoat equipment in a different colour, to match corporate colours, new office decor or a new colour scheme. SPL can also coat plastics in an infinite colour range. If those in this Assembly believe that this new sort of recycling technology and industry in the ACT is somehow unnecessary or is not something that we should be answering questions on in question time, I certainly do not share that view.

Mr Connolly: I take a point of order, Mr Speaker. The last little diatribe and attack on the Opposition is clearly not relevant to the question, which asks, according to Mr Kaine's own point of order, for factual details. Can you at least confine the Chief Minister to answering the question, consistent with your earlier rulings? There is no way out of that one, Mr Speaker.

MR SPEAKER: Order! Please restrict the answer and please be relevant.

MRS CARNELL: The point of order has now taken longer than the answer, but we will not get into that. Mr Speaker, it is worth noting, too, that Telstra is having its Commander systems and public phones recoated, making them 30 per cent cheaper to the end user than they would be if they used new technology.

Mr Berry: Mr Speaker, you might explain to us how you found your way out of that point of order.

MRS CARNELL: I was just continuing.

MR SPEAKER: I asked the Chief Minister to be relevant. That is the way I found my way out of it, to use your quaint phrase. Continue, Chief Minister.

MRS CARNELL: The company expects to employ 15 people full time and three to five people on a part-time basis. We believe that this is a particularly good use of the industry assistance money that was put aside in this budget. It means that, like AOFR, SPL Coatings will create real jobs in the Territory, not only in their own industry but also in all the spin-off industries that inevitably will set up in this Territory as a result of these industries setting up here.

MR KAINE: I ask a supplementary question. Chief Minister, I could not hear over the interjections. Did I understand you to say that this company employs 15 people full time and up to five people part time?

MRS CARNELL: Thank you, Mr Kaine. Yes, it is 15 people full time. It is interesting that the three to five people working part time are women working school hours - jobs that are very hard to find, not just in Canberra but everywhere else. They are brand new jobs for this Territory.

Woden Valley Hospital - Radiology Services

MR MOORE: Mr Speaker, my question is to the Chief Minister as Minister for Health. On a number of occasions over the last year I have raised with you the issue of radiologists at Woden Valley Hospital. As my memory serves me, Chief Minister, I raised the same issue in an informal way with previous Ministers for Health. I have received a number of anonymous letters, as well as a signed letter, about inappropriate use of facilities at Woden Valley Hospital. Some weeks ago, when I indicated that I would be asking a question of you on this matter, you asked me to delay my question. You suggested that I delay it because you were awaiting a report. This is the last day of sitting for this year. Have you received that report and what issues of concern does it raise, if indeed it does raise issues of concern?

MRS CARNELL: Thank you, Mr Moore. I alluded to this problem when I answered a question from Mr Connolly in the last few weeks. Mr Speaker, recently I received information about certain practices that were alleged to be occurring in radiology at Woden Valley Hospital. These allegations related to alleged conflict of interest and poor work practices. I viewed these allegations with the utmost seriousness and immediately referred them to the Department of Health and Community Care. A preliminary audit was commenced under the provisions of the Public Interest Disclosure Act that was passed by this Assembly last year. After receiving a preliminary report earlier this week, I can advise the Assembly that the department has referred these matters to the ACT Government Solicitor's Office for advice. I will also be meeting with the new chief executive of Woden Valley Hospital and the department to discuss the implications of this audit report.

Mr Speaker, without wishing to prejudice the outcome of any further inquiries that may be needed, I am concerned that this preliminary audit report identified a number of matters related to work practices which require further investigation and advice. At this time, therefore, I believe it would be inappropriate for me to discuss this incident, or these incidents, in greater detail. I believe that more investigations will be required, and I reiterate to all members that I am treating this issue with the utmost seriousness. This Government is - - -

Mr Berry: So all is not going smoothly.

MRS CARNELL: It is not the VMOs. This Government is committed to major reform of our public hospital system to ensure that the maximum number of our health dollars go towards patients. We simply cannot afford to have any part of our hospital not run as efficiently and as effectively as is humanly possible. Where we have management practices that are not up to scratch, where there appear to be problems in an area like this, we will act, and we will act decisively.

MR MOORE: I have a supplementary question, Mr Speaker. Chief Minister, can you give us an estimate of how much money has been lost, say, over the last year, or whichever period you like? Can you also indicate to us whether any charges are likely to be laid as an outcome of this report?

MRS CARNELL: At this stage, Mr Moore, I cannot make a comment on whether charges will be laid or not, because further investigation needs to be undertaken. With regard to potential money lost, the initial report would tend to indicate that there is a potential loss of money, not to the ACT Government but to the ACT taxpayer. Further investigations need to be undertaken to look at exactly what has happened here. Our initial information indicates that there are some serious abnormalities.

Health Services - Strategic Planning Consultancy

MR CONNOLLY: My question is to the Chief Minister in her capacity as Minister for Health and Community Care. Can the Minister confirm that, while the Department of Health is cutting back on nurses and supplies in the Emergency Department and spending $1m on the Booz Allen consultancy, it is also planning a new quarter of a million dollar consultancy on a 10-year future plan for Health, or something along similar lines?

MRS CARNELL: Thank you very much, Mr Connolly, for that question.

Mr Kaine: Do a Connolly - do not plan past tomorrow.

MRS CARNELL: Obviously, planning for the future was not something that Mr Connolly was ever involved in in Health. I think the last few days have shown categorically that Mr Connolly knows nothing about Health, and that was the reason it was in such a mess. First of all, this week he determined that mammography screening was needed for in-patients.

Mr Berry: I raise a point of order. I think the question of relevance arises here. Mr Connolly asked a specific question. I would ask you, Mr Speaker, to direct Mrs Carnell to remain relevant and answer the question that he asked.

MR SPEAKER: There is no point of order.

MRS CARNELL: Mr Speaker, Mr Connolly did make comments about supposed staff cuts and changes in - - -

MR SPEAKER: There was reference to nurses, et cetera.

MRS CARNELL: He also mentioned changes in the provision of disposables and bandages and so on in Accident and Emergency. I will certainly be relevant to those sorts of things. It is interesting to note, Mr Connolly, all the things you have got wrong recently. No, we are not double using syringes. No, we are not putting the people of Canberra at risk by using clean dishes rather than sterile dishes for dressings, because it is good medical practice to do exactly that.

Interestingly, yes, we are doing a 10-year plan, and guess where the money is coming from. The Commonwealth. The Commonwealth has provided funding under the Medicare agreement for the ACT to develop a 10-year strategic plan for health services and property management in Health - something that is very long overdue. This process will provide planning for the department's medium- and short-term service goals. There are three stages to this $250,000 - shock, horror; Commonwealth money - strategic plan for the ACT.

Phase 1 is a property condition audit of the department's facilities at a strategic level, and the subsequent identification of future capital works and maintenance needs. Phase 2 is the development of a 10-year health services plan which will identify future service strategies and identify facilities needed to meet those strategies. Phase 3 will be the development of a 10-year capital works and property management plan by evaluating and combining the findings of phases 1 and 2.

The Commonwealth has provided $115,000 for the property condition audit and the consultants Coopers and Lybrand have been appointed to undertake this audit. Phases 2 and 3 will commence shortly and further funding will be provided by the Commonwealth to complete the 10-year services plan. All of the funding required to undertake this project is being provided by the Commonwealth under the Medicare agreement. I think it is appropriate that the ACT have a 10-year strategic plan, and I am very appreciative that the Commonwealth has provided the money. This is Mr Connolly's Medicare agreement, not mine, but he did not even know what was in it.

MR CONNOLLY: Are we not just spending $250,000 duplicating "Health Goals and Targets"? You are choosing where to spend this money, and you are spending it on yet another consultancy while you are cutting back on services.

MRS CARNELL: Mr Connolly is wrong again. The 10-year strategic plan money is provided under the Medicare agreement by the Commonwealth for long-term planning. The Commonwealth, like the current ACT Government, not the last ACT Government, believes that in Health, particularly, it is essential to have long-term planning. Mr Connolly raised "Health Goals and Targets". That is a very important part of our long-term strategic plan, but so are the other phases of this approach. It is not duplicating at all, as Mr Connolly would know if he had read "Health Goals and Targets", which he obviously has not, even though it was produced under his ministry. He would know that a property condition audit was not part of "Health Goals and Targets" at all. Phase 2 is the 10-year health services plan which brings "Health Goals and Targets" into a planned strategy which allows us to plan for the future, looking at the information that we have on the demographics of Canberra, where we are heading, and so on. I am very proud to be part of a 10-year plan. I am very pleased that the Commonwealth is paying for it and not the ACT, and I am very pleased that Mr Connolly shows again he knows nothing about health.

Chief Minister's Department - Chief Executive

MR WHITECROSS: Mr Speaker, my question without notice is to Mrs Carnell in her capacity as Chief Minister. Chief Minister, in answer to a question from Mr Osborne on 21 November you stated that the Chief Executive of the Chief Minister's Department, Mr John Walker, receives a total remuneration package of $176,476. Can you confirm for the house that neither Mr Walker, nor his wife, nor any members of his family, nor any company or companies associated with them, have received any payment from the ACT Government by way of fee, allowance, refund of expenses, or payment for any other purpose apart from this package, and that the Government has no commitment to make such payments in the future?

MRS CARNELL: No; the Government would have a commitment to make those sorts of payments in the future because there are such payments as relocation expenses and all of those sorts of things which are just regular payments. I think you would have found that you would have done something similar for the current head of the Education Department. Relocation payments, rent subsidies, and so on are very much part of that whole approach.

MR WHITECROSS: I have a supplementary question, Mr Speaker. Chief Minister, will you table, before the Assembly rises today, Mr Walker's offer of employment and contract, and correspondence between the Government and Mr Walker relating to the conditions of his employment, including Mr Walker's correspondence to your office, and any details of any relocation expenses and rent relief which will be payable to him?

MRS CARNELL: Mr Walker is not on a contract. It is impossible to table a contract that does not exist.

Kippax Health Centre

MS HORODNY: My question is to the Minister for Health, Mrs Carnell. Yesterday Mr Osborne said that he had a guarantee from you that you would not sell the Kippax Health Centre over the Christmas break. Can you assure the Assembly that this is the case, because we have had a lot of concerned people ringing us about this issue?

MRS CARNELL: I can guarantee, Ms Horodny, that we will not be selling the Kippax Health Centre, either over the Christmas break or at any other time in the next 12 months. We have given an undertaking to Mr Osborne and to others that we will give it another go. I made a comment in answer to a question from Mr Connolly the other day about what we were doing with Kippax. I said in response to that question that what we would not be doing is continuing with a half to three-quarters empty building that was costing us a fortune - money that we could otherwise be spending on services. In response to the community's concern about selling Kippax, we are willing to give it another 12 months to see whether we can make the centre work. At the moment it is not working. The number of services being offered out of this centre has become fewer and fewer over the last - - -

Ms McRae: You have moved them all to Belconnen.

MRS CARNELL: I am sorry; you moved them all to Belconnen, or, alternatively, the doctors left because they did not have leases on their premises. We will give it a go. We will see whether we can bring other health facilities, other people, into the centre. Obviously, we would also be looking at community groups and so on, to see whether we can make the centre break even. If we can break even it means we can do what I want to do, and that is spend health dollars on health services.

MS HORODNY: Can you also assure the Assembly that ancillary staff will remain at existing levels?

MRS CARNELL: Ancillary staff will not stay at existing levels. As Ms Horodny would realise, we are moving and have already offered redundancy payments to a number of ancillary staff. Again, what we will be doing is using health dollars on health services, not on a whole lot of administration that we believe we can do more efficiently by having it centralised.

Business Confidence

MR WOOD: My question is to Mr De Domenico. Notwithstanding the Chief Minister's announcement just a few minutes ago, statistics suggest that all is not well for ACT business. This morning, on one of the radio programs, you seemed to blame the coming elections for that and acknowledged the problem. Minister, a survey by the Canberra Business Council issued yesterday records that a whopping 42 per cent of ACT businesses find that they are marginally or considerably worse off than at this time last year. The Canberra Business Council survey confirms the Yellow Pages Australia "Small Business Index" outlook for the ACT for the three months to November, which also reports that confidence in the ACT in business is below the national average with activity levels subdued. So much for the so-called "open for business" approach. Minister, since these surveys reveal an alarming decline in confidence since you came to government, will you reverse your destructive policies or give the job to somebody else?

MR DE DOMENICO: May I answer the second question first, Mr Speaker? The answer to the second question is, "Of course not". In answer to the first question, Mr Wood must have read a different survey from what I did. This is the official Canberra Business Council survey, Mr Wood. Mr Speaker, no-one can deny that it has been a difficult year - - -

Mr Wood: It says 42 per cent.

MR DE DOMENICO: You might want to listen to this, Mr Wood; you might learn something. You were there for five years. You sat on your hands. There were 700 new jobs, Mr Speaker, during the last year of the Follett Labor Government. Since March this year there have been 6,700 new jobs. Sit back, listen and take note, Mr Wood; you might learn something.

Whilst no-one can deny, Mr Speaker, that it has been a difficult year for many small businesses in Canberra, we must not ignore outside factors like continued and prolonged speculation about a Federal election, which is a major contributor to the level of business confidence. It is also important for the Assembly to know that, whilst the results of the business confidence survey released yesterday identified a noticeable drop in business confidence since the previous survey conducted in January 1995, the same survey - if Mr Wood had read it all - also indicates that 52 per cent of businesses believe that the business environment will be either considerably or marginally better at this time next year.

Mr Wood: That is a very low percentage.

MR DE DOMENICO: Mr Speaker, there are other positive findings of the survey. The Labor Party members come into this place and are all prepared to criticise. When there is a No. 1 result in surveys, Mr Wood, you will never acknowledge it. It makes you squirm and drool in envy of what this Government has done. Let us look at what the survey also says, Mr Speaker. Let us have the whole truth and nothing but the truth.

Mr Humphries: He is drooling. I can see it.

MR DE DOMENICO: He is drooling. You can see that he is drooling. A slight expansion in employment is expected over the next year. Business investment is expected to increase marginally over the next year. While profit has remained steady over the past three months, a slight improvement is expected over the next year. In terms of competitiveness, Mr Speaker, there is expected to be a continuation of increased competition over the next year.

Mr Wood also would have known, had he read the survey properly, that the survey pointed out that the Business Council has prefaced these results by stating in a press release, yesterday also, that the work of this Liberal Government is providing some hope for business with "positive reports such as the Red Tape Task Force helping to boost the expectations of business". Mr Speaker, in the nine months that this Government has been in power we have been actively working to provide the right climate and support for business - something which was foreign to the previous Labor Government.

Mr Speaker, one just has to look at the Government's 1995-96 budget to see the range of positive initiatives aimed at fostering business growth. May I remind the Assembly that these budget initiatives were publicly embraced by organisations like the Canberra Business Council, the Confederation of ACT Industry and the Housing Industry Association. In addition, Mr Speaker, this Government has managed to successfully attract major international companies. Mrs Carnell spoke about AOFR and others who have set up their south-east region headquarters in Canberra, and we have gained the cooperation of the Federal and New South Wales governments - both Labor governments, Mr Wood - in conducting a feasibility study into the high-speed rail concept between Sydney and Canberra.

Mr Speaker, this Government has done more to attract business and to foster business growth in Canberra in the nine months it has been in power than the previous Labor Government could have even contemplated during its term. I am confident that the range of initiatives and measures we have introduced will go a long way to fostering business growth in the future, and the figures will start to reflect that. Just to encapsulate what it is all about, from 1 January 1996 payroll tax exemption levels go from $500,000 to $600,000. From 1 January 1997, Mr Wood, they go from $600,000 to $800,000. That will bring $13.5m back into the private sector, Mr Speaker. That will create jobs, Mr Wood. It goes to show you that State and Territory governments, if they get off their hands and do something about it - you sat on your hands for five years - can do something to increase business confidence in this Territory.

MR WOOD: I have a supplementary question, Mr Speaker. I am afraid you have not convinced the business community, Mr De Domenico, and nobody here either. Mr Speaker, Mr De Domenico said in his answer that speculation about a Federal election was causing some anxiety. That can only mean that the business community and others are scared witless in case there is a change. Thank you for the comment, Mr De Domenico.

MR DE DOMENICO: I thank you for the supplementary question. Let me refer to that. Mr Wood, there is no doubt that the business community out there is yearning and waiting in glee to change the Federal Government. Under Mr Keating's stewardship there is the highest foreign debt in the history of Australia and the highest unemployment level in the history of Australia. Do you think that is good news, Mr Wood? Just as the people of the ACT did in February and March of this year, they will chuck out the Federal Labor Party. They will do so just as quickly and just as savagely as they chucked you out.

Hospitals - Waiting Lists

MR HIRD: Mr Speaker, the natives are restless. I would like to address a question through you, Mr Speaker, to Mrs Carnell in her capacity as Minister for Health. Mrs Carnell, Mr Connolly said on radio this week - I think it was 2CN - that the fall in the hospitals waiting list of 149 in November meant nothing because - to quote him - you should compare November's figures in previous years to really indicate what is happening to the waiting list at our hospitals. Could you inform us as to where we are at and whether that statement is true?

MRS CARNELL: Thank you very much, Mr Hird. It was interesting to hear Mr Connolly on radio the other morning when we announced that the waiting list had fallen by 149 in November, which really showed that finally our policies are starting to be effective. In fact, the $2m we put into the health budget to address the waiting list problems has already resulted in 200 extra operations being done at Calvary Hospital. Mr Connolly said categorically, "This means nothing; this 149 means nothing. You have to compare November to November". I would like to do that for this house. Mr Connolly is actually right. In November 1994 there were 4,407 on the waiting list.

There are 4,466 now. What we see is an increase of 59 over the year. But let us go back a step. In November 1993 there were 3,522 on the waiting list. So there was an increase of 885, November to November, under Mr Connolly. The year before, from 1992 to 1993, we had an increase, I think, of 1,480 in the November 1992 to November 1993 figures, an increase of 885 in the November 1993 to November 1994 figures, and an increase of 59 between 1994 and 1995.

I think it is really important, Mr Speaker, to realise that, since we came to government in March this year, there has been a decrease in the waiting lists of just about 100. We have seen a decrease of 100. It is not a success story yet. We are not saying that it is. In fact, there is a long hard row to hoe with waiting lists. The reality is that we have done an extra 200 operations. That is 200 people who are not on the waiting lists now and who would have been under the previous Government. I believe, unlike Mr Connolly, that that is a real success.

Education Budget - Salary Increases

MS McRAE: My question is to the Minister for Education, Mr Stefaniak. Yesterday in the Assembly, in response to a question about whether the education budget contains the money to provide for the 3.9 per cent salary increase promised, in the words of the Industrial Relations Minister, with "no strings attached and no productivity to counter things at all", you assured this house that "that 3.9 per cent was factored into the 206 point whatever million and the 212 point whatever million and the 218 point whatever million over three years". I quote you from *Hansard*.

Mr Humphries: Those are very precise figures.

MS McRAE: I am quoting from *Hansard*. How do you then explain your department's advice to the union that the budget must cover all wage increases - that is the department's advice to the union - and then the advice that the Department of Education cannot maintain existing staff payments without offsets?

MR STEFANIAK: I thank the member for the question, Mr Speaker. I do not think the Opposition is able to grasp what enterprise bargaining is really all about, or what this Government is all about, or what my colleague Mr De Domenico said in relation to ongoing discussions with the union on 2 December. I noted the shock, horror story from Mr Berry on the radio on Monday. He had to backtrack from that very quickly because this Government is talking to the unions. Negotiations are ongoing. Enterprise bargaining, Mr Speaker, is about negotiations between the employer and the unions. Proposals are put on the table for discussion and negotiation. The situation is inevitably fluid, with changes occurring regularly as negotiations proceed, as they are doing now. This will be a continuing process for quite some time to come. As part of this negotiating process, government agencies have put to the Trades and Labour Council a series of proposed service-wide and agency reform measures which the Government wishes to be included in a framework agreement. The unions are presently considering the proposals.

Mr Speaker, we have honoured our commitment, which we made before the election, to maintain funding in real terms in the education budget. As I indicated yesterday, there is some $206m - a little bit extra - for this financial year. That involves supplementation of about $7.77m for this financial year. The 3.9 per cent wage increase over the next 30 months is, as is every other bit of expenditure in the education budget, part of that global envelope and will come from that. As the Minister for Industrial Relations said in this Assembly on 5 December last, the Government's agenda is clear, up front, on the table, with no strings attached. Teachers, like other ACT government employees, are not required to make productivity gains in order to fund the proposed 3.9 per cent salary rise to be received over the next 2½ years, based on a rate of 1.3 per cent per annum.

Those proposals were put on the table to promote discussion of productivity improvements, Mr Speaker, and this is central to the whole concept of enterprise bargaining. Ms McRae, if further pay increases are to be considered we can negotiate what gains in productivity are necessary to offset pay increases of more than 3.9 per cent over the next 2½ years. That is consistent with the Government's approach right across the system.

MS McRAE: Mr Stefaniak, I think you will have to concede that the Industrial Relations Minister has misled the house. You have just told us about all the productivity gains and the strings attached to the 3.9 per cent. This is the advice the department has given. This is just what you have outlined now. The supplementary question is this: Will you concede that the Industrial Relations Minister has misled this house?

MR STEFANIAK: Really, Mr Speaker, I think the member is being quite ridiculous. I reiterate that I do not think she understands what industrial relations and enterprise bargaining are all about.

Legislative Assembly Building - Exhibition Area

MS TUCKER: My question is to you, Mr Speaker. You are getting lots of attention today. I refer you to your refusal to allow Community Aid Abroad to display an exhibition on East Timor in the Assembly exhibition space. What is the justification for this decision? Was it based on the inappropriate remarks made by you in today's *Chronicle*, which Ms Follett has already alluded to, and do you believe that MLAs should not have a professional interest in international human rights abuse?

MR SPEAKER: No; the decision was taken, having examined what was going to be displayed. Frankly, we understood at first - - -

Ms Follett: You are censoring it as well.

MR SPEAKER: Just a moment. We understood at first that it was a display of the history of East Timor, but we saw some of the photographs and all I can say is that they were of a political nature. I really did not think that the Assembly exhibition area was a suitable place for this. As you would be aware, Ms Tucker, the Administration and Procedure Committee laid down certain conditions for the use of the exhibition space and the reception room area. I did not believe that the Community Aid Abroad exhibition fell within the guidelines of the Administration and Procedure Committee's agreed position.

MS TUCKER: I have a supplementary question. If I heard you correctly, you said you thought it was offensive and political in nature.

MR SPEAKER: No, I did not say it was offensive. I said I believed it was political in nature, and it certainly did not fall within the guidelines.

MS TUCKER: Will you reconsider this? The Greens will be asking that we be able to sponsor this exhibition next year.

MR SPEAKER: I will have to consider the Administration and Procedure Committee's guidelines, which you, as a member of that committee, helped to establish. I will give the matter consideration.

Legislative Assembly - Comments by Speaker

MR BERRY: Mr Speaker, my question is to you as well. As you would appreciate, Mr Speaker, one of the most important functions of the Speaker is to maintain and uphold the dignity of the house. Could you explain to the chamber how impugning members' reputations by reflecting on the votes of the house and labelling members as tired has helped our reputation in the community?

MR SPEAKER: Mr Berry, are you referring to the earlier question asked by your leader?

MR BERRY: No; I am referring to public comments that you made, Mr Speaker, in the *Chronicle* and elsewhere, including on ABC radio, in which you reflected quite unkindly on the activities in this place. I would like you to explain how you think impugning members' reputations in that way has helped our reputation in the community.

MR SPEAKER: Mr Berry, I was asked whether I would give a comment on the operations of this Assembly in my first year as Speaker. I did so. The comments that I made were in that context. They were made, as I regarded them - - -

Ms Follett: They were highly political.

MR SPEAKER: Just a moment. No, I would not say that they were political at all.

Ms Follett: Well, I would.

Mr Moore: Of course they were political.

MR SPEAKER: Order! I said that I did not believe that discussions relating to overseas activities and the moral issues that we have been discussing were necessarily of interest to the wider community.

Mr Moore: That is impugning members. Of course we have a right. They are our responsibility. It is in our legislation.

MR SPEAKER: Just a moment, Mr Moore. I expressed, in connection with the first nine months, my view on my position here. That is my position, Mr Berry. That was the context in which the comment was made.

MR BERRY: Mr Speaker, you were - - -

Mrs Carnell: Is this a supplementary question?

MR BERRY: You might think you pull the strings on the Speaker, but I can assure you that you do not. Mr Speaker, as you referred to members as being tired, will you advise the Assembly of which members you were accusing of being tired? Or is it the case that a Liberal MLA in this chamber was as tired as a newt?

Mr De Domenico: Gee, you are nice! What a lovely chap you are! Merry Christmas!

Mrs Carnell: You sound a bit bitchy**.**

MR SPEAKER: Order! Frankly, the behaviour over the last few days is an indication that everybody here is quite tired and is looking forward to the break. That was the context in which I meant it, Mr Berry.

Ms McRae: I raise a point of order. As a follow-up to the session when we sat all night, you undertook to get advice on the status of the amendment to the 1993 budget. It is an issue of extreme importance because of the current debate on education. Could you advise the house of when that will be available?

Mrs Carnell: Is this a question?

Ms McRae: It is a point of order, Mrs Carnell, and the Speaker accepts it.

MR SPEAKER: Order! It is a legitimate question under standing order 118A. I am advised by the Clerk that we still have not received it, but we will hurry it up for you, Ms McRae. I take the point that you make.

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

CHIEF MINISTER'S DEPARTMENT - CHIEF EXECUTIVE

MR BERRY (3.17): I seek leave to move a motion in relation to the provision of information about the appointment of a chief executive officer.

Leave granted.

MR BERRY: Mr Speaker, I move the following motion circulated in my name:

> That this Assembly requires that the Chief Minister table by the end of the sitting all details of relocation expenses, rent relief or associated benefits in respect of Mr Walker's appointment. This should also apply in respect of any member of his family or companies associated with him or his family.

I do not need to debate that issue. I think it is self-explanatory. I merely ask members to support the motion.

MRS CARNELL (Chief Minister) (3.18): I think this is unprecedented. We certainly have nothing to hide. If it is this Assembly's view that it wants this information, I am happy to make it available for a number of other chief executive positions that similarly have been subject to people being relocated from other places. In reality, relocation expenses are very much part of getting our staff or anybody else's staff into a new job. That is part of the deal. It is something that is given all the time. It is part of the benefits that come with the job and are given to all workers who come. In fact, I think quite a number of us had staff come from other cities and their relocation expenses were paid. Never in this place has information been asked for on those. I am interested to know why this one is unique.

Question resolved in the affirmative.

AUDITOR-GENERAL - REPORT NO. 8 OF 1995
Financial Audits With Years Ending to 30 June 1995

MR SPEAKER: For the information of members, I present Auditor-General's Report No. 8 of 1995, "Financial Audits With Years Ending to 30 June 1995".

Motion (by **Mr Humphries**), by leave, agreed to:

> That the Assembly authorises the publication of the Auditor-General's Report No. 8 of 1995.

QUESTIONS WITHOUT NOTICE

WorkCover Investigation - Padua College

MR DE DOMENICO: Mr Speaker, last week Mr Osborne asked me a question in relation to allegations made by the Catholic Education Office regarding actions of a number of ACT WorkCover officials. I said to Mr Osborne that I had written to the secretary to the department, Mr Townsend, asking him to conduct an inquiry and that I needed that report by midday yesterday, 13 December. I need to advise the Assembly that, obviously, that report was not provided by that time. I am advised by Mr Townsend that he is currently seeking clarification of the chronology of events, and then he intends to seek advice from the ACT Government Solicitor and the Office of Public Administration and Management. Given the sensitiveness of the matter, Mr Speaker, I would prefer, and Mr Townsend would prefer, not to rush that report. I am just advising Mr Osborne and the Assembly that the commitment I made to get that report by yesterday obviously has not been able to be met.

FRENCH PRODUCTS - IMPLEMENTATION OF ASSEMBLY RESOLUTION
Paper

MRS CARNELL (Chief Minister) (3.22): Mr Speaker, for the information of members, I present a status report on the implementation of the Assembly motion on French products. I move:

> That the Assembly takes note of the paper.

I seek leave to have the report incorporated in *Hansard*.

Leave granted.

Report incorporated at Appendix 7.

Question resolved in the affirmative.

FINANCIAL MANAGEMENT AND AUDITOR-GENERAL LEGISLATION
Paper

MRS CARNELL (Chief Minister and Treasurer) (3.23): Mr Speaker, for the information of members, I present a report entitled "Framework for New Financial Management and Auditor-General Legislation", and I move:

> That the Assembly takes note of the paper.

Mr Speaker, on coming to office the Government foreshadowed substantial financial management reform. I have arranged today for the tabling of a paper which sets out the objectives of those reforms. The paper also outlines significant changes required to current legislative, budgetary and reporting arrangements to achieve the reforms.

Major components of new legislation, in particular, new financial management and Auditor-General legislation, are explained. I should emphasise that these are for the purpose of outlining the Government's intentions. They provide a basis for discussion. They reflect the Government's commitment to broad and effective consultation with the Assembly and the wider community. They do not represent final legislative proposals. The paper will provide an opportunity for all interested parties to examine the principles prior to final decisions being made.

Whilst this proposed legislation is about financial management, I must also emphasise that improved financial management is not an end in itself. The objective is high-quality, more cost-effective services. These proposals are therefore directed towards improvements in the quality and delivery of services to the community. The existing Audit Act 1989 has a large number of shortcomings which have been recognised over a long period of time. It is not based on contemporary principles of effective financial management; it does not readily facilitate public accountability; it contains numerous provisions which are out of date; and it is repetitive and obscure. Since self-government, repeal of the Act and its replacement with more modern and relevant legislation has been recognised as a high priority, but the previous Government failed to act.

Current arrangements are clearly inadequate. They limit the role of the Assembly and the executive government to controlling and oversighting the cash component only of public sector resources. The Assembly is, however, fully accountable to the community for all public resources. Hence, with the current cash-based system which we inherited, the Assembly cannot do its job properly.

The main objectives of the proposed new laws are recognition of the primacy of the Assembly's role in the parliamentary budget process, and enhanced and better focused accountability to the Assembly and to the community. The proposals will promote greater transparency in budget decision-making at all levels - the Assembly, the Executive and the public service. The reforms also have the objective of improved public sector management. The reforms will place constraints on government only in the sense of requiring increased disclosure. Limitation of the oversight of parliaments to cash only resources of the public sector is an unacceptable limitation on the role of the legislature. It also limits the right of the community to be informed of the financial position of elected governments. Present arrangements focus attention on compliance with cash controls. This can be at the expense of other significant indicators of acceptable financial management.

The reform proposals place at least equal weight on the quality, quantity and timeliness of services funded by appropriations. A major objective of the reforms is to improve the quality of public sector management and accountability. A prerequisite of this is improvement in the quality and relevance of management information. Under reformed arrangements, the receipt of funding from government will be conditional on the provision of adequately defined and described outputs. The Government's interests will be made more explicit in terms of two clear roles. Firstly, as a purchaser of services, in which the Government has an interest in the quality, quantity, timeliness and place of provision of those services; and, secondly, as owner of the entity providing the service. In this respect the Government has an interest in the ongoing capacity of the agency to deliver services. This includes its longer-term viability and financial position.

Another flaw in the current budget and reporting arrangements is that capital spending is treated as a cost rather than an investment. Similarly, current arrangements treat capital as a free good to agencies. Even in a cash surplus budget, capital spending has an opportunity cost. This can be in terms of earnings lost or alternative uses forgone - for example, support of recurrent activities. A change in budget and reporting arrangements to provide for reporting to the Assembly on the use of Territory assets is essential for improved decision-making and accountability.

Other major changes proposed to budget arrangements include linking appropriations made by the Assembly to outputs provided by departments and agencies; linking outputs defined in the budget to higher level outcomes desired by the Government; and basing appropriations on the full accrual cost of goods and services to be acquired through the budget process. To improve the focus on what is achieved, appropriations will in future be defined by the outputs to be acquired by the Territory. The appropriations will, in effect, be the price the Territory is prepared to pay for defined outputs. I must emphasise that, in this context, outputs can be either tangible or intangible. They can be represented by goods or services. The evaluation of outputs can rely on both qualitative and quantitative measures - that is, both judgment and numbers can be used to assess whether an output is worth having. The determination of outcomes, and judgments as to their relevance, will be a matter for the normal political process.

The Financial Management Bill will codify these requirements as basic preconditions of effective accountability. The reform will change the basis of appropriation from cash budgets, which provide only a partial view of the cost of services, to accrual budgets, which represent the full cost of services provided. Accrual budgeting will disclose a far more complete picture of the resources used by agencies. It will introduce more meaningful measures of good management in general and good financial management in particular. The proposed appropriation structure will also recognise differences between the nature of departmental activities. An example of this is the difference between outputs provided by an agency and the role of that agency in on-passing funding such as welfare benefits. In the latter case, the level of expense is not within the agency's discretion to control.

The proposed Financial Management Bill will require a change in the form and content of departmental budget documents to include operating estimates; the estimated financial position of assets and liabilities; cash flow estimates; the estimated net fiscal impact of operations - this will be equivalent to current cash estimates; and a statement of outputs to be provided, costs of these outputs and links between those outputs and outcomes determined by the Government. It is intended that financial statements, at both the agency and whole-of-government level, will be in the same format, and be based on the same principles, as the budget.

The office of the Auditor-General is fundamental to accountability. The existing legislation is fragmentary and out of date. Under the reform proposals, legislative provisions relating to the Auditor-General will be consolidated into a separate Act. The legislation will affirm and promote the importance of the Auditor-General's role.

It will emphasise the independence of this role. It will promote full and open accountability for public sector activities and use of resources. It will ensure that members of the Legislative Assembly, as elected representatives of the public, are provided with accurate and complete information. This will include information on the legality, efficiency and effectiveness with which public sector activities and resources are managed. The Government also proposes to give statutory recognition to the Public Accounts Committee.

Mr Speaker, the reforms I have outlined today, and for which more detail is provided in the document tabled, are well overdue. The ACT is one of the last jurisdictions in Australia to undertake a fundamental review of its audit and financial management legislation. This proposal will place the ACT at the forefront of reform. The Government is committed to introducing modern, relevant and forward looking legislation. Recognising the long overdue need for financial reform, and its importance for the future, the Government invites, and in fact would welcome, comment on the proposals. The Government intends to introduce Bills into the Assembly as early as possible in the new year. The legislation will be based on this framework and take into account the comments and input received.

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

HEALTH CENTRES
Papers

MS HORODNY: I seek leave to table some documents relating to the question that I asked at question time with reference to the health centres. One document is a transcript from the ABC in which Mrs Carnell states quite clearly that she has every intention of selling the two health centres - Kippax and Melba. The other document is a list of all the ancillary staff that are to be relocated.

Leave granted.

URBAN DESIGN - CRIME PREVENTION AND COMMUNITY SAFETY
Paper

MR HUMPHRIES (Attorney-General) (3.33): Mr Speaker, for the information of members, I present a report entitled "The Role of Urban Design in Crime Prevention and Community Safety". I move:

That the Assembly takes note of the paper.

I also ask for leave to have my statement incorporated in *Hansard*.

Leave granted.

Statement incorporated at Appendix 8.

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

CENSORSHIP AGREEMENT
Papers

MR HUMPHRIES (Attorney-General) (3.34): Mr Speaker, for the information of members, I present the agreement between the Commonwealth of Australia and the Australian States and Territories relating to a revised cooperative legislative scheme for censorship in Australia, together with the explanatory statement, and the National Classification Code Statement and explanatory statement, the Printed Matter Classification Guidelines, Guidelines for the Classification of Films and Videotapes and Guidelines for the Classification of Computer Games, with the explanatory memorandum. I move:

That the Assembly takes note of the papers.

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

PAPERS

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members, I present Reports Nos 9 and 10 of the Community Law Reform Committee of the ACT, entitled "Domestic Violence" and "Defamation", respectively. I also present the Woden Valley Hospital information bulletin on patient activity data for October 1995.

FIRE BRIGADE (AMENDMENT) BILL 1995

Debate resumed from 12 December 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR WHITECROSS (3.35): Mr Speaker, the Opposition will be supporting these amendments. We believe that it is appropriate for the chief officer of the Fire Brigade to have appropriate powers dealing with the safe use of buildings from the point of view of fire safety, including the issuing of improvement notices and occupancy notices as well as closure notices. We are happy to support this Bill. In the report of the Scrutiny of Bills Committee, which Mr Osborne tabled this morning, there were a number of concerns raised about the legislation. I see that Mr Humphries has now circulated some amendments which address most of those concerns and which we are quite happy to support as well. We will be supporting the Bill.

I might say, in conclusion, that the irony has not escaped members on this side of the house that last year Mrs Carnell was telling everybody here that the arrangements under the Liquor Act were too onerous; that more generous arrangements might be appropriate; and that it might be possible to cram some more people in. Now the Government, faced with the actual responsibility of protecting the safety of people, has in its possession fire hazard reports suggesting that, far from being too onerous, they may be too generous in some circumstances. We welcome this opportunity to provide the Fire Commissioner with the means that he needs to ensure that things are done in a safe way, without taking away from the capacity of the registrar under the Liquor Act to also have made those changes had he been in possession of that information when he made his original determination. We will be supporting the legislation.

MR MOORE (3.38): In rising to support this legislation, I have a number of reservations and a number of questions. First of all, the most significant question relates to the original report that motivated this legislation. The report from the CSIRO has on it a November date. It was very recent. By and large, we have a knee-jerk response brought into this house for rapid consideration. It is urgent legislation which is based almost on scare tactics and fear of what might happen. Significantly, it is based on a single report.

I am sure that there are always opinions as to the extent to which reports are accurate and the extent to which they can be debated. In fact, later this afternoon, we will be debating the Stein report. I am sure that there will be questions about it, in spite of the fact that the inquiry was conducted by a very prominent judge of the New South Wales Land and Environment Court. We have heard questions about some parts of that report. No matter what the report is, there are going to be questions about its accuracy. In spite of this, we see legislation brought before us.

In the first place, that legislation lacks the right of appeal. It is an issue that was raised with me and, no doubt, with other members by the AHA. I see that Mr Humphries has brought before us an amendment that has been developed over the last two days. But it does indicate that when we are dealing with urgent legislation - and I use the term "urgent legislation" in a broad sense rather than in the technical sense in which we use it in the standing orders - that urgent legislation does present a whole series of difficulties. The most important of those difficulties is that it is not available for public scrutiny. There are real questions that still have not been answered about that type of public scrutiny.

I gather that the reason that you put forward this legislation - and the reason that I am prepared to support it at this stage, with this amendment - is the precautionary principle; that is, that we are going to favour the safest way of handling this issue. But that is not to say that there are not some risks, because this legislation can put at risk a number of businesses in the ACT, particularly businesses about which this specific report was written. That raises an issue of the separation of powers. The reason that the report was

issued in the first place was that the matter was before the AAT, the Administrative Appeals Tribunal. I understand that President Curtis, the president of the AAT in the ACT, was dealing with this matter. I suppose that he will have to come back to us and tell us that he did not have the power to read this report and indicate that changes could be made; because my understanding is that he would have had that power, although I have not looked into that closely enough.

The other thing that is very interesting about this is that once this legislation passes there will be three ways of determining occupancy. First of all, there will be the Building Code of Australia, which sets out its ways of determining occupancy. Then there will be liquor licensing, which determines occupancy loadings as well. Then there will be the fire chief. You have just spent a fortune on a red tape task force to break down this whole notion of having a series of different people making different decisions and licences having to be granted by a series of different operators. This is a matter of grave concern.

There is a series of questions that I have about this legislation and that I feel are not adequately dealt with. It was first indicated to us late last week that you would be tabling legislation along these lines. We have had the legislation now for basically two days, at a time when other significant matters are being debated by the Assembly. We have had to try to wrestle with this legislation. I believe that I have not had the opportunity to do it justice. I have gone through it and have spoken to a couple of tavern owners and to the AHA, but that is the full extent that I have been able to achieve. I cannot help thinking that it is a knee-jerk reaction.

It is quite clear that, the Opposition having indicated that they will not be opposing it and the Government having put it up, my vote was not going to make any difference in the first place. I do have real questions about it. But, in spite of those, we probably have very little choice but to follow the precautionary principle. But there is that series of questions that you ought to answer. Over the next few months you should revisit this legislation, see whether it is appropriate, perhaps review all the legislation in this area, to check for its red tape implications - if I can call them that - and determine what is safe and what is not safe.

The reason why I decided that I would allow it to proceed, and the reason why I would support it, is that in this case the power is not given to bureaucrats. The legislation is framed in such a way that the power to make a decision is with a magistrate. I know that the magistrates in the ACT will not take lightly applications of this kind that could have a major impact on business. I would urge them to not take them lightly.

I appreciate that in the vast majority of cases the new amendment would also allow the opposite case to be put. Even where somebody is not available for the opposite case to be put, the matter can then be dealt with very rapidly because it will be effectively an interim injunction - I guess we could call it - or an interim report. There are those issues that need to be answered. This legislation will need to be reviewed in whole as quickly as possible. It is with those reservations that I give my support.

MS HORODNY (3.45): Mr Speaker, the Greens will support this Bill because at this stage it appears to be a sensible Bill. I understand that there is an appeal currently before the AAT in relation to occupation, but I believe that in the meantime it is probably in the best public interest to apply precautions such as those that are included in this Bill. I would strongly urge the Minister to ask the fire chief to be judicious in the way that he implements these powers. I would also ask the Minister to report back to the Assembly within six months, documenting how the Act has been implemented and in what circumstances it has been enforced.

MR HUMPHRIES (Attorney-General and Minister for Emergency Services) (3.45), in reply: Mr Speaker, I begin by thanking members for their latitude in allowing the Government to introduce on Tuesday of this week and pass today legislation which is quite significant, which unquestionably does pare back the rights of people in certain circumstances - and I make no secret about that; it does do that - and which permits the Government to put in place with great speed, possibly with a little haste, a power which I argue and which I hope that the Assembly agrees is necessary to deal with a potential problem of public safety.

Mr Moore described the legislation as a knee-jerk reaction. To be fair, he is probably quite right to say that. It is legislation that was generated by a description in a report which came across my desk. It described a situation which appeared to me to require an urgent response. The Government's response was to produce this legislation for passage through the Assembly this week.

I ask members to put themselves in my shoes for one moment and understand the reasons why this has happened in this way. A report was available. It is unfortunate, in a sense, that this has to relate to particular premises in the ACT, because I would argue that these powers are important to have on the statute books irrespective of what premises they might apply to or whether they apply to licensed premises at all. Members should be aware that it does not apply just to licensed premises; it goes much beyond that.

In this case there was a report across my desk describing proceedings in the AAT and indicating to me that there was a problem with a particular set of premises on which the Government had recently obtained a fire engineering report, which was described as a report from an eminent authority on fire engineering within Australia. This report purported to show that the safe occupancy loading for a particular premises was much lower than the actual occupancy assigned to that building at the present point in time. I read those comments and I said to the officers, "I see that that is what is recommended and that this is why we are going to argue this matter on appeal to the AAT. What are we going to do about it in the meantime, before the appeal is heard by the AAT?". The answer was that nothing could be done because the state of the legislation was such that nobody could alter that occupancy loading, except the AAT; and that would be a process that would take some months to resolve.

There is, in the present legislation, a power by the Fire Commissioner to apply to the Magistrates Court to close down premises altogether in circumstances where there is a severe danger of threat to public safety. That is a very drastic step to have to take to deal with a problem of this kind. It appalled me that between the determination on appeal by the AAT of an appropriate loading and the capacity to close down premises

altogether there was nothing; there was nothing at all in between. In the circumstances where it appeared that premises were potentially unsafe, not to the point that they should be closed down immediately but they were still unsafe in some way, there was no capacity backing up that perception, should one exist in a hypothetical situation, to move in and deal with that situation in the interests of public safety; hence, the legislation before the Assembly today.

Mr Moore said that he had some questions about the legislation. They are very good questions, and they are questions that deserve to be answered. He was surprised that the AAT did not have the power to make the orders that were being sought now or that might be sought in an urgent situation. Of course, it is true that the AAT does not have those powers, because the AAT is an appeal body. It is not a court at first instance and, in an emergency situation, would not have the mechanisms for issuing an urgent order. It is not a body that is available on call, in the way the Magistrates Court is, and is able to issue an order quickly in these circumstances. Its procedures require a slow, careful process which takes potentially some months. In the situation where, in the opinion of, say, the Fire Commissioner, an urgent problem needed to be addressed, such a power would not be adequate to deal with the issue of public safety. It was appropriate to confer such a power on an appropriate body, and that appropriate body was the Magistrates Court.

The original legislation I tabled in this place was to confer a power on the Fire Commissioner per se. That was going too far. Members have seen the amendments which I have tabled today and which provide for that power to be exercised by the Magistrates Court on the application of the Fire Commissioner. The urgency of the response depends on the nature of the order being sought. If a closure order is being sought, the Magistrates Court has the power to proceed even if the other party may not have been adequately notified and given time to come before the court to make a case. That is obviously an appropriate power to have, because a closure order is required in circumstances where a problem in premises is in urgent need of being addressed. For example, we have seen problems with premises with balconies which are not sound enough to hold large numbers of people - things of that kind. In other circumstances, where remedial work needs to be done or where occupancy loadings might be too high, it is appropriate for those orders to issue; but only after they have gone to the Magistrates Court and sought orders.

There are, in a sense, three separate processes at work here, as Mr Moore indicated; but none of them is quite the same as this one. The Building Code of Australia provides guidance for the construction of the building, and also now through the amendments moved last year is instrumental in helping inform the Registrar of Liquor Licences as to what loading should be given to premises for the purposes of a liquor licence. But this power that we are talking about here is a power to order urgently either that remedial work be done or that occupancy loadings change, on the basis of information that has come to hand, for example.

I accept Mr Moore's point that there needs to be a review of the situation. At the present time there is a review of some elements that go into this legislation; for example, the question raised by the Scrutiny of Bills Committee of defining the terms of powers of entry and search of premises. Those issues are being explored in the review under way

at the present time. Overall, I accept the point that we need to review the legislation; and we will do so. I also accept the point made by Ms Horodny that it is important to report back to the Assembly on those issues as they emerge. I do promise to report back in that way.

Finally, I thank members for their indulgence in this matter. It may be that there are some errors or flaws in the legislation. I would not like to be going to the High Court and arguing for the validity of it, because it has been done with great speed, and we have to rely on the great skill and experience of our drafters to make sure that we have got this right. But I have great confidence in that factor, and I therefore am not too worried. I thank members for their indulgence on this occasion.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General and Minister for Emergency Services) (3.54): Mr Speaker, I ask for leave to move together the four amendments that have been circulated in my name.

Leave granted.

MR HUMPHRIES: I thank members. I move:

> Page 2, line 16, clause 6, omit the heading to the section and proposed new subsections 12A(1) and (2), substitute the following heading and subsections:
>
> **"Court orders for notices**
>
> '12A. (1) The Chief Officer may apply to the Magistrates Court for an order for the issue of -
>
> (a) an improvement notice;
>
> (b) an occupancy notice; or
>
> (c) a closure notice.
>
> in respect of premises.

'(2) An application shall be supported by an affidavit setting out the grounds for believing that -

(a) the premises or part of the premises;

(b) anything upon the premises;

(c) the lack or inadequacy of fire prevention measures or fire safety measures on or in relation to the premises;

(d) the use to which the premises are or are likely to be put; or

(e) the number of persons who are likely to be on the premises at any time;

'(2A) The occupier of the premises to which an application relates is the respondent to the application.

'(2B) Where, on an application for an order for the issue of a closure notice in respect of premises, the Magistrates Court is satisfied that the gravity of the risk is such that the notice sought should be issued forthwith, the Court may make an interim order for the issue of such a notice whether or not a copy of the application and of the supporting affidavit have been served on the respondent.

'(2C) An interim order may be made *ex parte*.

'(2D) Jurisdiction is conferred on the Magistrates Court to hear and determine an application under this section.'.".

Page 5, line 2, clause 6, proposed new paragraph 12AG(1)(b), omit "variation or revocation, as the case requires,", substitute "revocation".

Page 5, line 12, clause 6, proposed new section 12AH, omit "vary or revoke", substitute "make an order for the variation or revocation of".

Page 2, line 14, clause 7, omit the clause.

The substantial effect of these amendments is to remove from the Bill the proposed provisions which would have enabled occupancy improvement and closure notices to be issued by the chief fire officer without the occupier of the premises to which the notice relates having an opportunity to be heard prior to the issue of the notice.

Under the provisions of the Bill which I introduced on Tuesday, the issue of such notices would have been an administrative act. That act would have been reviewable on appeal to the AAT. Instead, I am proposing, consistent with the current provisions of the Fire Brigade Act, to permit closure notices to be ordered by a magistrate, to require that an application must be made to the Magistrates Court for an order for the issue of a notice. I believe that this process, with a right of appeal to the Supreme Court, is one which affords an occupier of premises who would have been affected by an order an appropriate opportunity to be heard before an order is made.

However, I have agreed that in the case of applications for closure notices, where the gravity of the situation in question demands it, the court may make an interim order for the issue of a closure notice, even though an affected person might not have had an opportunity to be served with notice of the application for the closure notice. However, in the case of applications for occupancy and improvement notices, I am proposing in these amendments that the occupier of the premises to which the notice relates should be entitled to the benefit of the usual procedures of the Magistrates Court as to notification and the right to be heard before the court orders that a notice issue. It is important that I put on the record how it is expected that the Magistrates Court will deal with these types of applications; that is, occupancy or improvement notices. I would expect the Magistrates Court to give such applications the expedition that they appear, in the circumstances, to deserve, not only having regard to the rights of occupiers to put their case to the court but, ultimately, to ensure the maintenance of public safety.

I think that most of the concerns raised by the Scrutiny of Bills Committee have been addressed by the amendments. I will indicate briefly, however, that I do intend to leave in place the provision in the legislation that allows the Fire Commissioner, the chief officer, to revoke an order after it has been made, on the basis that this will be exercised in circumstances where it would not be increasing the risk in premises involved and would almost certainly be in circumstances where a benefit flows to the occupier of the premises.

The last point made by the Scrutiny of Bills Committee was about existing legal rights being affected. I have conceded in this debate that they will be affected by this power, but I believe that this is a matter where public safety requirements do demand that such a power exist. In those circumstances, hopefully very rare, where the powers are exercised, it could be said that legal rights would be affected; but that is, unfortunately, a necessary breach of those rights.

Amendments agreed to.

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

Bill, as amended, agreed to.

STATUS OF BUDGET AMENDMENTS

MR SPEAKER: At the end of question time Ms McRae raised a matter concerning a legal interpretation arising from the budget debate. We have been in touch with the Attorney-General's Department, and they advise that they will have the information next week. I will arrange to circulate it to members.

LEASEHOLD ADMINISTRATION
Report of Board of Inquiry

Debate resumed from 21 November 1995, on motion by **Mrs Carnell**:

> That the Assembly takes note of the paper.

MR WOOD (3.58): Mr Speaker, I ask for leave of the Assembly to speak without limitation of time. I hope I do not need it, but I might.

Leave granted.

MR WOOD: The board of inquiry claimed that there have been about a dozen inquiries into land tenure in the last 25 years. That is really not surprising, given the unique fact of a totally leasehold system and the controversy that inevitably follows, along with the varying expectations of the system from different sectors of the community. Disputes are certain. Planning issues are no less controversial. A number of reasons should have been investigated by the board as it considered why there have been persistent expressions of dissatisfaction without apparent solution. This argument goes back well beyond the 25 years surveyed. At paragraph 6.61 the board reports:

> The Board is driven to the conclusion that administrators, and on occasions politicians, have been markedly impervious to criticism and persisted in pursuing practices which have jeopardised the integrity of the leasehold system.

Since this statement contains remarkable assumptions, it is not surprising that no attempt was made to examine the issue further. The board did not want to ask this politician or any other politician about it. The board, as it turned out, did not want to speak to me at all, nor to any other politician. I cannot comprehend that lack of interest from an inquiry into the administration of leasehold and planning as it totally ignored the various Ministers who, in the Westminster system under which we operate, have ultimate responsibility. Here I was, a Minister for about half the period under question, and the board did not want to know me. I had expected that I would be the first witness called, so that the board could assess the outcomes of the planning and lease systems against my requirements - the Government's requirements. When that did not happen, I believed I would be called last, so that I could indicate whether Government policies had been administered appropriately. That did not happen, and it was suddenly too late.

Of course, I could have made an approach to the board to be heard. Perhaps I misread the cues. There was an approach by Pat Troy through John Langmore to make a submission in defence of the leasehold system. Would a submission have been followed by an appearance? Surely a request to appear would have been more direct than that. In the event, the Opposition decided to make no submission, since it was mainly our policies and our administration that were under review. In effect, our submission was already on the table.

Mr Speaker, the failure by the Stein board of inquiry to call me, or to call any politician from this Assembly or former Assembly, is just one of the serious, damaging and questionable omissions from this report. Listen to paragraph 7.24 of the report and agree with me that the omission is incomprehensible; that the board, if it allowed itself to be questioned on this matter, would be unable to provide an acceptable reason. I quote:

> What do we learn from this analysis of the decision making powers and functions under the *Land Act*? First, we see a high degree of power-sharing between the Executive, the Minister, committees of the Assembly and the Legislative Assembly itself.

At paragraph 7.25 the board concludes:

> We are driven to the conclusion that there is too much involvement of the Government and the Legislative Assembly in day to day decision making under the *Land Act*.

In referring to day-to-day administration, the board is not only talking about policy setting, as with the Land Act, but routine administration as well. Why did the board not want to talk to any of us in this chamber? Indisputably, our comments would be totally relevant and essential for any complete and balanced consideration of all the issues. Obviously, we were not the target.

I have read the report now twice and with great care. Every word, every case study, every recommendation has been meticulously scrutinised, and I have made many cross references. Other than my careful scrutiny of departmental functions over 3½ years as a Minister, no other matter has commanded as much attention from me as this report. There is still much to do to understand the report fully and I expect that this debate will continue. I will certainly give further detailed comments after the long period the Minister is going to need to respond to this and other reports.

At this stage I can indicate that there is much in the report that should be supported. Notwithstanding Pat Troy's anxiety, the leasehold system was never under threat, and it is good that we have yet another affirmation that it should remain. There is much that has to be further examined. For example, the report proposes significant changes to the structures responsible for leasing and planning. It recommends a statutory planning authority, a land management authority, and a part-time statutory planning and land management corporation to bring those two bodies together.

The board demonstrates a disturbing ignorance of administration, as it did when it ruled out the role of politicians - and its investigating administration - when it argues that this part-time corporation, meeting "no less than once each calendar month", would "resolve day to day administrative issues and applications between the Planning Authority and the Land Management Authority". The proposal for a planning and land management corporation is an attempt to resolve the tension where the lease purpose clauses establish the planning controls. These recommendations need a lot more careful thought. Then there are recommendations that should be rejected, such as that calling for a spill of SES positions. I said earlier that without the evidence of politicians the report lacks balance; and it is more than that, as I shall demonstrate. In particular, its targeting of public servants is not justified and is simply not fair.

Mr Speaker, I will bring some balance to this whole debate. I will further indicate the report's imbalance, its omissions, and some of those places where it is just wrong. I will show how the board has too often noted perceptions, sometimes refuted them, but in its overall thrust converted them into facts. To do so I will need to concentrate on the serious problems in this report and have less to say about its justifiable comments. That will come when the Minister later provides the Government's response. The report is just one of a long series of reports on leasing or planning. It is, however, the first inquiry under the Inquiries Act. I do not believe that it has operated in the best possible way, so we must learn from this experience if any future inquiries under the Inquiries Act are to be conducted as well as possible.

Mr Speaker, the report has detailed some genuine problems in leasing and planning, and these must be attended to. But, in making its assessments, in converting perception to fact, in its omissions and errors, the board has missed many important factors, and unreasonably allotted blame for such problems as exist entirely to the bureaucracy. The politicians were not held accountable. The difficulties of the Land Act and Territory Plan were acknowledged, but no tolerance was given to those who administered their provisions. The most difficult circumstances of the day were ignored, and it was bad judgment to do so; so full responsibility was attributed to the bureaucrats. They were the target, and I suspect one bureaucrat in particular was the main target. A question about the position of that senior officer by Mr Moore in this Assembly strongly suggests that I am correct in this judgment.

I will spell out some of the other circumstances that will provide a more accurate perspective. At paragraph 14.3 the report states that there is a range of factors which have caused the failure of the leasehold and planning system. I quote:

> They include the unnecessary complexity of the processes laid down by the *Land Act* and the involvement of numerous players in some aspects of the system - ACTPA, Lease Administration, the Minister, the Executive, the Legislative Assembly and its Committees.

The point is restated at paragraph 17.13, as follows:

> ... the effort to devise a system to cover almost every conceivable exigency has produced an overly complex operation which is confusing and difficult for applicants and residents alike to gain access.

Who was responsible for this complexity? After long and tortuous but serious processes that some of us remember, it was this Assembly which passed both the Land Act and the Territory Plan. The public servants responded - I believe very well in the circumstances - to the processes that we put in place. It was imperative that the Act and the plan be introduced as soon as possible after the establishment of self-government. More time would have produced better outcomes.

But there were also the political circumstances of the day, especially in relation to the Land Act, when the Residents Rally and others successfully moved many amendments making a difficult Act even more difficult. A week ago Mr Humphries said that many of the problems in the Land Act relate to amendments moved by Mr Jensen of the Residents Rally. It was acknowledged at the time that the Act would need considerable refinement, and an Assembly committee worked hard at that. The former Government proposed a number of amendments, and now the board of inquiry makes further suggestions. We must take the time to ensure that now we achieve simpler and more effective legislation.

There is another dominating factor which the board completely ignored. The Territory Plan brought most significant changes to ACT planning. Those changes, and the community response to them, should have been acknowledged and understood by the board before it rushed to condemn the bureaucrats who worked under its provisions. The report's case study 18.7 compares the ACT with Blacktown, a growing local government area in western Sydney with a population of 235,000. The comparison is invalid and evasive. Canberra, too, is a growing city, but the Territory Plan and the urban renewal program saw more than half of new applications directed towards established, not greenfields, suburbs. A valid comparison would have been with an area like Balmain. Did the board fail to comprehend what was happening in the ACT?

The bureaucrats had to deal with not just a difficult Act and a new and significant plan, but changes that brought a vastly increased workload with often controversial and prolonged debate. I know that they performed very well in those circumstances; not perfectly in every case. Not every phone call was recorded, and processes for handling complaints were not always right. There was difficulty with some FOI requests, and the board certainly heard many complaints from the community. Officials are required to work under the circumstances and requirements of the day. Times were difficult, but they performed competently and diligently as always.

Let us look still further at this question of balance. In discussing planning issues the report provides a large number of case studies. Almost entirely, and no doubt accurately, the studies reflect community complaints about the Planning Authority's handling of inquiries, objections and the like. I can accept that, but where are the other case studies? Where is the study of a developer's application which satisfied the quantitative criteria but was nevertheless resisted by the authority until a satisfactory design was achieved? Where is the study, and there would be many, where objectors became satisfied with an eventual outcome? Where is the case study where an objector or group on poor grounds resisted through all of the provisions available?

The case studies do emphasise particular points, but they provide overall a most unbalanced account of what went on in the Planning Authority. The use of case studies in this loaded way demonstrates the uncritical emphasis that the board has given to residents and to a variety of community groups. I have no difficulty with this. It was always my view that citizens should have the city they want and that they are of primary importance in all processes. The board had a responsibility to report the full range of processes arising from applications, but it did not do so. The board makes frequent reference to perceptions that members of the community have about a range of matters. For example, at paragraph 14.9 the report states:

> Many resident groups and some individual submitters claimed that the planning system appears to have been "captured" by developer interests ...

It goes on at paragraph 14.11:

> The Board is unable to conclude that "capture" has occurred ...

It proposes a more open system. The same pattern occurred at paragraph 17.148, where it states that "the Board notes that there is genuine concern in the community about the issue" of disclosure of interest, but in paragraph 17.147 it acknowledged that there was no evidence to suggest that any public official had breached any guidelines. This thread is evident in the report and is apparent enough for me to give more examples. At paragraph 17.165 it is stated:

> There is a perception among some community members that the special knowledge of former officers -

of the bureaucracy -

> of administrative procedures and processes confers advantage on them.

That is, on developers. Once again, the board found no evidence of patronage or improper advantage.

The board has paid great attention to the perceptions of the community and it appears to me that the report has converted perceptions into facts. Yet we see those statements where it is acknowledged that there is no evidence to substantiate those perceptions. I can confirm that some in the community have a cynical attitude towards the work of public servants, but automatically to accept those claims, as the report has, is to do a grave disservice to public servants. This comment at paragraph 17.173 is valid:

> ... the Board also considers that the lack of "faith" expressed by many in the community about the decision making processes means that the perception of "favours" needs to be addressed as a matter of urgency.

Again the word "perception" is used. Mr Speaker, while in total I do not accept that the lack of faith is fairly held, I do acknowledge that even greater efforts must be made to establish confidence on the part of all in the community in the process of leasing and planning. I believe that most members here will acknowledge that it will not be possible to satisfy every last resident. There are those who take an in-principle opposition to a project, or the very idea of change, and will use every means available to them to object.

Let me emphasise that the overwhelming number of responses are at all times sincere and earnest in their desire for an appropriate outcome, just as those bureaucrats handling the processes are. However, I will not forget the occasion when planners sat with a group until midnight - it was not the first meeting - but still saw next day a media release claiming lack of consultation. I hope the board of inquiry has not committed the same type of offence. In discussing the development of the Territory Plan at paragraph 18.78 the report states:

> A common theme expressed by residents and community groups was that ACTPA was perceived -

again that word is used -

> as being "pro-developer" and "anti-resident".

It went on at paragraph 18.79 to say:

> ... the community consultations during the development of the Territory Plan were widely perceived as tokenistic and they considered that little significant change was made to the draft after the consultation process.

That statement says a great deal about the view and the approach that the board of inquiry adopted. It leads me to believe that the board did not really attempt to find out what went on during that long period of development of the plan. I know that some hold the view that the process disguised some of the impacts, but that view cannot be supported by facts. The board cannot have studied Annex C of the planning documents, which was a report on the consultation. It cannot have compared the first and second drafts of the plan. I wonder whether the board's understanding of the plan is based on what some community groups alleged, rather than what the plan says.

The consultation, including the release of discussion papers, extended over nearly four years. Initial meetings began late in 1989. I know, because I was to chair them; but the Alliance Government came to power and took over the running. The first draft, to apprise the community of developments at that stage, was released by me as Minister in October 1991. It was not until late in 1993 that it cleared all processes. Over that period there had been 1,000 submissions, exhibitions in various parts of the ACT, 1,500 copies of the Territory Plan distributed, 120,000 information brochures also distributed, and innumerable responses to the hotline. It was a dedicated and genuine effort at consultation, and the board wants to call it tokenism, a tactic occasionally used by objectors - say what you want regardless of facts.

The changes from the draft to the second document were indeed considerable. Let me give one example. At paragraph 9.13 the Stein report refers to the concept of PLUZs. It refers to them as a fact. Actually, the removal of the PLUZs was just one of the changes from the first draft. That suggests that the board's understanding of the plan was far from perfect. And do you remember the "pink bits"? They went too, along with the making of hosts of important changes. I have indicated before the report's critical comments about the intrusion of political processes. The report wanted its piece of criticism of politicians at that time, but it did not want to acknowledge the prolonged and significant role of the Planning Committee under the chairmanship of Mr Lamont. That committee made further important changes before the plan was approved, unanimously, by this Assembly.

Mr Speaker, let me give another example of the board's misunderstanding of the plan. At paragraph 18.41 the report argues that:

> ... breaches of performance standards should be permitted where they do not harm or undermine the stated underlying purpose of the particular standard.

Recommendation 70 calls for this provision in the Territory Plan. Yet, it is already there, loud and clear. It is an important feature of the plan, and one that has been well used. How could the board miss it? It is a further serious defect of the board of inquiry's report that it did not test its assertions. Had it done so, it would have avoided such mistakes. It may have refrained from uncritically accepting as fact the perceptions that some submitters had. It may also have provided a greater element of justice for the bureaucrats.

Mr Speaker, there is a strong sense of an ambush in the way the board dealt with them. The members of the board acknowledged the willing participation of the leasehold administration and the Planning Authority. It is obvious that our public servants cooperated fully with the board. They discussed freely and openly the processes and the difficulties. Indeed, I understand they were pleased to do so in the expectation that a number of difficult provisions would be ironed out. But the easy and comfortable nature of the hearings was disarming. The board had targeted them. If there is any future inquiry into aspects of ACT administration you can be sure that bureaucrats will not be as open in their comments, and they will want their lawyers with them. Since the board had resolved to be so critical, it should have offered the bureaucrats the opportunity to comment on its highly prejudicial statements.

Let me now discuss the issues of transparency and freedom of information - issues to which the board gave a great deal of attention and which appear critical in determining the thrust of the report. Many of the case studies were related to these issues. The board chose not to acknowledge the enormous amount of time that the planners, in particular, devoted to consultation with objectors and the community. The then Chief Planner was always at community meetings. I agree with this statement at paragraph 17.56:

> It is the Board's opinion that increased levels of transparency would improve the efficiency and effectiveness of the operation of the leasehold system. Importantly, it will raise the community's confidence in decision making processes.

The report, with its case studies, indicates where residents found it difficult to get all the information they wanted. Overwhelmingly, I believe it is the case that the information was available to and received by those who wanted it. Again, I would agree with the report when it said at paragraph 17.79:

> This is not to suggest that the residents would have been satisfied with the outcome or will be satisfied with the eventual decision.

Nevertheless, the processes must be changed so that the required information is easily and immediately available. I do not believe that FOI is the answer. As Minister, my approach was that if material was available through FOI it should be provided as a matter of course to appropriate applicants. The trouble with FOI is that applicants make blanket applications, and the process of providing basic information becomes inordinately time consuming and expensive. Perhaps as part of the procedure for handling development and variation applications a running sheet could be maintained on which all the basic and vital information is recorded. I emphasise "all". This would then be available instantly on request. Of course, FOI provisions would continue to be available.

The report makes a great deal of the difficulties, real or otherwise, in acquiring information. I can understand that, if people believe that something is being withheld, suspicions are easily aroused. The board's careful examination of a multitude of files suggests to me that there has not been anything hidden. There are numerous comments about administrative glitches and inconsistencies, but no startling revelations. The board's criticism about inconsistencies in the operation of FOI may well be valid, but who is the board to talk? It was not open and accessible itself.

In seeking information, I experienced the same frustrations that were evidently the lot of some residents. Obviously, I needed to see the submissions and the transcripts. Since I expected to be called, I was particularly keen to see the documents; but I could not - not easily and immediately. There was, and remains, a perceived legal problem with submissions. I acknowledge that, but it is remarkable that they are still not readily available. More than that; I was originally dispatched to a private photocopying firm and was told that I would have to pay for copies. The transcripts of evidence were equally difficult to see. I was told that copies were not available, but I could make an appointment to read the areas of interest in the rooms being used by the board of inquiry itself. And remember that somewhere in the report is a critical comment that an applicant in a particular circumstance actually had to pay for FOI.

I thank the Chief Minister for her quick response to my request last week for all submissions and transcripts. I understand there are some soon to arrive. When we next come to debate this issue, I hope I will have seen and studied them all. It is important that I read all that information carefully - and the Assembly's Planning Committee too - so that we can accurately assess that lack of balance that I have claimed is in the report.

Mr Speaker, another matter which received a great deal of attention is that of compliance with leases. At paragraph 17.175 the report states:

> To a great extent the integrity of the leasehold system depends upon adherence to lease purposes clauses and other conditions or covenants of a lease ... The fundamental unity of the leasehold system can and will break down if there is no effective enforcement.

The board read Brennan's very valuable book, so the members knew that this problem emerged very soon after the sale of the first leases and has continued in the 71 years since. The board believed that there was a culture of non-enforcement. Do we have to go back to the days of not so long ago when there was a lease enforcement section and a band of 30 or so inspectors who poked into every nook and cranny of the Territory and sometimes took those who breached lease conditions to court, usually unsuccessfully? The report gets down to the detail of untidy backyards, home businesses and illegal flats - the sorts of thing that the enforcement squad used to attend to. Chief Minister, do you want to fund a new unit of that order? Do you have some money to spare? Perhaps you might as well. Has anyone yet costed what the acceptance of all the report's recommendations would add up to?

There are more serious aspects of lease compliance, and the report discusses them, with its major focus on Fyshwick. I, too, maintain the principle that the lease purpose clause is a primary planning instrument, and it is important that this principle is maintained. But this and earlier reports do not acknowledge the real problems behind lease compliance. Why was it that retailers - some 500 of them, on one report - were located in Fyshwick? "Do not let them" has been the simple answer, but the problem is not so much a lease problem as a planning problem. The structure of the town centres, with their emphasis on office buildings, simply forced many traders, including the family or small business type, to locate somewhere more affordable. As acknowledged, it is also the case that many lease clauses are too complex and ambiguous. In any event, the leases at Fyshwick have now been substantially amended and betterment paid.

At paragraph 15.1 the report acknowledges that the issue of betterment was one of the primary reasons for calling the present inquiry. The recommendations about the level of betterment are generally consistent with the decisions taken by me as Minister. Proposals that betterment be uniform across the ACT and the change in the remission rates will need to be assessed for their full impact. I do not believe that that impact will be great.

The recommendation concerning the development rights register is another matter. The principle behind it warrants examination, but the closest scrutiny must be given to the practicality of maintaining an up-to-date register for all leases in commercial and industrial centres and in residential areas to be controlled by development control plans. That will cover many thousands of leases and require a task that the ACT Treasurer will want to cost. For all the fuss that was made about betterment and its place as a catalyst for the inquiry, the report has devoted relatively little discussion to the issue. It had other targets.

Mr Speaker, the report considers a number of other topics from which emerge recommendations which warrant consideration. These matters include public notification, processing times and statements of reasons. There are also gratuitous and disturbing comments about post-secondary education of officers. On the basis of no presented evidence, and with a degree of arrogance, a number of prejudicial judgments are made. I found the officers in the area concerned always to be highly professional, both in their knowledge of issues as well as in performing their administrative duties. The board's approach seemed to me to be unprofessional.

Mr Speaker, at paragraph 6.61 of its text the report asks why there have been so many reports and inquiries over the years and why the majority of the findings and recommendations do not appear to have been implemented. In the future others might be asking the same question in respect of this report. The issues raised have been relevant. There are recommendations that might well be adopted; but the omissions, the mistakes and, in particular, the lack of balance and the tone of the report dominate its arguments and combine to overshadow what is constructive and positive.

The issues will not go away. Different sectors of the community will still have varying opinions about the entitlements attached to their lease. I know that some people will still allege corruption. I know that the inquiry did not set out to inquire into the details of allegations of misconduct or unlawful activity. No matter that it scrutinised hundreds of files, examined all senior bureaucrats and found no evidence at all of corruption, some people will still make claims. These claims continue, notwithstanding the comment in the report at paragraph 17.172 that:

> ... it has no evidence that any politician or public official has acted in a position of conflict of interest or has ever put interest arising from personal or other relationships above that of the community.

In this most planned of cities, a city with a unique leasehold system, there will always be a diversity of views and continual controversy.

Mr Speaker, what will come out of this report? How much attention should be paid to it? There are two names I have not mentioned before - Yowani and Starlight Drive-In. They might give us a clue. At paragraph 2.1 the report acknowledges the draft variations concerning these sites as the immediate trigger for the establishment of the inquiry. They are, then, of considerable importance, or they should have been. In fact, they hardly rate a mention. General issues of concessional leases, lease enforcement and transparency are mentioned as significant difficulties, but what of all the publicity that was generated over those sites? Perhaps the most telling comment is at paragraph 17.79 in respect of Starlight Drive-In. It says:

> ... there is no evidence of partiality towards the lessee or evidence that the public interest has been ignored during the process.

The simple fact is that, after all the noise and all the allegations, all the fuss and bother, these draft variations will, and should, proceed. I think that says it all.

Mr Speaker, the bias, the bad, the wrong and the injustice in this report outweigh what is constructive. Its attack on public servants in particular is unwarranted and vindictive. The board was concerned to protect witnesses from attacks. It had no such concern for officials. Look again at the circumstances. Bureaucrats work with tight budgets and tight staffing requirements. They do not have the much increased resources that the recommendations of this report require to be available. They had none of that luxury to allow time for the detail considered necessary. What a help that would have been to them - just more staff to handle the enormously increased workload they experienced. The bureaucrats do not work in Blacktown. They have to cope with new and complex procedures. At least the report acknowledged that. They had to cope with the rush of applications following a significant change of Territory planning. They had not experienced anything like this before. They had to cope with a flood of objectors.

The report did make many acknowledgments: No evidence of patronage or improper advantage; no evidence of corruption; no "capture" by the development lobby; no evidence that any official had breached any law or administrative guidelines; all processes and procedures, and they were complex, were followed; no evidence of partiality or of the public interest being ignored; and the requirements of the Land Act were followed at all times. The work was done. The wishes of the Minister, the Government and the Assembly were carried out and, as we heard yesterday, they have won awards for their planning.

What went wrong? FOI responses showed some inconsistencies, notes of conversations were not always kept, and letters - petitions, too - were not always on time and sometimes a follow-up was not provided where it was expected. There were clerical errors. Those, and other matters of that nature, are hardly hanging offences, especially in the circumstances that applied. Many other claims must be tested before being accepted. The moving of two officers so rapidly was an unjustified panic response on the part of the Government.

Madam Deputy Speaker, it is now time for the Government and the Minister to accept the responsibility their position imposes on them. They must take that back from Mr Moore. The establishment of the inquiry was part of the deal between Mr Moore and the Liberals which brought them to government. He chose the board, certainly two of them, and this is his report. The Government had no control. I do not know whether the outcome is what he wanted. But the response must be the Government's. They must regain their proper role. If they do, if they attend to constructive elements in the report, if they provide a measure of justice to those who have been maligned, there may be some return for the $500,000 cost.

MR MOORE (4.33): Madam Deputy Speaker, I seek leave to speak without time restraints.

Leave granted.

MR MOORE: Thank you. I hope that I will be much briefer than Mr Wood. I need to deal with one thing that I felt it was inappropriate for Mr Wood to say, and that was his personal reflection. He ought not to have done that, under standing order 55. He suggested that this was part of a deal for the Liberals to go into government.

When he went into government there were no deals with me, and there were no deals in terms of the Liberals going into government. He referred in his speech on a number of occasions to a number of triggers that set off this inquiry. Those triggers, amongst other things, were mostly to do with the Starlight Drive-In and Yowani.

Madam Deputy Speaker, the inquiry that Justice Stein and others have reported on is in itself particularly interesting because it is a compromise view between what some of us have argued for for a long time and what development interests in this town have sought. The most important thing that has happened today, Madam Deputy Speaker, is that we can actually understand now why it is that this report was necessary after such a long time when Mr Wood was at the helm. Mr Wood built up this report in a straw man fashion and then knocked it down. Mr Wood kept saying that the report did not identify what people were doing right but rather what they were doing wrong. Perhaps it is this side of Mr Wood, this rubber side of a Minister of great goodwill, that directs us to his own failings as Minister. In many ways, and particularly for a teacher, it probably is a very positive attribute. But in this case this inquiry did not set out to look for what was right. That was not its job. It set out to look for what was wrong, and that is what it has reported on. Yes, many of the things that Mr Wood said were right were right. Of course they were right. That there was goodwill amongst the bureaucrats was definitely right as well.

The other failing of the former Minister in interpreting this inquiry is that he ought to have read the terms of reference. He said again and again: If there were a series of flaws, why did they not ask him as a politician? Why did they not approach a whole series of other issues? Well, the terms of reference did not ask them to. The terms of reference were about the administration of the leasehold system. Perhaps, Mr Wood, you did not read those first few pages, although I doubt it. I believe, in fact, that you read the report, and clearly, from your speech, you read it extremely carefully. I notice that your copy of the report is even more dog-eared than mine, so I accept that you have read it with a great deal of care. The terms of reference are:

1. Examine and report on the administration of the ACT leasehold system since self government with particular reference to the determination of betterment, and including:

    a) adherence to the applicable statutory framework;

    b) generation of financial returns to the government and community;

    c) cost of the process of lease variation and determination of betterment;

    d) adequacy of the relevant organisational arrangements, including the time taken to process applications and approvals;

    e) the extent to which the original purpose of the leasehold system is relevant;

f) the transparency of relevant processes and public confidence in them; and

g) any other related matters concerning the administration of the ACT leasehold system as may appear to require examination.

2. In light of the Inquiry's findings about 1 above, make recommendations for any desirable reforms.

3. Consider and make recommendations on (i) the circumstances in which betterment should be charged and (ii) the appropriate levels of betterment, taking into account:

a) the likely impacts on economic activity generally, and in particular the growth and level of investment when compared to alternative land tenure systems;

b) the likely impact on the good planning of the ACT;

c) the term and renewal conditions of commercial and residential leases;

d) other ways by which an appropriate return can be made, directly or indirectly to the community from increases in the value of land; and

e) any other relevant matter.

Madam Deputy Speaker, Mr Wood has done the very thing that he has accused the inquiry of doing. They had specific terms of reference which they addressed. Over the last half-hour or so he identified a series of things that he thinks they should have done, but they did not do. He used the term "ambush" rather late in his speech, and he also, a number of times, identified just one member of the committee of inquiry. Of course, there were three members of the committee of inquiry, and there are only one or two occasions, I think, when a dissenting voice is offered, so it is a unanimous report by Justice Stein, Professor Patrick Troy and Mr Robert Yeomans.

Mr Wood, it was not, in any sense at all, my report. The Planning and Environment Committee unanimously called on the Government to carry out this inquiry. Perhaps the reason you think it is my report is that I asked you to do exactly the same thing three or four years ago. Had you done the same thing three or four years ago we would have been through this process much earlier. We could have looked at the problems of the leasehold system and planning, rather than always looking at the positive aspects. There were positive aspects. That is why, when the Territory Plan came before this Assembly, as you mentioned, I voted for it. I voted for it because there were positive aspects to it.

You will also recall - I ask you to use this in future, to be fair to me - that I also said consistently, at the time, that it still was entirely inadequate in that it did not have a strategic overlay. There was no strategic plan. You know that that is the case. Nevertheless, I recognised that it did achieve a great deal in turning a whole range of NCDC policies - some 1,200 of them, as I recall - into a single overall policy. To ask, after four years of community consultation, that I reject that would have been entirely inappropriate.

The inquiry, as you put it, set a series of targets - public servants, and in particular one public servant. Well, that was its terms of reference. That is what it was asked to do, and that is what it did. You look at the terms of reference again. That is why I took the trouble to read them out. As for targeting a specific public servant, I do not think that is being done there. I asked a question in this house about the public servant who was in charge of this whole area through the period. What the inquiry set out to do was to seek a cultural change. That is why it is, Mr Wood, that it recommended changes at SES level - the spilling of positions and the advertising of those positions. It did not say that people there now who were competent could not apply for those positions and gain them. It said that those positions should be spilled and advertised. It sought a cultural change because it recognised that there was something wrong culturally with the system. That is something that you failed to do, Mr Wood, as Minister, and I think it was a great weakness on your part. But I do emphasise that that weakness came out of the side of your nature that tends to look on the positive side of things, that tends to look for positive things.

Mr Wood also referred to the Territory Plan as being part of the fifty-fifty policy. I think that is inaccurate. I think fifty-fifty was a Government policy and the Government used the Territory Plan to implement that policy. I had a discussion with Mr Townsend on 27 November in which he shared with me some of his thoughts on this report. I made notes of that meeting and I made it very clear to Mr Townsend that I was doing so. He suggested to me that the fifty-fifty policy of the Labor Government was not based on planning concepts at all, but rather on revenue concepts. The Government saw that they could save $56m by 1993-94 in terms of the infrastructure, and it was based on that. There is another very important thing on that issue that I will come back to in a short while.

Mr Wood suggested that this was an unbalanced report. I think the reason he finds it to be an unbalanced report is that he did not understand or somehow missed the terms of reference. If the terms of reference had been much broader his contention would be appropriate. He also went on to say that there was no evidence at all that there had been a pro-developer and anti-resident situation. At the meeting that I had with Mr Townsend, and this was when I said to him that I would be making notes, he indicated to me that when Trevor Kaine was the Chief Minister and was responsible for planning he indicated to Mr Townsend that his role was to make the planning system work for investors, that the applicant should be assisted as far as possible, and that objectors were to be given only the assistance that was required by law. That was the cultural milieu in which the system operated and which needed changing.

I asked him at the time whether he had a similar instruction from Mr Wood. The reply I had was that there was no change from that instruction when Mr Wood was Minister. So, even under Labor, the same culture was there, and it was that culture that needed to be changed. It was that culture that frustrated residents. I would be very happy for Mr Wood, or Mr Kaine for that matter, to contest that, should they wish to do so. Mr Townsend told me he was able to provide the appropriate notes on file and so forth that would support that, if I wanted them. However, Madam Deputy Speaker, I do not think that is necessary.

We could go back into a process of asking about corruption, of asking about whether the public servants have been competent or incompetent. We could go into the whole range of issues that Mr Wood raised. But I think that is not an appropriate thing to do. The board of inquiry said it was not the appropriate thing to do. The decision of the board, within its terms of reference, was, "Let us look forward as to what changes need to be made". That is what we should be doing. We should be working together to ensure that the changes suggested by the Stein inquiry are the ones that are implemented. If we do not seek to implement those changes, Madam Deputy Speaker and members, then in another few years we will have another inquiry - No. 14, No. 15, No. 26, or whatever it is - and yet another inquiry and yet another inquiry.

This inquiry, for what it attempted to achieve, was a relatively cheap inquiry. It cost $500,000. That should be frightening. If the terms of reference had been broader, had they asked Justice Stein to use what effectively were royal commission powers - we all understood that - and go back to before self-government and chase out all those issues, we certainly would have had a much more expensive inquiry. Perhaps we would have seen use of the techniques used by the Wood royal commission. But what would it have achieved? Absolutely nothing more than what was achieved here.

What has been achieved here is this: Let us make a cultural change. Let us look forward. Let us make compromises. Let us work together in the best interests of the Australian Capital Territory. We have to stop pointing the finger. We have to stop pointing the finger at corruption. We have to stop pointing the finger at Stein. We have to stop pointing the finger at each other. We have to get down to the business of working on the recommendations and the compromises that Stein and his colleagues have suggested. That is what I want to do, and I will be happy to work with the Planning and Environment Committee.

Madam Deputy Speaker, I take this opportunity to say to you on an informal basis that the Planning and Environment Committee considers it will be appropriate for it in due time to adopt as an inquiry how the implementation of the Stein recommendations proceeds. We have not done that as yet, and I expect that we will not do it until early next year. There are a number of other reports in front of us at the moment that we are drawing to a conclusion. We hope to have those off our agenda before we adopt this inquiry. That will give the Government an opportunity to respond in a full way and to get the process under way. I think it is time for all of us to take the goodwill which I identified as a weakness of the former Minister and work with it and see whether we can get this system changed in a positive way.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.49): Madam Deputy Speaker - - -

Mr Moore: Do you close the debate?

MADAM DEPUTY SPEAKER: No; Mrs Carnell does.

MR HUMPHRIES: I do not; nor do I seek to speak without a time limit. I am very happy to speak within my allotted time. In fact, it is a blessing, I have to say. I do not intend to be particularly specific because, as Mr Wood observed, the ball is now very much in my court and the court of the Government. This report is, in a sense, the latest and biggest of a series of major pieces of information placed on the Government's plate which it will need every minute of the next two months, over Christmas and new year, to digest and understand.

There is the Mant/Collins report on the structure of the planning process; there is the report of the red tape task force which has recently been produced and tabled by Mr De Domenico; there is the earlier report of the Planning, Development and Infrastructure Committee of the Assembly itself, recommending a number of changes to the way in which the planning legislation should operate; and now there is this major and very significant report, a report prepared at considerable cost, as noted, which comes under the guise of being, as Mr Moore referred to, just short of a royal commission, and which makes a very significant number of recommendations as to the nature of the planning system. The Government would be foolish to rush in on any of the recommendations made in any of these reports. All I have to say today is in general terms.

We have seen in this place on this issue attack and counterattack on the question of the planning system. Of course, attack and counterattack have been the characteristics of planning in the last five years or so in the ACT. They have been the cause of more community division and of more community unhappiness with government policy and direction, as the community perceives it, than almost any other area of government; some might say as much as all other areas put together, but that perhaps goes slightly too far.

As the Minister who assumed this portfolio in March this year, relatively untainted by much involvement in planning issues or much knowledge of planning matters before I became Minister, it was my intention that at the earliest possible stage I should do one particular thing. That was not to conduct my own exhumation of all the rotting carcasses of previous decisions and previous administrations; rather, it was to attempt to determine, on the experience of the past, how we should build a stronger and more acceptable planning system into the future. I certainly saw and still see the Planning Committee report, the Stein report, the Mant/Collins report and other reports as the basis on which to do that.

I have noted the many comments made in this place about the Stein report. Members do not need to hear me speak to know that I would be deeply unhappy about elements of the Stein report.

Mr Moore: We all are, Gary.

MR HUMPHRIES: Mr Moore points out that we all are. Without even hearing me speak, members would know my views about the leasehold system, my views about renewability of leases and my views about betterment tax. Those are the views of my party. Those views have been severely attacked, if you like - - -

Mr Berry: Decimated, even.

MR HUMPHRIES: Decimated, if you like; yes, I do not mind the word you use - in this report. But the point that Mr Moore makes is a good point. Nobody comes out of this report, as it were, without some shibboleth of theirs in tatters or decimated, if you like. As I pointed out the other day, more to make a point than anything else, this report recommends, for instance, that there be a right to legal representation in the new planning appeals process, which they accept should now be the AAT. That is an issue which I have always argued for but which others in this place have opposed. The point I make by mentioning that is that this report is like the curate's egg. Parts of it are very nice indeed, very palatable, very tasty; other parts would leave a rather bitter taste in one's mouth.

It was not the Government's intention primarily to rake over old coals in this inquiry. The Chief Minister and I wanted terms of reference that contained forward looking elements: How do we produce a report which is going to give us the answers to some of the longstanding, deeply ingrained problems in the planning system? Does the report achieve this blueprint for fixing the problems of the planning system? That is a question that will need to be answered in the next few months as we pore over the details of this report and determine what response we should give to it. I dare say that there are things in the report which we will find difficult to implement or deliver on.

The report, it is true, makes a number of fairly significant recommendations about the planning process. Mr Wood mentioned a number of new bodies which it recommends should be created and which, if nothing else, will almost certainly add to the cost of administering our planning system.

Mr Wood: In any circumstance, that is going to double, I would reckon, as a result of this.

MR HUMPHRIES: Mr Wood's estimate is that it would double. I do not have an estimate of my own; but I have to say that even if it did do that I am not sure that money is the root cause of the problem. Money might solve some problems, but there are other things which deserve higher priority than spending a great deal more money on our planning system. But, as I say, that is a matter to be determined as we peruse this report.

Like Mr Moore, I emphatically deny that there has been or was an agreement between Mr Moore and the Government to facilitate this report being presented. As I say, I saw the report as an opportunity to clear the air, focus on issues that were proactive and forward looking and produce - let us not be overly ambitious - a system free of controversy. It would be overly ambitious to express it in that way; rather, it should be referred to as a system which has some of the kinks in it ironed out and which produces more acceptability.

I also have to defend, in light of Mr Wood's comments, the removal of a number of officers, including the Chief Planner, as a result of the report. In a sense, Mr Wood is right to say that it is a knee-jerk reaction. That is true, but it is the kind of response that is, unfortunately, not open to a government to resist. Had the report been about someone else in circumstances where members - - -

Mr Wood: Consider the report first. Give it careful consideration and then do something.

MR HUMPHRIES: I take up that point. We would not say that a person ought to be left in place until the process had finally resolved itself. With respect, you would not have come into this place and argued that Mr De Domenico ought to be removed from the position of Deputy Chief Minister while his case before the Discrimination Commissioner was pending. You did not do that. You said that he should go right then and there. I hope that there is some consistency here.

Yesterday I was attacked for sacking Mr Tomlins. I note that Mr Tomlins has been transferred, with all his pay and conditions, to another position. This is what happened to Mr Lyon some time ago. I was told that transferring someone like that was not sacking them.

Mr Berry: But that is not what happened to a certain health official.

MR HUMPHRIES: He was sacked, yes. I assume that someone being transferred is not being sacked; or is it? Mr Berry is not sure and neither am I; so I will not ask him to explain. I do say this much: Mr Moore has said that we should use the opportunity to make a cultural change in the planning system and that we should use the opportunity to stop pointing the finger and start being positive and forward looking about the planning system as well. I still retain the hope that we will be able to do that. I am not quite sure how.

The report contains a number of sticky issues which will certainly be the subject of heated debate and division within this place and in the broader community, but I believe that there are some issues on which a resolution of past problems is clearly provided in this report. I would ask members, even members who feel that there are considerable problems with this report, not to throw it out in toto but to accept that they need to work carefully and systematically through this report, pick out things in it which are workable and achievable, and then proceed to make a decision about how we actually improve the quality of our planning system - a system which, we would all concede, has caused a great many people many grey hairs and headaches and one which it is incumbent on us to improve as best we can.

MS HORODNY (4.59): Mr Speaker, this report is certainly a very comprehensive one. It makes a clear statement that all is not well with planning and leasehold in the ACT. It also provides a very concise history of how we have ended up where we are. This is particularly valuable for those of us who are new to planning and leasehold issues. The history shows, it seems, decades of fiddling around the edges without achieving substantial changes or a clear sense of direction.

The report is an indictment of bureaucracy and of political will, I believe. It suggests that senior bureaucrats need to be more carefully selected for positions in planning and lease administration, because this is a particularly specialist area; that the culture should be changed, as Mr Moore said; and that other administrators in these areas need proper training to allow them to carry out their work more competently. The report is an indictment of bureaucracy, as I said, and indicates a lack of - - -

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 that the question be put forthwith without debate.

Question resolved in the negative.

LEASEHOLD ADMINISTRATION
Report of Board of Inquiry

Debate resumed.

MS HORODNY: The report indicates a lack of qualified senior level staff and, to quote from page 124 of the report:

> ... the lease administration ... has failed to deliver efficient administration of the leasehold system.

It also indicates failure in relation to basic administrative processes such as maintaining proper records on file. It also cites inconsistencies and lack of recorded information on how decisions were ultimately arrived at. A very basic conclusion is that the administration of ACT leasehold continues to lack leadership, direction and clear objectives.

This state of affairs cannot be blamed on the bureaucracy alone. Clearly, successive governments, both Federal and local ACT governments, have played a role in this, too, and must share the responsibility for this state of affairs. After all, it is up to the legislators to provide the general policy direction for the planners. No-one in this chamber can rightfully claim that complaints about planning and the leasehold system are new phenomena. Indeed, they are not. As has already been stated, there have been over a dozen inquiries in the last 25 years.

The Greens are delighted that the report has come down in support of maintaining a leasehold system. Through the leasehold system, the Government retains a greater degree of control over the urban landscape than it otherwise would have. Despite the fact that we are blessed with a leasehold system, this city has many examples of what can only be characterised as planning disasters. Irrespective of whether allegations of corruption actually carry any truth, it is clear that changes need to be made to planning processes in the ACT and that these planning processes need to be made more open and accountable and more responsive to community needs. Major social and environmental considerations do not appear to have had a major impact on recent planning decisions in the ACT. If they had, we would not have seen decisions which have led to the development of new suburbs - for instance, Symonston - where access to public transport is extremely difficult. It means, effectively, that 600 cars will be travelling to the BMR building, for instance, each day. The Tuggeranong Town Centre is not in the centre of Tuggeranong at all.

The Stein report has 96 recommendations which range from amendments to freedom of information legislation through to a proposal for changes to administrative practices. The implications of the full set of recommendations obviously need very careful consideration, and I will be reading the report in much greater detail during January. I have looked at it in some detail, but I obviously need to look at it much more carefully. I will take into consideration the comments that Mr Wood, Mr Moore and Mr Humphries made. As Mr Moore said, we will be looking at the implications of the report in the Planning and Environment Committee.

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

CHIEF MINISTER'S DEPARTMENT - CHIEF EXECUTIVE
Paper and Statement

MRS CARNELL (Chief Minister): Mr Speaker, in question time today I was requested by the Assembly to table details of relocation expenses, rent relief and associated benefits in respect of Mr Walker's appointment. I now table the response to Mr Berry's motion which was moved after question time. Mr Speaker, I would like to speak about the precedent that this sets, about the motion and about the answer.

Mr Berry: Mr Speaker, on a point of order: Leave was granted to table the documents. No further leave was granted.

MR SPEAKER: Is leave granted for the Chief Minister to make a statement?

Mr Berry: Give us an idea of how long you are going to be; that is all.

MRS CARNELL: About five minutes.

Mr Berry: That is all that I am worried about.

Leave granted.

MRS CARNELL: Mr Speaker, as you will see from this statement, all of the items of payment to Mr Walker are in line with the public sector management standards. As we would know, the public sector management standards were passed and put in place by the previous Government. As Ms Follett particularly would know, and I assume everyone in this Assembly would know, the public sector management standards are not approved by the government of the day. They are in place.

The entitlements under those public sector management standards are approved by the commissioner; in this case, Ms Maureen Cane. In fact, they do not come to the Government at all for approval. All of these have been approved by the appropriate public servant, the commissioner; in this case, Ms Maureen Cane. They are in line with the public sector management standards put in place, as I said, by the previous Government.

If the previous Government does not like its own public sector management standards, then it jolly well should not have put them in place to start with.

Mr Berry: You sound pretty nervous, Mrs Carnell.

MRS CARNELL: I am not. The precedent that this sets, in asking for this information to be tabled in the Assembly, is very unfortunate.

When I said that I would comply with Mr Berry's motion I said that I would also table information on similar circumstances with regard to others, such as Ms Cheryl Vardon. I am not going to do that, simply because I would be creating a precedent by doing so. I do not think that it is at all appropriate. Here is what the Assembly has asked for. I will not be tabling the information about other public servants, because there is an enormous list. Obviously, these are the public sector management standards; they are appropriate; and they apply to all public servants who fall under the Act. To look at just a couple of examples would be extraordinarily unfair and something that I certainly will not be doing.

ADJOURNMENT DEBATE - EXTENSION
Suspension of Standing Orders

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

> That so much of the standing orders be suspended as would prevent the adjournment debate from extending beyond the 30-minute time limit.

ADJOURNMENT

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

> That the Assembly do now adjourn.

COMMUNITY REFERENDUM BILL 1995

Debate resumed from 23 November 1995, on motion by **Mr Humphries**:

> That this Bill be agreed to in principle.

MR CONNOLLY (5.11): As I took the public running on this issue early in June, I can say that it will be the Labor Party opposing the Bill but our leader will be addressing remarks to the chamber.

MS FOLLETT (Leader of the Opposition) (5.11): I would like to say at the outset that I am indebted to Mr Todd Foreman for his research on this speech. He is a visiting United States resident. He is visiting here on an undergraduate scholarship. He is very much aware of the experience in the United States. He was also recently in New Zealand during the first referendum that was held in that country.

Mr Speaker, it will not be a surprise to members that I am rising today to speak against the Community Referendum Bill 1995. It is my view that the ACT is already well served by its existing system of representative democracy. The Community Referendum Bill would not strengthen democracy in the ACT; rather, it would put more power into the hands of pressure groups, extremists and power elites and reduce the influence of the average citizen on the legislative process. Our system of representative democracy is a sound one. Candidates campaign on a platform of ideas which they pledge to implement if they are elected. If they do not keep their promises or voters disapprove of their performance in office, voters can vote them out at the next election. Within this system of representative democracy, the average citizen already has the ability to influence legislation. We have seen that happen time and time again in this place.

Anyone, either individually or in groups, can lobby their elected representatives on particular issues and propose changes in the law. Citizens also have the right to petition. When citizens lobby or petition, law-makers get a strong sense of the desires of the community. The Community Referendum Bill is an expensive way of giving the Legislative Assembly another gauge of public opinion.

The Attorney-General said that the Assembly would ignore the wishes of a majority of voters at a referendum at its peril. Mr Speaker, my view is that the Assembly already ignores the wishes of a majority of voters at its peril and the voters can effectively make their wishes known without expensive referendums. The Attorney-General has argued that the Bill is "a very effective way of taking controversial issues out of the hands of extremists, pressure groups and power elites". I disagree strongly, Mr Speaker. Indeed, it is precisely these groups that the Bill would empower the most. An individual citizen can effectively lobby their elected representatives with a minimum of expense; but, for a citizen or even a group of citizens, gaining signatures of 10 per cent of the voters would probably be both expensive and very difficult. Those with money and strong organisations would be most likely to be able to gain the signatures needed to trigger a referendum, thus giving them a strong organisational advantage over the average citizen. Furthermore, pressure groups and power elites would be best placed to organise and run expensive election campaigns, giving them further advantage over the average citizen.

The community referendum would also be a dangerous tool in the hands of extremist groups. The Attorney-General says that referendums do not empower extremists and points to the United States as a success story. However, Mr Speaker, an examination of the US record shows that groups such as racist anti-immigration forces and religious right anti-gay forces have all profited from referendums. Anti-gay referendum victories in the United States are particularly disturbing. In 1992 Colorado voters passed an anti-gay ballot measure which has cost the State millions in lost tourist and convention revenues. But it is the human cost that is even more disturbing. Anti-gay referendums have legitimised homophobia and discrimination in many parts of the United States. Just this week an activist lesbian couple were found murdered in Oregon, apparently the victims of homophobic killing. The pair had left Colorado five years earlier because of the strength of the anti-gay movement there. But the couple campaigned in Oregon three years ago against another anti-gay ballot referendum, and they were subsequently the victims of hate mail, public insults, graffiti and eventually murder. Thus, overseas experience shows that extreme groups can indeed benefit from referendums and have their causes legitimised.

Mr Speaker, the Attorney-General also points to New Zealand as an example of a referendum success story. However, New Zealand recently had its first referendum, and almost everyone agrees that it was a waste of time and money. The Government spent $NZ10m to find out that 87 per cent of those who voted did not want their fire protection cut. What a surprise that must have been! In fact, fewer than 28 per cent of the voters even bothered to cast ballots, and the cost of the referendum works out to over $15 a vote. Mr Speaker, would they not have been far better off to have spent the $10m on fire protection?

After that fiasco the New Zealand Minister of Justice, the Hon. Doug Graham, suggested that referendums be reserved for conscience issues, and he warned voters that they should be wary before signing future referendum-triggering petitions. In spite of the referendum results, the Government is likely to proceed with the proposed cuts to the fire protection service, as they had always planned. Such a result will only serve to further alienate New Zealanders from the political process. New Zealand's law, by the way, is almost identical to the ACT proposal. The New Zealand law requires the signatures of 10 per cent of voters to trigger a referendum, and the result is non-binding on the Government.

Mr Speaker, the results of referendums in the State of California are the strongest warnings of all against this Bill that the Assembly is considering. In 1976 California voters gave themselves a property tax cut with the infamous proposition 13 referendum. The law severely limits the ability of local authorities to tax and to allocate revenue. According to Peter Schrag, who is the editor of the *Sacramento Bee*:

> Proposition 13 all but destroyed the fiscal power of local government and moved it to Sacramento. In a state of more than 30 million people, the legislature and governor have become arbiters of local priorities.

Sacramento is the capital of California. Mr Speaker, the example of proposition 13 in California shows the results of direct democracy at its worst. Many voters did not understand how severely the ability of their Government would be limited when they voted for proposition 13, and the result is that local governments are often unable to deal effectively with problems in education, urban planning, health and other areas.

The California referendums did not stop with proposition 13. Every two years Californians are faced with a barrage of referendums on all sorts of things such as environmental issues, gun control, insurances, taxes, illegal aliens, and criminal sentencing. California law-makers are simply unable to make policies for many issues; the laws are made instead by referendum. Sometimes on the same ballot paper there are even referendum questions which contradict each other. California ballot papers are now often tens of pages long. Have we not had enough examples in the ACT of ballot papers being held up to ridicule? Peter Schrag concludes that reforms by referendum:

> ... have crippled state and local governments with so many limits and mandates and so tangled responsibility that it is increasingly difficult for representative government to function at all and nearly impossible for even well-informed people to know who's accountable for what. In effect, Californians, pursuing visions of governmental perfection, have made it increasingly difficult for elected officials to make any rational policy decisions.

Mr Speaker, California's electoral nightmare is a compelling argument against CIR. The ACT's voters already have a system of representative democracy which guarantees that law-makers can hear their voices. We owe it to the people of the ACT not to pass legislation which could lead to restrictions on the ability of this Assembly to govern.

We owe it to them not to pass legislation which could empower pressure groups, extremists and power elites. We owe it to them not to waste their time and their money with expensive non-binding referendums. We owe it to them not to pass this Community Referendum Bill.

One of the most reprehensible aspects of CIR is that it masquerades as an addition or an improvement to democracy. Nothing could be further from the truth. I have seen CIR described as a tool of the rich for the rich, and there is no doubt that that is the case. CIR is in fact a tool of the rich and the powerful designed to keep them rich and powerful. It is designed to keep them rich and powerful by relatively disadvantaging the rest of the community and the community more broadly. There is no doubt that the experience in California shows that the community's need for public education and for public health services has been grossly disadvantaged by the power elites' passage of particular referendums aimed at limiting taxes. That is simply beyond doubt, Mr Speaker.

I believe that this Bill will add nothing to the democratic process in the ACT. The risk that we run here is having a similar outcome to that in California. Even if we had only a similar outcome to that in New Zealand, where our legislation had its genesis, then we would be seeing enormous sums of money wasted and decisions taken that quite clearly the Government was under no obligation to implement. I totally reject the basis of this legislation. I believe that this Assembly would do very well by rejecting what I think is a dangerous, expensive and totally unnecessary proposition.

MR MOORE (5.23): Mr Speaker, I chaired a select committee on CIR towards the end of last year. The main recommendation of that committee was that the issue needed further exploration if it were to be dealt with by this Assembly. Members may well remember that I quoted extensively from an article in a major American magazine that questioned the whole issue of CIR in a similar way to Rosemary Follett today. Since that time I have come to believe that CIR will cause much more damage than it will resolve. However, as I approached that committee my inclination was the other way round. Following the committee and following more time to think about it, I have come to my present conclusion. However, if this Bill were to pass the in-principle stage in this Assembly, then it would be worth while finding out more about citizen-initiated referendums and learning particularly from the New Zealand experience, because culturally New Zealand is much more akin to Australia than is Oregon, California or Switzerland.

I am very conscious that the first time that the question of euthanasia was put to a citizen-initiated referendum the issue was carried into law. That law is being challenged now in the west of the United States. I can see that for some issues it may well be a useful device, although I would argue that we as an Assembly are quite capable of putting conscience issues to referendum and I have no problem about putting such issues to referendum. I believe that if there were a ground swell of support for a particular issue to be put to a referendum the Assembly would be responsive to that. To formalise the issue in the way proposed by this legislation, though, seems to me to be inappropriate.

Whilst I was initially attracted to the idea of citizen-initiated referendums and whilst on the surface they would appear to be a very democratic process, it seems to me that the more you look at it the more you realise that there would be a transfer of power, and not only in the ways that Ms Follett has said. Power would also be transferred into the hands of the media. In Canberra, where the media is largely controlled by the print media, the power of the *Canberra Times* is particularly significant. The editorial decision of the *Canberra Times* on any given issue under a citizen-initiated referendum would have a major impact on the voting. I am not going to say that it would change the vote one way or the other, but I think it would swing a fair percentage of the vote. We all know what it feels like when we believe in something and the *Canberra Times* or other media run a program against what we believe in. It makes it particularly difficult to get issues up and running. I know that most people in the *Canberra Times* attempt to run a balanced course through the issues that we deal with. I can think of quite a number of examples where that has been the case. But there are times when that newspaper, like other newspapers, takes an editorial position and follows it through. That would have a major impact. There would be a transfer of power in that sense.

Mr Speaker, I will be opposing the legislation in principle, but I would like to say something else. Mr Humphries has come to us and said that he put this legislation on the daily program today so that it could go to a committee for discussion; but, of course, the way to send something to a committee is the way that Ms Follett and Ms Tucker did it this morning. You move a motion to send a piece of legislation to a committee. However, there is this second method, and that is the one Mr Humphries was clearly intending to use. The standing orders clearly provide that a Bill passed in principle can be referred directly to a committee with a motion. We understand that that can be done.

We have a longstanding tradition in this house that members bring legislation to the house when they want to. Mr Humphries has come over to me to argue that in this case that is not being done, because the Government now does not want to bring it on. I would argue that it is not only on the notice paper but also on the daily program at the wish of Mr Humphries and that they have brought it on. I would also remind you, Mr Speaker, and the Government that this is the last sitting for the year and the Government cannot introduce this same piece of legislation for the rest of this year. However, if they feel strongly enough about it, there is nothing to stop them from introducing it next year. It is not as though they were introducing it at the beginning of the year and we were trying to hold them off. There is nothing to stop them from reintroducing the Bill at the beginning of next year. But it would be very interesting to take this legislation to a vote now to get an understanding of the Assembly's approach to it.

MS HORODNY (5.30): Mr Speaker, the Greens will be opposing the Community Referendum Bill. For a number of years the powers of the Executive all around Australia have been increasing, while the powers of non-Executive members of legislatures have been decreasing. It is a trend that is of increasing concern to many people who value democratic processes. It is unfortunate that some of those same people, rather than seeking to support those who attempt to wrest power back from executive government, collapse at the knees when the Executive announces that it should be allowed to govern.

Indeed, Mr Moore and Mr Osborne, while talking tough through the budget debate, for example, at the end of the debate and the end of the day toed the line that the Executive must be allowed to govern, no matter what the cost, even if the cost be a very bad budget for the people of Canberra. The effect of continually kowtowing to the Government is to strengthen the power of the Executive at the cost of power to other members who have been democratically elected to represent the people. The result of this loss is that people call for a new system that will better represent their views and values. In this case the new system on offer is CIR.

Mr Speaker, if representative government is failing, then we must fix it. CIR is being held up as the world's answer to the failings of representative government. This is a highly simplistic and ignorant argument. We must work to reform, and we must also work on increasing the level of participation of citizens in policy debate and decision-making. Participatory democracy is much broader than CIR. Access to information is obviously a key to participatory democracy, and we await with great interest Mr Osborne's sunshine legislation giving improved access to information in the Territory. There are a number of other mechanisms for improving participatory democracy. These include an opening up of board meetings, community right to know legislation, and a commitment to community education throughout the ACT, as well as entrenchment of a social and environmental Bill of Rights.

Mr Speaker, proponents of CIR argue that money does not influence outcomes. This is not the case, however. Unfortunately, money is power and, while the major parties may not want to admit it, they actually know this. A study conducted over six years into the outcomes of voter-initiated referendums in four States in the US showed that the highest spender won the outcome of the referendum in 78 per cent of the cases. We know that the Liberals have a fundamental belief in the power of money. We have been told over and over that the best people cost the most, and we have seen that in their arguments on the need to offer enormous and unrealistic salaries to entice good people. We have also heard as an argument for CIR that powerful lobby groups can influence decisions of parliament members in an inappropriate way. Even more powerful lobby groups would come into play with CIR, and their power could well be based on slick advertising, not quality information. In the US, collecting signatures for petitions has become an industry in itself. Imagine a referendum on the issue of smoking in restaurants. There would be nothing to stop the tobacco lobby from mounting a huge campaign which could not be matched by individuals or groups with opposing opinions.

Mr Speaker, referendums have severe limitations. They are a blunt device, focusing on single issues in a simplified and isolated fashion. They are about yes or no and nothing in between. There is no capacity to consider these issues in an integrated manner. If the community votes to cap property taxes, then we are not asked which services we would have to reduce at the same time. Moreover, unlike the US, Australia has no formal legislative instrument to protect the rights of minorities or to protect fundamental social and environmental objectives. In the proposed legislation the Chief Minister has to make an estimate of the financial impact of the legislation, but there is no requirement for any neutral social or environmental assessment to be made.

Mr Speaker, one of the benefits of minority government is that it is one step towards overcoming yes-no politics. There is not just a majority who can sweep things through. Some compromise and finetuning of proposals could be the norm, not the exception. The Greens see this as very healthy for democracy. There is an opportunity to look at the subtleties of in-between positions. In CIR there will be no such opportunity. CIR does not provide an opportunity for negotiation, compromise or consideration of other alternatives. CIR cannot answer complex questions and issues that affect people's lives at an everyday level. Only a community development style of public participation can address issues such as how we want our suburbs or shopping centres to develop.

The Greens believe that this is a cynical exercise from a government that refuses to allow participatory government to work in this house. This is the Government that has not allowed input into its budget. This is the Government that has opposed public scrutiny of contracts for its senior public servants. The Executive in this house has a great deal of power. That is not about to change, nor does the Government want it to change. Mr Speaker, one of the fundamental aspects of democracy and one of its greatest strengths is that it allows informed and integrated debate on issues of importance to the community. Yes-no questions do not provide the best possible answers. The Greens urge members to oppose this Bill.

MR OSBORNE (5.37): Mr Speaker, firstly, I would like to say that I will not be supporting this Bill. However, I feel the need to answer some of the garbage coming out of the - - -

Mr Moore: Green camp.

MR OSBORNE: From Lucy over there. Mr Speaker, the reason why I supported the budget is that I believe in stability. To say that it is my fault or Mr Moore's fault that the Executive has all the power in relation to the budget is nonsense, because the Labor Party supported Mr Humphries's motion. It is certainly not my fault.

Mr Speaker, my initial reaction when I heard this proposal was no. The main reason - without even reading the Bill, reading any of the history or reading the previous committee's report - was a big concern about groups with a lot of money, such as the smokers lobby. There is nothing to stop Rothmans or one of those organisations from mounting a big campaign and removing all the laws that we in this place have implemented. Things like this really made my mind up for me. The smokers lobby is one of many. I believe that in Los Angeles in California they passed a referendum saying no more taxes or no increase in taxes. If that was a referendum question here in the ACT, I might even vote for it. Mr Speaker, I did not particularly want to stand up and talk on this issue, but I felt I had no choice after the garbage that came from some speakers.

Mr Connolly: But we are all on the one side on this one. We are still all going to vote the same way.

MR OSBORNE: I am stunned. We could have chaos if we all go down your path, Ms Horodny. We could change the government each year, with a different budget. Every time we did not get our own way, we could block the government. I think the last thing we need here is a new election. Mr Speaker, I will not be supporting this legislation.

MRS CARNELL (Chief Minister) (5.40): Mr Speaker, I will be very brief. As has been said before, we were not ready to debate this issue today, but it is an issue that we have had on the agenda for a long period of time. I think it is very unfortunate and a very bad precedent to force anybody to bring on a Bill that they do not want to debate, but I think it is really indicative of what has happened with regard to CIR from the first time we brought it forward in this place. It was subjected to every single device that this Assembly could use to knock it off without getting any publicity that this Assembly did not want to give any power at all to the people. For example, it was given to a committee. We did not want to vote against it and we did not want to vote in favour of it, so we gave it to a committee. The committee made recommendations, we incorporated them in this legislation, we brought the legislation back on, and now those opposite are making a valiant attempt to knock off this important legislation in the dying moments of this Assembly before Christmas so that hopefully nobody in Canberra will know that they do not want to give any power at all back to the community. Publicity will be as limited as is possible.

We heard Ms Follett make the speech that she gave last year or the year before. It was the same stuff about the American situation. The American situation is simply different from Australia, because we have something called compulsory voting. Citizens-initiated referenda with compulsory voting means quite definitely that more than 50 per cent of the community have to support a particular approach. In America the turnout may be only 30 per cent, so you may need to get only 15 or 16 per cent of the community to support a particular approach, which means that, as with every other part of politics in America, money can buy CIR results. The whole American system is based upon buying votes. That is simply not the case in Australia.

This Assembly has no trouble with government-initiated referendums. It is all right if we want to have a referendum, but it is not all right if the community want to have one. That is a fascinating approach. We trust the community to make a decision on a referendum that we choose to have, but we do not trust them to make a decision on one that they might choose to have. That flies totally in the face of community consultation.

Ms McRae: What about petitions? What about letters? What about opinion polls? What about all the other input that you ignore? This is just rubbish.

MR SPEAKER: What about some shush while the Chief Minister is speaking?

MRS CARNELL: If more than 50 per cent of the community believe something should or should not happen, this Assembly is somehow saying that they really do not know what they are talking about. The fact is that we believe they do. It is true that we get petitions in this place. We got a lot of petitions and a lot of letters about the Kippax Health Centre. So what did we do?

Ms McRae: You ignored them.

MRS CARNELL: No, we did not ignore them. We determined not to sell the Kippax Health Centre, because we got a lot of community input saying that they did not want that to happen. I would be extremely interested, and I am sure everybody on this side of the house would be, to know a lot of things that more than 50 per cent of the community actually believe.

Ms Follett: Go out and ask them.

MRS CARNELL: We do. We give people the opportunity to meet the Ministers and all the rest of it - things that were never done by the previous Government. It offends me to hear comments made about the American system and about proposition 13 and how that ruined the Californian situation. Proposition 13, as we know, was passed by the people who turned out in that particular CIR. Why did they vote the way they did? They voted the way they did because the government of the day had amassed a $5 billion surplus, refused to tell the community what they would spend it on and continued to put up taxes. Quite seriously, I think the people of California had every right to say, "Excuse me. You have five billion bucks in the bank, you are putting up taxes and you are not telling us what you are spending the money on". I think that is a very fair approach.

The comment was made that the media could determine how the people in the ACT voted. That flies totally in the face of a number of government-initiated referendum proposals that have not got up. We have had in Australia referendums that both major parties have supported and they have still lost. That has happened on a number of occasions. Every major media outlet has supported them, and they have still not got up because the people have not gone along with what the major parties and the media outlets have thought. Why? Because they are quite capable of making decisions themselves. It certainly shows, too, that people basically will opt for the status quo unless they can be really convinced that to make a change is an appropriate thing to do. I do not believe that that is necessarily a bad thing, but that has certainly been the approach Australians have taken to referendums in the past. It shows the difference between compulsory voting in referendums and non-compulsory voting as in New Zealand. The New Zealand situation is totally different from the proposal we are putting here. The number of signatures required there is substantially higher. There has been no effort in New Zealand to make them binding. There are no entrenchment provisions there such as those that Mr Humphries tabled today in this place. For this Assembly to state, after voting against this Bill today, that they support community consultation - quite seriously, we know that they do not - would be hypocritical.

More than 50 per cent of the community must support a proposal, and safeguards have been built into the legislation. It provides for a long timeframe between a petition and the actual referendum. This will stop the situation that could arise following a particularly brutal murder, when people would be all very emotional. I agree with that. We have accepted the concerns expressed about those sorts of things. Yet we have seen the Greens and other people in this place getting a taste of power and not being willing to give up one little bit of it.

MR BERRY (5.48): Mrs Carnell has just argued in a way which gives you all the reasons why you should not support this Bill. She used all the rhetoric and the glib statements that are used by the sales - - -

Mrs Carnell: I did not. I did not even have a prepared speech, because you did not give me time.

MR BERRY: You do not need a prepared speech to make glib statements. You are good at them. These are the sorts of remarks that come out of the signature collecting agencies and the rich and powerful in the United States when they go after a particular position. Mrs Carnell uses the lovely warm, honeyed statement about handing power back to the community. That is not what she means. What she means is handing power back to her mates, the rich and powerful. That has been the effect in the United States. But, just in case they get something from the not so rich and powerful that they do not like, they have a little let-out in the Bill so they do not have to do it if they just sit on it for a while.

This piece of legislation is a shonk. It is something that has been used as a sales gimmick in an election campaign. Mrs Carnell still uses all the language which goes with this "remember Dennis Stevenson" legislation.

Mr Moore: And David Prowse.

MR BERRY: I had forgotten about Mr Prowse. He is an eminently forgettable person. But the extreme - - -

Mr De Domenico: He likes you too.

MR BERRY: I am sure that we do not bat on the same team. We have this situation where the Chief Minister in the Australian Capital Territory - - -

Mrs Carnell: Believes it.

MR BERRY: Mrs Carnell says, "I believe it". I do not think you believe in anything. This is all sales talk. This CIR Bill is about who can sell the story. It shows an absolute lack of understanding by this Chief Minister of compulsory voting. If you go to the people with a promise of free buses and there is compulsory voting and you get elected, you are obliged by mandate to implement your policy. That is the effect of compulsory voting when you take your policies to the people. CIR is just a publicity stunt.

A moment ago, when I was chatting to Mr Humphries across the floor, I mentioned the safety valve in their legislation that means that they do not have to implement anything they find distasteful, and he said, "That will do for the moment". This is a glib sales statement which is based on a few cheap glib phrases such as "hand the power back to the people" and "take the power off the Executive". This is the sort of stuff that you will hear flowing with the honey from Mrs Carnell and all her Liberal colleagues. This is legislation which is dangerous and deserves to be put down, and to be put down quickly.

MR HUMPHRIES (Attorney-General)(5.52), in reply: I do not intend to address the substantive issues of citizen-initiated referenda in this debate. That is an issue which I think members of this chamber might have a closed mind about already. The normal principle that one speaks to persuade or to convince is of little value at this time. I do, however, want to make a point and direct it particularly to my colleagues the Greens. They have spoken in this place extensively in the past about procedural fairness. Today this particular Bill is being put to a vote when the party that introduced it in this place does not wish that to happen. Members opposite - - -

Mr Berry: I take a point of order on relevance, Mr Speaker. This is not about processes in this chamber. This is about whether or not people should vote for this particular legislation. Mr Humphries should confine himself to a debate about that issue.

MR HUMPHRIES: Mr Speaker, Mr Berry is absolutely right. I am not speaking to the Bill before the Assembly. I therefore seek leave to make a statement in respect of the procedure in this matter, instead of my summing-up speech.

Leave not granted.

MR SPEAKER: Do you wish to suspend standing orders?

MR HUMPHRIES: No, I do not, Mr Speaker.

Mr Connolly: Do you want to speak to the Bill?

MR HUMPHRIES: I do not have anything to say about the Bill, because I have nothing prepared about this Bill.

Ms McRae: You just want to attack the Greens. You can do that any time.

MR HUMPHRIES: No, I was not attacking the Greens; quite the contrary. I was appealing to the Greens.

MR SPEAKER: Mr Humphries, do you wish to continue?

MR HUMPHRIES: Mr Speaker, I do not have anything to say about this substantive Bill. I wish to speak to members about the procedural matter, the way in which it is being dealt with. I am not proposing to take any more time over that matter. I have nothing to say about the Bill itself.

MR SPEAKER: Leave has been refused for Mr Humphries to continue with his remarks along the track that he wishes to take.

Mr Connolly: He can speak to the Bill, but he cannot make some strange speech as if it were the adjournment debate.

MR HUMPHRIES: I am not prepared to speak about this Bill.

MR SPEAKER: If Mr Humphries is to be denied leave, then I shall put the question.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 7	*NOES, 10*
Mrs Carnell	Mr Berry
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Follett
Mr Hird	Ms Horodny
Mr Humphries	Ms McRae
Mr Kaine	Mr Moore
Mr Stefaniak	Mr Osborne
	Ms Tucker
	Mr Whitecross
	Mr Wood

Question so resolved in the negative.

COMMENTS BY SPEAKER

MR BERRY: Mr Speaker, I seek leave to move a motion in relation to public statements by the Speaker.

Leave not granted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Valedictory : Aboriginal and Torres Strait Islander Health and Housing

MS FOLLETT (Leader of the Opposition) (5.59): I wish to make a few comments in this last adjournment debate for the year. First of all I would like to wish all my colleagues a happy Christmas and a pleasant holiday, but I also want to thank a number of people. First and foremost, I think the staff of everybody on our Labor team deserve our thanks. They have had a hard year. Their numbers have been much reduced and we have all had to learn new ways of doing things, and new roles with those reduced numbers. I think that all of our staff have performed absolutely splendidly. They have often worked much above and beyond the call of duty, and I thank them very much.

We also want to thank everybody involved in the Assembly - the Assembly Secretariat, the *Hansard* people, the attendant staff and, of course, our committee staff as well. It has been a pretty hard year for many of those people and they have worked extremely hard. I think the best thing about all of those workers, though, is the way that they have always remained friendly, able to discuss issues, able to comply with requests that might be made, and able to ease the passage of us all as members of this Assembly, and also the business of the Assembly. It has been a wonderful service. I would like to wish everybody a very happy Christmas, and I hope that all of those hardworking people will have a chance to get some time off.

There is one other matter that I wanted to touch on briefly, Mr Speaker, and that is the work of Ms Melanie Buckley, who is a student at ANU. She has been undertaking an internship in my office recently. Her work was to examine the provision of health and housing services to Aboriginal and Torres Strait Islander communities in the ACT. It was a very challenging task that she set for herself. It was a task that required a great deal of sensitivity and understanding as well as considerable research skills. Ms Buckley has completed her report. It is called "Aboriginal and Torres Strait Islander Health and Housing in the ACT". My view is that it is an excellent report from a student who has undertaken this work in a quite short period of time. It is a report that is worth anybody's while to have a look at. I would like to advise members that the report will be held in the Assembly library, and I would recommend it to anybody with an interest in this area. It is an example of what a good idea this internship scheme really is. It gives some very good thinkers a chance to spend some time in the Assembly on subjects which interest them, and it gives us as Assembly members a chance to rub shoulders with at least part of the academic world of the ACT. I think those kinds of arrangements can only be to the good of both bodies. So, Mr Speaker, I commend Melanie Buckley's work to everybody. I say, again, thanks to everyone who has worked so hard throughout the year, and a very happy Christmas and happy new year.

Valedictory

MRS CARNELL (Chief Minister) (6.02): Mr Speaker, it has been an extremely big year for many of us here. That is very much the case for this side of the house. It has been a very steep learning curve for all of us. That learning curve has been helped substantially by the ACT public service, and I would like to use this opportunity to thank them all for making our transition to government so much easier. I refer particularly to our senior public servants; but every single one of them has gone out of their way to make our transition easier and certainly better with regard to the people of Canberra, and to make sure that everything has been done appropriately and in appropriate timeframes. I thank them all and I wish them all a very happy Christmas. Many in our public service are the ones who will really need a holiday because they have worked extremely hard over the last few months. I would also like to thank all the staff of the Assembly as well for making our life here in government substantially easier and making sure that we do not stuff it up.

Valedictory

MR DE DOMENICO (Minister for Urban Services) (6.03): Mr Speaker, I would like to echo the words of Ms Follett and Mrs Carnell. I particularly have found the nine months in government very challenging, with a lot of pressure for various reasons. I would like to thank, perhaps on behalf of my colleagues, all our personal staffs, for a start. Ms Follett noticed the difference between being in government to being in opposition because you have fewer staff. I can assure you that the people on this side of the house have found it difficult to entertain the fact that we have more staff than we had in opposition. You have to get used to that as well.

Mr Humphries: We will get used to that problem.

MR DE DOMENICO: We will get used to that, do you think? That will be so for a long time. I would also like to reflect about the fact that it is a season when I believe it is time for people to think about their family, friends and loved ones, and also reflect on what has happened in the past and perhaps see whether things can be better in the future. I have been concerned about the way things have got a bit heated from time to time in this place - not because of the political heat, because that is always going to happen; but I think it has got down to the personal level from time to time. Perhaps we ought to reflect on that. When we come back refreshed in February, or whenever it is, perhaps we should behave a little more like mature adults, and I put myself in that situation as well. I am not denying that everybody, from time to time, is guilty of that.

I would also like to thank the staff of the Assembly for the hard work they do and the help they have always been, and the public service also, as Mrs Carnell has said. May everybody have a happy Christmas and a happy new year, drink plenty of grog and enjoy themselves.

Valedictory

MR MOORE (6.05): Mr Speaker, my expression of thanks is going to take a slightly different form, in that I am inclined to make a series of awards to a number of members here today. The first award goes to the Chief Minister. It is the proctologists award for cutting our backs. Mr Speaker, I hope you will bear with me if I use first names. I think on this occasion it is appropriate. For Tony there is the Germaine Greer award for tact and diplomacy. For Bill there is the vaseline award for sliding past all questions. Gary gets the Stein lager award for accepting through gritted teeth. For Harold there is the charities award for being seen but not heard. For Trevor there is the Red Baron award. This is most appropriate for Mr Kaine, considering his air force background, but basically it is for the swerving and weaving that he has managed. For you, Mr Speaker, there is the woofer and tweeter award for the development of speakers.

For Rosemary there is the General MacArthur award for threatening to return. Wayne gets the whiplash award for lashing his whip, obviously. Terry and Bill are going to have to share an award, and theirs is the Billy Hughes award for crossing the floor. For Andrew there is the elevator award. The elevator award is for being upwardly mobile. For Lucy we have the no chippendale award for protection of plantations, and for Kerrie the *Rainbow Warrior* award for prevention of irradiated frogs. Paul, my close colleague here, is going to get the Fred Nile award for fundamentalism. You would think the fundamentalists would have even more fun, and I am sure that that will be the case for my Independent colleague. I predict that it will not be too long before Fred Nile will be looking forward to winning the Paul Osborne award, Mr Speaker. For Roberta there is the Maggie Thatcher award for tongue-fu. Mr Speaker, I like to give myself an award over time, and for me it is the General Patton award for strategic plans.

Valedictory

MR OSBORNE (6.08): Mr Speaker, in my long football career I have received many awards, and I have won a grand final, but nothing rates with what I won today. It is a great honour coming from a man such as you, Mr Moore, and I do thank you. I would like to thank my staff for all the hard work they did this year. Coming into this place as I did, without any experience, they have certainly earned their money. I would also like to bid a fond farewell to that square head that we see just above the journalists' box there, Chris Uhlmann, who is heading off. You poor bugger, you. I know you are very disappointed, Chris, about not being able to report on the Assembly for the next couple of years, but I am sure you will be back, You are a glutton for punishment.

Mr Speaker, I think it is important that I stand here and reflect on what I consider to be the real meaning of the break we are having, the Christmas break - what we celebrate as being the birth of Jesus Christ. Early in the year the celebration was questioned during the prayer debate. I have to say that the actual date of the birth of Jesus Christ has never been of great importance to me; I celebrate that event every day of my life. Christmas Day became the annual public statement of that daily celebration. That has been an accepted practice in our society since the time of Constantine, Emperor of Rome. Michael correctly pointed out that Constantine adopted a previously pagan feast for the purpose of celebrating the birth of Jesus Christ. A wise man, was Constantine. He used an existing accepted event and renamed and reformed it to meet the needs of the people. The pagan holiday was already of such significance in the lives of the ancient Romans that he would have had no chance of cancelling the day, so a sensible solution was to redefine it. Clearly, it has been a success story for 1,700 years. Mr Speaker, Mr Whitlam used similar wisdom when he took the Queen's Honours List and renamed it the Australia Day Honours List. He took an accepted practice and redefined it, albeit on a different day.

So I ask: Would the people who say Christmas originally was only a pagan feast like to revert to the origins of the Australia Day honours and invite the Queen to honour Australians as was past practice?

Mr Humphries: Yes.

MR OSBORNE: Well, maybe the Assembly would like to remove the one minute silence at the beginning of sittings and revert to the original prayer, since that was where the silence concept had its birth. Mr Speaker, I think I will forget Constantine and continue to enjoy the traditions and practices that have been so much a part of the fabric of our national heritage, and so much a part of the fabric of my family life.

Valedictory : Ecotourism

MS HORODNY (6.11): Mr Speaker, I want to thank the members in this house because I have found that the level of fair play has been very impressive. I have enjoyed in many ways the debates and arguments, despite how it may look. I also want to thank the staff as well. They have been very supportive and very helpful. Obviously, it has been a really difficult year for us, coming in here green, to learn what we had to learn in order to participate effectively.

I want to echo the words of Ms Follett in relation to the student from the University of Canberra. We also had a student in our office, and that was Samantha Salaun. She did a project on ecotourism in Namadgi, and I will make that available. I think it already has been made available in the library for people to look at. I want to wish everyone a peaceful Christmas.

Valedictory

MR HUMPHRIES (Attorney-General) (6.12), in reply: To close the debate, Mr Speaker - - -

Santa Claus: Ho, ho, ho, Mr Speaker! I wish everyone a merry Christmas, and to all a happy 1996. Ho, ho, ho! Thank you, Mr Speaker.

MR SPEAKER: I spy a stranger.

Mr Connolly: Can we call for a division, Mr Speaker? Ring the bells immediately.

MR SPEAKER: Not in the adjournment debate. I call Mr Humphries.

MR HUMPHRIES: Mr Speaker, I do not know whether I can top that, quite frankly; but I will try. Mr Speaker, in the years since self-government a lot of people have passed through this chamber and, to be frank, some of them have left a lot to be desired as parliamentarians. I believe that the Third Assembly, Mr Speaker, is quite different.

The Dennis Stevensons of this world have been replaced by people with a certain star quality. In this place we are often on TV, but with just a little more effort most of us could be in the movies. I would like to dwell for a moment on the dramatic potential within all of us.

It does not take much imagination, for example, to see you, Mr Speaker, in a role from the *Mikado*, the role of the Lord High Executioner. I see Ms Follett, for example, as an aspiring actress. At the beginning of the parliamentary year she was aspiring to be Chief Minister by Christmas; now she aspires to remain Leader of the Opposition by Christmas. Mr Speaker, I have often seen small children come to this place and sit in the rows at the back there, and I have seen the delight on their faces as they look across the chamber and believe that they spy a Disney character here in our midst. Of course, that character is Ms Horodny, who they think is the Drowsy Pixie or perhaps Tinkerbell.

Mr Speaker, when it comes to on-screen romances, who can beat Kate Carnell and Terry Connolly. Hugh Grant and Divine Brown, eat your heart out. Mr Speaker, I have a confession to make here. When I hear Ms McRae emit those long, drawn-out, evocative sighs of hers during speeches by Government members, I immediately think of the restaurant scene from *When Harry met Sally*, because of the almost orgasmic quality of her sighs. In fact, I have heard people in the gallery say, "I will have what she is having". Mr Osborne is the only member of this place who could be said to have starred already in his own right. Today Mr Osborne is still a team player in this place, except that now he specialises in another sport - synchronised swimming, with Mr Moore.

Mr Moore: Except that he is going further to the right.

MR HUMPHRIES: Yes. Who leads? That is the question. On the other hand, Mr Speaker, perhaps the better analogy is ballroom dancing. I well remember during the euthanasia debate seeing Mr Moore skilfully attempting to cha-cha Mr Osborne towards the pro-euthanasia side, only to have them both bowled over as Mr Wood and Mr Connolly waltzed furiously past on their way to the anti-euthanasia trophy.

Yes, Mr Speaker, I can easily picture Mr Kaine in the role of King Lear, or maybe one of those characters from *Cocoon*, and Mr Whitecross as one of those Amish farmers in the movie *Witness*. Mr Stefaniak, I am sure - I have another prop to use here - could land a role in *Rocky VI*, where his head would star as a punching bag and the members of the Opposition would star as those people using it. He would then go on to a starring role as a crash test dummy. Mr Speaker, I think that Mr Stefaniak really needs this helmet more than I do and I want him to have it for question time in future.

Mr Berry, who has been evacuated, funnily enough, I can see appearing in some kind of true life drama movie, and the plot goes something like this: He plays a politician who, after seven years of being misunderstood and reviled, finds finally a friend in the press gallery. His life changes after a rave review in the local newspaper.

Unfortunately, triumph turns to tragedy when the effusive review turns out to be the product of an adverse reaction to a malaria inoculation and the journalist flees to India and is never seen again. For Mr De Domenico I see a rather tragic role. After his recent legal difficulties, perhaps the role for him is that of John Wayne Bobbitt. For Ms Tucker I am torn between roles in *Hair*, *Free Willy* or *Gorillas in the Mist*. One of those would suit her background, I think.

Lastly, Mr Speaker, one whose performance in this place deserves special commendation is Mr Hird. That statement is more prophetic than I realised. His performance here has been an inspiration to dipsomaniacs everywhere. While Mrs Carnell has been taking advice from John Walker, Mr Hird has been taking his advice from Johnnie Walker. Forget the Usher of the Black Rod, Mr Speaker; we in this parliament have the Usher of the Black Label. Of course, Mr Speaker, all members of this place are entitled to usher a little Black Label into their lives this Christmas, after the last very hectic 12 months, and in that spirit I join with others in wishing members a very merry and, as Ms Horodny said, a very peaceful Christmas.

Valedictory

MR SPEAKER: I would like to thank all members and their staff for assisting me over this period. The Assembly is evolving, but we have five new members in this - - -

Mrs Carnell: Darwinian.

MR SPEAKER: Yes. We have five new members in this new Assembly, so they have a steeper learning curve than the rest of us, although I think everybody, with the possible exception of Mr Moore, has been on a different learning curve this year. I would like to thank the Secretariat and chamber staff particularly for their help to me over the year. I think it is something that we tend sometimes to take for granted; but a great deal of work goes on behind the scenes, without which we would all be very much the poorer, and, may I say, the more ignorant. On that note I would like to join with everybody in wishing them a happy Christmas, and a safe and restful summer break.

Question resolved in the affirmative.

Assembly adjourned at 6.19 pm until Tuesday, 20 February 1996, at 10.30 am

ANSWERS TO QUESTIONS

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

Question No. 90

Discrimination Commissioner - Reappointment

MS FOLLETT: Asked the Chief Minister upon notice on 21 November 1995:

In relation to the reappointment of Ms Robin Burnett as ACT Discrimination Commissioner -

(1) When did Cabinet make the decision.

(2) Was a record made of Mr De Domenico's declaration of a possible conflict of interest, in accordance with the Government's Code of Conduct for Ministers.

(3) Is that record available for scrutiny by the Auditor-General, in accordance with the Code.

(4) Will the Chief Minister release that record for the public to see that justice was done and can be seen to be done.

(5) How long was the delay between the Cabinet meeting and the formal appointment.

(6) Why was there such a delay.

(7) Why was the reappointment not done earlier, since the expiry date of the existing term has been known for a long time.

(8) If the appointment was urgent, why was it not done and signed before you left the country.

(9) Given that only two Ministers are required, why did Mr Stefaniak not sign the formal appointment before he left for Perth.

MRS CARNELL: The answer to the Member's question is as follows:

(1) 30 October 1995.

(2) Yes. The issue was recorded in the Cabinet notebook.

(3) No. The Code of Conduct for Ministers requires that such determinations at Cabinet meetings be recorded by Cabinet Officers. The Code does not require this record to be available for scrutiny by the Auditor-General ("Cabinet Deliberations" page 3, Ministerial Code of Conduct).

The requirement to have the record available for scrutiny by the Auditor-General refers to notice of any conflicts of interest that arise in the context of the exercise of broader Ministerial powers and duties that a Minister is required to tender at the next Cabinet meeting ("Advice to the Chief Minister", page 3, Ministerial Code of

Conduct"). The Auditor-General's scrutiny does not relate to conflicts that arise during Cabinet deliberations - these matters are, obviously, Cabinet-in-Confidence.

(4) I have provided assurances that the Minister was not a party to the decision. The Cabinet records are Cabinet-in-Confidence.

(5) Nine days.

(6) I am advised that further discussions with Ms Burnett relating to the exact terms and conditions of her appointment took place after Cabinet had decided to reappoint her. The formal appointment could not be made until after those discussions were held.

(7) The reappointment should have been attended to at an earlier date. Unfortunately this was not brought to the attention of the Attorney-General. The reappointment was, however, made within the necessary timeframe.

(8) The instrument of appointment was not available before I left the country. Any two Ministers can sign on behalf of the Executive.

(9) By the time the instrument of appointment was available for signature Mr Stefaniak was in Perth and the other two Ministers were conveniently available.

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 91

Carnell Government - Salaries Expenditure

MS FOLLETT - Asked the Chief Minister upon notice on 22 November 1995

In relation to the Treasurer's Monthly Financial Statement for the month of September and year to date period ending 30 September 1995 -

(1) What were the salaries that were incorrectly charged to the Executive, according to Footnote (e).

(2) Who were the people paid and how much was each paid.

(3) To which program are the salaries now to be charged.

MRS CARNELL - The answer to the Member's question is as follows:

(1) The salaries, noted in Footnote (e) as incorrectly charged in the September report, related directly to the salaries' bill for the Executive. Due to a duplication of journals charging the Executive's salaries for pays one to seven, the total salaries' bill for the Executive was charged twice. The duplicate journals were identified and reversed in early October.

(2) The incorrect charging was not due to the costing of any particular person or persons, but as a result of duplicated salary costing journals. As stated above, this resulted in the Executive being charged twice for pays one to seven. The amount of the error was $247,200.

(3) The duplication error understated the salary figure for the Chief Minister's Department. As stated before, this error was identified and corrected in early October.

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 92

Chief Minister and Health and Community Care Portfolios - Consultancies

MS FOLLETT - Asked the Chief Minister

In relation to consultancies for each and every Ministerial portfolio held by you -

(1) What are the current consultancies let or proposed to be let within each Department/Agency in your portfolio.

(2) What is the cost of each consultancy.

(3) Why could the work of each consultancy not have been performed by public servants within the Department/Agency or elsewhere in the ACT Government Service.

(4) Is any consultant exercising any delegation in relation to public servants.

MRS CARNELL -The answer to the Member's question is as follows:

Below is a list of those consultancies in the Chief Minister's Department and the Department of Health and Community Care.

Chief Minister's Department

(1) John Mant/John Collins: Review of ACT Planning Administration and Structures.

(2) $30,003

(3) The consultants have expert and broad ranging skills in relation to planning administration systems around Australia.

(4) No

(1) Profile Paul Ray (Ian Knop): Facilitation of establishment of National Capital Investment Centre.

(2) $8,962

(3) Specialist skills and contacts not available in the ACT Public Service.

(4) No.

(1) Allan Platcher & Associates: Assistance with setting up the Chief Minister's Department budget reporting mechanisms.

(2) $12,650

(3) The range of appropriate skills and expertise was not available within the department. Part of the task was to train departmental staff.

(4) No

(1) Anne Austin & Associates: Advice and assistance on issues relating to public sector reform and new initiatives.

(2) $82,129

(3) The consultant has a range of skills, knowledge and resources, particularly in relation to communication, to undertake the task and will facilitate the transfer of specialist skills to ACTPS staff.

(4) No

(1) Turnbull Fox Phillips: Advice on a whole of Government strategy to assist with the communication of significant internal change to staff of the ACT Public Service.

(2) $13,719

(3) The range of appropriate skills and expertise was not available within the department.

(4) No.

(1) First IR: Industrial relations consultancy primarily providing assistance in the development of agency reform agendas.

(2) $25,000

(3) There was a requirement for specialist strategic skills in relation to exposure to a broad range of enterprise agreements across Australia not available within the ACTPS.

(4) No

(1) Noel Tanzer, Harry Eagleton, RL&HJ Brown: Provision of management and policy advice relating to organisational change.

(2) $27,000

(3) The group brings skills and knowledge relating to organisational change and management review at a level not available within the ACTPS and provides a high degree of objectivity and independence.

(4) No

(1) Dr Raja Junankar & Dr Debra Cobb-Clark: Advice on Commonwealth Grants Commission.

(2) $10,000

(3) There is a requirement for specialist skills not available within the ACTPS.

(4) No

(1) Arthur Andersen & Associates - Review of TotalCare.

(2) $60,000 - Note: Cost will be apportioned across all Agencies

(3) There is a requirement for specialist business analysis and commercial financial skills not available within the ACTPS.

(4) No

(1) Tillinghast: Occupational Rehabilitation Review.

(2) $55,000

(3) There is a requirement for specialist skills not available within the ACTPS.

(4) No

(1) Financial Management Resources Limited: Advice on aspects of the design and implementation of output-based accrual budgeting, managing and reporting in the ACTPS.

(2) $210,000

(3) Insufficient in-house expertise or experience in the relevant aspects of financial reform. Most of this advice is to be provided by consultants with a background and experience in implementing similar reforms in other Public Sectors, including NZ.

(4) No

(1) Planning and Support Inc: Review Information Technology service arrangements in the ACT Public Service and provide advice on options for improving the quality of service delivery and reducing cost.

(2) $98,000

(3) This project requires specialist skills not available within the ACTPS, together with a high degree of objectivity and independence.

(4) No

(1) Tillinghast: Performance Reviews and Improvement

(2) $27,500

(3) There is a requirement for specialist skills not available within the ACTPS.

(4) No

(1) Cullen, Egan Dell: Chief Executive and SES job sizing and job redesign process, including provision of advice on related remuneration issues.

(2) $150,000 - Note: Cost will be apportioned across all Agencies

(3) The assignment requires access to comparative and market information not available within the ACT Public Service. The company specialises in reviewing executive level positions in the public and private sectors.

(4) No

(1) Executive Search Services (Proposed): Executive search services may be used during the recruitment of Executives following the SES job sizing and job redesign process.

(2) Not estimated.

(3) The use of these services will supplement internal recruitment processes.

(4) No

(1) Training in Business Process Redesign (Proposed)

(2) $43,000 (estimated)

(3) The design and delivery of a Business Process Redesign education/training program for managers within the ACTPS.

(4) No

(1) Financial Management Reform Advice (Proposed)
- advice on aspects of the design and implementation of the cash management and banking regime to underpin the financial management reforms.

(2) $200,000

(3) There is a requirement for specialist skills not available within the ACT Public Service and given the tight timeframe for moving to the new regime, it is sensible to use external assistance to assure the quality of the 1996-97 regime, which will be a significant improvement to current ACTPS practices.

(4) No

(1) Financial Management Reform Advice (Proposed)
- scrutiny and assistance with the audit "sign off" of agencies' preparedness to change to the new financial management environment.

(2) $100,000

(3) There is a lack of in-house resources which could be diverted to this particular high priority project. ACTPS staff who could undertake this one-off function will be fully occupied with other tasks including budget preparation and implementation of the new financial management framework.

(4) No

Department of Health and Community Care

(1) Brian Elton and Associates: Facilitation of consultation forums on services for people with a disability for the ACT Disability Services Advisory Committee

(2) $6 200

(3) There was a need to independently support the Disability Services Advisory Committee to conduct consultations and not be seen to have them driven by ACT Government Officers.

(4) No

(1) Purdon and Associates: Review of Home Help on 28 November 1994 with the final report delivered in August 1995.

(2) $25 000

(3) This review needed to be seen to be independent of the ACT Government which funds the service. Departmental officers were therefore not directly involved.

(4) No

(1) Elizabeth Ward: Area Health Management Plan under Medicare Schedule.

(2) $790.00 C'wlth funded

(3) Expert facilitator for a workshop on cancer control in the ACT. This work required a person who has experience in dealing with a large group of health professionals and ensuring the debate progressed in a positive way.

(4) No

(1) Annie Bridgor: Editorial work on a report.

(2) $210.00 C'wlth funded

(3) Current staffing levels in the section precluded the work being performed by public servants.

(4) No

(1) Jose C Ochoa: Care Continuum and Quality of Life project being part of the National Palliative Care Program.

(2) $300.00 C'wlth funded.

(3) Computer software interface. The work could not be performed by Departmental staff or other ACTGS staff due to lack of available or suitably qualified government staff.

(4) No

(1) Technical inspections pursuant to the *Smoke-free Areas (Enclosed Public Places) Act* 1994. Expressions of interest have been invited from suitably qualified building services engineers

(2) $70-$100/hr
anticipated cost. These costs will be met from the annual fees paid by exempt premises.

(3) It is expected that a number of inspections will be conducted by qualified engineers employed by the Department of Urban Services on a user-pays basis. However, as these staff may not always be available, it has been necessary to make arrangements to use the services of other qualified engineers.

(4) Engineers conducting technical inspections will be appointed as Inspectors under the Act and will therefore be providing information about exemptions to the Department of Health and Community Care.

(1) Coopers Lybrand: Condition Audit of all departmental managed properties plus an assessment of the efficiency of the property and maintenance management systems used in the management of the Department's property portfolio.

(2) $115,000
C'wlth funded under the Medicare Incentive Scheme

(3) Consultancy requires long term resourcing (6-8 months) by a team possessing property management expertise. These skills are not available within the Department.

(4) No

(1) Richard Glenn and Associates: Site Master Planning study of the Calvary Hospital

(2) $10,000

(3) Site Master Planning: required short term dedicated resourcing from a firm expert in health planning, building infrastructure assessment and site planning. These skills are not available in the Department.

(4) No

(1) Financial Management Resources Limited - preliminary investigation into the impact of proposed financial management reforms, in particular

- a description of possible outcomes which the government may wish to achieve;
- description of outputs and output classes and impact and/or relationship to existing organisational structure;
- implications, including organisational implications of implementing the purchaser/provider model.

(2) $39,558

(3) Department does not have the resources to undertake the process in the timeframe, and in some areas the expertise is not available either.

(4) No

(1) Proposed consultancy for 10 year services plan to begin in December 1995 or January 1996.

(2) $250,000
C'wlth funded under Medicare Agreement.

(3) Department does not have the resources to undertake the process in the timeframe, and in some areas the expertise is not available either.

(4) No

(1) Tresillian Family Care Centres, NSW: Review of Postnatal Health Services for families with infants.

(2) $22,600

(3) Consultancy let to ensure independence in the Review process and the necessary expertise was not available within the Department.

(4) No

(1) Assoc Professor John Condon: as above.

(2) $3,160

(3) Consultancy let to ensure independence in the Review process and the necessary expertise was not available within the Department.

(4) No

(1) Tresillian Family Care Centres, NSW: Recurrent cost options for the new model of postnatal services in the ACT.

(2) $2,500

(3) Consultancy let to ensure independence in the Review process and the necessary expertise was not available within the Department.

(4) No

(1) Consultel: Communications consultancy to provide a review of communications facilities at WVH and to provide a strategic direction for the foreseeable future.

(2) The cost of the consultancy is a maximum of $30,000 based upon the consultant generating recurrent savings of at least $100,000 p.a. If there are no recurrent savings generated, there will be no payment made to the consultant.

(3) There was a need for independent technical and engineering advice from a person/organisation with a broad overview of the telecommunications industry - especially since the introduction of changes designed to encourage competition in the marketplace. The technical expertise does not exist within the Department of Health and Community Care.

(4) No

(1) Linea Computing Consultants Pty Ltd.: Consultancy services to perform functional specifications and system design for the Occupational Therapy Unit and the Rehabilitation Unit

(2) $3,500

(3) The Department did not have the resources to develop the system internally.

(4) No

(1) Computer Sciences Corporation: Patient Master Index stage 4 Professional development services

(2) $100,000

(3) The work could not be performed by Departmental staff or other ACTGS staff due to lack of available or suitably qualified government staff.

(4) No

(1) Computer Sciences Corporation: Provision of a contractor to occupy the position of Operations Manager in the Systems Support directorate.

(2) $22,000

(3) The work could not be performed by Departmental staff or other ACTGS staff due to lack of available or suitably qualified government staff.

(4) No

(1) Systems development for Occupational Therapy & Rehabilitation (Proposed)

(2) $24,000

(3) The work could not be performed by Departmental staff or other ACTGS staff due to lack of available or suitably qualified government staff.

(4) No

(1) Develop and test Patient Administration System (Medilinc) enhancements (Proposed)

(2) $2,700

(3) The work could not be performed by Departmental staff or other ACTGS staff due to lack of available or suitably qualified government staff.

(4) No

(1) Design and implementation of network enhancements at WVH (Proposed)

(2) $31,200

(3) The work could not be performed by Departmental staff or other ACTGS staff due to lack of available or suitably qualified government staff.

(4) No

(1) Booz-Allen and Hamilton: Diagnostic Phase

(2) $378,614 WVH and Corporate & Strategic Development Division.
$216,333 Calvary

(3) The required skills in operational efficiency improvement were not available within the Department.

(4) No

(1) Booz-Allen and Harnilton: Implementation Phase

(2) $675,555 estimated.

(3) The required skills in operational efficiency improvement were not available within the Department.

(4) No

(1) Stephen Moss: Management development consultancy

(2) $40,000

(3) A three stage management development consultancy. The expertise was not available in the Department.

(4) No

(1) Morgan and Banks: Recruitment services

(2) $30,000

(3) Recruitment of the new Chief Executive Officer for the Woden Valley Hospital.

(4) No

MINISTER FOR BUSINESS, EMPLOYMENT AND TOURISM
MINISTER FOR INDUSTRIAL RELATIONS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 93

Business, Employment and Tourism and Industrial Relations Portfolios - Consultancies

Ms Follett - asked the Deputy Chief Minister - In relation to consultancies for each and every Ministerial portfolio held by you -

(1) What are the current consultancies let or proposed to be let within each Department/Agency in your portfolio.

(2) What is the cost of each consultancy.

(3) Why could the work of each consultancy not have been performed by public servants within the Department/Agency or elsewhere in the ACT Government Service.

(4) Is any consultant exercising any delegation in relation to public servants.

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

The current consultancies let or proposed to be let within the Business, Employment and Tourism; and Industrial Relations portfolios comprise of:

. **Review of the Agents Act 1968**

(1) A consultancy to Mr Warwick Ryan of Career People as part of an overall review of the Agents Act 1968. The agreement requires the consultant to assess responses to a Discussion Paper issued in respect of the Review of the Agents Act, undertake consultations with key industry organisations and provide appropriate recommendations to the Government. That report is expected shortly.

(2) Estimated cost is $ l8,000 plus a disbursement fee of no more than $ l00.

(3) The review involves consideration of complex consumer, licensing, administration and financial issues impacting on a number of industries, including those associated with real estate, travel and conveyancing agents and auctioneers. The review was initiated by the previous government as part of a regulatory reform program acknowledging national reforms such as mutual recognition of registered occupations. The mix of skills and experience required to successfully undertake the review was not considered to be available within the ACT Government Service.

(4) No delegation is being exercised by the consultant in relation to public servants.

. **Canberra Airport**

(1) Business and Regional Development proposes to let a consultancy to undertake a study of Canberra Airport to examine and report on the future of Canberra Airport as a transport and economic entity for the Region. It will also offer advice to what involvement the ACT Government should have in the future lease of the Airport and the approach it should take to ensure any such involvement.

(2) Estimated cost is $91,000.

(3) The consultancy will require detailed information on the operation and management of airports, the future role of the Airport as a major transport mode for the ACT and Region and its likely impact on economic development and tourism, the potential for the new lessee to influence this role; and options open to the ACT Government other than taking equity. The detail and scope required can only be provided by an expert, or more likely a group of experts with access to a wide range of data not held by the ACT Government.

(4) No delegation is being exercised by the consultant in relation to public servants.

. **Establishment of a Cooperative Multimedia Centre**

(1) Consultancy to Brian Livermore and Associates to assist the ACT Cooperative Multimedia Centre (CMC) Bid Consortium to prepare an application for DEET funding for the establishment of a CMC in the ACT.

(2) Estimated cost is up to $15,000.

(3) The expertise in developing corporate structures, detailed commercial financial cash flows and government proposal review advice is not available within the Business and Regional Development Bureau or elsewhere in the ACT Government Service. The qualifications sought were experience in developing cash flows and other financial data, experience in preparing business plans, experience in preparing submissions for government funding, and involvement in reviewing such documents.

(4) No delegation is being exercised by the consultant in relation to public servants.

. **Tourism Development Strategy**
. **Canberra Visitors Survey**
. **Qualitative Research / Focus Group**

(1) These are the current consultancies let or proposed to be let within Canberra Tourism which are essentially for research services.

(2) Estimated costs associated with each consultancy are as follows:

. Tourism Development Strategy	$5,000
. Canberra Visitors Survey	$60,000
. Qualitative Research / Focus Group	$90,000

(3) The research consultancies could not have been performed by public servants within the ACT Government Service for reasons of specialised resources, expertise, and location. The market research consultancies undertaken on behalf of Canberra Tourism are primarily undertaken in Sydney and the Hunter Valley region. In addition, all research consultancies are approved by the Consultancy Management Committee before proceeding.

(4) No delegation is being exercised by the consultant in relation to public servants.

LEGISLATIVE ASSEMBLY QUESTION ON NOTICE

QUESTION NO. 94

Attorney-General, Environment, Land and Planning,Police and Consumer Affairs Portfolios - Consultancies

MS FOLLETT: To ask the following Ministers -

*92 Chief Minister -
*93 Deputy Chief Minister -
*94 Attorney-General -
*95 Minister for Education and Training -

In relation to consultancies for each and every Ministerial portfolio held by you -

(1) What are the current consultancies let or proposed to be let within each Department/Agency within your portfolio.

(2) What is the cost of each consultancy.

(3) Why could the work of each consultancy not have been performed by public servants within the Department/Agency or elsewhere in the ACT Government Service.

(4) Is any consultant exercising any delegation in relation to public servants.

MR HUMPHRIES:

Magistrates Court

Integrated Case Management System

(1) The Court has engaged the services of one current consultant to develop and provide the Court with an integrated case management computer system. This is an ongoing project and is nearing completion.

(2) The cost this financial year is estimated to be in the vicinity of $60,000.

(3) The Court does not employ any specialist software designers or programmers and previous efforts to engage the services of such an expert have failed on two occasions. It is more efficient to continue with the consultancy as the consultant employs programmers on a needs basis. There are no qualified AS/400 programmers employed in or available for employment in the ACT Government Service.

(4) N/A.

Durham Smith and Associates

(1) Application has been made through the Secretary to the Chief Minister to let a consultancy to facilitate strategic and change management programs within the Magistrates Court in preparation for the integration of all its current components in the one purpose built court complex.

(2) The cost of the consultancy has been quoted in the vicinity of $18,000.

(3) There are no such services available within the ACT Government Service. It is intended that the consultancy will carry out this work in conjunction with two officers of the ACT Magistrates Court.

(4) N/A.

Consumer Affairs Bureau

(1) The Ministerial Counsel of Consumer Affairs agreed that the cost of a consultancy involved in the Uniform Credit Code would be shared on a population basis.

(2) The cost of the Uniform Credit Code consultancy in respect of the amount paid by the Consumer Affairs Bureau was $405.00.

(3) N/A.

(4) N/A.

Australian Federal Police

(1) Market Attitude Research Services (MARS) was engaged to conduct a benchmark community survey to measure pre-existing attitudes of the community to policing services in the suburbs of Kaleen and Ainslie/Campbell; and to conduct further surveys to assess the impact of the Country Town policing initiatives in those two areas during the pilot Country Town policing program (October 1994-October 1995).

(2) Two payments of $9,520 were paid to Mr David Collins from MARS on 29 July 1994 and 5 April 1995. The final payment is expected to be made this financial year - it will be in the order of $4,760.

(3) Mr Collins has been conducting cost effective community surveys for the AFP in the ACT for several years and is well placed to undertake this service. It is most unlikely that his expertise in police matters could be matched within the ACT Government Service.

The consultancy will assist the AFP in the development of community policing strategies which are responsive to the demands and expectations of the ACT community.

(4) N/A.

Electoral Commission

Synerlogic

(1) Synerlogic Microsystems were employed in January 1995 to audit, implement audit recommendations and to maintain the Electoral Commission's computer system.

(2) The Commission has paid the company $26,148 during 1994/95 and has paid a further $687 during 1995/96. It is envisaged that some ongoing computer support services will be purchased from this company during the remainder of the 1995/96 financial year at an hourly rate of approximately $125.00.

(3) The services provided by the above firm are purchased because it has not been possible to meet the Commission's particular computing and audit needs from within the staffing complement of 4 officers. It would be impractical to employ permanent staff members on such intermittent and specialist requirements and to date, neither the audit or computing facilities from within the Service have been able to meet the Commission's needs.

(4) N/A.

Deloitte Touche Tohmatsu

(1) Deloittes was employed in January 1995 to conduct audits associated with the ACT Election funding and Financial Disclosure System.

(2) The Commission paid the company $14,250 during 1994/95 and has paid a further $8,350 during 1995/96. Further audit support, if required, will be purchased at a cost of $50.00 per hour.

(3) The services provided by the above firm are purchased because it has not been possible to meet the Commission's particular audit

needs from within the staffing complement of 4 officers. It would be impractical to employ permanent staff members on such intermittent and specialist requirements and to date, neither the audit or computing facilities from within the Service have been able to meet the Commission's needs.

(4) N/A.

Planning Authority

(1) and (2)

CURRENT CONSULTANCIES 1995-96	**COST/ESTIMATE**
Civic Cultural Planning Strategy	$10,000
Planning for ACT & Sub Region	$20.905
National River Monitoring (Commonwealth Grant)	$26,900
Administrative support within Community Relations	$4,000
Facilitate Management Workshops	$4,650
Garema Place City Walk Urban Design Study	$20,000
Water Quality Monitoring	$45,000
Water Research	$41,000
Social Impact Assessment of Retail Change	$16,842
Review of Planning Guidelines for Gungahlin Town Centre & Central Area	$20,000
Administration of Financial Management Systems	$15,000

CONSULTANCIES PROPOSED	
Retail Study	$4,260
Metro Structure Review	$30,000
ILAP Contribution	$20,000
Transport Survey & Data Collection	$5,000
Transport Modelling	$5,000
Parking & Access Guidelines Review	$5,000
ACT House Energy Rating Scheme	$15,000
Subdivision Energy Audit	$10,000
Air Quality - Trend & Performance Analysis	$5,000
Noise Management - Noise Monitoring	$5,000
Terrestrial Resources - GIS Mapping of Resources	$3,000
Stream flow Gauging	$30,000
Cultural Planning Strategy for Civic	$15,000
Community Consultation On Planning	$5,000
Corporate Planning /Personal Development Plans	$12,000
Accrual Accounting Assistance	$10,000
Review of District Planning	$15,000
Oaks Estate Stage 2	$5,000
Review of Group Centres (Dickson, Mawson, Weston Creek & Curtin)	$20,000
Contribution To Structures in Public Places Study	$10,000
Mitchell Industrial Area	$15,000

(3) Consultants/contractors are engaged where the particular expertise or resources are not available within the ACT Government Service. They carry out specific planning projects (e. g, planning for Gungahlin Town Centre), studies (e.g, retail study), and data collection (travel surveys, water quality monitoring)

(4) N/A.

Ministerial and Corporate Services

FRM Implementation

(1) It is proposed that a consultant be engaged to assist in the implementation of the ACT Government Financial Management Reforms. The consultant will be engaged to provide Government Oracle Financial expertise.

(2) The cost of this consultancy will be in the vicinity of $40,000-$50,000.

(3) A Departmental Implementation Team will be actively working to implement the reforms, however, Government Oracle Financial expertise will be required and there are no appropriately qualified staff within the ACT Government Service.

(4) N/A.

FOI Training

(1) Tim Moe was engaged to undertake the development and presentation of a training course as it relates to Freedom of Information due to the future devolution of the function from the Department.

(2) The cost of this consultancy was $3,500.

(3) The Department had planned to develop training, however, the FOI Unit is due to be wound up on 31 December 1995 and did not have the capacity to meet the training needs of the client areas before that date.

(4) N/A.

Corrective Services

(1) Mr Wally Truesdale is engaged on a needs basis at Belconnen Remand Centre for anger management counselling of detainees recommended by the Welfare Officer.

(2) Mr Truesdale charges $50.00 per 2 hour session.

(3) ACT Corrective Services does not have the qualified personnel to undertake/provide anger management counselling.

(4) N/A.

MINISTER FOR ARTS AND HERITAGE

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 94

Arts and Heritage Portfolio - Consultancies

Ms Follett - asked the Attorney-General - In relation to consultancies for each and every Ministerial portfolio held by you -

(1) What are the current consultancies let or proposed to be let within each Department/Agency in your portfolio.

(2) What is the cost of each consultancy.

(3) Why could the work of each consultancy not have been performed by public servants within the Department/Agency or elsewhere in the ACT Government Service.

(4) Is any consultant exercising any delegation in relation to public servants.

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

The current consultancies let or proposed to be let within the Arts and Heritage portfolio comprise of:

. **Cultural Industry Development Program Search Conference**

(1) Consultancy to Rohan McClean, Dench McClean Associates to organise Cultural Industry Development Program Search Conference.

(2) Estimated cost is $16,000.

(3) The work could not have been performed by public servants due to the lack of available expertise in this area in the ACT Government Service.

(4) No delegation is being exercised by the consultant in relation to public servants.

. **ACT Heritage Council Remuneration**

(1) Consultancy to Walter and Turnbull for ACT Heritage Council Remuneration.

(2) Estimated cost is $1,900.

(3) The work could not have been performed by public servants due to the lack of available expertise in this area in the ACT Government Service.

(4) No delegation is being exercised by the consultant in relation to public servants.

. **Cataloguing of Heritage Library**

(1) Consultancy to George Boeck, Library Consultants, for the cataloguing of Heritage Library.

(2) Estimated cost is $4,250.

(3) The work could not have been performed by public servants due to the lack of available expertise in this area in the ACT Government Service.

(4) No delegation is being exercised by the consultant in relation to public servants.

. **ACT Law Courts Heritage Study**

(1) Consultancy to Freeman Collet on behalf of Works and Commercial Services in the Department of Urban Services, to undertake an ACT Law Courts Heritage Study.

(2) Estimated cost is $15,000.

(3) The work could not have been performed by public servants due to the lack of available expertise in this area in the ACT Government Service.

(4) No delegation is being exercised by the consultant in relation to public servants.

. **Aboriginal Chert Site in Symonston**

(1) Proposed consultancy on behalf of the Department of Urban Services for the investigation of an Aboriginal Chert Site in Symonston. Currently at invitation to quote stage.

(2) Estimated cost is $6,000.

(3) The work could not have been performed by public servants due to the lack of available expertise in this area in the ACT Government Service.

(4) No delegation is being exercised by the consultant in relation to public servants.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 95

Education and Training Portfolio - Consultancies

MS FOLLETT - asked the Minister for Education and Training on notice on 21 November 1995:

In relation to consultancies for each and every Ministerial portfolio held by you -

(1) What are the current consultancies let or proposed to be let within each Department/Agency in your portfolio.

(2) What is the cost of each consultancy.

(3) Why could the work of each consultancy not have been performed by public servants within the Department/Agency or elsewhere in the ACT Government Service.

(4) Is any consultant exercising any delegation in relation to public servants.

MR STEFANIAK - the answer to Ms Follett's question is:

As at 21 November 1995 consultancies which were either let or intended to be let within the Department of Education and Training were:

. *Bob Brookes and Associates* - total cost of $3,960 for the provision of services to the Information Services Section in implementation of business systems and change management. The consultant was engaged as the required IT skills were not available within the Department or elsewhere in the ACTGS. No delegations are exercised by the consultant over public servants.

. *Ms W McDowell* - total estimated cost is $74,662. Consultancy is to undertake a project for the establishment of a network of viable associations of teachers in vocational education.. This project is funded by a Commonwealth grant from DEET. Resources for this project did not exist within DET. Consultant exercises no delegations over public servants.

. *Dr David Back* - total estimated cost is $22,500. Consultancy is to provide advice on international and national business development for CIT services. Dr Back is a highly experienced professional educationalist with substantial experience in key Asian markets for education services, especially in flexible delivery services. These skills are not available in CIT or ACTGS. Dr Back is not exercising any delegation in relation to public servants.

MINISTER FOR HOUSING AND FAMILY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 95

Housing and Family Services Portfolio - Consultancies

Ms Follett - asked the Minister for Education and Training

In relation to consultancies for each and every Ministerial portfolio held by you -

(1) What are the current consultancies let or proposed to be let within each Department/Agency in your portfolio.

(2) What is the cost of each consultancy.

(3) Why could the work of each consultancy not have been performed by public servants within the Department/Agency or elsewhere in the ACT Government Service.

(4) Is any consultancy exercising any delegation in relation to public servants.

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

(1)

Current Consultants	**Description**	**Amount Paid to 30.11.95**	**Estimated Total Cost 1995-96**
Dr A King	Readers fee for draft final report 'housing needs assessment in the ACT'	300	300
Kinhill Engineers	Study of housing costs in the ACT	35400	8530
Construction and Management Services Aboriginal Corporation	Housing needs of Aboriginal peoples and Torres Strait Islanders in the ACT	8000	32000
Anne Austin & Associates	ACT Housing Strategy: Preparation of a Strategy Plan	8000	30000
The Expert Client	Sutton Street feasibility study		5000
Daryl Jackson Alastair Swajn P/l	Burnie Court Community Room		2000
KLA	Review Office of Rental Bonds procedures and practices		10000
KLA	Activity mapping	8000	20000
Deacons Graham & James	Private rental leasing	1775	

Current Consultants	**Description**	**Amount Paid to 30.11.95**	**Estimated Total Cost 1995-96**
Terence Teasdale	Change management	26000	52500
Easact	Counselling and consultancy	20700	
Heaney Blaylock & Associates	Draft ACT Housing Flexibility Schedule advice to the General Manager	4375	
Porter Grey Matter	Meeting facilitation on focus	1670	
Residex	Advisory Service to Private Rental Leasing	9800	9800
Dalsey Pty Ltd	Financial management	32170	

(3) In house skills are not available

(4) No

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 96

ACT Administration Centre

Mr Berry - Asked the Chief Minister upon notice on 22 November 1995 - In relation to the ACT Administration Centre:

1. What is the cost of the lease of the building.
2. When does the lease expire.
3. Which departments or departmental units currently occupy the building and how many staff are accommodated there.
4. How much unused space is there at the moment.
5. Is it a fact that there has been extensive refurbishment; if so, (a) at what cost and (b) for which occupants.
6. Why has a large amount of equipment been left unsecured in the basement when there are fenced areas available.

MRS CARNELL - The answer to the Member's question is as follows:

1. The cost of leasing the ACT Administration Centre is $3,046,589 per annum.

2. The lease expires on 31 December 1996.

3. As at 5 December 1995 the following Agencies occupy the ACT Administration Centre:

. Urban Services	-	28 staff
. Attorney General's	-	4 staff
. Children's Family and Youth Services	-	8 staff
. Sport Recreation and Racing	-	3 staff
. Chief Minister's	-	173 staff

4. There is 502.8 m^2 unused space at the current time, including 377 m^2 occupied by the former Assembly Chamber on the Plaza Level. Plans are being developed to utilise these vacant spaces.

5. No.

6. Some unserviceable or obsolete assets were held in the basement pending proper disposal. Computer equipment was held in this way to enable easy access by the ACT Education Department to inspect and then transfer to their Fyshwick store. This transfer was completed by Monday 4 December 1995. All excess furniture has also been removed. These procedures have been reviewed and in future some equipment will be held in appropriate secure areas.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 99

School Dental Service - Orthodontic Treatment Waiting Times

Mr Connolly - asked the Minister of Health and Community Care upon notice on 5 December, 1995:

As at 1 December 1995, what is the waiting period for children to obtain an appointment with an ACT Government orthodontist for persons with Health Care Card entitlements.

MRS CARNELL - the answer to the Member's question is:

As at 1 December, an emergency orthodontic case, as assessed by the school dentist, could be seen within 24 hours. A case that was considered urgent, but not an emergency, could be seen within four weeks. For other cases, the waiting time is 24 months.

The School Dental Service provides free orthodontic consultations so that parents are aware as to whether their children require orthodontic treatment. Parents are advised in less urgent cases of the length of the waiting list and that private orthodontic treatment may be sought.

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 100

School Dental Service - Orthodontic Services

Mr Connolly - asked the Minister of Health and Community Care upon notice on 5 December 1995:

As at 1 December 1995 how many Government orthodontists are available, and for how many days, or parts of days, per week are such people employed or
engaged.

MRS CARNELL - the answer to the Member's question is:

The procedures and staffing levels have not changed since Mr Connolly was
Minister for Health.

The ACT Dental Service employs one orthodontist for one half day per week.
One of the school dentists works together with the orthodontist on the less serious cases ie for one half day per week.

MINISTER FOR SPORT AND RECREATION

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 101

Noise Pollution - Motor Sport

Mr Moore asked the Minister for Sport and Recreation:

On 8 October 1995 *The Canberra Times,* in discussing the damage caused to nearby buildings and the potential for personal injuries by balls from golf being played on public land, you were quoted as saying that: "It's not a question of spoiling people's fun. It is a question of people having consideration of others and ensuring that the activity they enjoy doing doesn't interfere with others..."

(1) How, if at all, does the situation of people affected by noise pollution from that ACT's motor racing site near the NSW border differ in principle from the damage from balls hit by golfers playing on public land.

(2) In the light of your avowal that people pursuing sporting activities must "have consideration of others" and must ensure "that the activity they enjoy doing doesn't interfere with others" will you;

(a) abandon attempts to get more - and noisier - motor racing onto the tracks on the racing site near the NSW border;

(b) lend support to the recommendation from the Commissioner for the Environment, that motor racing observe both the letter and spirit of the noise law; and

(c) lend support to the urgent identification and development of a new motor racing site, noise from which will not break the law.

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

(1) The Government believes that as a matter of principle every individual or organisation undertaking an activity should be conscious of the impact it has on other members of the community.

In regard to motor sport the ACT Government has legislation to control the level of noise that may effect nearby residents. That legislation is administered by the Office of the Environment.

Golfers practicing on community ovals and parklands are not controlled by legislation. Given the number and geographically widespread nature of complaints received it appears that golfers are not conscious of the damage they are causing. Accordingly it may be necessary to introduce some form of legislation to control their behavior.

The noise levels arising from motor sports to which the NSW residents are exposed are substantially below the occupational health and safety standards recommended by Worksafe Australia and based on earlier work by the National Health and Medical Research Council. Clearly noise is not a health issue.

I understand my colleague, the Minister for Environment, Land and Planning has addressed the issue of environmental noise standards in his reply to Question on Notice Number 102.

(2) (a) Motor sport enthusiasts undertake their activity within the constraints of the noise legislation.

This legislation is administered by the Office of the Environment. Also the motor sport community has advised Government on many occasions that they wish to and do operate within the law and are taking a number of steps to ensure self regulation in this regard.

(b) The Commissioner for the Environment's report on Management of Noise from Motor Sport in the ACT made numerous recommendations. I expect that my colleague the Minister for the Environment, Land and Planning will respond formally to those recommendations following Government consideration of community comments.

Your question suggests that motor sport participants are not willing to abide by the law. This is contrary to what in practice occurs. Motor sport organisations adhere to the noise legislation requirements for the conduct of their activities.

(c) The identification of a new site for motor sport in the ACT was pursued by both the previous Government and is still being pursued by this Government.

Currently three potential sites are under investigation. The delay in finalising the current investigations is due to the need to undertake some additional noise and related studies.

However, I understand the study has raised a number of issues which will require the Government consideration before it commits to the relocation of motor sport.

Further even if a decision was made to relocate a number of major activities further studies would need to be undertaken, including the completion of an environmental impact statement and the acquisition of existing leases. This I understand could take up to 4 years.

As a consequence of this potentially long lead time the motor sport community in conjunction with the Bureau of Sport Recreation and Racing are examining ways to ensure that the sport can develop within the requirements of the noise legislation.

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 121

Monthly Financial Statements - Reconciliation of Information

MS FOLLETT - Asked the Chief Minister upon notice on 6 December 1995:

"In relation to the Treasurer's Monthly Financial Statement for the month of September and the year to date period ending 30 September 1995 - What is the reconciliation between the GFS format and the Consolidated Fund for the period ending 30 September 1995 for each "Appropriation Unit" or Revenue category."

MRS CARNELL - The answer to the Member's question is as follows:

"The reconciliation of the GFS to Consolidated Fund information presented in the *Treasurer's Monthly Financial Statement,* at the level sought by Ms Follett, would involve a considerable commitment of time and resources. The task involves an extensive manual translation process as budget and reporting information and systems have been structured to GFS presentations only, as agreed by the previous Labor Government.

For the first time, Budget information is provided on a monthly basis to the Assembly and the Community, compared to quarterly reporting in the past. Consolidated Fund information is provided to supplement the GFS budget information.

Page 219 of Budget Paper No. 3 provides the basis for the reconciliation of GFS information to the Consolidated Fund (for the deficit only) and this was provided to assist the Assembly moving from the old to the new presentation formats.

To provide lower level reconciliation is considered unrealistic, and contrary to the direction agreed between States and Territories in moving to the uniform GFS reporting arrangements."

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 122

Monthly Financial Statements - Reconciliation of Information

MS FOLLETT - Asked the Chief Minister upon notice on 6 December 1995:

"In relation to the Treasurer's Monthly Financial Statement for the month of October and the year to date period ending 31 October 1995 - What is the reconciliation between the GFS format and the Consolidated Fund for the period ending 31 October 1995 for each "Appropriation Unit" or Revenue category."

MRS CARNELL - The answer to the Member's question is as follows:

"The reconciliation of the GFS to Consolidated Fund information presented in the *Treasurer's Monthly Financial Statement,* at the level sought by Ms Follett, would involve a considerable commitment of time and resources. The task involves an extensive manual translation process as budget and reporting information and systems have been structured to GFS presentations only, as agreed by the previous Labor Government.

For the first time, Budget information is provided on a monthly basis to the Assembly and the Community, compared to quarterly reporting in the past. Consolidated Fund information is provided to supplement the GFS budget information.

Page 219 of Budget Paper No. 3 provides the basis for the reconciliation of GFS information to the Consolidated Fund (for the deficit only) and this was provided to assist the Assembly moving from the old to the new presentation formats.

To provide lower level reconciliation is considered unrealistic, and contrary to the direction agreed between States and Territories in moving to the uniform GFS reporting arrangements."

CHIEF MINISTER

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 124

Lunch at the Boathouse Restaurant

Ms Follett - asked the Chief Minister - In relation to the lunch at The Boathouse on 4 September 1995 for each and every Ministerial portfolio held by you -

(1) Did you attend.

(2) Did any of your staff attend.

(3) Did any of your Chief Executive Officers attend.

(4) What was the cost.

(5) From what sub-program was that cost met.

Chief Minister - the answer to the Member's question is as follows:

(1) The Chief Minister and the Deputy Chief Minister were the only two Ministers in attendance.

(2) Mr Simon Latimer and Mr Gary Dawson from the Chief Minister's Office attended, and Mr Peter Clarke and Ms Ann Czajor attended from the Deputy Chief Minister's Office.

(3) Mr John Walker and Mr Jeff Townsend were the only Chief Executive Officers in attendance.

(4) The total cost of the function was $748.50.

(5) Marketing, Technology & Business Development.

DEPUTY CHIEF MINISTER

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 125

Lunch at the Boathouse Restaurant

Ms Follett - asked the Deputy Chief Minister - In relation to the lunch at The Boathouse on 4 September 1995 for each and every Ministerial portfolio held by you -

(1) Did you attend.

(2) Did any of your staff attend.

(3) Did any of your Chief Executive Officers attend.

(4) What was the cost.

(5) From what sub-program was that cost met.

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

(1) The Chief Minister and the Deputy Chief Minister were the only two Ministers in attendance.

(2) Mr Simon Latimer and Mr Gary Dawson from the Chief Minister's Office attended, and Mr Peter Clarke and Ms Ann Czajor attended from the Deputy Chief Minister's Office.

(3) Mr John Walker and Mr Jeff Townsend were the only Chief Executive Officers in attendance.

(4) The total cost of the function was $748.50.

(5) Marketing, Technology & Business Development.

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 126

Lunch at the Boathouse Restaurant

Ms Follett - asked the Attorney General - In relation to the lunch at The Boathouse on 4 September 1995 for each and every Ministerial portfolio held by you -

(1) Did you attend.

(2) Did any of your staff attend.

(3) Did any of your Chief Executive Officers attend.

(4) What was the cost.

(5) From what sub-program was that cost met.

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

(1) The Chief Minister and the Deputy Chief Minister were the only two Ministers in attendance.

(2) Mr Simon Latimer and Mr Gary Dawson from the Chief Minister's Office attended, and Mr Peter Clarke and Ms Ann Czajor attended from the Deputy Chief Minister's Office.

(3) Mr John Walker and Mr Jeff Townsend were the only Chief Executive Officers in attendance.

(4) The total cost of the function was $748.50.

(5) Marketing, Technology & Business Development.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 127

Lunch at the Boathouse Restaurant

Ms Follett - asked the Minister for Education and Training - In relation to the lunch at The Boathouse on 4 September 1995 for each and every Ministerial portfolio held by you -

(1) Did you attend.

(2) Did any of your staff attend.

(3) Did any of your Chief Executive Officers attend.

(4) What was the cost.

(5) From what sub-program was that cost met.

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

(1) The Chief Minister and the Deputy Chief Minister were the only two Ministers in attendance.

(2) Mr Simon Latimer and Mr Gary Dawson from the Chief Minister's Office attended, and Mr Peter Clarke and Ms Ann Czajor attended from the Deputy Chief Minister's Office.

(3) Mr John Walker and Mr Jeff Townsend were the only Chief Executive Officers in attendance.

(4) The total cost of the function was $748.50.

(5) Marketing, Technology & Business Development

MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 128

Public Hospitals - Waiting Lists Policy

Ms Follett -asked the Minister for Health and Community Care upon notice on 6 December 1995:

(1) What is the ACT Waiting List Policy.

(2) How is it to be promulgated.

(3) How will it tighten management of waiting lists.

(4) How will tightening the waiting lists lower them.

(5) Is there agreement from the medical profession to promulgate the policy.

MRS CARNELL - the answer to the Member's question is:

(1) The Government has released a document entitled "Management of Waiting Lists, Admissions and Discharges - Guidelines and Policy". The paper provides detail on the principles by which waiting lists are to be managed in ACT public hospitals and the roles and responsibilities of those involved.

(2) The policy was launched on 13 December 1995.

(3) The management of waiting lists is a complex task requiring a team approach. A common understanding of the principles to be adopted and the responsibilities of each member of that team is vital to its effective and efficient performance. Adherence to the requirements of the policy will lead to a more efficient use of hospital resources and more accurate reporting of the waiting list. The Waiting List Policy is one of a number of initiatives of the Government that will address this issue including the $2 million additional throughput strategy provided for in the 1995-96 Budget.

(4) More efficient use of resources will enable more elective surgery to be performed which should lead to a reduction in the length of the lists. Adherence to the policy will lead to a reduction in the number of elective surgical patients waiting longer than the desirable period for admission.

(5) Yes. The Royal Australian College of Surgeons, the ACT Division of GPs, the ACT Branch of the AMA were all consulted in the development of the policy. The Directors of Clinical Services at the two public hospitals were members of the working group that drafted the policy.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 130

English as a Second Language Programs

MS TUCKER-asked the Minister for Education and Training on notice on 12 December 1995:

In relation to English as a Second Language (ESL) programs -

(1) What is the actual level of the multiplier which is used to determine staffing resources for the programs in 1995 and 1996.

(2) What was this multiplier in the years (a) 1991; (b) 1992; (c) 1993; and (d) 1994.

(3) What is the relationship between (a) the multiplier, (b) the percentage of Non English Speaking Background students in the system and (c) their level of need for ESL.

(4) How will the cuts to the budget in this area affect the multiplier.

MR STEFANIAK - the answer to Ms Tucker's question is:

(1) The multiplier used to determine staffing resources for ESL programs in 1995 was 0.0381 and in 1996 the multiplier will be 0.0361.

(2) The multiplier in each of the years 1991 to 1994 was 0.0381. However, the resources generated by this multiplier were not all allocated to schools. The three year pilot Language for Understanding Across the Curriculum (LUAC) Program was resourced from these points from 1992 to 1995.

(3) The multiplier was devised to reflect the percentage of Non-English Speaking Background students in need of ESL in the system - approximately 4% of the student population. Although the ESL population does fluctuate, the basic level of resourcing remains relatively stable with ESL services always allocated to those in greatest need first. The LUAC program provided teachers, in a "train the trainer" model, with the skills to teach ESL students in their mainstream classes. This program completed its work in 1995 although support will continue through the remaining LUAC staff in 1996.

(4) The completion of the three year pilot LUAC program is reflected in a change to the multiplier.

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 132
Acton Peninsula - Relocation of Resident Groups

MS FOLLETT - Asked the Chief Minister upon notice on 14 December 1995 - In relation to the groups, both Government and non-Government, currently, or recently, located on Acton Peninsula -

(1) What arrangements have been made for the relocation of each of these groups.

(2) What financial assistance has been given to each group for the relocation.

(3) What other assistance has been provided to each group to assist relocation.

MRS CARNELL - The answer to the Member's question is as follows:

(1) The current plan is to relocate the following non-Government health and community service organisations to the former Holder High School:

- ACT Festivals Inc
- Technical Aid to the Disabled (ACT)
- Australian Red Cross - Meals on Wheels
- Diabetes Australia
- Epilepsy Association of the ACT Inc
- Mental Health Resources ACT Inc
- Home Help Service ACT Inc
- Sudden Infant Death Association (ACT) Inc
- Nature and Science Forum
- Rural Health Education Centre
- Canberra Region Medical Foundation

Joint planning is continuing with these groups about their relocation to new premises at Holder.

The following groups have already moved to new premises:

- National Health Sciences Centre - to Woden Valley Hospital
- Neurosciences Research Unit - to Woden Valley Hospital
- Clinic of Preventive Medicine for Women - to Hackett Shopping Centre
- Australian Institute of Health and Welfare - to Fernhill Park
- ACTION Clothing Store - to Mitchell)
- ACT Accommodation Services - to Macarthur House) ACT Government
- ACT Library Service - to Griffith) groups
- ACT Auditor-General - to Mitchell)

The following non-Government groups have made their own arrangements for relocated premises:

- Department of Clinical Sciences (ANU)
- School of Asian Business Studies (ANU)

Relocation of the following ACT Government groups is in the planning stage:

- Central Registry
- Roads & Transport Branch: Traffic Signals (storage only, no staff)
- Medical Health Records (storage only, no staff))
- Canberra Community Dialysis Centre) Department of Health
- Radiation Safety Section) and Community Care
- Medical students and seconded health professionals) (from Sylvia Curley House)

Sylvia Curley House residents, other than those covered by the Department of Health and Community Care, have been advised to arrange alternative accommodation and to vacate Sylvia Curley House by 28 February 1996.

The following ACT Government groups no longer require premises:

- Furniture Store - unused stock to be auctioned
- Department of Health and Community Care: Organisation Development Services - unit absorbed into other DH&CC accommodation

The Centre for Australian Cultural Studies (ADFA) will continue to occupy the cottage next to the Hospice for the duration of its agreement.

The relocation of the Acton Child Care Centre, and the financial assistance required, is under consideration.

(2) The approved 1995-96 Capital Works Program includes $2.96m for the refurbishment of the former Holder High School for the relocation of Acton tenants.

(3) Assistance to the non-Government health and community groups to date has been outlined in (1) above. In line with normal practice, Government agencies have each made their own arrangements to relocate their units.

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
Question No. 133

Government Service - Additional Remuneration

MS FOLLETT - Asked the Chief Minister upon notice on 14 December 1995

In relation to the provisions of sections 245 and 246 of the Public Sector Management Act 1994 -

(1) Has the Commissioner for Public Administration made a management standard to allow for additional remuneration under these provisions.

(2) Has any payment to any person been made under these provisions; if so, (a) to whom; (b) on what dates; and (c) what amounts were involved.

(3) Is the Government committed to any such payments in the future; if so, (a) to whom; (b) for what periods; and (c) what amounts are involved.

MRS CARNELL - The answer to the Member's question is as follows:

(1) The Commissioner for Public Administration has not made a management standard to allow for additional remuneration under the provisions of sections 245 and 246 of the *Public Sector Management Act 1994.*

(2) No payment has been made under the provisions of sections 245 and 246 of the Public Sector Management Act 1994.

(3) The Government is not committed to any such payment in the future.

APPENDIX 1: Incorporated in Hansard on 14 December 1995 at page 3005.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MOTOR VEHICLES (DIMENSIONS AND MASS) (AMENDMENT) BILL 1995

PRESENTATION SPEECH

Circulated by authority of
Tony De Domenico MLA
Minister for Urban Services

MOTOR VEHICLES (DIMENSIONS AND MASS) (AMENDMENT) BILL 1995

Mr Speaker, I move that the Bill be agreed to in principle.

The Motor Vehicles (Dimensions and Mass) (Amendment) Bill 1995 will make a number of important changes to the *Motor Vehicles (Dimensions and Mass) Act 1990*. In the 5 years that the Act has been in operation, many changes to the technical and operational requirements for heavy vehicles have been introduced nationally under the auspices of the National Road Transport Commission. The amendments contained in this Bill are primarily intended to bring the Act into line with those changes and are another step towards the development of nationally uniform road transport legislation. These changes are fully supported by the transport industry. Brief details of the more important amendments contained in the Bill are as follows.

Dimensions limits

The Dimensions and Mass Act currently sets out the length and width limits to which all heavy vehicles are subject. The amendments provide that these limits are to be determined by the Minister. This measure, combined with the issuing of exemptions for classes of vehicles, will give the ACT more flexibility in adapting to changes in national standards. One of the more important dimensions that will be included in a determination will be that the length of articulated vehicles other than a bus will be restricted to 19 metres in contrast with the current restriction in the Dimensions and Mass Act of 17.5 metres.

Exemption notices

One of the more important operational changes resulting from the amendments will be the ability of the Minister to issue exemption notices. Exemption notices will be used to exempt classes of vehicles or combinations from the requirements set out in the Act or in determinations. Currently, exemptions can only be granted on an individual vehicle basis by permit. Exemption notices will allow bulk permitting of about 60% of vehicles that are at present issued with individual permits.

The remaining 40% of vehicles that require permits will continue to be dealt with on an individual basis. These are vehicles which require more significant increases over legal limits because, for example, they are especially wide. Individual permits will continue to be issued by the Registrar of Motor Vehicles.

This measure will result in a loss of revenue to the Government of about $58,000 per annum because of permit application fees that will not be collected. However, there will be a corresponding administrative saving to the transport industry estimated to be about $74,000 per annum.

Infringement notices

A new Part dealing with infringement notices or "on the spot fines" is inserted into the Act. The most important change is to allow infringement notices to be served on the owners of vehicles as well as on drivers. This will bring the ACT into line with most other Australian jurisdictions. It recognises the fact that, in many cases, it is the owner of a vehicle rather than the driver who is primarily responsible for a breach.

I commend the Bill to the Assembly

APPENDIX 2: Incorporated in Hansard on 14 December 1995 at page 3005.

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC (CONSEQUENTIAL PROVISIONS) BILL l995

PRESENTATION SPEECH

Circulated by authority of
Tony De Domenico MLA
Minister for Urban Services

MOTOR TRAFFIC (CONSEQUENTIAL PROVISIONS) BILL 1995

Mr Speaker, I move that the Bill be agreed to in principle.

The Motor Traffic (Consequential Provisions) Bill 1995 amends the *Motor Traffic Act 1996*. The amendments contained in this Bill are consequential upon the amendments to the *Motor Vehicles (Dimensions and Mass) Act 1990* contained in the Motor Vehicles (Dimensions and Mass) (Amendment) Bill 1995.

The main purpose of the Bill is to ensure consistency between definitions contained in the Motor Traffic Act and the Motor Vehicles (Dimensions and Mass) Act. This is one further step in achieving national uniformity of transport legislation as the amended definitions are consistent with nationally agreed definitions.

The Bill sets out the means of determining GCM (previously "manufacturer's gross combination mass")and GVM (previously "manufacturer's gross vehicle mass")where they have not been specified by the manufacturer or the manufacturer's specification cannot reasonably be ascertained. This applies only to vehicles which do not have a compliance plate or other plate from the manufacturer specifying GCM and GVM. The Registrar is also able to determine GCM and GVM of a vehicle which has been modified from manufacturer's specifications. It should be noted that there is no requirement to determine the GCM or GVM of passenger vehicles (other than buses) and their derivatives, or of motor cycles.

I commend the Bill to the Assembly.

APPENDIX 3: Incorporated in Hansard on 14 December 1995 at page 3007.

1995

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (AMENDMENT) BILL (NO 2)1995

PRESENTATION SPEECH

Circulated by authority of

GARY HUMPHRIES MLA
ATTORNEY-GENERAL

MAGISTRATES COURT (AMENDMENT) BILL (NO 2) 1995

I move that this Bill be agreed to in principle.

Mr Speaker, the *Magistrates Court Act 1930* provides for the procedures in the Magistrates Court.

The Magistrates Court (Amendment) Bill (No 2) 1995 will insert a new procedure for bringing a witness to Court and revise the provisions requiring a Magistrate to obtain the approval of the Minister before engaging in remunerative employment other than in the duties of the office of Magistrate.

Many of the provisions of the Magistrates Court Act have not been altered since it came into force in 1930 and the many amendments to the Act over time have produced duplications and overlapping provisions. The Bill provides for minor amendments to revise, up-date and correct such provisions.

Section 10E of the Act provides that a Magistrate is not to undertake other paid employment without the written approval of the Minister with the exception of any office, appointment, or commission held in the Defence Forces of the Commonwealth. The Bill will remove this exception.

The exception in relation to employment in the Defence Force may have been appropriate when a Magistrate of the Court was a Commonwealth judicial officer.

Magistrates are now officers appointed by the Government of the Australian Capital Territory and it is appropriate that this provision is amended to bring it into line with current requirements for officers of the Territory such as are provided for under our *Public Sector Management Act 1994*.

The Bill inserts a new procedure to bring a witness to the Court. The informant of a charge which may be heard summarily may request a person to appear as a witness for the prosecution by means of a letter containing notice of the time and place of the hearing, a returnable undertaking to appear and a form for a claim by the person for the reasonable expenses of appearing. The letter is to be delivered by the form of postal transmission which requires that the recipient sign for the letter.

The Bill amends the requirements relating to service of a summons requiring a person to appear to give evidence. This would allow a summons to be delivered by a form of postal transmission which requires that the recipient sign for the receipt of the item, or by personal service, or by leaving of a copy of the summons with a responsible adult at the last known place of residence or employment of the person. The informant, generally a police officer, will be given a wider choice in serving a witness summons according to his or her estimation as to the willingness or otherwise to appear of the person required as a witness.

The Bill also provides that, where a person has been notified of the time and place of the hearing and has been requested to appear, has given an undertaking to appear or has been summoned to appear, and does not appear, a warrant may be issued by the Court to have the person brought before the Court to give evidence.

These amendments provide for a 3 step procedure to be available to bring a witness to give evidence in the Magistrates Court. A witness may be asked to appear by the informant, or, if it seems that a person will not willingly appear he or she may be summonsed by the Court, or, if the witness will not or does not then appear, the Court may issue a warrant for the arrest of the person to be brought to the Court to give evidence.

The penalty of a fine of $40 which could have been imposed by the Court on a person who did not answer a summons to appear as a witness has been omitted from the Act and the Bill inserts a provision into the Act entitling a person to claim the reasonable expenses of his or her appearance as a witness.

These amendments will have the effect of providing a wider range of procedural options and a more cost-efficient use of resources.

I commend the Magistrates Court (Amendment) Bill (No 2) 1995 to the Assembly.

APPENDIX 4: Incorporated in Hansard on 14 December 1995 at page 3007.

1995

LEGISLATIVE ASSEMBLY FOR THE

AUSTRALIAN CAPITAL TERRITORY

DOMESTIC VIOLENCE (AMENDMENT) BILL 1995

PRESENTATION SPEECH

Circulated by authority of

Mr Gary Humphries MLA

Attorney-General

Mr Speaker, I move that this Bill be agreed to in principle.

The purpose of the Bill is to amend the Domestic Violence Act 1986 to complement recent changes to the Commonwealth Family Law Act 1975 to deal with resolving inconsistencies between Family Court access orders, to be known as contact orders, and protection orders made under State and Territory legislation. The changes to both the Commonwealth and Territory Acts are in accordance with the agreement reached by the Standing Committee of Attorneys-General on how to resolve this difficult problem.

The need for legislative reform came about because significant problems have arisen in practice when one parent is forbidden by a protection order made under State or Territory domestic violence legislation to go to, or near the matrimonial home, but an access order made under the Family Law Act states or clearly implies that the parent will, at the matrimonial home, pick-up and return a child before and after access. The resulting confusion often caused problems not only for the parties involved, but for police and others involved with enforcing such orders.

The agreement reached by the Standing Committee of Attorneys-General sought to resolve inconsistencies between Family Law contact orders and family violence orders. The agreement that was finally reached nationally after much discussion and negotiation, reflects an appropriate balance between the need to protect persons from family violence, and the need to respect the right of a child to have contact on a regular basis with both of the child's parents.

The key elements of the changes to the law in this area are contained in the Family Law Reform Bill 1994. That Bill has been passed by the Commonwealth Parliament and is now awaiting Royal Assent, before commencing next year. The ACT legislation is timed to be in keeping with the Commonwealth developments.

The main change in the Commonwealth law is that the Magistrates Court will be given the power to make, revive, vary, or suspend Family Law contact orders when making or varying a protection or interim order.

Parties will be required to inform the Family Court of relevant protection orders in proceedings dealing with access. In this way, the Family Court can take such orders into account and ensure that they are consistent, where possible. In the event that there is inconsistency, persons may apply to either the Family Court or the Magistrates Court for a declaration of the extent to which a contact order is inconsistent with a family violence order. There is also provision for notification between the courts of relevant orders.

The changes to the Domestic Violence Act 1986 complement the Family Law Reforms. There is provision for parties to inform the Magistrates Court of any relevant family contact order in domestic violence proceedings. In addition, when making or varying protection or interim orders, the Magistrates Court is required to consider access and any relevant family contact order. Because the Magistrates Court will have the necessary information about contact orders, together with the power to alter them, the Court will be able to tailor orders in a way that best suits the practical needs of individual cases. The Bill also provides for exemption from the secrecy provisions, for persons who inform the Family Court of protection orders.

As a matter of practice, children are sometimes included as "protected persons" on protection orders or interim orders. Clearly the courts will be considering closely the question of the interrelationship between access arrangements and the need for protection for all concerned. The new provisions are aimed to assist the court in its deliberations.

Both the Bill itself and the Explanatory Memorandum refer to and explain the relevant provisions of the Family Law Reform Bill 1994. This is a complex area of the law, so it is important that parties and legal practitioners are given

sufficient information to be able to use both the Commonwealth and Territory laws effectively.

This Government is committed to improving protection to victims of domestic violence. This Bill and the Commonwealth Law Reforms will assist in improving such protection by giving the Magistrates Court more flexibility to deal with Family Law contact orders and to give both the Family Court and State and Territory courts the relevant information and powers so that they can avoid, where possible, making inconsistent orders.

Mr Speaker, I commend the Domestic Violence (Amendment) Bill 1995 to the Assembly.

APPENDIX 5: Incorporated in Hansard on 14 December 1995 at page 3008.

1995

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

BOXING CONTROL (AMENDMENT) BILL 1995

PRESENTATION SPEECH

Presented by
Bill Stefaniak MLA
Minister for Sport and Recreation
1995

Mr Speaker

I move that this Bill be agreed to in principle.

In 1993 this Assembly reacted to the many objections to the sight of a group of children involved in a boxing tent at the Royal Canberra Show by passing the Boxing Control Act 1993.

The Amendment Bill that I am presenting today is necessary to improve administrative efficiency, and to alleviate any confusion in the granting of approvals to conduct fistboxing and kickboxing contests in the ACT.

Currently, as Minister responsible for Sport in the ACT, I must approve each individual contest, and must table in the Assembly a "Code of Practice" as a disallowable instrument for each and every contest.

Assembly sitting patterns, combined with the nature of affected organisations, have resulted in this system becoming operationally inefficient.

Organisations conducting boxing contests, often through no fault of their own, are on many occasions not able to submit applications in sufficient time to allow for all approval and tabling processes as required by the Act.

This has created a situation where I am required to decide that the contest cannot take place, or, as has occurred on a number of occasions, to use the regulatory powers of the Act to allow the contest to take place without meeting all of the other requirements of the Act. Previous Ministers have also used this strategy.

In order to put into effect the intent of the Act, at the same time as achieving administrative efficiency, I am proposing that the Act be amended to allow for the development of a General Code of Practice for all boxing contests.

This Code would remain a disallowable instrument, but would only need to be tabled once, thus allowing the responsible Minister to approve a boxing contest on the proviso that it is conducted in accordance with the Code, as well of course, as meeting all other requirements of the legislation. This would also negate the necessity to publish individual approved Codes as is currently required.

This new Bill also proposes amendments regarding the sanctioning of kickboxing contests. The Act currently specifies that a person shall not participate in an amateur kickboxing contest unless the contest is sanctioned by the World Kickboxing Association, Australasian Region.

This provision was inserted as an amendment during debate on the passage of the original Bill, and did not recognise that other organisations were legitimately involved in the conduct of kickboxing contests.

The amendment specifies that a list of prospective sanctioning bodies may be formulated, and that this would become a disallowable instrument, thus allowing for proper scrutiny in this Assembly.

In practice I would expect that the list would be based on those organisations which are recognised by the Boxing Authority of New South Wales, and which are allowed to conduct or sanction contests in that state.

The Government has consulted extensively on the legislative proposals which are before us today.

The consultation process has resulted in agreement to the general terms of the legislative proposal, with the exception that representatives of the World Kickboxing Association have expressed some concern at allowing other organisations to sanction kickboxing contests.

The World Kickboxing Association is of course, a commercial business enterprise, and their concern at allowing once protected rights to be opened up to competition is not surprising. However, they receive no such protection elsewhere, and I see no reason for the ACT to retain this provision.

Mr Speaker, I am confident that the Boxing Control (Amendment) Bill 1995 before the Assembly today will satisfy the concerns which led to the development of boxing control legislation in the first place. I commend it to the Assembly.

14 December 1995

APPENDIX 6: Incorporated in Hansard on 14 December 1995 at page 3025.

MINISTERIAL STATEMENT

GOVERNMENT RESPONSE TO THE

LEGAL AFFAIRS COMMITTEE REPORT ON THE "FUTURE OF POLICING IN THE ACT"

Circulated by authority of

Mr Gary Humphries, MLA
Attorney-General

INTRODUCTION

Mr Speaker, the circumstances that pertained when the Policing Arrangement was signed in 1990 have changed.

The current Policing Arrangement which was entered into between the ACT and Commonwealth Governments, has been in force for over five years. The ACT community has been well served by the AFP and derives significant benefit from a police service which is diverse and operates on both a national and international basis as well as having a community policing role.

In turn the AFP as a whole, and the Commonwealth Government, derives benefits from the metropolitan base which the ACT Region provides.

Thus, while officers in the ACT have opportunities to gain experience and expertise in policing overseas and in national law enforcement operations, the Commonwealth has a contingent of well trained and experienced police officers to meet its national and international obligations.

We have here, Mr Speaker, a symbiotic relationship of mutual benefit to both Governments. Our aim is to maintain and enhance that relationship so as to provide the most effective policing service for the ACT.

I do however believe that it is timely that in 1995, in the sixth year of the arrangement, we should initiate discussions on the future direction of policing for the ACT and in this context the Government welcomes the report of the Legal Affairs Committee on the "Future of Policing in the ACT" tabled on 21 September 1995. The Government strongly endorses, in particular, the committee's recommendation that the ACT have a statutory appointed ACT Police Commissioner.

The Government is committed to ensuring that policing in the ACT is consistent with community expectations and Government priorities, that it is efficient and cost effective and that it encapsulates best practice in policing and draws on the broader experience and expertise derived from the national AFP. The Government believes that this commitment can only be strengthened by having available to it the services of a locally appointed and directly accountable ACT Police Commissioner.

Accountability to the Government implies a cooperative and coordinated approach involving all relevant government agencies and a consultative approach involving relevant community groups.

The Government will strive to ensure that policing arrangements for the ACT encapsulate all of these values and are the foundation for the ongoing delivery of efficient and effective police services by the AFP.

Before I deal with the particular recommendations of the Committee, I do wish to correct paragraph 3.2 of the report in which the Committee states that the running costs for ACT Community Policing have been reduced by 2% for the last three years in line with an ACT Government budget decision and that these cuts are to continue until 1996-97.

The cuts forecast in the 1994-95 forward estimates have not been implemented by this Government and the Government in fact made a commitment to maintain the current level of police resources.

Mr Speaker, this Government will ensure that sufficient resources are available for community policing and crime prevention in the ACT and that the ACT remains a safe community.

RECOMMENDATIONS

Turning now to the Committee's specific recommendations, I wish to begin by stressing that the Government has no intention, at this point in time, of establishing an ACT police service which is separate from the Australian Federal Police.

As I announced to the Assembly earlier, the AFP Commissioner, Mick Palmer and his senior staff have recently developed and implemented significant structural changes within the ACT Region. These changes focus on creating a multi-skilled and team based approach to the policing of the ACT and go a long way toward addressing many of the operational policing issues of concern to the Government. I am confident that these changes will assist in creating a more responsive, accountable and community focused police service for the ACT.

There has, however, been an ongoing concern as to the level of accountability to the ACT Government and the incapacity of the Government to issue policy directives which ensure that policing services are consistent with the Government's overall priorities.

The Government intends to pursue these matters through a combination of legislative provisions and, as the Legal Affairs Committee has recommended, the development of a new Policing Arrangement.

In this regard, Mr Speaker, I have recently written to the Commonwealth Minister for Justice, the Hon Duncan Kerr MP, indicating that the Government strongly supports the Committee's recommendations relevant to the arrangement and suggesting that we meet soon to discuss details and set a timetable for implementation.

I propose that the previous focus on reviewing ACT Police Services which has been jointly undertaken by ACT and Commonwealth officials, will now move toward a concentration on developing a new policing arrangement which delineates clear procedures for policy direction by, and accountability to, the ACT Government and describes the operational framework for a statutory appointed ACT police chief.

As I said earlier Mr Speaker, the Government is particularly supportive of a statutory appointment. While the details of this have yet to be decided a possible legislative framework would involve the introduction into the Assembly, of legislation to provide for the appointment of an ACT police chief and the procedural and administrative arrangements associated with that office.

Given the relationship between the policing of the ACT and the Australian Federal Police it would be logical and necessary that the ACT police chief would retain strong links with the AFP. The legislative model may possibly involve a single person occupying both an ACT statutory office and an identically-titled unique position within the AFP rank structures. Policing of the ACT would be carried out in accordance with the provisions of the AFP Act, - the proposed ACT Act, and a new Policing Arrangement.

To assist in the development of an appropriate framework the Commonwealth Government will be asked to make a regulation to amend the relevant provisions of the Self Government Act which currently restrict the Assembly from making laws with respect to the provision by the AFP of police services in relation to the Territory.

I wish to turn now from the new legislative framework to the recommendations relating to the handling of complaints against police.

As I am sure members are aware, the Australian Law Reform Commission is currently examining a reference on "Complaints against the Australian Federal Police and the NCA"

The ACT has provided a submission to the ALRC outlining concerns about current processes involving complaints from ACT citizens and the provision of information to the ACT Minister.

The ALRC has recently issued a discussion paper which canvasses among other things notification of, and ongoing information about, ACT complaints and what mechanisms should be in place to give effect to this. It also raises issues concerning an amendment to the Self Government Act as I have outlined above and the implications for the complaints regime of the commensurate statutory appointment of an ACT Police Commissioner. We will be providing comments to the ALRC on this discussion paper.

The Government will however, await the final report of the ALRC before considering any action in respect of complaints against AFP officers involved in the policing of the ACT. I envisage that the ALRC's recommendations in respect of the ACT will be addressed in the context of the development of a new Policing Arrangement.

Mr Speaker, we have come a long way in understanding and appreciating the context of, and priorities for, the provision of police services in the ACT by the AFP. The Government is committed to the continued refinement of this relationship and to working toward the establishment of a policing structure for the ACT which has at its core the maintenance of quality policing services for the ACT Community.

APPENDIX 7: Incorporated in Hansard on 14 December 1995 at page 3051.

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DECEMBER 1995 REPORT

ON THE IMPLEMENTATION OF THE

ACT LEGISLATIVE ASSEMBLY MOTION

ON FRENCH PRODUCTS

To be presented by:

Kate Carnell MLA
Chief Minister

14 December 1995

December 1995 Report on the Implementation of the Assembly Motion on French Products

1. **Background**

1.1 The Government undertook to advise the Assembly in the December 1995 sitting of the status of the Assembly Motion on French products.

1.2 Members will recall that some products were exempted from the policy, namely those goods for which no alternative source is available, including essential supplies required by the Territory which can only be obtained from French owned companies.

1.3 As a direct result of the Assembly motion, ACT Government departments, agencies, statutory authorities and other instrumentalities will no longer knowingly enter into contractual arrangements with French owned companies (including those with French controlling interests), or purchase French manufactured products and those with French components, or purchase products and services supplied by French owned (or controlled) firms.

2. **Action**

2.1 On 6 November 1995, the Department of Urban Services issued an ACT Government Procurement Circular advising all agencies of the new policy in regard to the purchase of French goods.

2.2 The ACT Government Solicitors Office has prepared clauses for inclusion in all new tender and contractual documents which places the onus on the firms tendering to provide information on any French products or ownership related to their tender.

2.3 An initial list of French companies has been compiled and will be progressively updated as Agencies become aware of additional companies.

3. **Status**

3.1 To date only one agency has applied for an exemption to the policy to enable them to purchase French products.

3.2 An exemption was granted by the Chief Executive, Department of Urban Services which enabled ACT Land, to purchase SPOT digital image data valued at $9,000.00 which is produced from the SPOT satellite which is owned by a French firm SPOT Image Corporation. An exemption was granted because of the high resolution of the SPOT satellite data and the fact it is the only such data source world wide.

4. **Report**

4.1 I intend to report to the Assembly on a quarterly basis on the progress and effects of the motion.

APPENDIX 8: Incorporated in Hansard on 14 December 1995 at page 3054.

The Legislative Assembly
for the Australian Capital Territory

Ministerial Statement on

Stage Two Final Report:

The Role of Urban Design in Crime Prevention and Community Safety

To be delivered by:
Gary Humphries MLA
Attorney-General

MR SPEAKER, THE *ROLE OF URBAN DESIGN IN CRIME PREVENTION AND COMMUNITY SAFETY STUDY* WAS COMMISSIONED IN LATE 1993 AS A JOINT INITIATIVE OF THE THEN DEPARTMENT OF THE ENVIRONMENT LAND AND PLANNING AND THE ATTORNEY-GENERAL'S DEPARTMENT. ASSISTANCE WAS ALSO PROVIDED BY THE AUSTRALIAN FEDERAL POLICE AND THE AUSTRALIAN INSTITUTE OF CRIMINOLOGY.

THE RATIONALE FOR THE STUDY GREW OUT OF THE DEVELOPMENT OF THE ACT COMMUNITY SAFETY STRATEGY.

WORLDWIDE RESEARCH HAS DOCUMENTED LINKS BETWEEN CRIME PREVENTION AND THE PHYSICAL DESIGN, MANAGEMENT AND PLANNING OF FACILITIES AND URBAN AREAS. THE STUDY SETS OUT TO IDENTIFY THOSE ELEMENTS OF URBAN DESIGN WHICH CONTRIBUTE TO CRIME AND ANTI-SOCIAL BEHAVIOURS, OR GIVE RISE TO PERCEIVED FEARS OF CRIME, WITH THE AIM OF FORMULATING ADVISORY DESIGN GUIDELINES FOR FUTURE PLANNING, BUILDING AND DEVELOPMENT.

THE STUDY CONSISTED OF TWO STAGES.

STAGE ONE COMPRISED THE DOCUMENTATION OF THE FRAMEWORK, METHODOLOGIES AND DATA REQUIREMENTS FOR STAGE TWO. (STAGE ONE WAS COMPLETED BY WENDY BELL PLANNING CONSULTANT, IN SEPTEMBER 1993.)

STAGE TWO COMPRISED THE ANALYSIS OF ACT TRENDS IN CRIME AND SOCIO-ECONOMIC CHARACTERISTICS, CASE STUDY ANALYSIS OF SPECIFIC AREAS OF THE ACT, WITH RECOMMENDATIONS, CARRIED OUT BY BELL ASSOCIATES. THEIR REPORT WAS FINALISED IN NOVEMBER 1994 AND IT IS THIS REPORT THAT I NOW TABLE BEFORE THE ASSEMBLY.

YOU WILL SEE THAT THE REPORT ITSELF IS FAR RANGING AND HAS REQUIRED DETAILED EXAMINATION BY A RANGE OF GOVERNMENT AND NON GOVERNMENT AGENCIES. THIS PROCESS HAS BEEN ONGOING THROUGHOUT 1995. THERE HAS BEEN WIDE CONSULTATION AND A NUMBER OF THE GUIDING CRIME PREVENTION PRINCIPLES OF THE REPORT HAVE BEEN PUT INTO EFFECT.

AT THIS POINT IN TIME I AM ABLE TO INDICATE THAT THE GOVERNMENT IS SUPPORTIVE OF THE GENERAL THRUST OF THE REPORT.

THE REPORT IS PARTICULARLY VALUABLE IN THAT IT PROVIDES CRIME PREVENTION DESIGN AND PLANNING PRINCIPLES WHICH CAN BE APPLIED TO FUTURE DEVELOPMENTS AND TO THE MANAGEMENT OF THE ON-GOING MAINTENANCE OF EXISTING STRUCTURES AND PUBLIC PLACES.

THE REPORT MADE A NUMBER OF GENERAL RECOMMENDATIONS:

. THE REPORT RECOMMENDED THAT THE ACT PLANNING AUTHORITY PURSUE THE STRATEGIES FOR ACTION IN THE PROPOSED ACT COMMUNITY SAFETY POLICIES (SECTION 7 OF THE REPORT) AND THE PROPOSED CIVIC COMMUNITY SAFETY POLICIES (APPENDIX) AND REFER THEM TO OTHER RESPONSIBLE AGENCIES WHERE APPROPRIATE.

I CAN ADVISE THE ASSEMBLY THAT ALL A.C.T. GOVERNMENT AGENCIES AND RELEVANT OTHER AGENCIES INCLUDING THE CIT ANU, UCAN, AND NCPA HAVE BEEN CONSULTED AND THEIR RESPONSES ARE BEING COORDINATED AND EVALUATED. THE A.C.T. PLANNING AUTHORITY WILL MONITOR AGENCY IMPLEMENTATION STRATEGIES.

. THE REPORT RECOMMENDED THAT THE A.C.T. ATTORNEY-GENERAL'S DEPARTMENT IN COLLABORATION WITH THE AUSTRALIAN FEDERAL POLICE (A.C.T. REGION) UNDERTAKE FURTHER RESEARCH IN ACCORDANCE WITH THE REPORT'S STUDY FINDINGS.

THE POLICE AND LAW ENFORCEMENT SECTION OF THE ATTORNEY-GENERAL'S DEPARTMENT IS SEEKING TO DEVELOP A COMPREHENSIVE CRIME DATA SERIES FOR THE A.C.T. AND A CAPACITY FOR MAPPING AND ANALYSING THAT DATA.

. THE REPORT RECOMMENDED THAT A REVIEW BE UNDERTAKEN OF THE RELEVANT FUNCTIONS OF A.C.T. GOVERNMENT DEPARTMENTS IN LIGHT OF THE PROPOSED COMMUNITY SAFETY POLICIES IN SECTION 7 OF THE REPORT, PARTICULARLY THE PLANNING, DESIGN AND MANAGEMENT ASPECTS OF PUBLIC BUILDINGS AND PLACES.

STRUCTURAL CHANGES THAT HAVE OCCURRED IN THE A.C.T. GOVERNMENT (NOTABLY IN THE CITY SERVICES GROUP OF THE DEPARTMENT OF URBAN SERVICES) DURING 1995 HAVE REFLECTED MANY OF THE SAFETY PRINCIPLES ESPOUSED IN THE REPORT. A CLOSE WORKING RELATIONSHIP EXISTS BETWEEN THE COMMUNITY SAFETY UNIT (IN ATTORNEY-GENERAL'S DEPARTMENT), THE PRECINCT MANAGEMENT SECTION, CITY SERVICES (IN THE DEPARTMENT OF URBAN SERVICES) AND THE SOCIAL PLANNING UNIT (IN ACT PLANNING AUTHORITY). THIS EFFECTIVELY MEANS THAT THE MESSAGE OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN IS BEING SPREAD INCREMENTALLY THROUGHOUT THE A.C.T.

I AM ALSO ABLE TO REPORT THAT THE INCLUSION OF SAFETY PRINCIPLES AND OBJECTIVES IN A NUMBER OF RELEVANT GUIDELINES (EG *CANBERRA LANDSCAPE GUIDELINES*) IS PROGRESSING.

. AS RECOMMENDED, THE SECTION OF THE REPORT WHICH FOCUSSED ON CIVIC HAS BEEN FORWARDED TO THE A.C.T. COMMUNITY SAFETY COMMITTEE FOR ITS CONSIDERATION.

. A RANGE OF RECOMMENDATIONS, PARTICULARLY THOSE THAT RELATE TO THE CIVIC CASE STUDY HAVE BEGUN TO BE ACTED UPON. THE PUBLIC PLACES COORDINATION COMMITTEE (PPCC) CONVENED BY THE PRECINCT MANAGEMENT SECTION, CITY SERVICES GROUP, DEPARTMENT OF URBAN SERVICES, HAS BEEN GIVEN COORDINATION RESPONSIBILITY FOR IMPLEMENTING THE REPORT'S RECOMMENDATIONS IN CIVIC. THIS GROUP COMPRISES ALL RELEVANT GOVERNMENT AGENCIES AND IS WELL PLACED TO PUT INTO PRACTICE THE BASIC PRINCIPLES OF THE REPORT.

MY COLLEAGUE, MR TONY DE DOMENICO, ADVISES THAT THE PRECINCT MANAGEMENT SECTION OF URBAN SERVICES IS ALSO SETTING UP A CIVIC PRECINCT GROUP COMPRISING BUSINESS AND COMMUNITY REPRESENTATIVES. THIS GROUP WILL ALSO BE IN POSITION TO RESPOND TO THE SAFETY PRINCIPLES ESPOUSED IN THE REPORT, AS THEY RELATE TO CIVIC.

MR SPEAKER, THE REPORT ALSO CONTAINS FURTHER RECOMMENDATIONS WHICH REQUIRE CAREFUL AND DETAILED EXAMINATION BY RELEVANT GOVERNMENT AGENCIES. IT IS MY INTENTION TO ADVISE THE ASSEMBLY ON THE IMPLEMENTATION OF THESE MATTERS IN 1996.

THIS REPORT DRAWS TOGETHER FUNDAMENTAL CONCEPTS OF ENVIRONMENTAL CRIME PREVENTION AND APPLIES THEM TO THE A.C.T. FOR THIS REASON IT IS MY BELIEF THAT IT WILL ACT AS A BLUEPRINT FOR ALL SECTORS OF THE A.C.T. FOR MANY YEARS TO COME.