



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

29 FEBRUARY 1996

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

## PETITION

### MINISTERIAL RESPONSE

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

By **Mrs Carnell**, Minister for Health and Community Care, in response to a petition lodged by Mr Berry requesting that the Assembly ensure that the Kippax Health Centre is not sold and that the medical, dental and pathology and all other government provided ancillary services are retained.

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

### Kippax Health Centre

*The response read as follows:*

Mr Greg Cornwell MLA  
Speaker  
ACT Legislative Assembly  
CANBERRA ACT 2600

Dear Greg

Thank you for your letter enclosing the petition lodged by Mr Wayne Berry MLA on 22 November 1995 concerning the services and sale of Kippax Health Centre.

I can assure you and the members of the Assembly that this Government has no intention of reducing the availability of community based services. Health care centres have an important role in the delivery of these services but a range of venues will need to be utilised if we are to meet the challenges of the 90's.

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The Government announced last year that it would not sell Kippax Health Centre. The centre mostly accommodates private practitioners and is underutilised. Every effort is being made to try and find additional tenants to make it viable to continue operating.

The public health services currently located in the building will continue to be provided to residents of Belconnen even though they may operate from different venues. In some instances space may be rented from the new owners to deliver services if this is considered appropriate.

Yours sincerely

Kate Carnell MLA  
Minister for Health and Community Care  
27 Feb 1996

**COMPETITION POLICY REFORM - SELECT COMMITTEE**  
**Alteration to Resolution of Appointment**

**MS FOLLETT** (Leader of the Opposition) (10.32): Mr Speaker, I move:

That the resolution of the Assembly of 24 October 1995 which establishes the Select Committee on Competition Policy be amended by omitting "first sitting day in March 1996" from paragraph (3) and substituting "first sitting day in April 1996".

The motion proposes to amend the resolution of appointment of the Select Committee on Competition Policy to alter the reporting date for the committee. I will speak very briefly on it, because it is a straightforward request from the committee. Mr Speaker, the select committee has been very active in pursuing this reference on competition policy. We have advertised for submissions on the subject and have received some very high quality submissions. We have held three days of public hearings on the subject, and we need a little further time to conclude our deliberations and report to the Assembly. In particular, we were somewhat delayed in the public hearings by the Christmas-New Year break, which meant that all of our witnesses appeared somewhat later than we had originally planned. Nevertheless, Mr Speaker, the committee has been quite vigorous in its pursuit of the reference. I believe that the report which we will present to the Assembly will be both helpful and enlightening on the subject.

Mr Speaker, by delaying our reporting date for a month, which is our request, we will not in any way interfere with the Government's intention of getting the competition Bill through the Assembly by the required date, which is 1 July. It is quite categorically not the intention of the committee to delay the passage of that legislation, only to ensure that our report is well considered and covers the many issues in our reference which deserve to be covered. I commend the motion to the Assembly.

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.34): The Government supports the motion. I thank Ms Follett for her assurance. I was never in any doubt that that committee would be reporting in time for the Government to be able to have the Bill debated by the appropriate time, seeing that it is a national competition Bill. I thank Ms Follett for her comments.

Question resolved in the affirmative.

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

Debate resumed from 14 December 1995, on motion by **Mr Connolly**:

That the report be noted.

**MS FOLLETT** (Leader of the Opposition) (10.35): Mr Speaker, I will speak very briefly on this matter. It was a report which was presented by my colleague Mr Connolly. I note that the Government has responded to the report. I also note that that response is very positive, in that the Government appears to have accepted the overwhelming majority of the recommendations in that report. In particular, Mr Speaker, the Government has adopted recommendation 6, they are proceeding on recommendation 5, they are discussing with the Commonwealth recommendation 2 - which, of course, leads on to recommendations 3 and 4 - and recommendation 1 is awaiting a report from the Australian Law Reform Commission. That commission will be reporting on the reference on complaints against the Australian Federal Police and the National Crime Authority. We have yet to hear from the Government any indication of when that report might be expected, but I accept that we must await the ALRC report.

The Government was seeking discussions with the Commonwealth about the policing arrangements and the legislative arrangements, and we have not yet had a report from Mr Humphries on those matters. However, I understand all too well that this is a matter which has been under debate for some years now - in fact, ever since the ACT took over responsibility for policing. It is not a straightforward matter. It is one where I believe this Assembly has to act to protect the best interests of the Territory and to ensure that we get the best possible policing service for the Territory as well. I am confident that that will be Mr Humphries's view in proceeding with those discussions with the Commonwealth. We look forward to his further report on those matters in due course.

To conclude, Mr Speaker, on behalf of Mr Connolly, I welcome the Government's response. I would encourage Mr Humphries to keep the Assembly very well informed on all of the developments in relation to the recommendations in the report.

Question resolved in the affirmative.

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**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Access to Cabinet and other Deliberative Documents**

Debate resumed from 21 November 1995, on motion by **Ms Follett**:

That the report be noted.

**MR HUMPHRIES** (Attorney-General) (10.37): I do not intend to speak for very long on this matter. I believe that the Government's response on this matter has now been tabled and it is clear what the Government's view is about the recommendations. I have not brought down with me a copy of the recommendations or the comments; but, as I recall, the Government has substantially accepted the recommendations contained in the report with, as I recall, some variation on that.

Mr Speaker, I accept that there is a need for us to be careful about the use of documents generated by previous governments. I want to emphasise my view that it is not possible to hermetically seal the decisions and decision-making documentation of previous governments on a change of government. Clearly, public services continue when governments come and go, and it is important that the paperwork being generated on issues, the documentation being generated in that process, be capable of being continually used throughout the period when different governments are in power in order that there be a continuation of a corporate knowledge, so to speak, in the government service.

Clearly, the documents that governments themselves closely use are another matter. Certainly, documents produced for and used by Cabinets are in a different classification. They are documents which, in a sense, are at a different level and ought, I think, to be properly protected from the scrutiny of succeeding governments; but, as for documentation at a lower level, certainly the lower the level of documentation that is produced the more the case for there to be openness as far as those documents are concerned.

Mr Speaker, I suspect that we have some way to go before we sort out a *modus operandi* which will endure on this question. I have already commented upon the issue which gave rise to this reference and will not come back to it, but I do believe firmly that it is important that the work of government not be impeded by some kind of wholesale walling off of documentation produced during the period of a government when that government loses office, because that would simply result in it being impossible for governments to continue to do their work with the Public Service serving them throughout the period of different governments.

I accept the requirement to update the *Cabinet Handbook* in a number of key respects and I believe that that will flow from the recommendations of this committee. I think that the involvement of a former government, or the Ministers of a former government, is also important and appropriate to ensure that there is appropriate access to information about these things and that the parties concerned have some role in the way in which the information is released. Mr Speaker, that is my view and I hope that it results in some consensus over a period of time on the way in which we use these documents.

**MS FOLLETT** (Leader of the Opposition) (10.41), in reply: Mr Speaker, this reference to the Public Accounts Committee arose out of the misuse of the documents of the previous Government.

**Mr Humphries:** That is not true.

**MS FOLLETT:** I am afraid that it is true, and Mr Humphries was obliged to apologise as a result of that. That is a matter of public record. Mr Speaker, the Government's response to the Public Accounts Committee's report has been the subject of further debate in the Public Accounts Committee. I might just comment that the Government's response has, to a certain extent, reopened this issue within the Public Accounts Committee. In particular, the Public Accounts Committee has been somewhat concerned over the Government's stated view that deliberative documents should be defined only as Cabinet documents, and the committee is considering the issue a little bit further. We still have some questions to ask about the Government's response. I believe that the committee will be reporting further on the issue. I think it is fair to say, Mr Speaker, for my own part, and certainly Mr Kaine's part, as also a former leader of a government, that there has been concern in the committee over the role of Cabinet and the role of deliberative documents generally in a Westminster style of parliament and of government. Whilst the PAC has reported and the Government has responded, I do not believe that the matter is yet concluded, and the committee still has some issues which it is exploring; so I say to the Government: Expect another report in due course.

**MR HUMPHRIES** (Attorney-General): Mr Speaker, I seek leave to make a statement under standing order 46.

**MR SPEAKER:** Yes, proceed.

**MR HUMPHRIES:** Mr Speaker, it was suggested by the Leader of the Opposition in her remarks a moment ago that documents that related to the former Government had been misused by this Government and that I had apologised to the house for having done so. I think Ms Follett should check the record. I believe that what I apologised to the house for doing was misleading it slightly in respect of the origin of the documents. I believe that that is what the issue was. I do not think I have ever indicated that the documents were obtained inappropriately. I will check the record. I have not had an opportunity to do so in the last couple of minutes, but that is my firm recollection.

**Mr De Domenico:** They were not forged documents.

**MR HUMPHRIES:** They were not forged documents either; they were real documents, Mr Speaker. That is my recollection and I will check that; but I do not accept that I apologised for having misused documents of a previous government.

**Ms Follett:** Misleading is not misusing? Using them to mislead?

**MR HUMPHRIES:** No, it is not.

Question resolved in the affirmative.



**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Inquiry into Voluntary Parent Contribution Scheme**

Debate resumed from 12 December 1995, on motion by **Ms Follett**:

That the report be noted.

**MS HORODNY** (10.44): Mr Speaker, although this report was tabled last year, the issue of funding to education is always on the agenda. At this stage we are coming up to the new budget time. Many of the pressures on schools to raise money through voluntary contributions come from the reductions in real funding to education, so it is quite appropriate that this issue is addressed again.

In nearly every jurisdiction in Australia education is being subjected to a funding squeeze in real terms. More and more, school funding is not adequate for the delivery of basic programs, for texts, arts and crafts, materials, computer equipment and so on. There is an increasing reliance on outside sources of funds to finance these activities. In Victoria, where the proportion of budget outlays going to education dropped from 26½ per cent in 1989-90 to 18 per cent in 1993-94, schools are increasingly seeking corporate sponsorship and increased contributions from parents.

The issue of voluntary fees goes to the heart of issues surrounding access and equity in our education system. As a result of the financial pressure on schools there is a growing gap between the rich and poor schools. Schools that are unable to tap into the corporate dollar or to raise funds from the local community will become poorer and less well resourced than schools in well-off communities. We already know in the ACT that some schools have a much higher contribution to voluntary fees than other schools, and governments must recognise this and develop appropriate policies to deal with those inequities. Some of these issues have been raised on a number of occasions in relation to devolution of management to schools.

An important point that needs to be made in relation to this issue is that, although we call these fees voluntary, in practice they are not voluntary at all. I believe that voluntary fees, including subject levies, should be strictly voluntary, and this must be backed up by a Government statement in support of the voluntary nature of parental financial contributions, as the report calls for. I believe that voluntary fees, including subject levies, should be truly voluntary, because education should not be seen as a privilege for those who can afford to pay.

Unfortunately, the Government will not or cannot find the extra \$4m to \$6m that is necessary to replace the voluntary parental contributions. While governments are more and more reluctant to pay for social and community services such as education, the social outcome is often less equitable than having a strong, centrally funded education system. Last night Dr Bob Brown was interviewed and took calls on late night ABC radio, and it was interesting to hear that some of the callers at least said that they would be quite prepared to pay higher taxes if the money went to education.

**Ms McRae:** Who are they? Get their names and addresses. They do not live in Canberra.

**MS HORODNY:** No; I have heard that time and time again from people. I have heard it at community council meetings where people have said that they would be quite happy to pay additional taxes if they knew that that money was going directly into education. One of the concerns that I had when I was listening to the presentations in this inquiry was that, while we heard constantly from teachers and other people that there was no discrimination between students whose parents paid and students whose parents did not pay, we also heard that there was discrimination because some students were not allowed to take home their craft and art work, and even meals that they had prepared in the course of the school day. It seems that there is real discrimination, and that is a real concern to me. It indicates quite clearly that there is a problem and it must be addressed.

The report recommends that the Government must develop a strong policy on this issue. If voluntary contributions are here to stay, at the very least the Education Department must actively discourage discriminatory practices and ensure that students whose parents cannot pay are not disadvantaged in any way, and that includes taking their arts and crafts and meals home. There needs to be a recognition that some schools are more disadvantaged than others in socioeconomic terms. The Government must accept this and develop policies to support the students of those schools accordingly. No student in the ACT should be disadvantaged because of the inability or unwillingness of their parents to pay.

**MR KAINE (10.50):** Anybody who has read this report, and I hope that everybody here has, will realise that we have a real problem. Many issues that we deal with in this place are not real problems at all; they are just devices for using up time and for somebody to make political points, and I have made that point a couple of times in the last few days. This is not such a case. There is genuine concern in the community over the broad issue of funding for the education of our children, and that concern is not confined to the ACT. It is Australia-wide. It seems that, even with an excellent education system such as we have in the ACT, even given the fact that the per capita funding by government of education in the ACT is much higher than it is anywhere else in Australia, there are still people who are disadvantaged by the system, and there are still enormous inequities in the system when you compare what each child derives from that public school system.

We took, I think, 82 submissions, which indicates the amount of interest and concern on the part of the community on this particular issue. People who appeared, I believe, were genuinely concerned, first of all, to find a solution to the necessity for so-called voluntary contributions, and, secondly, to ensure that, irrespective of how the total amount of money required for education is obtained, inequities are removed from the system.

Members will note that one of our recommendations, recommendation 5, deals with the need for the department to make a distinction between voluntary contributions that are required for general school funding needs and subject levies. There is a need which perhaps goes beyond what the Government sees as necessary in terms of funding which parents and others can reasonably be expected to make a contribution towards.

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The second part of the equation, however, is these things called subject levies. The school institutes a program and if you want to undertake a particular course there is a cost associated with it. That is not borne from public funds and if students wish to engage in it there is a payment that has to be made.

But in all of that there is this need to ensure equity, and it is not only as between schools. Ms Horodny made the point that some schools have a student population that is relatively disadvantaged compared to the populations of other schools. It has to do with the socioeconomic situation from which they come. Within any given school, there will always be some students whose parents cannot satisfy the requirement for additional contributions. Parents work on the assumption, which ought to be a reasonable one, that their child's education will be provided at public expense. That is supposed to be the basis on which public education is provided in Australia. Because they cannot subscribe, there has been some evidence that those disadvantaged children have been discriminated against. I would put the argument quite strongly that the Government has a responsibility to ensure that that discrimination and that inequity that flow from disadvantage are provided for.

One of the things that I found disturbing during the course of this study was that it is pretty obvious that the essential things that students need to pursue the basic curriculum in schools are not being provided fully from public funding. I find it incomprehensible that we have a public education system - our children must compulsorily go to those schools unless their parents are able to make other arrangements for them and there is a basic curriculum that the students must pursue - and that the amount of money being provided by government is inadequate to provide the basic essentials that the children need to pursue those courses of study. It comes down even to things like pencils and paper in some cases. The amount of money that some of our schools are receiving, for whatever reason, is not sufficient to provide students with the essential pencils and paper and things that they need to pursue the normal course of studies.

I find that difficult to understand. It would indicate, perhaps, that our priorities in terms of expenditure of public moneys in the education system are not right. It is being spent on things that are perhaps to do with the gloss and the glitter of education rather than the substance of it. I submit that the Minister might have a look at that, because we inherit budgets. We are told that there is so little of our budget that is discretionary, and it goes on from year to year. It is developed by the bureaucrats and it comes before the Cabinet and this Assembly and we debate it. Perhaps we know very little about the underlying assumptions that have been made in putting that budget together.

I think it goes further than just the pens and pencils and paper. I think that we need to look at education in the 1990s, and when we are about to move into the 2000s, and redefine what it is that is essential for an educational institution to perform. I find it quite odd that, for example, photocopiers are not provided to every school. Considering the way the education system works today, with much of the material being reproduced and distributed to children, how on earth can a school operate if it does not have an efficient photocopying machine? Yet we heard evidence that P and C committees are raising money to buy photocopying machines to put in the schools that their children attend.

I remember that in the good old days there used to be an establishment of equipment that every school had. It covered all of the things that were then deemed to be necessary to provide an education to the students that attended that school. That philosophy seems to have gone by the board. It is not only photocopiers, but all kinds of other equipment. We, as members of this Assembly, would be surprised if this equipment was not in our office. We say that we cannot function in our office without these things that have become essential, such as photocopiers, faxes and the like, and exotic telephone systems - sometimes I do not even begin to understand how they work, but they seem to be necessary. Yet you go into a school and you discover that the schools do not have these basic pieces of equipment that everybody else in the world accepts as being necessary to perform their normal functions.

There is much in this report that I found disturbing. It suggests, as I said before, that maybe, when we are putting our budgets together - this particular report focuses on the field of education, but the situation may be endemic when we put our budgets together - we really have not yet learnt to analyse the proposals that are put to us, to deduce which is more important than the rest, to make sure that those more important things are the things that are budgeted for first and that the less desirable and less essential things are budgeted for second, instead of the other way round. I am not firing arrows at this Government or this Minister, as I think this Minister is doing a fine job; but perhaps the whole system by which budgets are put together needs a reappraisal and we, at the political level where the decisions are made, perhaps should be a little more analytical when considering that which comes before us. Maybe our Estimates Committee system and the like are not really doing the job that they were set up to do.

I would urge the Minister and the Government to take this report seriously. It was put together seriously. It is the result of some very serious submissions and some very serious discussions by a large body of concerned people, and it warrants very serious attention from the Government.

**MR MOORE** (11.00): Mr Speaker, this is indeed a substantive report from the Public Accounts Committee, and one that will have far-reaching impacts. While I listened to that very thoughtful speech by Mr Kaine, my mind was drawn to a saying, for which I do not know the source, along the line that we will know we have our priorities right when cake stalls are run by the armed services, trying to purchase an F111 or a Hornet, rather than a school P and C.

**Ms McRae:** Amnesty International.

**MR MOORE:** Ms McRae interjects the source, Amnesty International. It is interesting that I should bring that up, following Mr Kaine, who spent a goodly part of his life in the Air Force. He provided us with a very thoughtful speech about our priorities, right across the system. I think that is what is highlighted in this report. It is not just a question of voluntary contributions. It comes right down to how we are providing fundamental support, right across all our departments within the ACT. Why is it that there is such great inequity in the way we provide things? Are we getting it right?

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In our Estimates Committee, which Mr Kaine drew attention to, are we managing to get a reasonable balance between how our money is spent in the series of departments? There are certain things that we expect, and departments expect, that simply do not happen.

Mr Kaine talked about photocopiers. We could talk about pencils, paper, pads - equipment that we, as members, have provided for us, but which is not provided in the area of education. We could go and look at the quality of chairs upon which our kids sit, and upon which the teachers sit for many hours each day, and compare those to the very seats that we are sitting on in this Assembly. Mr Speaker, a whole series of considerations come into this. What we do know is that parents, recognising these inadequacies within the schools, have worked very hard to try to deal with them, and that brings up the issue of inequity, which the committee has dealt with very effectively.

Mr Speaker, as part of my consideration of this Public Accounts Committee report, I have had long discussions with the P and C Council, who, by and large, are very enthused by the report. I think they believe that it could have gone further in terms of the subject levies, an issue that the committee has wrestled with and tried to deal with. If that were considered as a first step, I think that would be entirely appropriate. To again use the Air Force analogy, if somebody in the Air Force, or in almost any area of ACT government, is learning the skills associated with using a lathe, for example, are they forced to buy the metal and other equipment which they are going to use because they are going to make something that they are going to be able to take home? We have to look very carefully at this. Consider somebody who is in the Air Force who is part of the Catering Corps. Are they going to have to pay for the food that they are learning to cook? Of course they are not. We have an entirely different set of values.

Mr Kaine talked about how we take education through the 1990s and into the 2000s, and what we should be looking at. Certainly, those first steps have been taken. We have gone beyond a curriculum that is based on the three Rs to one that we have now very carefully set out and agreed upon with eight key learning areas. If we genuinely believe that we should compel our students and our schools to deal with the eight key learning areas, we should also fund those eight key learning areas. Granted, it is a question of priorities. We have a single bucket of money and we then have two choices. Either we find ways to raise more money or we shift our money around. I think the first step is to ensure that there are not areas within the ACT administration that are missing out in this area.

I would like to draw attention to one other example of where we do things very differently for our public servants in the education system than we do in other areas. When a public servant, say at class 6, is asked to go somewhere as part of their job they have certain entitlements. Those entitlements include overnight stay expenses and an allowance. What happens when teachers are away on an excursion with their students? I can tell you that in the vast majority of cases they contribute to the excursion out of their pockets in the first place - there are no expenses for them - and they wind up on duty 24 hours a day for the two, three, four or five days they are away as part of their work.

It is an entirely inequitable situation when that happens on the one hand and on the other hand we see the support provided for other people in doing their jobs. If we believe, as educationalists, that such excursions are an important part of the curriculum, and they are recognised that way - indeed, I do - we should also be prepared to support that in exactly the same way as we are prepared to support it if our own staff are asked to represent us in some study or at some conference or presentation that is held out of Canberra. It comes back to that whole concept of where we should be putting our money.

Mr Speaker, I think that this report has dealt with these issues in a very effective way. The first recommendation is:

The committee recommends that the Government review per capita grants to schools at all levels to ensure that the grants are sufficient to meet the reasonable needs of the schools for school texts and equipment.

That is the initial first step, the fundamental, and I congratulate the committee for putting that up front as its first recommendation. I want to draw attention to a couple of others. Recommendation 3 states:

The committee recommends that, if voluntary contributions are to remain part of the school funding base, the Government:

- (a) make an unequivocal statement in support of the voluntary nature of such contributions; and
- (b) that it develop measures to assist parents who do not have the capacity to make the contributions.

Mr Speaker, one of the problems that we still face, and it is dealt with by this committee, is that where the voluntary contributions are made they are made in a way that people do not feel pressured to put more money in. I must say, Mr Speaker, that even in some of our private school systems we have exactly the same issues being dealt with. In the Catholic education system, which is about 80 per cent funded by government, people still are paying their fees. Some people do not have the wherewithal to pay their fees and the Catholic education system has dealt with that situation. It makes allowance for that and it manages to deal with those parents without being, first of all, patronising, without being paternalistic and without demanding of them that they do, even though those people have the choice of going into that system where they may wind up paying more money out of their own pockets. So it is not a situation that we are dealing with separately in the government schools. It is a situation that is being dealt with by others. In some ways I think it is being dealt with more successfully in other areas. That is something that I think this report, taking all the recommendations into account, deals with quite effectively.

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We have to keep in mind, Mr Speaker, that this is a statement which I consider as a first step. We have to look at the big picture in the way that Mr Kaine has painted it and try to ensure that we use our Estimates Committee and our processes to ensure that there is more equity in the distribution of the money that is in government hands, and to ensure that we do not have one area of our administration that is a poor cousin.

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

## **ECONOMIC DEVELOPMENT AND TOURISM - STANDING COMMITTEE** **Report on Airports Conference - Government Response**

Debate resumed from 13 December 1995, on motion by **Mr De Domenico**:

That the Assembly takes note of the paper.

**MR WOOD** (11.10): Mr Speaker, I am sure that all members share my view that we must take a very close interest in the future of Canberra Airport. The Economic Development and Tourism Committee is interested. Members of that committee have attended conferences concerning airports generally to keep ourselves informed on the future of airports generally and Canberra Airport in particular. There are proposals for the Commonwealth to lease or to sell Canberra Airport. I am pleased that the Government has set aside a fairly large amount of money, close to \$100,000, for a study and has set up a body to look at various aspects of this airport which is so critical to the ACT and to the region. I believe it is important that the ACT Government have some stake in the ownership of that airport should it become available. I think it is important that the views of the ACT community are directed in this way to any of the outcomes that may arise.

There are a number of important principles to consider. The future role of the ACT Government in this matter is very important. We would all assert here that the interest of the ACT is paramount in any change. It could be, if the airport in the future came under the control purely of some private enterprise group, not necessarily based at Canberra, that the interests of that group would be paramount over the interests of the ACT. It could be that one group would buy, for example, a number of airports and they would have an interest in running those airports, perhaps like banks. Some banks have branches all over Australia, but they do not mind closing them down here and there, or rationalising their use. This is pretty much a common feature around the country. We would want to see the interest of the ACT remain the dominant interest, and I think we can do that only through our share of the ownership, perhaps joining with private enterprise. I hope also that groups in the ACT community, perhaps existing groups at the airport, would play a very prominent role in any future ownership.

There is another important principle requiring that we should have some interest in this, and that is the environmental principle. Again, it may be only through direct ACT interest that all the difficult environmental circumstances that can arise around airports are properly understood and properly monitored and controlled so that the interests of people, particularly those in the northern parts of Canberra, are protected. You do not

need me to tell you the difficulty that governments and airport authorities have, because of the nature of airports, in seeing that there is minimum disruption to local communities. There are very difficult issues to be worked through, and I believe that the ACT community needs its Government to be there on its behalf.

There are also very important development issues that all in the chamber have a great interest in. I have heard Mr Kaine talk about the development potential around the Canberra Airport. He may have something more to say about it today. We need to have our share or a seat around the table in respect of any future ownership, so that we can again assert the primacy of the ACT. I repeat that this is another one of those areas where we do not want someone, potentially someone from outside the ACT, or some group, running an airport for their interests and not the interests of the ACT.

There is another very dominant area, and that is planning - a subject of much interest in the ACT. We want to know that the airport fits into the general planning arrangements for the ACT. The Minister, in his reply, spoke about the need to tie that in with Speedrail so that we do not necessarily have two competing forces. We want them both. We want an important airport and we want Speedrail, but they will be running, I would hope, if we have a say in it, in a cooperative manner, not in a competitive manner. We need, therefore, to have our influence reflected in that way.

There has been considerable interest in the airport being used as an international freight terminal. We have seen in recent time that there is likely to be very strong competition for such a terminal, should one eventuate; so we need to have our interest reflected strongly in order to pursue that particular line.

**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 De Domenico**) agreed to:

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

**MR WOOD:** Mr Speaker, the airport, as we know, is a major asset to this city and to this region. It also presents problems to this city and this region. Therefore, we must maintain the closest possible interest in the future of that airport.

**MR KAINE (11.17):** We are considering the Government's response to a short report that the committee put to the Government some time ago after the committee members to do with the future of airports in Australia. At that conference a number of interesting issues were raised about the use of airports, their purpose in the community and how they could become much more than just places at which aeroplanes landed and took off and moved people about.

There were some interesting statements made - for example, that airports are not destinations. They are simply places through which people pass in order to get to somewhere, which is an interesting concept because I think we tend to look at airports as places that people go from and to. In fact, that is not the case at all. In the case of one



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London airport it was asserted - I thought this was rather humorous - that it had almost reached the stage where it was a huge shopping complex with an airfield attached. Those comments, made by people from all around the world, I felt, added something to the debate about what an airport is. It can be something different from what we have often thought an airport to be.

We were informed of the Government's then intention to sell most of the airports in Australia, and I think the program then was that Canberra Airport, amongst others, would come up in 1997 after the major airports were sold in 1996. I think the Government's program on that matter might have slipped a bit, and I have not heard much about what the current plan is. The committee felt that it was timely for the Government to look at what it saw the airport to be and whether it was in its interest to have a share in that airport no matter what happens to it in the future. We felt that the Government should have such an interest, so we made some recommendations to the Government.

It is pleasing to note that the Government has established a task force to look at just those issues. I hope that their terms of reference are very wide-ranging. In terms, for example, of things like the use of the Canberra Airport as an international freight terminal, that requires the agreement of a lot of people. The Government might well have that intention, the Federal Airports Corporation might agree, and the Federal Government might agree; but if the airlines do not want to fly in here you are wasting your time. I would hope that this task force, in looking at this issue, might go and talk to some of the major international airlines to see what would be required to attract them to Canberra.

What is it about Sydney and Melbourne airports that makes operations difficult? What is it that makes airports like Canberra, perhaps, attractive to them? What do you have to do to make them change their mind and move their fields of operation? There are factors like aircraft maintenance facilities and the like that would be part of that decision. If a major airline decided to use Canberra as its international freight hub, it would automatically follow, I think, that they would want to have some aircraft maintenance capacity here as well, and that might mean different things for this community.

I have a feeling personally, and I will be interested to hear the report of the task force when it gets round to it, that the notion of Canberra Airport becoming an international airport for passengers is receding rather than getting closer. That personal view has to do with the fact that aircraft manufacturers, in every generation, seem to build bigger aeroplanes. Even the present generation of international aircraft - the jumbos, the 747, the McDonnell Douglas DC10 and the Lockheed L10/11 - are too big to operate from this airfield. It would require significant modification for safe operation, extension of the runways, widening of the runways, additional navigation equipment and the like.

Those aircraft, in some respects, are getting towards the end of their lives, and I suspect that the next generation of intercontinental aircraft will be bigger again. In fact, I know that British Aerospace is planning its next international aircraft, which they expect will carry something of the order of 1,000 people. That is about twice as big as the jets that

fly around the world today. By the time we get around to the notion of upgrading our airport to be an international standard airport to accommodate jumbo jets, we will find that we are a generation behind and have to start expanding it again. That would indicate to me that places like Badgery's Creek, if it eventuates, will constantly leave us behind the eight ball instead of ahead of it.

I think that we have to be realistic and look at the future of Canberra Airport in other ways, and an international freight terminal might be a solution. If neither of those things is possible, then what do we want our airport to be? We need to do some thinking about that, and that, to some degree, is contingent upon the Commonwealth's intentions in so far as maintaining the ownership of the airport or selling it are concerned. I thought, and the committee thought, that there are some major issues involved in that that deserve to have some Government attention focused upon them. That is why we tabled the report in the Assembly in the first place.

I note that the Government has established a task force which presumably is looking at those issues. The chairman of that task force is a knowledgeable and eminent person, retired Air Marshal Richard Bomball, who is eminently qualified, with his other members, to advise the Government on these issues. I am sure that we can look forward to a most interesting report when that is brought forward by the Government to this place for debate. I look forward to it with great interest.

**MS TUCKER (11.25):** In the Government response to the report “‘The Future of Airports in Australia’ Conference” Mr De Domenico asked, “What in the overall development of a transport strategy for the ACT is the role of the Canberra Airport?”. The Greens will have to remind the Government again that there is another question that needs to be asked. What, in an overall ecologically sustainable regional transport strategy, is the role of the Canberra Airport, and how does this fit in not only with our local environmental responsibilities but also with our global responsibilities?

I have noticed that the term “sustainable” pops up every now and again in Government papers, and I recall the difficulty Mr De Domenico had in the Estimates Committee in explaining its meaning. This term has been criticised as being ambiguous and open to different interpretations. Sustainable economic development and sustainable ecological development are too often used interchangeably. The former term all too often completely ignores the environmental component. An accepted definition is development that improves the quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. That is what we in the Greens are asking this Government to seriously integrate into their policies and decisions.

Transport is a very difficult issue because, at the moment, nearly all our transportation is based on non-renewable resources. In the strictest sense, they cannot be used sustainably because they will eventually run out, but we can extend their life by prudent use. It is interesting to note that in the report of the ESD transport working group the first recommendation was:

That the Commonwealth Government, State, Territory and local governments initiate comprehensive information, education and consultation programs to improve community understanding of, and participation in, the transport related aspects of ESD. Particular priority should be given to programs that encourage a discriminating and responsible use of transport and of non-renewable transport fuels.

We are aware that the Economic Development Committee's report, "The Future of Airports in Australia' Conference", does touch on the issue of environmental impacts, particularly noise pollution, but the terms of reference for the consultancy do not mention the environmental impacts at all. Mr Kaine thought they were wide-ranging, but we would like them to be a little wider. We would like to see a much greater emphasis on the environmental impact. As they stand now, they relate to "strategic financial marketing facilities". We had yesterday in the Assembly an embarrassing admission from Mr De Domenico that he had overlooked putting a representative from the peak environment group onto the group, although we were glad to see that the community representative had been put on. We hope that these two representatives will ensure that there is a much greater focus on the environmental and community impact of any proposals.

We are not talking about just noise. We are also talking about grasslands, our most threatened ecosystem in the ACT. The airport does have to be studied before there are any plans for expansion. There is also a population of legless lizards. It appears that the Majura end of the runway is the most likely to be environmentally sensitive. The question of traffic to and from the airport is significant. Everyone is already aware of noise, but I would not say that it was the only environmental concern. There is also the question of aircraft emissions and ESD principles being integrated into transport decisions.

Obviously, this is a matter that local government has little control over. However, it can take responsibility, by working with other States and the Federal Government, and look at how we can, as a nation, make our transport systems as environmentally friendly as possible. We can make decisions locally which will represent best practice in environmental terms. We cannot continue to throw up our hands and say, "It is too hard".

The only thing that is encouraging in the objectives in the terms of reference is the development of community service obligations. We have not seen, to date, any development of these obligations which are sufficiently integrating environmental costs. I think an interesting exercise for the Transport Reform Advisory Committee, as part of developing strategies for Canberra and surrounding regions, would be to look at developing a hierarchy of transport options according to their environmental impact. We hope to see some very positive recommendations coming out of the airport study steering group, working with a consultant, so that we do have a very thorough investigation of all options before any decisions are made.

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (11.30), in reply: Mr Speaker, again I would like to thank the members of the Standing Committee on Economic Development and Tourism for the report “‘The Future of Airports in Australia’ Conference”. As we all know, there is no question that an airport is very important as a gateway to Canberra for tourists and business people coming to the national capital.

As members are aware, the Government has engaged consultants to undertake a study on the future of Canberra Airport as a transport and economic entity. That study, and the master planning exercise being undertaken by the Federal Airports Corporation, will address many of the issues raised by the committee. Ms Tucker mentioned cooperation with the Federal Government, and that is happening already. In addition, we expect to receive the outcome of the feasibility study of a high-speed rail link with Sydney.

As Mr Wood quite rightly said, we have to link one with the other, instead of doubling up on the things we do, as part of an overall transport strategy. Once we have the information gathered by these reports, the Government will decide what we can do to ensure that the airport is of maximum benefit to the local economy and to the community. In relation to the airport study, members will be interested to learn that a consortium consisting of Airplan, Macquarie Corporate Finance and Rust PPK, economic and transport experts, is undertaking the study on behalf of the Government.

Mr Speaker, Mr Wood also said something very salient about the ACT having our say in the ownership of such an airport; in other words, an interest in what happens, and perhaps even control, ultimately, of what happens, because it is in our area. He also mentioned that, as well as economic and planning issues, there is an environmental aspect and a social aspect. I suggest to some members of a particular party that knowledge and concern about the environment is shared by all members of this Assembly, not just a particular political party. From time to time one tends to take the view that only one or two people have a concern about the environment. That is not right. We might disagree about the emphasis we put on many things, but I think all members will acknowledge that all members in this Assembly have some concern about the environment.

Ms Tucker referred to a community representative. Yes, the Government has appointed a community representative. If Ms Tucker believes that that community representative is not as concerned about the environment as she might like, we will look at putting another person on to make sure that all the environmental aspects are looked at, as they would normally be looked at anyway, just to satisfy the concerns of Ms Tucker. She mentioned that not much work has been done yet about the community service obligations of this committee. I am suggesting that that has not been done because they have met only once. Let us give them time to consider what they are going to do. I am sure that, as the terms of reference said, they will look at the community service obligations situation. Ms Tucker quite rightly said that transport planning has to be looked at in a holistic way. That, I am sure, will be done. You will note that the members of the committee have wide-ranging expertise, not just in matters to do with airports, but also in economic, social, environmental and financial matters.

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I think the salient point is that the ACT Government has shown its commitment to Canberra Airport by setting aside \$100,000, as Mr Wood said, in the budget. We will continue to do that. We look forward to negotiating, just as we have been negotiating in the past with Mr Brereton. Notwithstanding who should win after Saturday, we look forward to continuing those negotiations with the Federal Government and the Federal Airports Corporation, and working very closely with our regional partners around New South Wales to make sure that the best possible outcome is achieved for the people of the ACT. I thank members for their contributions.

Question resolved in the affirmative.

### **EXECUTIVE BUSINESS - PRECEDENCE**

Motion (by **Mrs Carnell**) agreed to:

That Executive business be called on.

### **MOTOR VEHICLES (DIMENSIONS AND MASS) (AMENDMENT) BILL 1996**

Debate resumed from 22 February 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

**MR WHITECROSS** (11.34): The Motor Vehicles (Dimensions and Mass) (Amendment) Bill primarily deals with changes that are aimed at implementing the development of national uniform road transport legislation, and the Labor Party will be supporting these changes. The changes outlined by Mr De Domenico in his presentation speech are sensible changes as far as we are concerned, and we are happy to support them in bringing road transport vehicles in the ACT into line with national standards in terms of length and other things. We think it is sensible, and we also think it is sensible that on-the-spot fines can be imposed on the owners of vehicles as well as on the drivers of vehicles. It is one of the regrettable elements of the road transport industry that from time to time, in an effort to shave costs, drivers can be put in an awkward position by the owners of vehicles in relation to compliance with the law.

It is, therefore, only fair that that be recognised by our laws and that owners have to take responsibility for ensuring that their drivers are not breaching laws. Otherwise you can have the ambiguity arising where the driver may feel that he owes his job to breaching the law in certain ways and the owner can say, "It is nothing to do with me". I think it is very sensible that owners have to share with drivers the responsibility for ensuring that road rules are abided by and that mass and dimension rules are abided by. In sharing that responsibility, both the driver and the owner are made to take responsibility. It is not good enough for drivers to hide behind the fact that they are employees; nor is it good enough for owners to hide behind the fact that they are not driving the vehicle. We think that is a sensible change.

One of the other key changes in this legislation allows for bulk permitting exemption notices, which will allow bulk permitting exemption from the normal mass and dimension rules. These relate mainly to oversized vehicles and that sort of thing. I note that the Government expects that about 60 per cent of circumstances currently covered by individual permits will be able to be covered by bulk permitting. The Government has not actually set out in its explanatory memorandum in what circumstances they might seek to use the bulk permitting option, and I would be interested to know whether the Minister can put some information about that on the record in his reply. Given that those exemption notices are disallowable, we will have an opportunity to address individual exemptions as they arise and, if we do have any concerns, that will be the appropriate time to address them. For the information of the house, I would be interested in the Minister addressing that.

I note also that bulk permitting will provide a benefit, albeit only \$58,000, to the industry in waived permit application fees. That is a small hole in the revenue, once again, in the name of industry assistance; but if it makes life more efficient for everybody concerned it does not seem to me to be an intrinsically bad thing to do, given the amount of money involved, and presumably that \$58,000 was cost recovery. I also note the Government's claim that \$74,000 will be saved to the transport industry in administration costs.

Overall, the matters contained in the dimensions and mass Bill are sensible changes. They are the result of a lot of work, not just in the ACT but in national forums, and we are happy to be supporting legislation to - - -

**Mr Berry:** You have them stunned already.

**MR WHITECROSS:** Mr De Domenico has not interjected once.

**Mr De Domenico:** A very sensible speech.

**MR WHITECROSS:** I am just reassuring my colleagues, who were upset that you had not interjected.

**Mr De Domenico:** I am surprised that Mr Berry has not found an angle on which he can attack the Government on this one.

**MR WHITECROSS:** Give him a chance, Mr De Domenico. We are always happy to support measures that are part of national schemes to make industry more competitive and to reduce inconsistencies between States. That is what this is about, and we are happy to support it. We will be taking note, as I said before, of the circumstances in which exemption notices are granted, and I look forward to hearing some further information from Mr De Domenico in his reply.

**MR DE DOMENICO** (Minister for Urban Services) (11.40), in reply: Let me start with Mr Whitecross's request. To be very honest, Mr Whitecross, I do not know under what circumstances we would be considering giving bulk permitting, because we have not had a chance to do so yet. You note also that it is a disallowable instrument of this Assembly, and in that way the Assembly can have a look at that. I will get as much information as I can and get back to you on that one.

The process of the reform of the national road law is being coordinated by the National Road Transport Commission. The ACT is fully involved in this process, which will result in uniform road laws throughout Australia. Can I pay a compliment to my predecessor, Mr Lamont, for the work he has done on that forum. It is as a result of that work that the Government has put forward this piece of legislation, because it was done prior to this Government taking office. That needs to be acknowledged in *Hansard*.

A number of standards, including dimensions and mass standards, for heavy vehicles have been agreed to nationally. As Mr Whitecross said, it is great when you can come into a place and say that we have had uniform agreement from all political parties of all persuasions in a national forum to something that makes sense for the whole of the continent. That is good news to be able to bring to this Assembly. Notwithstanding that it is one of those issues that are considered to be very dry and boring by some people, the fact that we are starting to get this uniformity in an area such as transport is good news for all concerned.

The agreed dimensions and mass standards have been implemented in most other jurisdictions. The amendments to the Motor Vehicles (Dimensions and Mass) Act will provide for their implementation in the ACT. The amendments will also allow that the existing standards and any changes to them be set by determination, once again disallowable by this Assembly. One of the most important dimensions that is to be included in a determination following on from these amendments is that the maximum length of articulated vehicles, other than buses, will be 19 metres. Such vehicles are currently restricted to 17.5 metres. There is, once again, uniform agreement to that. Anything we can do to get uniformity in areas such as differentiation between owners and drivers of vehicles is worth while. It is not fair that one should be penalised because of something the other does. The bottom line is uniformity, with the standards being agreed to by all governments of all political persuasions around Australia. I welcome the Opposition's support for this, and we look forward to having more of the same in the future.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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

Debate resumed from 14 December 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

**MS FOLLETT** (Leader of the Opposition) (11.43): The Opposition will support this legislation put forward by the Attorney-General. It is a general tidying up of the laws governing magistrates, principally. The provisions contained in the amendment Bill include a provision that a magistrate may not take up other paid employment without the approval of the Attorney-General, with the exception of work in the Commonwealth defence forces. It seems to me very sensible that magistrates ought not to have their loyalties divided by serving a master other than the courts.

There is a further provision in the amendment Bill that would require special magistrates to retire at the age of 70. I believe that this provision has been brought in to fit the particular circumstances of a particular magistrate whose services the courts wish to retain, and it does appear to be in the community interest that those services be so retained. However, the fact that there has been some difference in the retirement provisions between magistrates and special magistrates is a matter the Attorney-General may wish to give consideration to at some future stage. I cannot see any particular reason to have a difference between those two groups of magistrates, other than to fit the particular circumstances we find ourselves in at the moment. Other than that, the Bill deals mainly with technical issues regarding the bringing of witnesses to court and so on. It is, generally speaking, a housekeeping Bill.

I was somewhat surprised to discover that the Law Society had not been specifically consulted on the provisions of this Bill. It is something on which I would have expected the Government to seek the views of the Law Society, in particular because the changes made could have some impact on the way the Law Society's members do their work. Nevertheless, now that my office has had brief consultation with the Law Society, I am satisfied that the changes proposed in the Magistrates Court (Amendment) Bill present no difficulty to the Law Society. In fact, I think it is fair to say that they are fairly relaxed and comfortable about the whole package Mr Humphries is proposing. The changes are largely procedural, and I am informed that they are generally consistent with the Law Society's view.

We believe that the changes proposed in this Bill are a sensible tidying up, and we would always support legislation being made more transparent, more consistent and more efficient in its operation. It seems to me that that is very much the nature of the Bill before us, and for those reasons it will attract the support of Labor.

**MR HUMPHRIES** (Attorney-General) (11.47), in reply: Mr Speaker, I thank the Opposition for its support for the legislation. Ms Follett has already touched upon the two major provisions. There are obviously a large number of people in our community who provide various roles in the defence forces - not just full-time Defence Force personnel, but people who are active in the Defence Force Reserve and in other ways. It is important that we facilitate that kind of involvement by citizens who generally make an important contribution to the defence of Australia.



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Magistrates and judges are increasingly being called upon to be involved in a whole range of extracurricular activities, to put it one way, which entail the use of their time and the exploitation of their experience and their judicial skills. Obviously, involvement as judge-advocates or whatever in the Defence Force is one way in which that might occur. In other ways, judges are involved in chairing law reform commissions or committees and are active in community organisations. We would all be aware of the involvement of our Chief Magistrate in a number of organisations, including the Richmond Fellowship, the AFL for Canberra Committee, and so on. Those sorts of involvements are to be encouraged and promoted in general rather than discouraged. However, having said that, it is important to make sure that the Government has some capacity to ensure that it has first call on their services, and I believe that the amendments put forward today will facilitate that.

It is also important to make sure that we minimise the complexity of the process whereby witnesses are compelled to come to court. The VATAC scheme, in place now for a number of years, has been quite successful in providing for people charged with offences to appear before courts without having to go through a more formal process of charging. In a sense, this is an extension of that process to cover people who are witnesses in court proceedings, a process which relies much more on the post than has been the case up until now. I believe that these changes will be welcome and appropriate. I thank the Opposition for their support for the legislation and hope that these changes further streamline both the operation of our courts and, indeed, the entire question of access to justice in our court system. I present the corrigendum to the explanatory memorandum.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **INFORMATION TECHNOLOGY**

### **Motion to Table Paper**

**MR MOORE** (11.50): Mr Speaker, I seek leave to move a motion requiring the Government to table a report on information technology.

Leave granted.

**MR MOORE:** I move:

That the Chief Minister table in the Legislative Assembly the Report on Information Technology by Planning Support Inc. and Price Waterhouse before the Assembly rises this day.

This motion follows a matter of public importance debate in the Assembly yesterday, which was what I perceive to be a very important debate that presented a whole series of different views about information technology and about outsourcing. The one common factor was that we should be supporting small business in this town and that it should be able to be done. There were some differences of opinion on how that should be done and the methods of achieving that. During the debate, the Leader of the Opposition read from some notes provided to her by the CPSU. I must say that I am pleased that the CPSU also provided similar information to me, and I would like to put on record my thanks for that. It was very clear, reading the information from that union, that the person who had prepared this brief had read the report by Planning Support Inc. and Price Waterhouse, and it seems to me that, in the interests of openness, this Assembly ought to be able to see a copy of that report, which should be public. Where it has criticised government sections in terms of information technology, it is quite appropriate for us to know that.

In a very brief discussion I had with the Chief Minister, when I indicated to her that I would be doing this, she raised the issue, and no doubt will do so formally, of these being such small sections of the Public Service that it would be easy to identify individual people who had been perhaps harshly criticised in this review. The review is only one opinion. Granted, it is an opinion the Government sought, but it is also quite clear that the CPSU is very critical of the handful of people in Price Waterhouse and Planning Support Inc. who did this review. In fact, one of the headers in their information says that the review process is a sham.

I have made it very clear that my view is that outsourcing has an important place, but it has to be done very carefully. I think it is important, when we are looking at a change such as this, that recommendations on how we can go about it ought to be available not just to members of the Assembly but also to members of the community who are vitally interested in small business in this town. They should be able to see what are the recommendations put by a review such as this, so that they can be analysed and criticised. It is for those reasons that I would expect the Government to support this in the interests of open government. We have a report; it exists. Let us not keep it a secret. Let us get it out in the open and let people put their view on it. The Government then can make its decision accordingly.

**MRS CARNELL** (Chief Minister) (11.54): Mr Speaker, I am very happy to allow every member of the Assembly to have a look at this report, but I have an enormous amount of difficulty with a report that was not written as a public document being made one. The reason for that is that it gives quite in-depth details of contracts that are currently in place, and those contracts, whether Mr Moore likes it or not, are subject to commercial-in-confidence approaches. That means that the Government will be subject to legal action by those contractors if details, not so much of the amount of money, because that is already on the public record, but of what is involved in those contracts currently are made public without the okay of the contractors involved. As I am sure everyone in the Assembly knows, that would be in breach of at least our side of the contract and therefore would potentially expose the Government to legal action.

It is also, as Mr Moore rightly said, a consultancy that was put together, not a report that was planned to be tabled; so it has a quite in-depth look at various parts of the Public Service information technology area. I am advised that in some parts it is extremely critical of various areas. I fully agree that everybody in this Assembly should have an opportunity to look at this consultancy, if they want to. This consultancy is certainly not the Government's position. I made it clear yesterday that we have taken on board some of the things they have said, although not everything they have said, by any stretch of the imagination. It is a view put together by two companies who have looked at a particular position.

I come back to the fact that everybody is entitled to look at it; but there is in-depth information involved, it is one opinion, it does potentially identify people, it does potentially expose the Government to legal action, and it would be extremely unfair to the private companies, because the details of their contracts are in this document, if it were made public. It also identifies various areas that could be outsourced, with the potential savings involved - not necessarily ones the Government has picked up, because there is no Government response to this. This is just a consultancy that was paid for by the Government, a paper we have back. I am sure that Ms Follett, from her time as Chief Minister, would agree that when you have these sorts of consultancies, which were never planned to be on the public record, there are times when there could be significant damage to government. When we go to the tendering process, this document gives in-depth information about the sorts of things the Government should look for and at what level. It sets out the parameters that any tenderer should meet, so the capacity to end up with any competition in the tendering approach - in other words, to get a better deal for government - goes out the window immediately it is made public. I think everybody here should be very concerned about that approach.

There are two opportunities available that are, I think, appropriate. One is for members of this Assembly to have a look at it, to read it, to be briefed on it, whatever they would like. The second is to allow us to table the document without the figures, without the specific information about contractors, without the specific figures that allow particular parts of the Public Service to be identified and that potentially would be commercial-in-confidence. Either of those approaches I am very happy to go with. I understand that, of the whole report, probably only about 10 pages could be regarded as sensitive. The rest of it is very much along the lines of the information and the basis upon which they reached their recommendations, and of course the recommendations. There is no problem in putting all that information on the public record.

I am suggesting to the Assembly that we take one of those two approaches, rather than putting on the public record something that could cause personal distress to some people and certainly could cause a financial problem, both from a legal perspective and from a tendering perspective, for the Government. The precedent of tabling a document of this nature in full, I think, is something everyone should think about very seriously.

**MR HUMPHRIES** (Attorney-General) (11.59): Mr Speaker, I wish to move an amendment to the motion, which I will table and ask to be circulated. Essentially, it deletes the words "table in" and substitutes the words "make available to members of". The motion would then read:

That the Chief Minister make available to members of the Legislative Assembly the Report ...

**Mr Berry:** She has to table the 10 pages and make the rest available.

**MR HUMPHRIES:** I think Mr Berry had a compromise there which I did not quite hear, but I am happy to entertain that.

**Mr Moore:** Let us turn it around the other way and take Mrs Carnell's second option, which is to table the document and hand us the 10 pages. We can seek to have that tabled later.

**MR HUMPHRIES:** Yes, that would be fine, Mr Speaker. I will withdraw my amendment.

**MS FOLLETT** (Leader of the Opposition) (12.01): I would like to speak very briefly on this matter, Mr Speaker. To be frank, I do not really understand Mrs Carnell's extreme nervousness about making public the information Mr Moore has sought. Mrs Carnell has indicated that there are three basic grounds on which she would seek to deny this information. The first ground she raised was that the report contains the details of contracts and that these matters ought to remain commercial-in-confidence. I could not disagree more. I believe that the contracts, if they are being paid from the public purse, are matters that could well be explored by, say, the Estimates Committee or the Public Accounts Committee, and in those circumstances the information would be made public. So I do not see what there is that is so unique about the information in the particular report Mr Moore has sought.

The matter of contracts is one that has been explored on many occasions, and I think it is a matter for great regret that on just about every occasion Mrs Carnell has sought to deny information that I believe should be public. We have seen the same approach to the contracts for senior officers. We have seen the same approach to the contracts for VMOs, where all we have seen so far has been the standard documentation and not any of the detail that I think would help both the Assembly and the community to form a much clearer picture. I do not believe that the Assembly ought to allow Mrs Carnell to persist with that argument.

Mrs Carnell has also said that there is much critical comment in this report. I have no doubt that there is, and, if Mrs Carnell wanted to ensure that the critical comment in the report protected, say, individual public servants, protected the Government from, say, a defamation action, then I do not believe that anybody in this Assembly would argue with that action being taken before the report was tabled. However, if we are going to try to hide away documents just because they contain critical comment, we are going to find

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ourselves in a very farcical situation very quickly. Mrs Carnell also said that she did not want to make public the kinds of parameters that might apply to the issuing of further contracts. Why not? If those sorts of parameters are public, we can ensure that there is an open and competitive climate for future contracts being let. I do not believe for one moment that information on the parameters for further contracts is any reason for making this report unavailable.

I think Mrs Carnell can be confident that the Assembly, and Mr Moore in particular in moving this motion, have no intention of victimising or homing in on individuals. We have no intention of exposing the Government or the Assembly to defamation or other legal action; but I do not believe that that is any reason for Mrs Carnell to deny us the information, and I support Mr Moore's motion. If there is a way in which it can be amended that would be satisfactory both to Mr Moore and to the Government, I am perfectly happy to look at that; but a blank denial of the information is certainly not acceptable.

**MS TUCKER** (12.04): We will be supporting this motion, and I will look at the amendment when it is circulated. It is a concern when we hear that there is a review of how people are working and it is a secret review. I do not understand it when, once again, this Government is talking about good management. Assessment of work practices does not have to be secret. Assessment of work practices can be a cooperative function which, if all workers are involved, can have a very positive outcome. I am not at all surprised that people are concerned at the way this has been carried out.

Mr De Domenico said yesterday, "Everybody is doing it, Ms Tucker". We should not be daring to challenge some of the things this Government is pushing. The point is that there are people in all States and in the Federal arena who are asking the questions we and other people here are asking. In South Australia recently, the South Australian Auditor-General, Mr Ken MacPherson, told a parliamentary committee that the State Government needed to review its handling of major contracts to make them more transparent. He also told the committee that commercial confidentiality should not be used to keep important contract deals secret. He said that it was critical that the performance of contractors be scrutinised to make sure that major problems were nipped in the bud.

These are the things we are asking for. It is not so outrageous, and the fact that everybody is doing it has to be coupled with the fact that, where everybody is doing it, lots of people are asking questions about the implications. There is a certain sense of a follower of fashion in this Government. Because everybody else is doing it, it is fine. People went for performance pay. That was a fashion once, too, and now people are saying that it was not very good for teamwork. Let us ask the questions. We do not have to be so defensive. There are probably things that can be done to stop these negative impacts occurring, and that is all we have been asking for. We will definitely be supporting the motion and hope to see a much more open approach to the assessment of work practices.

**MR KAINE (12.07):** I fear that the Assembly, as it often does, on the basis of a single issue, a single case, is getting into a debate that should be a much broader debate than this and one that perhaps should result in some determination about government documents that should be publicly disclosed and those that should not. I know that it is very popular these days to talk about open government. It is a fine nebulous notion, but I sometimes wonder whether people who talk about open government can really define what they are talking about. The fact is that governments, like any enterprise, are engaged from time to time in business that can reasonably be classified as commercial-in-confidence. If we are going to suggest that any corporation should declare all of its negotiations open for public scrutiny, we would be laughed out of town. It would destroy any competitive edge they might have if they were required to do that.

While you can argue that what governments and public servants do is in the public interest and, therefore, ought to be totally on the table and totally disclosed, I think you can also argue that there are some things government does, some things the bureaucracy does, that are no different from what is done in private enterprise. Government, in fact, is in competition, in some of its activities, in the commercial workplace. If we are going to argue that we should put government at a disadvantage in relation to all other contenders by being the only participant that is required to put all of its negotiating positions on the table, I submit that we are getting into an area of absurdity. It is nonsense to suggest that governments and public servants do not engage in negotiations, discussions and the like with other parties where what they disclose to the Government is commercial-in-confidence. It would be unfair and unreasonable, and probably unlawful, for the Government to disclose information that is made available to it by people engaged in the competitive process. I think we need to be a bit careful when we start talking about open government and lead then to the interpretation that that means that everything the Government does, everything the bureaucracy does, every document that comes into their possession, must be openly declared and put on the table in this house. I submit that people in this chamber who argue that have no sense of responsibility, none whatsoever.

I know nothing about the document Mr Moore is seeking to have available to him - I have not seen it; I do not know what is in it - but I do accept the argument by the Chief Minister that there is some information in that document that would be detrimental to others if it were publicly disclosed. There may be some information in there that would be detrimental to the Government's interests, and therefore to the public interest, if it were publicly disclosed. If the Leader of the Opposition and Mr Berry are going to argue that it is not possible for that kind of information to be in such a document, I submit that they have learnt nothing from being in government. I will guarantee that, in the five years the Leader of the Opposition was Chief Minister of this place, many documents went through her hands, went through Cabinet, that she would not have been happy to release in their entirety for public scrutiny. That is the nature of government. There are some things where it is not in the public interest, there are some things where it is not in the interests of private individuals, that information and documents in the hands of the Government should be publicly disclosed.

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I think we need to be careful. If Mr Moore wants to see certain information in this document, then it might be appropriate for certain information to be disclosed. I am sure that, if he had had a discussion with the Chief Minister off the floor of this place, they could have agreed on which information should be released and which would not, and I am sure that Mr Moore would agree that there is some of it that should not be. But to enter into a debate here and now on such a broad-ranging moral, ethical and legal issue, and to break new ground by this Assembly asserting, which is what could be the result, that any document in the hands of the Government must be disclosed publicly, I think, is dangerous. It would not be tenable for any government, including the present Opposition, if and when they ever get to be the government again. They need to be very careful about establishing new standards that they themselves could not live with if they were returned to government.

I just sound the warning. I think Mr Moore is well aware of the importance of what I am saying, and I hope that he will come to another course of action to get the information he thinks is desirable to be made known to him in the public interest, rather than a sledge-hammer motion like this, which people will be inclined to vote for, not on the merits of the case but because there is a political point to be made. Everybody then has to live with the consequences, not just on this issue, because this will establish a precedent. I say to members: Be careful.

**MR HUMPHRIES** (Attorney-General) (12.13): Mr Speaker, I think an observer in the gallery, if there was one, listening to the debate throughout this morning - - -

**MR SPEAKER:** You will need leave to speak again, Mr Humphries.

**MR HUMPHRIES:** Mr Speaker, I withdrew the amendment I was about to speak to, so I would argue that I have not spoken in this debate.

**Mr Moore:** You need to have leave, Gary. Just seek leave.

**MR HUMPHRIES:** If you think I need leave, Mr Speaker, fine, I will seek it; but I have not spoken already on this motion. If you think I need it, I will ask for it.

Leave granted.

**MR HUMPHRIES:** I think anyone sitting in the gallery during this debate, if there was someone sitting there this morning, could be forgiven for being mightily confused. This morning we had a debate about a Public Accounts Committee report on access to Cabinet and other deliberative documents the property of previous governments.

**Mr Moore:** But this is not that.

**MR HUMPHRIES:** No. The argument being put at that stage by the Leader of the Opposition was that governments are entitled to have documents that were prepared at their behest, that were deliberative documents in their control, kept secret unless the government that created them consented to their release. That was her argument. It was a more embracing argument; it embraced many more documents than this Government happens to believe ought to be the case, but that was her argument.

Now we are saying that documents that, I would argue, are deliberative documents created by the Government are not entitled to be kept confidential to the Government that created them. I am advised that the document concerned actually carries a "Cabinet-in-confidence" stamp on it, because it was considered by the Cabinet. It was part of a Cabinet paper, it was put before the Cabinet, and it has that stamp on it. Can a member explain to me why it is all right to have a document like that kept secret if the Government had changed between now and when it was created, but it is not secret while the Government is still in office? It makes no sense at all.

**Mr Wood:** No, you have got it all wrong.

**MR HUMPHRIES:** I invite you to rise and explain, Mr Wood, how that apparent contradiction can be explained.

**Mr Wood:** "Cabinet-in-confidence", once through Cabinet, often means public information.

**MR HUMPHRIES:** It does, if Cabinet agrees to do that; but often Cabinet considers documents it does not then release, particularly the Cabinet papers themselves, the Cabinet documents themselves. If the Government has not released the document, then it is still a document within the purview of the Cabinet process.

**Ms McRae:** Why did you give it to the CPSU, then?

**MR HUMPHRIES:** We did not give it to the CPSU.

**Ms McRae:** They responded to thin air?

**MR HUMPHRIES:** No; elements of it were discussed with the CPSU, but the document itself has not been to the CPSU. They were part of the process of consultation that took place in the consultancy's work. The document itself has not been released to anybody outside the Government. There is a contradiction there that members have not yet explained, and I would appreciate it if they did so.

I accept the point made by Ms Tucker that we should be rethinking the way in which we consider these sorts of deliberative processes. Maybe we should be starting to put documents on the table at an earlier stage. Maybe there is a case for us progressively opening up the process of consideration of these sorts of issues within the Government process. All that is arguable and debatable and has an intellectual foundation that is worth considering. But the point I make about this particular document is that it was created and contributed to by various parties, including commercial parties, on the assumption that the document would not be released publicly. People were told when they submitted information to this process, "This information is not going to be publicly released. You can be frank and open about your commercial objectives in this process".



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I accept that we should reconsider the process, but not halfway through a particular process. We should do it in general terms, and we should make it prospective, not retrospective. We are very much playing with fire. Perhaps the Government will not be sued. Perhaps there will be no particular problem that arises out of this matter. Who knows? But maybe there will be. Maybe there will be some problem arising out of that, and then we are in a bit of trouble. I ask members of the Assembly to consider that.

Mr Moore, I think, or it might have been Ms Follett, made the comment about the thing being out in the community. They asked why this information should not be out in the community. First of all, let me say that I do not think most members of the community are actually interested; but there are certain members of the community who will be very interested in it. They would be members of the relevant unions who are involved in the process and obviously have to be involved in the process of implementation. Also, of course, other commercial parties who are interested in this process will be very interested in these documents, and you can be sure that they will be knocking on the door of the Assembly.

**Mr Moore:** All information technology people in small business in Canberra are interested in it, of course.

**MR HUMPHRIES:** Indeed, they are all interested, and they will all be getting copies of this document when it is tabled and seeing what they can use of it which is of value. They will be pretty interested to see what their competitors in some cases have contributed to this process - a most unfortunate precedent to be setting.

The final comment I make about this is that if those opposite in particular are so strongly of the view that documents of this kind ought to be out in the open, documents which are a commercial negotiation of some kind with the Government, indeed Cabinet documents, let them table the VITAB contract, which we have not to this day seen.

**Mr Wood:** We can throw that argument straight back at you.

**MR HUMPHRIES:** We are going to table those packages this afternoon, Mr Wood. That argument does not hold any water. You are the ones who say that we should open up commercial-in-confidence documents. That was the sole argument you used against the tabling of the VITAB contract. Let us see the VITAB contract here this afternoon. Let us see it, if you are fair dinkum about this.

**MR SPEAKER:** Mr Moore, where exactly do we stand with your motion?

**MR MOORE (12.20):** At the moment, Mr Speaker, the motion is there and I have circulated an amendment that has not yet been moved or spoken to.

**MR SPEAKER:** Are you going to move that now?

**MR MOORE:** I was just listening to the debate, Mr Speaker, and that is what I am giving consideration to. Having now given consideration to that, I will move the amendment circulated in my name and then explain what it is. I move:

After the word "Technology" add "(other than approximately ten pages which are 'commercial in confidence', which will be provided to Assembly Members)".

This is, indeed, a compromise and gives us the opportunity to assess what the Chief Minister and Mr Humphries are saying in their argument. If members support this, it reflects a very tolerant approach and will give us time to look at those pages and to assess whether or not we will bring it back into this Assembly and have those pages tabled as well.

I hear from the Government words like "illegal", "we will be sued", and so on. We are speaking about documents being tabled under parliamentary privilege, and as far as the use by members is concerned there is absolute privilege. As far as the broader use in the community is concerned, obviously there is qualified privilege. Mr Humphries understands those things. Mrs Carnell by now ought to understand them and I believe that she does. So to come in here and say that the argument is that this is going to be illegal carries no weight whatsoever. That is a power this Assembly has as a parliament of Australia. Indeed, documents that are tabled in the Assembly, and that is what we are dealing with, have parliamentary privilege. That is the first argument.

The second argument is that, because we have this document, there will be tenders put and the Government will miss out. That is exactly the flip side of the argument. Once people know roughly what the Government is thinking, then the tendering can be that much more vigorous and we will see that there is an advantage to the Government. I would also argue that there may be some disadvantages to the Government in financial terms of having a largely sunlight policy of allowing people to see what the Government is thinking. It seems to me that that is a price worth paying. When the community can see what is going on and they can understand what is going on, that is a much healthier situation. Indeed, that is the thrust behind what I am saying. We have here a very significant policy that we debated yesterday in a matter of public importance debate, a very significant change that can have a major impact not just on small business in this Territory but also on the union members involved, as the CPSU points out, and on the Public Service administration. It is a significant change.

I have put on the table that, under certain restraints and certain conditions, I believe that outsourcing has a place. It is not that I am opposed to the policy as such; it is that I think we have to do it right. If we get it wrong - and most of us agree that they got it wrong in South Australia, and I think the same could be said of many examples in New Zealand - we stand to have a major problem in terms of loss of business and loss of employment in the ACT. When we have a report like this - whether the Government agrees with it or not is another issue - let us get it out and table it. You have done it before. The Government distanced itself, and I must say quite appropriately, from that entirely inadequate report, *Governing Canberra*, which also attempted to talk about - - -

**Mr Humphries:** That was different, Michael. There was no commercial-in-confidence information in that.

**MR MOORE:** The Government said, “We can distance ourselves from that and still have a discussion about what is in it”. Mr Humphries again interjects that there was nothing commercial-in-confidence about that. I can hear, had we been aware of it at the time, an echo of exactly the same argument when they were discussing it with CRA: “We cannot tell the Assembly members about this \$11m we are going to waive because this is a commercial-in-confidence situation. If we allow CRA \$11m off, before we know it we will have BHP wanting to come here and have \$15m off. Then we will have Bond Corporation and Laurie Connell coming in and saying that they want their cut”. Fortunately, taxpayers have been saved significant money by Mr Connell's recent action, and I use that example deliberately.

The specific issue will always be that governments will cry commercial-in-confidence. That is a standard thing. They will even write on it “commercial-in-confidence”. They will write on it “Cabinet-in-confidence”. I have made it very clear in this Assembly for the last seven years that I do not believe in either of those. I have made compromises all the way along because I know that the majority of members do believe in those things, so I think it is appropriate to compromise. The compromise in putting this amendment, and I will explain carefully what I mean by this amendment, is to allow the Chief Minister to take out of it what she considers commercial-in-confidence and to make that available to Assembly members - it may well be that some pages actually have a blank spot in the middle in the initial instance; I can see that - provided that the ones with the missing pages or occasional blanks on pages are tabled and the members are provided with a copy of the full document. I must say that the Chief Minister did offer yesterday to provide us individually with a copy of the full document.

That having been done, we can determine whether or not we think the commercial-in-confidence issue is strong enough for the rest of the document not to be tabled and effectively made public. If that is the case, it will remain where it is. If we believe that it ought to be tabled, maybe this afternoon or maybe at the next sitting of the Assembly we will come back and demand that that be tabled as well. For the moment, the amendment to this motion is a compromise, and I think it is a sensible compromise to give us enough time to look at it and to talk about it.

**MRS CARNELL** (Chief Minister) (12.28): In speaking to Mr Moore's amendment, may I make the point again, particularly to those opposite who have been in government, that this is a Cabinet document. The only place it has gone is to Cabinet.

**Mr Moore:** Hold it up and show us where it says “Cabinet-in-confidence”.

**MRS CARNELL:** This is not the one that went to Cabinet, though. What it does say is “Commercial-in-confidence” all over it. The document was requested by Cabinet to make a decision. It was used for that purpose. It is an in-confidence document. Again, it has been part of a deliberative process. If this Assembly wants to take this approach, as Mr Kaine rightly said, then so be it. It just means that we should think about it very seriously. This document has tables in it which give the sort of information that would dramatically undermine our capacity, say, to sell the computers that are currently on our books, because it actually gives a depreciated value - not just the book value, which is the one on which we would hope people would tender, but a depreciated value as well.

By giving the depreciated value on the record, it means that nobody is going to bid above that. It also gives pages and pages of information that I expect will be extremely useful to the private sector. What you could do from now on is make sure that the Government does these sorts of consultancies, so that the private sector does not have to do its own, I suppose.

For all of that, to go down a path of making it public, rather than just making it available to members of the Assembly, I think, is a really dangerous approach. Certainly, the amendment makes it marginally better, but it will take some time for officers to go through the whole document and get rid of all the bits that are commercial-in-confidence. Unfortunately, they are not all in one slab. As Mr Moore said, bits will have to be taken out of it in various places. Again, I think the Assembly should think about it. Those opposite should think about their approach in the past. Ms Follett this morning made comments about deliberative documents. She said that they should not be available to the Assembly, should not even be available to the next government when it is looking at exactly the same issue.

We are talking now about a Cabinet document; we are talking about a precedent that could cause a problem. Again, I am operating here only on advice that I am being given by public servants, who I believe are doing a very good job in this area. The advice they give me is that it would be extraordinarily dangerous for this document to become public, that it would undermine their position substantially. I have to go on their advice, and that is the advice I am being given. If this Assembly believes that it knows better, without having seen the document, I am very surprised. Maybe what the Assembly should do is say, "Let us have a look at it and then make a decision on whether it is tabled".

**MS FOLLETT** (Leader of the Opposition) (12.31): Very briefly, this is the first we have heard from the Chief Minister that this is or was ever a Cabinet document. Having looked at the document, from where I stand to where it sits on Mrs Carnell's desk, I note that it has nowhere upon it any mark that says "Cabinet-in-confidence". It has been my experience in Cabinet that every copy of a document that goes to Cabinet is marked "Cabinet-in-confidence". Quite frankly, I have some doubts about whether this is a Cabinet document. Mrs Carnell has also said that I had argued for Cabinet documents to be offered greater protection. That is most certainly not what I said this morning. I said this morning that I took issue with the Government's definition of what constituted deliberative documents of a previous government. That was the import of my comments this morning, and I very much resent Mrs Carnell trying to twist and turn statements I made in the way that she has. Again, it indicates to me that she has something to hide.

What we are seeing here is a Government policy of massive change to the work force, of contracting out all of the information technology provision for the Government. That will affect many workers in the work force and it will affect the community, and on that basis alone the Assembly has a right to full information. On the general question of contracting out, we will see more and more of this commercial-in-confidence nonsense. All it means is that the community loses any notion of accountability for actions taken by government and for expenditure made by government. If contracting out means no accountability, frankly, the community would be much better off without it.

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**Mr Humphries:** On a point of order, Mr Speaker: I ask the Leader of the Opposition: Will she now table the VITAB contract as part of this process?

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

**MS FOLLETT:** For my own party's part, we are perfectly prepared to have a look at the document Mrs Carnell has brought down to the Assembly and to adjourn the debate until after members have had a look at it. I think that is an entirely reasonable approach and it is one we are certainly prepared to take. If the Government is not prepared to accede to that process, you have to doubt their motivation in this whole debate.

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

**Sitting suspended from 12.35 to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Nursing Homes**

**MS FOLLETT:** Mr Speaker, I direct a question without notice to Mrs Carnell in her capacity as Minister for Health and Community Care. In the last Assembly election campaign, in your Liberal ageing policy, on pages 5 and 6, you made a promise to:

Construct two new nursing homes, each of 80 bed capacity, in partnership with the not-for-profit sector, at Belconnen and Tuggeranong.

Last week in the Assembly, you said in relation to that promise:

The comment about nursing homes suggested that we promised two new nursing homes. Certainly, we did. One will open in Page later this year.

With this statement you claimed credit for the nursing home at Page as fulfilling your commitment to provide two new nursing homes. However, on 22 August 1995, you acknowledged that the Federal Government allocated 40 nursing home beds to Page in 1994, on the recommendation of the then Health Minister, Terry Connolly. Mrs Carnell, will you now concede that you have misled the house, and apologise?

**MRS CARNELL:** No. The reality is that a new nursing home at Page will open later this year. The ACT Government provided the land for those nursing home beds. We also undertook, as Ms Follett said, under the previous Government, to transfer the 40 beds from Lower Jindalee to Page, and also the 20 nursing home beds at Calvary Hospital that the ACT Government currently funds directly. The reality is that the ACT Government at this stage, with Page, plus keeping Jindalee in its current position - remember that that policy, or that - - -

**Ms Follett:** “We will construct two new nursing homes”.

**MRS CARNELL:** That policy was based upon us closing Jindalee Nursing Home, Mr Speaker. I have said often in this place that, yes, that was our initial position - we would close Jindalee Nursing Home, sell it for real estate, and build a new one. But, when we talked to the residents and when we talked to their carers, the view was that Jindalee Nursing Home was their home. They did not want us to close Jindalee in its current spot, they did not want us to sell the land, and they did not want us to build a new nursing home. So, rather than do that, we kept the current 84 beds at Upper Jindalee, exactly where they are. There was certainly no problem with levelling it, selling the land and building a new nursing home. That could have been done. However, after consulting with the residents, the people I would have thought those opposite would have cared about, it was determined that we would leave those 84 beds where they are, rather than have another 84 beds.

There was never any indication that Jindalee would stay where it was and that we would have another 84 beds, or 80 beds. In fact, we said quite categorically that that was not the case. The major reason that that is not the case, Mr Speaker, is that the Commonwealth Government sets the number of nursing home beds that this Territory can have. It sets it on the number of people over the age of 70 who exist in the ACT. At this stage our quota in Canberra is fully extended. You can have any number of new nursing homes, but they would not be subsidised by the Commonwealth.

**MS FOLLETT:** By way of a supplementary question, Mr Speaker, I would like Mrs Carnell to confirm two things: First of all, that she is not going to apologise to the Assembly for having misled them; secondly, that when she uses the word “we” - “We promised two new nursing homes ... One will open in Page later this year.” - “we” actually means the Commonwealth and Mr Connolly. Mrs Carnell, by using the royal “we”, in fact, is admitting that she had nothing whatsoever to do with it.

**MRS CARNELL:** Mr Speaker, I am fascinated by this because those opposite refuse to admit that they had entered into an arrangement to close Lower Jindalee earlier. They said, “No, it was not us; we did not do it. No, no, no. We did not enter into any agreements to close Lower Jindalee. It was not us”. Now they are saying, “Yes, it was us after all and we want credit”.

**Ms Follett:** I raise a point of order, Mr Speaker. My question and my supplementary question were directed to the question of Page nursing home, which Mrs Carnell quite fraudulently is claiming as an achievement of her Government. Her entire answers to both the question and the supplementary question were unrelated to that central theme.

**MR SPEAKER:** I do not believe that there is any point of order. I will ask the Chief Minister to clarify what I understood - that the Jindalee equation was part of the question of Page and it involved beds. Am I correct in this?

**Ms Follett:** No; I will read the question again, if you like.

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**Mr Berry:** Mr Speaker, I raise a point of order. I think the questions come from us, not from the Speaker.

**MR SPEAKER:** Well, thank you! I am seeking clarification from the Chief Minister in order to clarify the point of order raised by Ms Follett.

**MRS CARNELL:** Mr Speaker, I am very happy to clarify the situation. The reality is that the Federal Government only undertook to fund the beds at Page on the decommissioning of the beds at Lower Jindalee.

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

### **Leasehold System**

**MR KAINE:** My question is to the Minister for Planning, Mr Humphries. There has been some pressure over recent years for the ACT to move to a system of freehold rather than leasehold. It has long been the policy of the Liberal Party that we would maintain the leasehold system and aim for a perpetual leasehold system. The Stein report, recently released, in fact supports that notion. Can you inform the Assembly as to whether the Government is likely to change its approach to the use of land in the Territory and move from a perpetual leasehold concept to a freehold concept? Will we continue to stick with the Liberal Party policy of perpetual leasehold?

**Mr Berry:** Mr Speaker, I raise a point of order. This clearly anticipates debate on a matter which is already on the notice paper. I refer you to the discussion of a matter of public importance from Mr Wood, which is the importance of retaining the ACT leasehold system. The question clearly anticipates debate and should be disallowed.

**MR SPEAKER:** I do not uphold that point of order.

**Mr Berry:** Mr Speaker, we are shocked and amazed.

**MR SPEAKER:** In which case you should sit down and relax for a while. You will get over your shock and amazement. My understanding of the question was whether or not one or another type of leasehold or non-leasehold was going to be either accepted or rejected by this Government.

**Mr Berry:** Mr Speaker, I raise a point of order.

**MR SPEAKER:** Just a moment.

**Mr Berry:** No, no. Mr Speaker - - -

**MR SPEAKER:** The question here is the importance of retaining the ACT leasehold system. I do not believe that it is in conflict or anticipates debate at all.

**Mr Berry:** Perhaps, Mr Speaker, you could have Mr Kaine ask the question again so that we can hear it clearly.

**Mr Kaine:** On that point of order, Mr Speaker: I think the Minister understands the question very well, even if Mr Berry does not.

**MR SPEAKER:** I am sure that if he does not, Mr Kaine, he will ask you to clarify it.

**MR HUMPHRIES:** Indeed, Mr Speaker. I note that this does not anticipate any matter on the notice paper because it is on the daily program, not the notice paper. Mr Speaker, I thank Mr Kaine for the question. I am sorry that he spoilt Mr Wood's fun by asking it. The question about how the Government views the leasehold system is a very good question and one which the Government will be grappling with in the coming few months as we develop our response to the Stein/Stain/Steen inquiry.

**Ms Follett:** Stein.

**MR HUMPHRIES:** I believe that Justice Stein actually wanted it pronounced Steen. Ms Follett obviously knows Justice Stein intimately and knows better than I do. I have heard her former deputy describe it as the Stain report, so I am not really sure what pronunciation is correct.

Mr Speaker, much has been said about this report which has excited great interest in the community. It suggested, for one thing, that there should not be a move towards a freehold system of land tenure in the ACT, and that a number of elements, not necessarily all of them, of the present leasehold system should be retained. My party went to the last election with a set of promises which it takes quite seriously. One of those promises was that the Government would, for example, engineer some changes to the leasehold system. The leasehold system, it needs to be acknowledged, has changed enormously in the last 25 or so years. Ever since the Gorton Government decided, effectively, to cease the practice of collecting premiums or land rent for ACT leasehold, the system has been in a state of continuous change. This report, I think, only puts on the table another series of proposed changes or possible changes that should be considered.

My view, Mr Speaker, is that I and my colleagues on this side of the chamber have a policy which was delivered to us by our party, a democratically formed policy which we are all bound to under the rules of the Liberal Party. My party, in government, commissioned a quite extensive and expensive report on the leasehold system. That report has been much criticised from all quarters in the ACT; it also has been supported in many quarters of the ACT. My view is that my party will need to consider, in a formal sense, through its policy-making process, whether it should change in any way its present policy on the leasehold system, but that, for the time being, my colleagues and I are bound by the printed policy for the 1995 ACT election campaign.

Mr Speaker, one thing that I do think is appropriate is that whatever policy we adopt in this place should be determined for the ACT by the ACT Legislative Assembly, not by somebody else such as the Commonwealth Parliament. I welcome the proposal made in recent days to give the ACT Assembly the power to determine that question.



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It is not anybody else's business. The management of a Commonwealth Territory might have been relevant 50 years ago when it was truly a Federal Territory. It is today a Territory, self-governing in every real sense of the word, with the right to make the decisions about fundamental issues such as its system of land tenure and holding. That decision should be made by the people of the Territory through the ACT Legislative Assembly.

### **CRA Ltd - Waiver of Stamp Duty**

**MR WOOD:** Mr Speaker, I have a question to Mrs Carnell in her capacity as Chief Minister. I refer her to answers in the Assembly yesterday in attempting to explain away the gift to the CRA group of \$10.8m. Mrs Carnell said in answer to Ms Follett's question:

CRA have not gone ahead with their restructuring in any State that has not offered the exemption.

Mrs Carnell repeated that position in relation to my question. However, in answer to Mr Moore's supplementary question, Mrs Carnell said:

The two States that have waived with regard to CRA are New South Wales and Victoria ... I do not believe that they have actually approached anyone else.

My question is: Which of those statements is true, and which of the two was misleading the Assembly?

**MRS CARNELL:** Mr Wood, they are both true. My understanding is that New South Wales and Victoria are the two major States of incorporation of CRA companies. That is where the vast percentage of their companies are currently - - -

**Ms Follett:** They cannot both be true. One of them is untrue.

**MRS CARNELL:** No, both can be true. They have currently approached New South Wales and Victoria. New South Wales and Victoria have waived their stamp duty and restructuring has happened. As far as I know, they have not approached any other States. The only other State with any major incorporation of CRA companies is Western Australia. My understanding is that they have not officially approached the Western Australian Government at the moment because they are in the process of relooking at their legislation.

**Ms Follett:** You said that they did not go ahead with the restructure. They did not go ahead where any State is not - - -

**MRS CARNELL:** Excuse me.

**MR SPEAKER:** Order! Mr Wood asked the question.

**MRS CARNELL:** Mr Speaker, maybe it will be easier if I say it again. CRA has not gone ahead with any restructuring in any State that has not given an exemption. They have approached the New South Wales Government, the ACT Government and the Victorian Government. Two of those States and the ACT have given a waiver and restructuring has gone ahead. I said that, to my knowledge, no official approach has been made to any other government in Australia. I think that makes it very clear.

### **Private Health Insurance**

**MR HIRD:** Mr Speaker, my question is directed to the Chief Minister in her capacity as Minister for Health and Community Care. I refer the Minister to the massive decline in private health insurance membership that is occurring throughout Australia today, but in particular here in this Territory. Minister, what impact has this enormous decline had on the ACT public health system?

**MRS CARNELL:** Thank you very much, Mr Hird. Mr Speaker, the number of Australians with private health insurance currently stands at 34.5 per cent.

**Ms McRae:** What has this to do with her?

**MRS CARNELL:** It has a lot to do with the funding of Woden Valley Hospital, I can promise you; in fact, it has an enormous amount to do with the problems we have in health funding in this Territory. Thirteen years ago, when the Federal Labor Government came to office, there was 63.7 per cent of Australians with private cover. We have gone from 63.7 per cent to 34.5 per cent. This means that every single day about 1,000 Australians are dropping out of private cover. Far from stemming the exodus from private health insurance, the Federal Labor Government's health insurance legislation seems to have had very little impact on the crisis - potentially no impact at all.

**Mr Berry:** It is not a crisis; it is a good thing.

**MRS CARNELL:** There we are; Mr Berry thinks this is a good thing. Mr Berry obviously believes that the health insurance legislation put forward by his Federal colleagues to try to stop the exodus was a stupid move, because Mr Berry obviously thinks it does not matter. Mr Speaker, the *Canberra Times* commented in October last year and said this:

The financial burden for fewer private patients is largely falling on the States, yet only the Commonwealth can do much about it.

The newspaper went on to say:

State and Territory public hospitals, which are obliged under the Medicare agreement to take all comers, get less revenue because federal health policy has permitted the rundown of private insurance.

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If Mr Berry believes that less revenue to the ACT health system does not matter, he is really wrong. In 1989-90 the percentage of private patients treated at Woden Valley Hospital was 41.3 per cent. By 1994-95 this had plummeted to 17.6 per cent. The latest figures show that the private patient separations are currently around 14 per cent, just one-third of what they were six years ago.

Mr Speaker, I think this really clarifies the whole situation. Over the period since self-government there has been a loss of revenue of \$20m.

**Mr Hird:** How much?

**MRS CARNELL:** A loss of \$20m to ACT Health. In fact, this year alone there is a potential loss of \$4m. Mr Berry says that that does not matter. Ms Follett said that that does not matter. The reality is, Mr Speaker, that at Woden Valley Hospital it still costs 30 per cent more to treat an average patient. Add to that the problems with private health insurance, a \$4m gap, and what you end up with, Mr Speaker, is a very real problem. You end up with people on waiting lists for longer than they should be, and, obviously, budget blow-outs. All I can hope, Mr Speaker, is that when people go to the polls on Saturday to elect a new Federal government - - -

**Mr Whitecross:** A Federal election comment, Mr Speaker.

**MRS CARNELL:** No. The issue of private health insurance and the effect that has on Canberra's hospital system is something that people take seriously. The comments that I have just made were made regularly by Mr Connolly.

### **Public Service - Enterprise Bargaining**

**MR BERRY:** Mr Speaker, I have a question to put to the Chief Minister. Noting the Government's initial threat to lock workers out of their jobs because they disagreed with the Government, noting the Government's subsequent loss of interest in the threat because of the impact it might have on the Federal Liberal Party's election chances, and noting the Federal Liberal Party's industrial relations policies, will the Chief Minister now give an unequivocal commitment - I say it again, an unequivocal commitment - to this Assembly that workers will not be locked out of ACT government workplaces during the course of the current industrial dispute over an enterprise agreement? An unequivocal commitment is what I want.

**MRS CARNELL:** Thank you very much, Mr Berry, for that question. This Government has absolutely no wish to lock anybody out of anywhere. What this Government always wanted to do was to go to the umpire, to go to the commission. What happened last year, Mr Speaker, was that unions filed a notification under section 170, a very interesting part of the Federal industrial relations legislation. The unions filed the notification under section 170, not the Government. I promise this Assembly that we did not file a notification under section 170.

**Mr Berry:** Mr Speaker, I have no interest in a summary of the Industrial Relations Act. What I want is a clear yes or no as to whether the Chief Minister will agree not to lock out workers from their jobs because they disagree with them.

**MR SPEAKER:** I am not sure that you are going to get an unequivocal yes or no. The Chief Minister is answering the question.

**MRS CARNELL:** Under section 170 of the Federal Industrial Relations Act, guess what, Mr Speaker! Guess what options are available to the Government if unions go on strike, stay out forever, or whatever they might do. There are two options. One option is lockouts. The only other option is in circumstances where lives are put at risk by bans or strikes or, alternatively, the Federal economy is being damaged. It is very difficult for the ACT economy to cause a big problem to the Federal economy. In those two circumstances we can go back to the tribunal.

**Mr Berry:** Mr Speaker, this is outrageous. I take a point of order.

**MRS CARNELL:** There are no other options.

**Mr Berry:** Mr Speaker, the question was plain: Will the Chief Minister give us an unequivocal commitment that she will not lock workers out? We do not need her rendition of what the Industrial Relations Act says. We just need an answer, an unequivocal response.

**Mr De Domenico:** Speaking to that point of order, Mr Speaker, I refer you to standing order 61. I suggest that you tell Mr Berry that he should not interrupt the Chief Minister while she is answering his question.

**MR SPEAKER:** Certainly, the Chief Minister is answering the question, as far as I am concerned. Whether she wishes to do it unequivocally, the way the questioner wants it, I am afraid is entirely up to her.

**MRS CARNELL:** Mr Speaker, I thought I made it very clear. If they all decide to leave, to all go home and not come back, or decide to do anything to this Territory, except if they endanger lives or, alternatively, the national economy, the only option left to the Government under the Federal industrial relations legislation is lockouts. The last thing this Government wants to do, the absolutely last thing we want to do, is go down the path of lockouts.

**Mr Berry:** I raise this point of order again. The subject matter of my question was very clear. Will the Chief Minister give an unequivocal commitment that she will not lock workers out? That is the subject matter. Get to the subject matter and answer it. Yes or no - that is all we want - or else refuse to answer it.

**Mr Humphries:** Mr Speaker, I rise on a point of order also. Mr Berry has made the same point of order three times, and three times he has been overruled by the Chair. There comes a point where I think you, as Speaker, are entitled, under the provisions available in the standing orders, to deal with a member who flagrantly disregards your ruling. Mr Berry well knows, from his experience as a Minister, that Ministers may

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answer questions as they see fit, and include other material as they see fit, which he did plenty of times, if people want to check the records of *Hansard*. For him to now demand repeatedly that this should happen here is a defiance of your ruling, and he should be named.

**Mr Berry:** Mr Speaker, speaking to that point of order: Mr Humphries said in his speech in support of his point of order, “He well knows that Ministers can answer questions how they want to”. That is not quite true. In fact, it is quite wrong. Standing order 118 says:

The answer to a question without notice:

(a) shall be concise and confined to the subject matter of the question; ...

That is a very strong standing order. All I am asking the Chief Minister to do is to stick to the subject matter, and that is a question. Yes or no.

**MR SPEAKER:** First of all, to deal with the points of order, I do not uphold Mr Humphries's point of order. I can only agree with it. I think that the Chief Minister has answered the question. I do not uphold the point of order in relation to standing order 118(a) in the way that you like to interpret it. An answer “shall be concise and confined to the subject matter of the question”. Listening to the Chief Minister's response, I do not know that it was concise, but it was certainly confined to the subject matter of the question. Mr Humphries invited me to take some further action because this was the third time that I had not upheld your point of order, Mr Berry. I am feeling benign today. I will simply say for the fourth time that I do not uphold your point of order.

**MR BERRY:** I have a supplementary question, Mr Speaker.

**Mr Kaine:** I think it is time to deal with the member, Mr Speaker. He is about to protest again.

**Mrs Carnell:** He is about to ask the same question again.

**MR SPEAKER:** Order!

**MR BERRY:** I hear interjections from your party colleagues, Mr Speaker, that it is time to deal with a member for asking supplementary questions.

**MR SPEAKER:** Order! Ask your supplementary question.

**MR BERRY:** My supplementary question is again directed to the Chief Minister. It is true, then, that lockouts are still on your agenda?

**MR SPEAKER:** Wait a minute. There is an inference in that, which is in breach of standing order 117(b)(iii), or an imputation, if you like, which is set out in standing order 117(b)(iv).

**MR BERRY:** Well, are they or are they not?

**MRS CARNELL:** Mr Speaker, I will say again that the only option given by Federal Labor Party legislation after - - -

**Mr De Domenico:** The law.

**MRS CARNELL:** The law. Once unions file 170s - as they did - and give appropriate notice, it is the law. It is in the Act, Mr Berry. The options for the Government are, one, lockouts; two, under very specific circumstances, where lives are at risk or the national economy is at risk, to go back to the tribunal.

**Mr Berry:** Mr Speaker, to save time, I take it that the answer is yes.

**MRS CARNELL:** Those are the only two options.

### **Homebirth Program**

**MS TUCKER:** My question is to Mrs Carnell as Minister for Health and Community Care. In response to a question from my colleague Ms Horodny last October about whether homebirths would be an option under the community midwife program by March this year, as you had promised, you stated that you would stand by that commitment. March is approaching fast. I have been informed that there are women on the program who have been expecting to have the option of homebirth in March. Will the Minister give women on the community midwife program an assurance that homebirth will be available as an option in March? If not, when will it be an option?

**MRS CARNELL:** Thank you very much for that question. My advice is that it is on track for homebirths to be available, but I will give a fuller answer, hopefully later on this afternoon.

### **Noise Pollution**

**MR MOORE:** Mr Speaker, I have a question for Gary Humphries, of which I have given him quite some notice. In fact, I indicated to his office on 2 February that I would be asking a question about this issue.

**MR SPEAKER:** I hope that you will refer to the Minister by his correct title. Which portfolio are you addressing, Mr Moore?

**MR MOORE:** Mr Humphries, as Minister for Planning and the Environment. Did you monitor noise levels for the gathering of motorbikes at EPIC on 4 February 1996? If so, can you indicate to us what they were? By how much did they exceed the permissible level, and why did you grant an exemption for those noise levels?

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**MR HUMPHRIES:** I could not quite hear you. Did you refer to motorbikes at Fairbairn Park?

**Mr Moore:** No, at EPIC.

**MR HUMPHRIES:** Mr Speaker, I do not recall having received notice about this question but - - -

**Mr Moore:** Your office is breaking down.

**MR HUMPHRIES:** If Mr Moore says that he gave me the request I will take him at his word, but I cannot recall having received it.

**Mr Moore:** Mr Speaker, perhaps I could clarify this for the Minister. I informed his office, before the meeting took place so that they would be able to monitor it, that I would be asking this question. The meeting took place on 4 February. I informed his office on 2 February that I would be asking a question of this nature.

**MR HUMPHRIES:** Mr Speaker, as it happens, there is an answer in here on that question. It must have worked.

**Mr Moore:** Your office has been efficient. You just did not read it.

**MR HUMPHRIES:** The system must work. Obviously they are more efficient than I am.

**Mr Moore:** That comes as no surprise to anybody.

**MR HUMPHRIES:** Thank you.

**MR SPEAKER:** You might like to monitor the noise levels in here sometimes too, Minister.

**MR HUMPHRIES:** I think we might have to, Mr Speaker. These files are not normally very useful. I am quite pleased to find that there is something in here that does help me today.

The Noise Control Act includes a provision to grant exemptions from the general requirement for noise to be kept to background plus five decibels at the nearest affected residence so that occasional events such as the Longtrack Speedway, outdoor concerts for charity, et cetera, can be held. It also provides for appeals from people, including local residents, directly affected by the decision.

The Longtrack Speedway event was granted an exemption of background plus 15 decibels at the nearest affected residence. To put this in context, the noise level emitted by a lawn-mower next-door will normally be approximately plus 20 decibels above background noise. A busy office would have a noise level similar to that emitted by the bikes and measured at the nearest affected residence. I dare say that this Assembly

reaches that level quite easily on occasions as well. The exemption reflected the view that plus 15 decibels would not impact unduly on residents. The level was set lower than the previous year in the light of advice from an acoustic consultant that changes in technology would reduce bike noise, and assurances from the organisers that they would closely control participants.

The licence was granted subject to the condition that affected residents were given notice by letterbox drop and that an independent consultant was engaged to measure noise levels during the event. The event complied with its exemption as the occasional minor exceedances noted on the consultant's reports were within normal equipment tolerances. No complaints were received by - - -

**Mr Moore:** At what levels? They were up to 15 above.

**MR HUMPHRIES:** I do not know what the normal tolerances are. I imagine that it was a few decibels either side of that, but I can check for you, Mr Moore, and find out.

**Mr Moore:** I think you had better do that, because it sounds like a snow.

**MR HUMPHRIES:** I can check to find out exactly what the tolerances are. No complaints were received by pollution control inspectors or EPIC management in relation to this event. An appeal to the Administrative Appeals Tribunal by several Watson residents, which was rejected by the tribunal on technical grounds, apparently received no support from those Watson residents who are closest to EPIC.

**MR MOORE:** I have a supplementary question, Mr Speaker. I think Mr Humphries indicated to me that he would find out those exact levels. I want to make sure that that is the case.

**MR HUMPHRIES:** Yes, I will find out what are the tolerances I refer to here as the tolerances from the plus 15 decibels exemption.

### **Graffiti Removal Squad**

**MR WHITECROSS:** Mr Speaker, my question without notice is to Mr De Domenico in his capacity as Minister for Urban Services. Minister, in the Estimates Committee last year you gave an assurance that staff employed in the Can It Squad would receive adequate chemical handling training before they were engaged in the removal of graffiti. Can you confirm that since that time the Can It Squad has had a substantial turnover of staff and that the staff who are currently actively engaged in the removal of graffiti have received no training in the handling of the dangerous chemicals involved?

**MR DE DOMENICO:** I thank Mr Whitecross for his question. No, I cannot say yes or no as to whether there has been a turnover of staff. I can give Mr Whitecross an assurance that people currently working in the Can It Squad will receive the training required for them to handle the materials that they need to handle.



**MR WHITECROSS:** I have a supplementary question. If the Minister is investigating that, maybe he would also be able to confirm that currently Can It Squad members are using chemicals which are meant to be dabbed onto surfaces, or painted on, and that they are actually atomising them, which means that they can be inhaled, and that playground equipment is being cleaned with toxic chemicals without any withholding period from children using that equipment after it is cleaned.

**MR DE DOMENICO:** I cannot confirm that either, Mr Speaker, but I will ask and I will let Mr Whitecross know.

### **Phillip Testing Station**

**MS McRAE:** Mr Speaker, my question is to Mr De Domenico in his capacity as Minister for Urban Services. Minister, after the amazing way you have implemented the restructuring of the vehicle testing system in the ACT, the Canberra public is now painfully aware that they can no longer have their vehicles inspected at the Phillip Testing Station. They are also, unfortunately, unaware that they can still access the services previously provided by the office staff, such as the payment of traffic infringement notices, drivers licences and vehicle registration. Minister, have you or members of your staff at any stage prevented the Department of Urban Services from advertising the fact that the services previously mentioned are still available from the Phillip Testing Station, or is it your intention to reduce those services to the point where you can justify its total closure?

**MR DE DOMENICO:** Mr Speaker, I thank Ms McRae for the question. Ms McRae should realise that the policy implemented by this Government is in fact identical to the policy that was going to be implemented by the previous Government. Whether Ms McRae or members opposite realise it or not, it was as a result of a report commissioned by Mr Lamont, in fact, following comments made by Mr Connolly, the Minister before Mr Lamont, the year before in the Estimates Committee, suggesting that this report, and the experience in South Australia, meant that it was not the right thing to do to continue going the way we were. Whether Ms McRae and members opposite like that or not, we happen to agree with that policy.

Ms McRae, you asked me a direct question. No, I certainly have not prevented anyone from Urban Services from doing anything of the sort. I will ask my staff whether they have. I doubt whether they have either. We will tell the people of the ACT exactly what we think ought to happen, which is what your Government said when you were in government. We agree with your policy. The system in place now is having some teething problems. I know that Mr Whitecross tried to make hay while the sun shines when nobody read the *Canberra Times* during Christmas, but that is fine. He got his name in print. We know that Mr Whitecross is very ambitious for certain things. It will not be the last time. Ms McRae, we think the policy in place now is a good policy. It has teething problems - there is no doubt about that - but anything that is new will have teething problems. Quite candidly, I think the system that is going now will work. From 1 January 1997, hopefully, the green slip system will be introduced, which is similar to New South Wales. We will be licensing some private sector operators to give approval for the motor vehicle inspections. I think the system will work.

**MS McRAE:** Mr De Domenico, when will we see advertisements to clarify for the general public the services that are provided at the Phillip Testing Station? At the moment nobody knows about them.

**MR DE DOMENICO:** Mr Speaker, I do not accept Ms McRae's statement that nobody knows about it. I have had very few queries, if any, through my office about the fact that nobody knows about it. Should the Government consider that some advertising is required, it will undertake that advertising.

### **Bicycle Paths**

**MS HORODNY:** My question is to the Minister for Urban Services, Mr De Domenico. As the Minister should be aware, some 5 per cent to 8 per cent of the population of the ACT commute to work by bicycle. Given that there is an identified \$3 community benefit for every \$1 spent on cycling - this is formally recognised by your Department of Urban Services - why is it that significant funds are being spent on expanding our roads to cope with peak hour traffic, such as \$1.25m to be spent on William Slim Drive, when only a token amount is being spent on improving the transport system for the 5 per cent to 8 per cent who commute by bicycle each day and whose contribution to keeping our roads uncluttered during peak times needs to be financially recognised?

**MR DE DOMENICO:** I thank Ms Horodny for her question. I will answer it in two ways. First of all, whilst 5 per cent or 6 per cent might use bicycle paths, 94 per cent use roads, and we have to cater for those 94 per cent as well.

**Ms Tucker:** Maybe you would get more people using the bikes if you increased it.

**MR DE DOMENICO:** I am sorry, but it was Ms Horodny who asked the question, Ms Tucker. If you want to ask another one, do so. Ms Horodny would be aware that the ACT has perhaps the best bicycle track system in the world.

**Ms McRae:** It is a good system, but I would not say that it is the best in the world.

**MR DE DOMENICO:** Consecutive governments, Liberal and Labor, spent a lot of money on bicycle systems. It is the best in the world, Ms McRae.

**Ms McRae:** I will tell you about a few bits and pieces, Mr De Domenico.

**MR DE DOMENICO:** In my opinion, Ms McRae, it is the best in the world. I will continue to say that until someone proves me wrong. I am very proud of the bicycle track system in the ACT, and I hope that you are as well. Ms Horodny, we will continue to spend money when we can afford it. We also have to cater for the fact that the majority of people in this town happen to want to use cars.

### **Binge Drinking**

**MR OSBORNE:** Mr Speaker, my question is to Mrs Carnell in her capacity as Chief Minister. I am addressing this question to you, Mrs Carnell, because I do not believe that this issue is confined to one portfolio. One of the most serious issues facing our young people, right across the ACT, is that commonly referred to habit of binge drinking. By young people I mean high school age people, but it does cover a wide section of the community.

**Mr Berry:** They are all in bed by 3 o'clock, Ossie.

**MR OSBORNE:** They will be soon, Wayne. Mrs Carnell, what is your Government doing, or intending to do, to address this ever increasing problem?

**MRS CARNELL:** Gary Humphries made an extremely long statement on how we were going to handle these sorts of issues in the future. I think Mr Humphries made it very clear that we were extremely concerned about binge drinking, particularly at night in Civic and in other places around Canberra. A strategy was put in place over summer to see whether the problem could be addressed within existing legislation. Summer is not over yet and we have not had a look at the results of that trial, shall we say.

Having been out with the police on Saturday night, I think the situation is somewhat better than it was last time I went out, which was last year; but the problem is still definitely there. There were young people lying on benches, vomiting. It really was pretty ordinary. We, as an Assembly, are looking at harm minimisation. Allow young people to have a few drinks, certainly, as long as they are over the age of 18; but make sure that the damage they can do to themselves is as minimal as possible. We will look at the results of the summer trial, shall we say. We will certainly be looking at the legislation that you put on the table in this place, and looking at a longer term approach to this very real problem.

**MR OSBORNE:** In the early part of last year, Mrs Carnell, there was a three-month trial, jointly funded by both the health and education budgets, for a trained teacher to travel around our schools teaching specialised units on, among other things, binge drinking and drug education. I have heard that that trial was received very well and was a raging success. Will this program be enlarged? Will it be returned? Is this something that your Government is looking at?

**MRS CARNELL:** Drug education generally in our schools is an issue that has been addressed, and is continuing to be addressed. With drug education generally, we need to make sure that it hits the mark; that it is not just something that we feel comfortable about, but actually addresses the problem at school level. An Assembly committee that I was part of - I think Mr Moore was, too - looked at this issue in depth and found that it really was not all that simple. One of the great problems of having somebody going into the schools and giving that sort of education is that it often does not fit with an overall program. It was determined at that stage that the better approach was to have a format for drug education that was part of the curriculum - I think we suggested this at that committee - that started at kindergarten level. That was very much part of the whole process.

There are a number of very good programs operating where people go into schools and explain their own situation or their own experiences. I am not ruling out any of those, but I believe that drug education has to start early and has to be part of our curriculum. It means that we have to make sure that our teachers are part of that process; that they are well trained; that they know what they are doing; and that our kids come through the system, not just for three months, not just with someone coming in once a week or once a month. This must be part of the way they grow up.

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

**Ms Follett:** Mr Speaker, I raise a point of order. In the course of question time a supplementary question was asked by Mr Berry and you made a comment or a ruling - I am not sure which, because you did not actually rule the supplementary question out of order - under standing order 117(b)(iv), I believe, that Mr Berry's supplementary question was out of order as it contained an imputation. It is my view that that was not the case, with respect, Mr Speaker. Would you examine that matter in the *Hansard* and report back on it?

**MR SPEAKER:** Certainly, I undertake to do that.

**AUDITOR-GENERAL - REPORT NO. 1 OF 1996**  
**Legislative Assembly Members' Superannuation Payments and Members' Staff**  
**Allowances and Severance Payments**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 1 of 1996, Legislative Assembly Members' Superannuation Payments and Members' Staff Allowances and Severance Payments.

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

That the Assembly authorises the publication of Auditor-General's Report No. 1 of 1996.

**PUBLIC SECTOR MANAGEMENT ACT - CONTRACTS**  
**Papers**

**MRS CARNELL** (Chief Minister) (3.16): Mr Speaker, for the information of members, and pursuant to section 30 of the Public Sector Management Act 1994, I present copies of each contract made with chief executives, and I move:

That the Assembly takes note of the papers.

Mr Speaker, I present the first set of executive contracts. The Government has initiated a number of significant service-wide reforms, including the customer commitment program, a complete overhaul of financial management, and the review of public sector workers compensation arrangements. These executive contracts are central to this reform program. They reflect the Government's view that reform must begin at the top.

There are a number of themes behind our public sector reform. These themes are customer service, improving productivity, transparency, and improved performance and accountability. The executive contracts provide a mechanism for improved performance and accountability at the senior level and thereby build a performance culture throughout the whole ACT Public Service. Such a performance culture will considerably enhance the ACT Public Service focus on service delivery to the people of the Territory. These contracts spell out exactly what the executive's job is, and they are linked directly to our financial reforms. They detail the outputs to be delivered against specific outcomes. The level of performance the executive is expected to attain is also clearly set out and will frequently be measured and assessed against meaningful performance indicators.

I am pleased to present this first set of contracts, which mark the commencement of a new era in the Public Service. I look forward to finalising executive contract arrangements so that the responsibility and accountability can be clearly established. Today I present six contracts, each for an officer in the Chief Minister's Department. One deals with the employment of the chief executive, two with the employment of executives, and three are for temporary performance of executive officers. I will present other contracts as they are made.

Unfortunately, Mr Speaker, I am able to provide only one copy of each of these contracts. That is because a group of people picketing this building intimidated, both verbally and physically, staff of the Chief Minister's Department who were attempting to deliver copies of the contracts this morning. I think it is a matter of some concern for all Assembly members that the operation of this place is being disrupted by what can be described only as the bullying tactics of the picketers. Finally, I would like to alert members to the issue of privacy of personal information that may be in the contracts or the performance agreements. I ask that members deal sensitively with the information contained in these documents and respect the privacy of individual executives.

**MS FOLLETT** (Leader of the Opposition) (3.19): I would like to speak on the matter very briefly, Mr Speaker, just to respond to the quite scandalous allegations Mrs Carnell has made about the actions of people who are staffing a peaceful picket. Mrs Carnell may be unaware of the provisions of a goods and services picket, but I will tell her that a goods and services picket is a legitimate form of protest by people exercising their democratic right to object to the treatment being meted out to them by their employer, and that is what is happening. The picketers have every right to be there on a picket. Mrs Carnell has sought throughout this industrial dispute to provoke a confrontationist attitude, and to accuse picketers of bullying, of intimidation, I believe, is further provocation. I repeat that people taking industrial action have every right to do so in our democratic society.

**Mrs Carnell:** Yes, they do, but not to intimidate.

**MS FOLLETT:** Mrs Carnell finds that hard to cope with. She has lost five to nil in the Industrial Relations Commission, and she deserved to. I believe that it is just an act of further provocation for Mrs Carnell to come into this place and make those kinds of allegations. I do not believe for one minute that this Chief Minister has any intention of seeking a resolution of this industrial dispute, otherwise we would see a conciliatory approach from her. All we have seen is insults thrown around, mostly at people who cannot defend themselves, and a total denial of the democratic rights of her own workers. I think it is a disgrace.

**MR MOORE (3.21):** Mr Speaker, it is very interesting for me to listen to this. Early the other morning on the radio I heard one of the union leaders pointing out that the pickets had been completely peaceful and with no intimidation at all. With reference to the vast majority of people on those pickets, that certainly is the case. They have been polite, friendly, carrying out their peaceful protests in the way they should. Unfortunately, there has been a small minority of people in those pickets who have intimidated, who have used inappropriate language, as far as I am concerned, and who have acted inappropriately. I must emphasise, in saying that, that it has been a very small minority and, furthermore, it also has not happened, to the best of my knowledge, for the last couple of days, after the issue was drawn to attention. Whenever there is a picket of that nature, there are always likely to be some people who do not act in the way they ought to act, and I think it is appropriate for us to indicate in this Assembly, if that is where the impact is known, that that is inappropriate conduct for those individuals.

I do not think it is reasonable to extrapolate from that that the whole picket is in any way out of control or acting inappropriately all the time. However, there have been examples that I am aware of where people have been harassed, and I think that is entirely inappropriate. So, whilst I support the Chief Minister in what she is saying and I know that to be the case, and I know that a union leader was on radio saying that it does not happen, that is not the case. It has happened. At the same time, I think it is appropriate for us to emphasise that the vast majority, probably 95 per cent or more, of the people on the pickets are acting appropriately, and that needs to be recognised.

**MR DE DOMENICO (Minister for Urban Services) (3.23):** Very briefly, Mr Speaker, I need to point out that Mrs Carnell did not say that things were out of control. She did emphasise that there were occasions she was aware of, and I have been aware of them as well, where people have been less than nice - let me use that word. Mrs Carnell and I have been abused, or spoken to in less than endearing terms. That is fine. We are here and we can take that. But when members of staff are complaining that some small minority of people allegedly involved in the pickets - I will try to be as nice as I can - are hurling abuse and sometimes getting very close to physical abuse, I think that is un-Australian and it is intolerable. Notwithstanding that I am a strong believer in people's right to do whatever they want to within the law, those people's rights ought to be blended with responsibilities as well. I have been made aware of times when staff members have been intimidated. I think that is wrong, and I ask those union leaders, most of whom are very responsible people, to make sure that their responsibility permeates across the board to make sure that, if those pickets are there, they are as peaceful as possible and respect the rights of other people who happen to disagree with the pickets being there.

**MR BERRY** (3.25): I find it, frankly, unbelievable that members opposite accept none of the responsibility for the picket line that is around this place. Mr De Domenico gets near a radio microphone and cannot help himself. He has to call the workers greedy. That is intimidatory. Put Mrs Carnell in front of a television camera with a microphone in front of her face and she accuses the workers of being thugs. Mrs Carnell is the one who threatened to lock workers out of their jobs. There are no laws that require you to be couth; one knows that. The facts of the matter are that there are a whole bunch of workers out there who have their backs against the wall because of the policies of you lot, and that is why there is a goods and services picket line around this place.

I heard Mr Moore say that a few people had directed a few words at him. I have to say that it does not surprise me, because the unionists out there know that Mr Moore voted with the Government against a censure motion the other day.

**Mr De Domenico:** What do they expect to do? Hang him for it?

**MR BERRY:** No. You people have done everything you can to raise the temperature of that industrial dispute. If you put workers' backs against the wall, you get behaviour that is, if you like, abnormal. Being backed into a corner is not a normal position for people in the workplace. Mr Moore does not deserve any criticism for the outrageous comments you have made out in the community which have caused this industrial dispute.

**Mr De Domenico:** What comments?

**MR BERRY:** Fancy describing workers as greedy. Fancy accusing them of thuggery.

**Mrs Carnell:** On a point of order, Mr Speaker: I am more than happy to debate this issue, but what we are talking about here is a tabling of executive contracts, and I have yet to hear Mr Berry make one comment about them.

**MR BERRY:** I will come to that.

**MR SPEAKER:** Order! It appears that this debate has branched out, as the Chief Minister pointed out, from the Public Sector Management Act 1994, section 30, presentation of contracts.

**Mr Moore:** On the point of order, Mr Speaker, the Chief Minister raised this topic as part of her speech. As such, our response to that part of her speech is entirely relevant and should be considered relevant. If she did not want us to do this, then she had to close her mouth about the issue. She got it going.

**MR SPEAKER:** Order! I do have to uphold the point of order because I recall that the Chief Minister adverted to the issue.

**Mrs Carnell:** With regard to getting the documents over the picket line.

**MR SPEAKER:** I have upheld the point of order, so if we could get back to the subject it would also help.

**MR BERRY:** Okay. The issue goes back to whether or not papers are being made available in this place.

**MR SPEAKER:** That is correct.

**MR BERRY:** There is a very important issue here. What has happened is that young women have been told by senior managers to put papers in shopping bags and walk them through the picket line. It is not the first time. The cowards over there are not game to try to do it themselves, because they would be pulled up at the picket line.

**Mr De Domenico:** So it is all right to intimidate?

**MR BERRY:** No. What they do is use young employees to come over here to the picket lines. It is not the first time this has happened in history. This has been happening for decades. The cowards are not game to do it themselves, so they get young employees to do it. They are being sent over here, instructed to bring important documents over to the Chief Minister, by people who know the significance of a goods and services picket line. That is outrageous from your managers. You people still sit there, barefaced, and refuse to accept any responsibility for what is going on outside. It is all your responsibility, and it is your responsibility that young employees are being directed by more senior employees to carry papers through the picket line because they do not have the guts to do it themselves.

**Mr De Domenico:** How do you know that?

**MR BERRY:** Because I have seen it. You have only to look out the window and you see them carrying plastic bags with it in. Do not give me that. You people still will not accept the responsibility for it. I just find you unbelievable.

**Mrs Carnell:** They want to do their job and they do not want to be harassed.

**MR BERRY:** Of course, they are instructed by more senior people. In any event, that picket line is your doing. Accept the responsibility for it, get around the negotiating table, stop abusing the unionists.

**Mrs Carnell:** We are negotiating right now.

**MR BERRY:** It would do you a lot of good if you shut up in this place and stopped abusing unionists in here. It does not sort out the industrial dispute, with you in here abusing unionists and workers all the time. It is highly unproductive and will get us nowhere. You have been doing it in the newspapers, on the television, on the radio, and you have kept it up. You have caused it out there, so accept the responsibility for it, for heaven's sake.



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**MR HUMPHRIES** (Attorney-General) (3.32): I am not sure what the motion is, Mr Speaker, but I will speak to it anyway. As far as my office and officers who work to me are concerned - Mr Berry scarpers off, as usual - nobody I am aware of in my department or certainly in my office has instructed anybody else to break the picket line. I accept that, if a worker has a concern about crossing a picket line, it would be quite wrong to force that person to do so. However, I know of plenty of workers in the ACT administration, including workers in my office and in my department, who have been very willing to continue to do their job for this Government and for the people of the ACT and cross that line. I make no apologies for those people. They are doing their job. They are upholding their right to move freely around the Territory and to perform the duties they are responsible for as employees of the administration. Mr Berry pretends that workers are responsible for nothing because they have been forced to do this. The workers have done so through their own choice. In every case that I know of they have done so through their own choice, and I support their right to do that without hindrance.

Question resolved in the affirmative.

#### **PAPER**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, for the information of members, I present the Department of Health and Community Care activity report for the December quarter 1995.

#### **PAPER**

**MR WOOD:** Mr Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not address the Assembly, nor does it contain a request.

Leave granted.

**MR WOOD:** I present an out-of-order petition from 637 residents, stating that they have never, or not yet, given Julie Smith, Mark Dunstone, Stan Cronin or Lyn Davey the right or permission to speak or take any political action on their behalf concerning the ACT or the suburb of Watson, with particular reference to the Watson Community Association and the Northside Community Association.

## QUESTIONS WITHOUT NOTICE

### Graffiti Removal Squad

**MR DE DOMENICO:** Mr Speaker, this afternoon Mr Whitecross asked me a question in relation to the Can It Squad. Information has been supplied to me in relation to training. For Mr Whitecross's edification, when the Can It Squad was set up, all squad members received formal training from the CIT. There have been some changes in personnel since its establishment. I am advised that new squad members receive on-the-job training, in particular on occupational health and safety matters, safety, et cetera, and will also be formally trained by CIT.

Mr Whitecross also asked about the application of cleaning materials. The information I have before me is that it does not matter whether it is damped on or sprayed on. Both methods could be potentially harmful if proper safety equipment is not used. So appropriate equipment, including respiratory protection, face masks, et cetera, is used. Mr Whitecross also asked questions about playground equipment. For Mr Whitecross's information, I am advised that all occupational health and safety issues, both for squad members and from the public perspective, are taken into account. The cleaning material used is one that evaporates rapidly and is washed off immediately after being applied. This makes it safe, even for play equipment.

### Business Expenditure

**MRS CARNELL:** Mr Speaker, during question time on 22 February 1996 Mr Moore asked me a question concerning the \$10m provided to business in our last budget and productivity gains we had demanded before agreeing to this expenditure. I undertook to table in the Assembly the guidelines for the business incentive scheme, as well as some of the proposals that have been supported by the CanTrade board. I table that information.

### Homebirth Program

**MRS CARNELL:** In question time today I suggested to Ms Tucker that I would get back to her with further information on homebirths in the ACT. The homebirth approach is going ahead as planned. The reference group for the CMP has given in-principle endorsement to recommendations which will ensure that women participating in the project who choose to give birth at home will be able to do so. This will also meet the requirements of the Commonwealth for funding that was provided under the alternative birthing services program. More importantly, this will give the department the opportunity to evaluate homebirth as part of the pilot before any incorporation into mainstream maternity services. Two of the four GP obstetricians who are currently providing medical support for the midwives and clients on the project have indicated their willingness to continue that care for women giving birth at home, if necessary. In the case of a transfer to hospital for maternal or neonatal care, there are already protocols in place and those women will receive the same care as any other public patient.

There are currently about five women booked to give birth on the program who have indicated that they would like to give birth at home, if possible. Given the current low transfer rate to hospital of women giving birth at home in the ACT, which is only 10 per cent, it is not expected that there will be a large demand on any hospital or other medical services. The director of emergency ambulance services has been consulted about any impact on these services, and his advice is that ambulance officers will always respond appropriately and do have the required competencies to manage childbirth and the newborn.

One of the problems we had earlier was getting doctors who were willing to be part of the homebirth project. That has been addressed, and it is anticipated that the option of homebirth will be available at the end of March 1996, pending the finalisation of the process of consultation on the policies and protocol for women giving birth at home that are currently being developed by the community midwives and their senior managers.

### **SURVEILLANCE CAMERAS IN CIVIC**

**MS FOLLETT** (Leader of the Opposition) (3.39): Mr Speaker, I seek leave to move the motion concerning surveillance cameras in Civic that has been circulated in my name.

Leave granted.

**MS FOLLETT:** I move:

That:

- (1) The Government take no action to install surveillance cameras in Civic until such time as the Assembly has considered the issue; and
- (2) The Standing Committee on Legal Affairs inquire into the efficacy of surveillance cameras in preventing crime, and the implications of such action for the community, and report to the Assembly by the first sitting day in September 1996.

My reasons for moving this motion are several; but, overwhelmingly, my concern is that we are about to see a major change made in the security arrangements in our community without, in my view, adequate community consultation and without adequate consideration of the issue by this Assembly. It seems to me that the introduction of surveillance cameras into Civic is an issue that has the potential to affect virtually our entire population in the Territory, and it is certainly an issue that affects the privacy of those people.

With existing surveillance arrangements, we often see security cameras installed in a range of specialised circumstances. For example, they are known to be in banks, and that is for a very good reason. Banks are frequently the subject of violent crime. They are burgled, often at gunpoint or at knifepoint, and clearly there is a need for additional security. We also see cameras increasingly appearing in shops, particularly shops where the goods for sale are of a very high value, such as jewellery shops. Again, that is for good reason. Those shops have been subject to crime and they are known to be at risk of crime.

We also have security cameras around this building, again for quite specific reasons. Parliaments of all descriptions are known to be the focus of protests of all kinds. They are also known to be a focus of those people in our community who, unfortunately, are not always in possession of the balance of their minds, and for that reason there is a particular need for some minimal level of security around parliaments. In those circumstances, most people would have no objection whatsoever to a specific known risk being addressed by means of surveillance cameras.

But that is a very different proposition from the proposition we now find being put to the Canberra community by Mr Humphries. Mr Humphries is proposing to put under surveillance the general range of the community who may be using particular parts of Civic.

**Mr Hird:** You people did it on this building.

**Mr Humphries:** That is right. What are we stealing in this building?

**MS FOLLETT:** Mr Speaker, if people opposite had any interest in this issue they would have just heard me address that matter for a good five minutes. They must have their ears covered. It is extraordinary.

**Mr Hird:** I was listening to what you were saying, but you were not saying that you put it in.

**Mr Humphries:** It was irrelevant. What is there to steal in the Assembly?

**MR SPEAKER:** Order! Ms Follett has the call.

**MS FOLLETT:** Thank you, Mr Speaker. I will do it again. In the particular circumstances of parliaments around the world, there is an acknowledged need to provide some measure of security. This is for two reasons, one being that parliaments of whatever nature - big, small, local, Federal, whatever - are a known focus of protest activity. You know that. You have had ample demonstration of that. The further reason is that parliaments are also a known focus for the small number of people in our community who are unbalanced in their views - - -

**Mr Humphries:** The demonstrations outside, you mean?

**MS FOLLETT:** - - - and who may not have the balance of their minds on a particular issue and are prepared to pursue that issue even to the point where it may endanger themselves or others.

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**Mr Kaine:** Boy, do we have a couple of different standards!

**Mr Hird:** Two rules.

**MS FOLLETT:** We have seen that occurring, regrettably, all too often. Mr Speaker, I really do resent your lack of action in respect of the thugs opposite. I would appreciate your calling them to order.

**MR SPEAKER:** Order! I thought they were talking among themselves, to be perfectly honest. Continue, Ms Follett.

**MS FOLLETT:** Mr Speaker, having just repeated one large part of the argument, I think that if they did stop talking amongst themselves and paid a bit of attention we would all save a bit of time. Putting security cameras or other forms of surveillance into an area where there is a known risk is a very different proposition from putting a similar surveillance arrangement into an area that is in general use by the general public going about their lawful business and their own private lives.

I believe that this issue is one that both the community and this Assembly need to weigh very carefully before we take action that would impose surveillance upon people's private lives, and that is what the proposition being put forward by Mr Humphries involves. I think it is a very different proposition. There could be consequences from the action proposed by Mr Humphries that are both unforeseen and undesirable. The first consequence that comes to my mind is that putting surveillance cameras in Civic may simply shift any criminal activity or any problems from the area where the cameras are to other areas. If you put the cameras, for instance, on the footpath and the general pedestrian walkways in Civic, I know full well that there are plenty of little alleys around Civic to which people could well retreat in order to conduct illegal activity.

I also realise that, should Civic have a reputation for being under surveillance, people who wish to conduct illegal activity or to behave in a way that they know to be outside the law will simply move somewhere else, probably to Manuka or Dickson or somewhere else close by, where they can engage in illicit activity, if that is their intention in going into Civic. You could simply find that you are shifting the problem away from the areas in Civic where it might easily be observed and dealt with by police into areas which are far less easily observed or to another geographic area of Canberra, and that is no solution at all.

Another problem that occurred to me was that these cameras are of no use whatsoever unless there are sufficient police at the other end to counteract any criminal activity that might be taking place. I do not believe that the cameras should in any way be used as a substitute for a police presence in Civic. Over the past few weeks we have seen, I am reliably informed, an increased police presence in Civic and, in my opinion, that increased police presence has led to an appreciable improvement in the conduct and the level of crime that is occurring in Civic. It seems to me that there is simply no substitute for seeing a policeman or a policewoman on the beat going about their duty of keeping the peace, whether it is in Civic or elsewhere. A security or surveillance camera without that police presence is just a toy. It is just an invitation to graffiti or vandalism; nothing more.

I believe that this issue is one where the Assembly needs to have a great deal more information than we have so far had from Mr Humphries. I was quite surprised to hear from the media that Mr Humphries was planning to put these surveillance cameras in very soon. I did not know that. I am sure that the community did not know that.

**Mr Humphries:** I told them this morning.

**MS FOLLETT:** I believe that Mr Humphries made that statement on the media this morning. Where was the Assembly's input to that? Where was the community's input? I do not think a step of this magnitude ought to be taken without very full and very careful consideration. I remind Mr Humphries that we are a parliament. We have a right to be involved in those decisions, and the community has a right to be consulted, to be involved in decisions that affect them. As I said, this decision to put surveillance into the general areas of our town centre has the potential to affect the privacy of just about every Canberran, to affect the privacy of the hundreds of thousands of people who are going about their quite lawful private lives and who just happen to be doing it in Civic. I do not believe that that is acceptable.

My concerns about the surveillance cameras could be summarised as, first of all, that I do not know whether they are going to work. We know that police presence in Civic, on all the evidence we have, does work. I would hate to think we might somehow be bringing about some kind of fool's paradise where we rely on a piece of mechanical equipment to do a job that ought to be done by properly paid and properly trained officers of our police force. Another issue I have alluded to concerns whether the problem is just going to be shifted elsewhere, away from the area where the cameras are.

I would also like to think the Government has at least some nodding - I do not know; I would like to say honesty but I will not say that - or passing interest in fulfilling their promise of open and consultative government. This is a major issue, and it worries me that it is being put forward by representatives of a Government whose actions in relation to civil liberties have not convinced me that they are really up to speed on citizens' right to go about their business in an unfettered way. For instance, we have seen from this Government previously the move-on powers legislation. I and my party believed that the move-on powers represented a quite discriminatory invasion of civil liberties. I believe that that view was echoed by the community. We have seen other attempts by Liberals to inflict on the community things like the obligation to present their name and address to police on request, and all sorts of other efforts to impose restrictions on civil liberties that I believe were quite unwarranted.

I do not believe that it is appropriate for the ACT community to be subjected to this kind of surveillance, and I do not think they would believe that it was appropriate, either, had they ever been asked. The motion I am putting forward today is designed to stay the Government's hand for six months, and in that period I would like to see the Legal Affairs Committee, or any committee of the Assembly, hold the consultative and open process the Government should have done by now. I believe that people with an interest in this matter have a right to put their views forward. I certainly have not heard their views so far. It may be that all of the concerns I have raised are groundless, but I know

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absolutely beyond any shadow of a doubt that the concerns I have put forward are shared by many. I believe that, in making this kind of decision, the Assembly, the community and the Government should be weighing the relative merits of this form of security against the very real need of our community for civil liberties protection, not invasion.

I commend my motion to the Assembly. I can assure people that, if the matter does go to the Legal Affairs Committee, as a member of that committee I am prepared to listen to all views on this matter. The issues I have raised in debate today are issues which have occurred to me, which I know are shared by many but for which there may well be a proper response. Until we have properly tested those issues, I believe that it is totally premature to behave as Mr Humphries appears to be about to do.

**MR HUMPHRIES** (Attorney-General) (3.53): Mr Speaker, the Government opposes this motion. I want to explain, first of all, how it came about that there was an announcement on the radio this morning concerning this matter. I have for some time had before me a proposal for the establishment of closed-circuit television cameras in Civic, made by a private security firm, a quite major firm in Canberra, Wormald Security, offering the Government the use for free of a number of cameras for a trial period to establish the effectiveness of those cameras as a tool towards reducing and detecting crime. As members will know, that proposal was made some time ago. In the meantime, I have been having extensive discussions with a number of parties and people about the proposal. I discussed it with Ms Follett's predecessor as Opposition spokesperson on police matters.

**Ms Follett:** You disagreed.

**MR HUMPHRIES:** Not quite. Your predecessor indicated his willingness to consider a process whereby it could be explored further. I also discussed the proposal I had with a number of members of the crossbenches - there is some disagreement about how many of them it was, but certainly a number of members of the crossbenches - suggesting that the best way of proceeding to examine the issues relating to this matter was not through another sterile inquiry or review or assessment about the issues in an abstract sense but, rather, through an active trial of the concept, which would be monitored by a process that would produce a clear indication of how this concept worked in the ACT context - not in England or in Brisbane or in some other place, but here in the ACT.

I maintain that that is the best way of determining whether or not this concept is worth while to explore. I firmly believe that the benefits of that process, the benefits of sitting down and having a trial to examine what issues are given rise to, is greatly superior to the concept of a further inquiry by the Legal Affairs Committee, not concluding until September this year, then further debate in the Assembly on the result of that inquiry, presumably, with some hope of towards the end of this year coming to some kind of resolution, and, if the answer is positive, then presumably starting a trial at this time next year rather than now.

I do not believe that this Assembly has the luxury of sitting around for a further 12 months while problems in Civic multiply. In the last four years problems in Civic Centre in Canberra have risen dramatically. I do not need to repeat the fact that under the previous Government crime overall rose by something like 40 per cent in the

space of just four short years. I do not need to remind members either that the place of peak concern about that rising crime was in Civic. Civic was and remains an area of enormous concern to this Government, and, I assume, of some passing concern at least to the former Government, although they did not show much evidence of that fact, to be quite frank.

I think it is incumbent on this Assembly to start to do something about this problem and not to wait for yet another period of a year for there to be a further set of examinations and public inquiries and other processes which, laudable as they might be, defer the making of a decision about these sorts of issues. I do not think it was wrong to suggest that we go ahead with this. I spoke to a number of members of the Assembly; I admit that I did not speak to Ms Follett about it. I had given instructions for a letter to be written to Ms Follett about the proposal; unfortunately, that was overtaken by events this morning. I thought I had the agreement of members of the crossbenches as well for this proposal. I appear to be wrong.

I remain of the view that it is not productive to conduct an inquiry of the kind being proposed by Ms Follett without some evidence of what these things will mean and will do in the ACT. Why do I say that? Why do I appear, in Ms Follett's words, to put aside so lightly the civil liberties implications of these issues? Let me answer that question. Ms Follett tries to draw a line between the cameras I am talking about in this proposal and the cameras that already exist in our civilian lives at the present time. There are cameras everywhere in our community - in shops, department stores and banks, and outside those places as well. They are monitoring not just those people who are customers or clients within a bank, a building society, a shop or a department store, but also people out on the street. Ms Follett might not have realised it, but the last time she went to get some money from the Handybank she was probably photographed.

**Ms Follett:** And it says that.

**MR HUMPHRIES:** Indeed, it says that, and I propose to have signs on these cameras as well, Ms Follett. Will that make all the difference to you?

**Ms Follett:** No, not enough difference for me.

**MR HUMPHRIES:** No, I do not think it will. We have cameras on our roads; we have cameras on public buildings like this one.

**Ms Follett:** And you should not have them on the roads.

**MR HUMPHRIES:** You put the cameras there, Ms Follett; I did not. The reason cameras are in these places is that they are there to detect crime in places where crimes occur. They are not on the Handybanks to capture the happy faces of people withdrawing money from their accounts. Ms Follett again runs away; she generally does when I speak in this place. They are not there to record the satisfaction of drivers who are booked for speeding or who pass through red lights. They are there to detect and record crime.



The places where we are talking about putting these cameras in Civic are the places where crimes occur, the places where crimes of a very serious nature have occurred in this community over the last few years. A few weeks ago a young man was stabbed, almost fatally, at the bus interchange in Civic. As it happens, the extra police this Government has made available since coming to office were there very near to this incident when it happened and were able to address the situation quickly. A person has been arrested in relation to that offence and it appears that a prosecution may be successful; we do not know. That is a question for the courts. It was pure happenstance that there were some policemen about 50 metres away when this particular stabbing occurred. It is pure good fortune that that was the case. If they had not been there, if there had not been willing witnesses nearby, the person who allegedly committed this offence might still be at large. Cameras in that part of Civic may have made the difference between being able to capture people who had done these things and not being able to do so.

**Mr Berry:** Rubbish!

**MR HUMPHRIES:** Mr Berry says "Rubbish" - - -

**Mr Moore:** Bunkum, Gary! Where is the evidence? Find the evidence from somewhere else.

**MR HUMPHRIES:** The evidence is the other places in this community - that is, the Australian community - where these cameras have been used, and used successfully. Mr Berry and Mr Moore should talk to the people in Brisbane, around the Queen Street Mall, who have operated the cameras there successfully and who claim unanimously - - -

**Mr Moore:** The security company is getting paid for it. That is not exactly an unbiased evaluation.

**MR HUMPHRIES:** No, not those people; the police, the shopkeepers there, the civilians who use those areas. Those people say that these cameras have been enormously successful. Do not believe me; I ask you to believe the Labor Party, because they have installed these cameras themselves - not in shops, not in banks, not just above the Legislative Assembly's entrances, but in the most public places you can imagine, namely, bus interchanges in this city at Belconnen - - -

**Mr Moore:** That is to monitor the buses, to know where the buses are.

**MR HUMPHRIES:** No, Mr Moore; you know that that is not true. The cameras are put in there to monitor behaviour in the interchange. You talk to the people who installed them and you find out. You see where they are directed. They are not directed at the buses; they are directed at the people. These hypocrites opposite get up here and stamp their feet and say how shocked they are by the invasion of civil liberties that is taking place in this community with the proposal to have cameras. But they themselves have installed them in the very sorts of places where we are now talking about installing them -

in the bus interchanges of this city. What justification do you have to put them in in the Belconnen bus interchange, and, I am told, in the Tuggeranong interchange as well, and to cry foul when we do the same thing in Civic? You people are blatant, unabashed, barefaced hypocrites, and it shocks me that people in this place are prepared to swallow that line and accept your point of view. I am quite astonished.

I reject Ms Follett's assertion - she has again left the chamber; she never seems to stay after she has made her speech; she likes to run off and do something else - that the cameras are of no use whatever unless they are continually monitored. Ms Follett overlooks what is a very important role of cameras, and that is that, apart from the role in alerting people to contemporaneous events taking place under the sight of cameras, they have a use as a recording device to use as evidence to bring against people who have committed crimes. The resources that police spend in this community detecting crime that has already occurred are huge, very extensive resources. If we have avenues at our disposal to minimise that cost, to reduce that cost, that is money we can spend on other socially important things.

Ms Follett also suggests that crime will simply move away. Perhaps she is right; perhaps she is not. I do not think she is entirely right. There is some crime that will move away, I quite agree; but others will not be able to move, because they are not crimes that are planned. They are spontaneous crimes or they are crimes that are affected by the presence of cameras. If someone wants to mug somebody else, a dark alley might be very convenient for that crime; but, if the person is not moving through that dark alley, it is of no use whatever. If a person wants to smash a shop window, the existence of the shop in the view of the camera does not assist the person who might want to sneak down the alley and commit that crime. If a person wants to exchange drugs in a public place, they will have to persuade the person they want to sell them to to come down the dark alley with them. There are crimes that I think will be detected and, of course, also prevented by the presence of those cameras; but we can find out only by proceeding with some kind of empirical examination of that issue, and that is the trial I have been talking about.

Ms Follett asserts that cameras invade our privacy. If Ms Follett were serious about that she should have drawn a line about it when she was in government at some previous point in time long, long ago. Cameras are now a very pervasive part of our community. If we are going to have this concept of use in a commercial way in our community, if private shopkeepers are entitled to put cameras up in their shops and film us moving about their shops and outside the banks and other public places like that, I want to see the cameras used to my benefit, and that is to prevent crime in public places, where members of the public at the present time feel unsafe moving about those public places.

**Mr Moore:** They feel unsafe because you have been beating it up for four years.

**MR HUMPHRIES:** That is not true. It has long been the case that we have had a serious problem in those parts of Canberra, and it is appropriate that members of the Assembly and of parliament draw attention to that fact. Mr Moore obviously believes that crime is only the creation of people in the media and in politics. I can assure him that that is not the case. Mr Amsteins, for example, almost lost his life in a public place in the

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ACT in the broad view of other people. Cameras might have made a difference in cases such as that. If cameras had been there, a contemplated crime of assault of that seriousness might not have occurred, and I think it is worth finding out whether that would have been the case.

I say again to those opposite who moved this motion: If you think this is not the right way to go, what do you see as the alternatives? They say that extra police have been a good thing. I might point out to them that the extra police were provided only when the change of government occurred. It has taken a long time to get to this point. There had to be a Liberal government to put that in place, but it is clearly not enough. There are still things happening in our community which need to be responded to, and I, for one, believe that it is incumbent on us to do just that. Let me also say: If they are seriously concerned about these things, let us then proceed to see how it works. A code of practice, I believe, should be put in place for the police who monitor the cameras. That code of practice should indicate that no use of the cameras should be made other than for the prevention and detection of crime. It gives rise in my mind to the question of what other things one would do in a public place that ought not to be photographed, but that is another matter altogether.

I think the trial ought to go ahead. I think it ought to be done. I do not think it should be done at this time next year. Our problem is here and now. The shopkeepers of Civic have urged constantly for this to happen. The police are very firmly of the view that it should happen. I think, Mr Speaker, we should not stand in the way of that happening.

**MS TUCKER (4.08):** I still do not know how this trial is going to be run. I got some information from Mr Humphries. He thinks that he has spoken to the Greens and that we did support this proposed trial, but there was obviously a misunderstanding. What I said, Mr Humphries, when you first flagged it with us, was that we were not going to object to it totally in principle; but we assumed that you would get back to us with some information, because the Greens tend to research issues. We had already been researching it because you had mentioned it to some degree, but we had not heard anything from you about details. I received them before question time today when I heard that you had made statements in the media that this was going ahead.

**Mr Humphries:** You asked for them only today, Kerrie. That is why.

**MS TUCKER:** That is right. We asked for them today because it was actually announced in the media. We expect to be given more information on an issue and to have some notice of the fact that it is going to come up.

**Mr Humphries:** How was I supposed to know if you did not tell me?

**MS TUCKER:** I would have thought it was obvious that if you are lobbying people for support on an issue you give them some information. That is what we normally do in this place.

**Mr Humphries:** Not when they say yes.

**MS TUCKER:** I did not say, “Absolutely, yes” at all, and I am afraid that that is where there is a misunderstanding.

**Mr Humphries:** Well, it sounded to me like you did.

**MS TUCKER:** Well, I did not. I would not, because I had not looked at the other side of the issue. We never say yes straightaway, unless it is an issue that we have prior knowledge of. We certainly had not had a lot to do with these sorts of issues before, but since that time we have looked into it.

The information that you have given me today has been helpful. I am interested that you are so keen to see this go ahead. I was waiting to hear what you had to say today. You have a very clear description of how this trial will occur. A lot of the comments in the report that you gave me are quite negative. I quote:

Research findings are sometimes aggressively promoted by commercial interests and security companies alike. The evaluation of any crime prevention program is problematic, because of the nature of crime data collection with such problems as under-reporting, inflated police statistics as a result of blitz operations, and the like. When the behaviours being evaluated are street offences, evaluation becomes even more difficult.

I will not read through the whole of this. The main points that I noticed in the brief time I have had to look at it are that apparently research suggests that when these cameras are in public places, as you said, premeditated crimes are less likely to occur, small drug deals are not usually affected, and their effectiveness for evidentiary purposes varies according to a number of factors, which were listed. The premeditated crimes which no longer occur in the public places happen elsewhere. There are privacy concerns. You mentioned a code of practice. I want to see what that is.

**Mr Humphries:** We have to develop it.

**MS TUCKER:** This is what we want to see before we support a proposal. Who uses the equipment? Where is it placed? Who controls the monitoring? Who controls the recording? Who has access to the recording and by what authority or process? How long are tapes stored? Is recording and monitoring carried out by trained staff in a discreet location? What accountability measures are in place to monitor adherence to guidelines? How much is the presence of cameras publicised? To what degree could cameras be used for purposes other than crime control, such as protests? The question of liability was also raised. Other jurisdictions have raised the problem of liability because, if an incident is videotaped and the response of the monitoring staff or police is found wanting, these people can be found liable. It can lead to overzealous attention to filmed areas to the detriment of others.

We do not need to knock the inquiry system here in that manner. I was disappointed to hear you refer to a sterile inquiry. I thought that you were interested in making the inquiry not sterile by inviting the community and having a lot of people involved. Obviously, a practical trial is a very useful way of evaluating a proposal, but we want to see the guidelines. In the document you gave me one of the recommendations was that these guidelines be developed for a trial, and that is what we are asking for. I want to know which proposal in this paper you are looking at. I am still not even clear about whether it is going to be monitored or not, because there are a couple of proposals in this document you gave me. One of them was that the cameras were not monitored and one was that they were. There were different costs, of course, for the two proposals. Which have you decided on? What is the cost? What is the cost of the trial? How many jobs, police jobs or equivalent, are involved? One of the figures in your document looks to me like it involves at least four jobs. Where are the benefits for jobs against cameras? That is something that we would like to see evaluated a bit more. We want to see guidelines for the trial which would address the privacy concerns.

We want to see the evaluation mechanisms for the trial. Who is putting them together? We have no idea what they are. Is it like the smart card, where you let the person who put up the trial evaluate it? The ACT Community Safety Committee would be in charge, I think you said before, although I have not had that in writing either. I am sure that they would benefit by having these sorts of guidelines established before the trial. We members of this place would certainly benefit by having that information in front of us before we make a decision on this issue. We seem to have these sorts of “shoot from the hip” responses to a societal problem. Mr Osborne talked today about education in schools, but then we have him also proposing that we close the town down at 2.00 am, which does not sit all that well with the question of sophistication and tourism in the city.

**Mr Osborne:** No, it is 3 o'clock.

**MS TUCKER:** It is 3 o'clock now, is it? So we close the town down at 3.00 am, although everyone will go to the ANU bar anyway.

**Mr Osborne:** You have to be a member to go to the ANU bar.

**MS TUCKER:** You do not. I have been to the ANU bar plenty of times. We are a sophisticated city attracting tourists and we have cameras everywhere as well. Maybe the inquiry should look also at the idea of closing the town down at 3.00 am, because the two issues seem to be quite related. We have a problem with a minority of people in Civic who get drunk and who are violent, so why not let us look at the whole issue? I think this inquiry will show the members of the Assembly how the trial is going to be carried out, and it will assist the safety committee in establishing guidelines so that if there is going to be a trial it will be an effective one.

**MR MOORE (4.16):** It gives me pleasure to rise and support this motion, and particular pleasure to follow on from the very sensible comments made by my colleague Ms Tucker about how you would run a trial of this kind. If you are really genuine about a trial and you really want a genuine evaluation, you cannot simply slap on a trial and then say, “Oh, well, let us see what happens”.

**Mr Humphries:** That is not the case, Michael, and you know it.

**MR MOORE:** You have to know beforehand what the circumstances are, not the sort of beat-up we hear from Gary Humphries about some young man who has been stabbed and not giving the full circumstances about what has happened, if indeed anybody actually knows. I realise that that is before the court, so I do not want to go into the details, and I think it was inappropriate for Mr Humphries to do so as well. I assume that when Gary Humphries was in Year 11, writing an essay about *Nineteen Eighty-Four* by George Orwell, he would - - -

**Mr Humphries:** I was never in Year 11.

**MR MOORE:** This would be the picture of Gary Humphries that I have. He would be writing about how to implement Big Brother. He probably would have got very high marks for it because nobody else would have been thinking along those lines. It would have been quite refreshing for a teacher who had just marked 30 essays, or in the ACT 40 essays, of the same type to get a nice fresh one from somebody like Gary Humphries. Unfortunately, the teacher would not realise that he was encouraging him down that line. He should have put a big line through the essay and said, "See me", and then discussed these issues - - -

**Mr Humphries:** I will see you out the back, Mr Moore, after this motion.

**Ms Follett:** The cameras will be on you.

**MR MOORE:** The interjection was, "I will see you around the back after this motion". Ms Follett kindly pointed out that there are cameras in place around the Assembly. I think Ms Follett very aptly drew attention to the appropriate use of cameras for very specific purposes. It may well be that there are some specific purposes for which these cameras can be trialled. It may well be, if this motion is successful and the matter goes to the Legal Affairs Committee, that they can set up the evaluation; they can see what it is that we want to achieve and they can ensure that it is worth doing this trial.

In doing the trial and setting up the evaluation, the before and after mechanisms, it also is very important to ensure that you have tested for confounding factors. You have just changed the way police patrol Civic. I have seen reported, in the same media that I am critical of about reporting the violence in Civic, that the police have now got it under control. If the police have been particularly successful over the last little while they deserve congratulations, and I am quite happy to do that.

**Mr Humphries:** So do we.

**MR MOORE:** Indeed, Minister; congratulations to you for ensuring that we do have more police presence in the area. Hopefully, that will be enough. I took time out, when you originally were toying with this idea, to put out a press release which I entitled "Moore Slams Humphries as Knee-Jerk". The subtitle was "Research Shows Cameras May Make Situation Worse". The only recent research on this issue that has been done in

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an academic way and that I am aware of - it may well be that the Legal Affairs Committee finds more, as I did it over a short time - was a paper from *New Scientist* of December 1995. The paper was only a month old. I drew attention to sections of that. I believe that I did not take them out of context. I provided the full paper on that.

**Mr Humphries:** Which said that crime went down by 13 per cent, I believe.

**MR MOORE:** Mr Humphries interjects and says that crime went down by 13 per cent.

**Mr Humphries:** And cameras were used.

**MR MOORE:** Where cameras were used. Indeed. But you have to read it in context. In my press release I was trying to be as fair as I could. The research was done in Sutton in England and Airdrie in Scotland. In my press release I said:

In Sutton the research showed that where other preventative community police options were tried crime decreased considerably more than where there were closed circuit TV cameras installed. There was a 13 per cent drop where the cameras were installed but elsewhere the reduction was 30 per cent.

**Mr Humphries:** Great; use both things.

**MR MOORE:** Mr Humphries now interjects, "Use both things". If you read the papers you will see that both things were being used in that case. I think it is worth while looking very carefully at that research.

I must say that the *New Scientist* article was by a person looking at the research rather than by the original researchers. I think it is very important that we look at the original research and see what its strengths and weaknesses are, and what the researchers themselves said were the limitations of their research. All those questions need to be asked before the trial starts. You do that before the trial starts, just as you do with any trial. The first part of doing any trial is to do the literature search and to ensure that you have some understanding of whether you are going to have all the advantages or whether there are actually some disadvantages. That article on the research indicated that there were some disadvantages. While vandalism and vehicle theft dropped, other theft and personal robberies increased in those areas. Even worse, criminals moved away from the streets and started stealing from people in shops. Those are the sorts of issues that need to be dealt with.

The situation is that Mr Humphries has operated prematurely. I presumed that one of the reasons why he operated prematurely is that he had the firms there saying to him, "It is all right, Minister. We will provide you with a great deal. We will get you started". Of course they would do that, because once he is in that frame of mind and under way with those cameras you already have a situation where that particular business - and good on them - has a competitive edge. Do not be sucked in by it. We must not act prematurely. Those people will still be there. They will still be wanting to do business with the ACT in this way. Instead of doing that, let us step carefully.

The Minister already has taken those important first steps of dealing with community policing, and I congratulate him for that. Now it is time to go through the appropriate process, and the appropriate process, as I see it, is to start with the Legal Affairs Committee ascertaining whether there is enough in the idea to make it worth while, and, if it is to continue, what it is going to cost. It is no good for us just to say, "Yes, we are going to have unstaffed cameras. They are going to be there and we can go back and have a look at them to see whether we can find enough evidence to pinpoint people". That is tricky anyway. You need particularly good cameras to be able to do that. I presume that Mr Humphries has seen the very fancy system they are using in the casino. People who go there know that they are under observation. That is an entirely different situation. You volunteer to go in there.

I am very reluctant, and always have been very reluctant, to increase this sort of *Nineteen Eighty-Four* approach. I find it extraordinary that we have reached such a stage. I remember reading *Nineteen Eighty-Four* and thinking it was a mythical concept - that we could have a situation where you could walk through the streets and somebody could be watching by means of a camera. I think that is something that we have to deal with very carefully. Before we surrender any of our civil liberties we have to keep asking ourselves, "What are the costs and what are the benefits?". There have to be significant benefits before we give away any of our civil liberties. I know that Mr Humphries thinks that way on many issues as well, because there are many issues involving civil liberties that we have discussed where we are of a like mind. On this issue I think we have to take time to make sure that we know that the benefits have a chance of outweighing the costs, because if they do not we ought not start on the idea at all.

**MS FOLLETT** (Leader of the Opposition) (4.25), in reply: Mr Speaker, I would like to thank all members for their comments in this debate and to assure all members, including Mr Humphries, that I have listened very carefully to what they have said. I think the level of debate that we have had on this issue so far indicates that there is a range of matters which ought to be fully explored before we take the step which Mr Humphries, I know, is anxious to take. I therefore believe that the action that I have proposed is entirely reasonable, and it is only a six-month delay if we do decide, in fact, to go ahead with the surveillance cameras.

I would like to address a couple of issues that Mr Humphries raised, Mr Speaker. First of all, one thing that struck me in Mr Humphries's comments was his drawing attention to the case of Eddie Amsteins and the tragic attack on that young man. Mr Humphries seemed to be arguing that perhaps the severity of that attack, or the crime itself, could have been reduced had there been surveillance cameras. I do not think it is very productive for us to make those kinds of hypothetical assumptions, Mr Speaker. Whilst I absolutely deplore the crime that was committed against Mr Amsteins, I am equally well aware of the case in England, I believe it was, where two teenagers abducted a very small toddler. They removed that tiny child, a little boy, I think, from a shopping centre and murdered him in a savage and foul manner, and the initial abduction was conducted in full view of security cameras. We would all have seen the very chilling footage of those two teenagers leading the small child out of the shopping centre to a ghastly death. In that case the cameras helped with the apprehension and conviction of the murderers, but they did nothing whatsoever to save the life of that child.



I think, Mr Speaker, that for Mr Humphries to imply somehow that the attack on Mr Amsteins may not have occurred had there been cameras around really is a hypothetical case. Perhaps we would all like to think Mr Humphries was right, but we do know that awful crimes have been committed in full view of security cameras. Mr Speaker, I believe that the issues raised by Ms Tucker are well worth further exploration. We are asking the community here to trade a significant benefit - that is, their civil liberties, their right to privacy - for what we are told will be a greater measure of security in the Civic area and a reduction in crime. Mr Speaker, I think that that issue is one which requires more than a matter of moments to consider. It does deserve thorough investigation. I am also very happy to consult with the ACT Community Safety Committee, with the police, and with every party who might have an interest in this matter and to take their views.

In relation to Civic, I tend to echo some of the comments made by Mr Moore that the level of crime in Civic, whilst there is a level of crime, ought not to be overstated; particularly, it ought not to be overstated in the light of one very serious and very violent crime which has occurred. I would hate to think of Civic getting a reputation as the Sodom and Gomorrah of the Southern Hemisphere, because that is not the case. I frequently walk through Civic after I go to the pictures, after I have dinner there, after I go to the theatre, or on my way home from work, and I can assure people that in general it is safe. Of course, you have to exercise commonsense precautions, as you do in any public place; but I think that for us to create a sense of panic, a sense of fear, about Civic would be to do our community quite a disservice. That is not to say that there is not a level of crime in Civic which must be addressed. Of course, that is the case. I believe that the police, by increasing their presence in Civic and by increasing their rate of clean-up of crime, including some fairly minor crimes, have gone a very long way to making Civic a much cleaner, more pleasant and safer place. So I do not see, Mr Speaker, that consideration of the surveillance camera issue is a matter that ought to be approached with a sense of overnight urgency. I think that waiting six months, while we carefully consider all of the issues, is quite appropriate. I thank those members who have spoken in favour of the motion. I think it is a sensible measure.

Question put:

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

The Assembly voted -

*AYES, 8*

Mr Berry  
Ms Follett  
Ms Horodny  
Ms McRae  
Mr Moore  
Ms Tucker  
Mr Whitecross  
Mr Wood

*NOES, 7*

Mrs Carnell  
Mr Cornwell  
Mr De Domenico  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mr Osborne

Question so resolved in the affirmative.

**MATTER OF PUBLIC IMPORTANCE - WITHDRAWAL**

**MR SPEAKER:** I have received a letter from Mr Wood withdrawing the matter of public importance submitted for discussion by the Assembly this day.

**PRIVATE MEMBERS BUSINESS - PRECEDENCE**  
**Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent order of the day No. 11, private members business, relating to the Fair Trading (Amendment) Bill 1996, being called on forthwith.

**MR HUMPHRIES** (Attorney-General) (4.35): Mr Speaker, I have had about five minutes' notice of this motion. The Consumer Affairs Bureau has told me that they believe that we should oppose this Bill, but I have not discussed it with my colleagues because I did not expect this to be debated this week. I do not have anyone from the bureau here to talk to me about it. It is a gross discourtesy to do this without any capacity to consider it. I think, Mr Speaker, that those opposite are - - -

**Mr Berry:** I did not realise. I withdraw it.

**MR HUMPHRIES:** Thank you.

Motion, by leave, withdrawn.

**HOUSING STRATEGY**  
**Ministerial Statement**

Debate resumed from 25 October 1995, on motion by **Mr Stefaniak**:

That the Assembly takes note of the paper.

**MS McRAE** (4.36): I have just lost an hour's free time and my speech is upstairs, but I will rapidly put my brain back into gear. I am very pleased to be given an opportunity to speak on the housing strategy. What Mr Stefaniak presented to the Assembly was a plan which involved a process of consultation and negotiation with the community as to the future of housing in the ACT. I was, in fact, quite pleased with it because it did offer a genuine process of partnership with the community in terms of how to deal with the future of housing in the ACT. The housing needs of the ACT which Mr Stefaniak outlined in his statement incorporated both the private sector market as well

as public sector housing. In his speech Mr Stefaniak spoke in particular about protecting the rights of public sector housing tenants and people in the ACT, and looking to the future management of all that stock. He announced a reference group that was to advise, and I think it would be useful if the Assembly were given fairly regular reports of what that reference group are looking at and where they are at in terms of their reports and their activities.

The Minister outlined three indicators as to how the success of the planning process for housing would be measured in the ACT. The measure of success will be the extent to which we have provided good housing choices, promoted livability and environmental sustainability, and ensured that the housing needs of Canberra's diverse population are met equitably and appropriately. What I would like to put on the agenda for discussion, both by this reference group that I have indicated Mr Stefaniak announced and by the community in general, is the place that a housing policy has in the promotion of harmony and wellbeing in our community, both for the community as a whole and for each of us individually.

We all know very well what a bad housing policy can do. A bad housing policy can create ghettos; it can create nightmares for tenants and their neighbours; it can create a community that does not care for the aged, or people with disabilities, or the unemployed. It can do this by labelling them all as second-class citizens in the nature of housing that is provided for people and the way that housing stock is managed. I do not say for one minute that this is what the management of the Housing Trust in the ACT has done; quite the contrary. The management of housing in the ACT has been quite good; but if we are to develop a housing strategy I think we must keep these social harmony and social equity issues at the forefront of our consideration.

These are the questions that I think should underpin all activity in housing: What effect will this have on our own neighbourhood? Would we like to live next to these people? What is it that people need in order to keep their houses to a proper standard? How do we get the mix of people right? These are not new questions at all to the Housing Trust. They have been dealing with them quite well for years. But as we move on to the new era that Mr Stefaniak outlined I would be very disappointed if this were not the focus of all our activity. Remember that this is our community, with people all living next to each other, and the decisions that can be made can have very dramatic effects on the wellbeing and the harmony of our own streets and suburbs.

The challenges that face housing provision were outlined by the Minister and they are quite complex. He provided in his speech not a bad summary of those major challenges. If he and his advisory body give them careful and thorough consideration they will provide the basis of a very good housing plan for the ACT. He also mentioned a study that is being done by the Australian Institute of Health and Welfare on housing needs in the ACT. I think it would be very helpful to this Assembly if he were to provide a copy of that study to the Assembly. I welcome the debate that the Minister has begun, but I call on him again to keep the Assembly informed. I would like him to provide for us a list of all the members of the reference group that he mentioned that is now headed up by Judith Brine, and perhaps from time to time a report of their activities, studies and findings, and some idea of the work that they are doing and at what point we could be engaged in that either through the Assembly or with the general public.

Before I finish, there is one topic I would like to raise. It is something that we have heard very little about. At the beginning of 1995 a pilot project was begun in Belconnen to regionalise the management of housing. That was done as a result of a report that was undertaken while Mr Lamont was Minister. It was a recommendation in that report. Thus far we have had very little indication of how that initiative has progressed and whether further management changes are planned for the rest of the Housing Trust management across the ACT. I think it is about time that we got a report on that. It would be very helpful for the Assembly if we heard what was happening.

Housing provision is, as I have said, one of the most important social welfare issues in this Territory. I commend the Minister's initiative and encourage him and everyone involved not to be sidetracked by how much like the private sector the public sector could become. I think that what we really need to concentrate on is the very real social harmony challenges presented by the provision of housing services in the ACT. To this end, I think it is vital that the Minister keep the general public and the Assembly well informed of any new proposals or studies, that he do everything in his power to minimise discrimination and hardship for people who are in need of Housing Trust homes in the ACT, and that he continue on this quite welcome path of open and productive consultation with the ACT community to develop a plan for ACT housing.

**MR DE DOMENICO** (Minister for Urban Services) (4.43): I will be closing the debate.

**MR SPEAKER:** Mr De Domenico is speaking on behalf of the Minister, Mr Stefaniak.

**MR DE DOMENICO:** Mr Speaker, I thank Ms McRae for her positive comments. It is nice to be able to stand up and say that there seems to be some accord between both sides of the house on the strategy presented by Mr Stefaniak. As Mr Stefaniak said when he presented this report to the Assembly, the Government strategy aims to provide a whole-of-government approach to the way we plan for housing in the ACT over the next decade. I think it is important that we do that, Mr Speaker, because the outcome of the strategy will be a housing plan for the ACT which will provide a framework for meeting the housing needs of all Canberra residents.

Mr Speaker, housing is a key link, as Ms McRae said, between social, economic, physical and environmental planning. I stress the words "environmental planning". As the Canberra community continues to grow and to diversify, it will be increasingly important to consider these linkages in a consistent and holistic way through strategic planning processes. A lot has been said about the lack of strategic plans and processes, especially by Ms Tucker and Ms Horodny; but it was pleasing to see that Ms McRae realises that the Government, taking on board the work done by Mr Lamont - it was started off by Mr Lamont - is now looking at that holistic approach in the planning process. To ensure that this happens, it has been decided to integrate, as Mr Stefaniak has said, the ACT housing strategy process with the metropolitan growth strategy which was announced in November last year. With the linking of these two processes, the final housing plan will be completed in coordination with the metropolitan review timetable. This revised timetable will allow for extensive and effective consultation on the key issues for Canberra's housing and future growth.

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Mr Speaker, already, the strategy reference group, which represents key industry professional and community organisations in the ACT, has provided the Government with valuable input to the development of strategies for the housing plan. I will pass on to Mr Stefaniak that Ms McRae called for a copy of that study that has been taking place and asked that the Assembly be kept informed. I am sure that the Minister will continue to keep the Assembly informed. I cannot see any reasons why Ms McRae cannot also have a copy of the list of members of the reference group that we have referred to.

**Ms McRae:** Yes, there was probably a press release.

**MR DE DOMENICO:** I remember reading it this morning, in fact. I will get you a copy of that. As part of the development of this plan, ACT Housing has undertaken a number of projects which will give a better understanding of housing needs in the community and the dynamics of supply and demand in the housing market.

So much for the prepared speech. I think it is important that we get to the social harmony situation as well. Long gone are the days when you build the ghettos and say, "Here is public housing; here is private housing". I think we will find that all modern planners and modern environmentalists, and all sensible people - let us be honest - will have a mixture of public and private housing so that people cannot even tell the difference, and nor should they, between one and the other. I think that comes into social harmony. It also relates to proper and good planning, and social justice as well. Having said all that, I am delighted that the Opposition has agreed that it is a fine strategy that Mr Stefaniak has presented to the house. The Government will continue to inform the Assembly on what is going on. I am sure that the Assembly will be well informed once Mr Stefaniak presents things from time to time.

Question resolved in the affirmative.

### **PRIVATE MEMBERS BUSINESS - PRECEDENCE** **Suspension of Standing Orders**

**MR BERRY (4.46):** Earlier this day debate on a motion which had been moved by Mr Moore and subsequently amended was adjourned, and I would like to bring that motion back on. I move:

That so much of the standing orders be suspended as would prevent the order of the day, private members business, relating to the presentation of the Report on Information Technology being called on forthwith.

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

**INFORMATION TECHNOLOGY**  
**Motion to Table Paper**

Debate resumed.

**MRS CARNELL** (Chief Minister) (4.48): I think it is important to restate the position here and the precedent that will be set, but before I do that I think it is important to quote some statements that have been made before in this Assembly. On 25 November 1993 Mr Berry said:

I am saying to you that I am not inclined to table the contract with VITAB because it is a commercial-in-confidence document.

Well, what has changed? On 1 March - - -

**Mr Moore:** This is not a contract.

**Ms Follett:** That is what has changed.

**MRS CARNELL:** It is commercial-in-confidence. He said "a commercial-in-confidence document". He went on to make that comment again and again. I am reluctant to bring up a particular situation in 1990 when Mr Moore, I think, put a document through a shredder rather than table it in this house. I think that people should remember what has happened in the past before we pass this sort of motion. It is certainly true that the amendment makes the motion somewhat more acceptable to the Government because it does get rid of the commercial-in-confidence pieces of that report. I urge members of the Assembly, when they are given an opportunity to have a look at those commercial-in-confidence pieces, to treat them in confidence.

**MS FOLLETT** (Leader of the Opposition) (4.50): I want to respond, very briefly, to what Mrs Carnell has said. The document which Mr Moore has moved be tabled in the Assembly is not a contract. The document that the Assembly seeks access to is, in fact, a consultant's report commissioned by the Government and paid for by the Canberra taxpayer. I believe that such documents, as a general rule, should be public documents. This is a consultant's report; it is not a contract. I do not think members ought to be swayed in any way by what is a quite fallacious argument by the Chief Minister - yet another one.

Mr Speaker, during the lunchbreak some members, and I was one of them, had the opportunity to peruse very briefly the document in question, which was brought to us by some officers of the Public Service, and I thank them very much for that. The document was confirmed as being a consultant's report, and a quite lengthy one. The document was confirmed as making no adverse comment on any individual, public servant or otherwise. So any questions - all of the scare tactics about defamation and so on - were simply a smokescreen by Mrs Carnell. The document contains a very small amount of information which could be construed as having some confidentiality. That confidentiality relates to the timing of access to that information rather than to the information itself. The information itself, in fact, could well be sought and obtained by the Estimates Committee or in the normal course of budgetary reporting, especially under accrual accounting.

Mr Speaker, I accept that there is some small element of this report which the Government would rather not make public.

**Mr Humphries:** For good reasons.

**MS FOLLETT:** I do not accept that it is for good reasons; nevertheless, I am prepared to respect those reasons. The information, I believe, could well be made public without damage to the Government or to the Territory; but, in a spirit of conciliation, which we never see from the Government, I am quite prepared to accept that that material be excised. I would like to see the report so that I can study it at some length because it is the basis for a very major decision of government, a decision that will affect not only the working lives of our own work force in the information technology sector but also, of course, both the public sector and the private sector generally in Canberra. If the document is the basis of such a major change in the way that the Public Service conducts its business, then it is only right that that document get a public airing.

**MR MOORE (4.53):** Mr Speaker, there are a number of issues that I think it is important to deal with. Firstly, Mr Speaker, I also was fortunate enough to have a briefing today from officers of the Public Service whom the Chief Minister made available at lunchtime. I thank her and I thank those officers, who clearly were happy to answer any of the questions that I raised. After that briefing, Mr Speaker, I became more convinced that the amendment is not necessary. However, I accept, in a spirit of conciliation, as Ms Follett put it, that that issue can wait until we have had a chance to study that document even more carefully.

This does really highlight, Mr Speaker, the Government's reluctance to part with anything. The Chief Minister raised these issues as to the legality of this motion. She said that it may well focus on individuals and that the commercial-in-confidence nature would mean that there was a loss to the Territory. Having taken that briefing, Mr Speaker, I am less convinced than ever that that is the case. I think that what we have is a culture where a public service and a government feel that it is more comfortable to keep things to themselves, particularly when they have anything to do with the area of business. I think we would be far better off if the culture were around the other way, where the response was, "Here we have a report done by some consultants that now ought to go out into the community and be exposed to a set of different opinions". An issue like this has such widespread ramifications for a range of people - for the Territory itself and for the finances of the Territory, and, as such, the Government; for the public servants who are working in the area, and we have talked about the briefing paper prepared by the CPSU; and for small business. These are the sorts of issues that need to be dealt with while we are debating this issue.

Mrs Carnell brought up two previous examples. The first one was about VITAB and I suggest that there is a major difference. That was a specific contract between two groups, so I am informed, with particular provisions about what could be open and what could not be. That is what I am informed, and I guess that it is something that we will not know for some years. The other issue Mrs Carnell brought up occurred in my first year in the Assembly, I think, when I shredded a document. Mr Speaker, members who were there will remember that I apologised to the Assembly. I said, "Yes, that was a mistake",

and I stood in front of a press conference and said, “This is something I ought not to have done. I have made a mistake. I will not make that mistake again. I hope that I will not make that mistake again”. That is not something that too many members in this chamber have done. I hope that the Chief Minister, when she goes back through this document carefully, will be able to say, “Well, it was a mistake that I sought not to have this tabled. In the interests of open government it is quite clear that it ought to have been, and I have made a mistake”, even if that mistake is based on the advice that she received from officers.

Mr Speaker, we are very conscious that this motion was brought on with little notice; but the debate on it was adjourned, and that was to give more time for appropriate consideration. The amendment that I put is not as necessary as I believed it was before I had seen the documents; but, in the appropriate spirit of conciliation, I will continue with that amendment. I look forward to those documents being tabled and members getting their copies.

Amendment agreed to.

Question put:

That the motion (**Mr Moore’s**), as amended, be agreed to.

The Assembly voted -

*AYES, 9*

*NOES, 6*

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

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

Question so resolved in the affirmative.

## ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.



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## **INFORMATION TECHNOLOGY Papers**

**MRS CARNELL** (Chief Minister): Mr Speaker, I table the following papers:

Information technology - Information Technology Review of the ACT Public Service -

Stage One Report.

Stage Two Report.

Unfortunately, Mr Speaker, we could get only one copy through the picket line.

## **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Public Service - Enterprise Bargaining**

**MR MOORE** (5.04): It is interesting, Mr Speaker, that Mrs Carnell should say that she could get only one of these documents through the picket line. At lunchtime I saw about 10 booklets, and I believe that there is volume 1 and volume 2, so maybe five or six copies of the tabled version of the report are not here. Perhaps they have gone out over the picket line. One wonders just when it is that the Government can get things across the picket line and when it cannot, and to what extent it suits it or not. Mr Speaker, I would like to finish this sitting by encouraging the Chief Minister to do what she can prior to the next sitting to ensure that the industrial strife that is occurring in the ACT at the moment comes to an end as soon as possible so that workers can get back to their ordinary jobs without having to be involved in bans that affect people.

### **Public Service - Enterprise Bargaining**

**MR HUMPHRIES** (Attorney-General) (5.05), in reply: Mr Speaker, we are working on the tunnel out of the building and it should be finished at about 6 o'clock on Saturday night.

Question resolved in the affirmative.

**Assembly adjourned at 5.05 pm until Tuesday, 26 March 1996, at 10.30 am**

**ANSWERS TO QUESTIONS**

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 123**

**Act of Grace Payments and Debt Write-Offs**

**MS FOLLETT** - Asked the Chief Minister upon notice on 6 December 1995 in relation to Act of Grace payments writing off or waiver of rights to money under section 43 or 124 of the Audit Act or any other Act between 9 March 1995 and 30 November 1995 -

- (1) Who was the beneficial recipient of the decision.
- (2) What was the amount of money involved.
- (3) On what date was the decision made.
- (4) What was the reason for the decision.

**MRS CARNELL** - The answer to the Member's question is in the attached papers.

**ATTACHMENT A**

**ACT OF GRACE PAYMENTS**

The following act of grace payments were made between 9 March 1995 and 30 November 1995:

- Ms S Porter - incorrectly issued with a Parking Infringement Notice. Payment of \$34 approved by the Chief Minister 27/10/95;
- Mr K Kerrison - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$736.21 approved by the Chief Minister 17/7/95;
- Ms R Penman - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$43.24 approved by the Chief Minister 5/8/95;
- Mr H Banks - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$263.60 approved by the Chief Minister 5/8/95;
- Mr G Smith - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$1,109.89 approved by the Chief Minister 5/8/95;
- R & M Allen - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$1,132.61 approved by the Chief Minister 5/8/95;
- AJ, BJ, TA & MJ Kelly - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$506.70 approved by the Chief Minister 5/8/95;
- A & D Darbyshire - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$3.12 approved by the Chief Minister 5/8/95;
- B Hauptmann - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$1.16 approved by the Chief Minister 5/8/95;
- R Smith - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$3.33 approved by the Chief Minister 5/8/95;

- G & R Cleary - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$655.42 approved by the Chief Minister 5/8/95;
- M Smylie - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$2.78 approved by the Chief Minister 5/8/95; and
- Burgess & Cottier - interest for a delay in providing a refund of overpaid land rent for property at Pialligo. Payment of \$1,432.57 approved by the Chief Minister 5/8/95.

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**ATTACHMENT B**

**DEPARTMENT OF URBAN SERVICES**

<b>NAME</b>	<b>CUST NO</b>	<b>AMOUNT</b>	<b>REASON FOR W/O</b>	<b>YEAR</b>
Christian City Church	011	126.56	Owner bankrupt portion recovered now new owners	1992/93
Wormald International	028	420.00	Client did not occupy building	1990/91
Colliers Jardine	037	220.00	Client billed not responsible at time of billing	1991/92
Dinosaur Display Museum	048	62.68	Balance due to change of owners dispute re dates of change over	1991/92
S & S Investments	075	308.25	S & S paid their portion unable to contact prior owner	1990/92
Quado Pty Ltd	105	195.00	Unable to contact Company	1989/90
ACS Maintenance	110	3705.00	Govt dispute who was responsible	1989/90
Units Plan 320	135	227.00	Confusion of owners	1992/93
Jamison Inn	254	642.00	Proprietors bankrupt now new prop.	1989/93
Mr & Mrs Karbellas	267	220.00	Unable to contact client/service disconnected	1991/92
F & R Ianelli	273	420.00	Portion recovered now new owners	1990/91
Canberra Tradesmen's Union Club	330	625.00	Club bankrupt	1990/92
John Hindmarsh	332	195.00	No details for this invoice	1989/90

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Shera Pty Ltd	334	390.00	No details for this invoice	1989/90
Dimetry Pedashenko	348	625.00	Bankrupt	1989/92
Venice Nominees	369	852.00	Bankrupt	1990/93
Intellectual Disability Service	371	220.00	Cannot ascertain who was responsible for debt	1991/92
Weston Creek Community Service	387	210.00	Cannot ascertain who was responsible for debt	1990/91
AEM	405	1037.00	Unable to allocate debt	1989
Oasis Indoor Sports Centre	409	210.00	Bankrupt	1990/91
LWOW Pty Ltd	430	210.00	Company unknown	1990/91
S Gouvoussis J Poulakis	432	447.00	Bankrupt	1991/93
National Mutual Property Services	453	245.00	No details for this invoice	1990/91
TNE Telecom	496	210.00	Uneconomical to pursue	1990/91
Drakeford Building	555	100.00	No details for this amount	?????
ACT Asset Management	580	1320.00	Govt dispute re debt	1991/92
ACS Asset Services	595	8680.00	Govt dispute re debt	1991/92
Yapeen Holdings	606	235.00	Dispute re installation now cancelled	1993/94

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Royal Aust Airforce	712	220.00	Govt dispute re debt	1991/92
G&G Constructions	719	220.00	Unable to contact owner at time of billing	1990/92
Alimnash P/L	824	210.00	Unable to contact owner at time of billing	1990/91
ACT Dept Health	FSS013	620.00	Health has no record of course being held	1989/90



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NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
1. BOYLE, Neil	BOY014	0684031911	\$170.00	Unecomonical to pursue.
2. CAMPBELL-THOMSON Simon	CAM026	2474014511	\$175.00	Unecomonical to pursue.
3. CLIMER, Julia	CLI005	1604030111	\$189.60	Unecomonical to pursue.
4. GIDDEY, Peter	GID002	0984028811	\$170.00	Unecomonical to pursue.
5. HOLMES, Gavin	HOL005	129428911	\$219.00	Unecomonical to pursue.
6. HOURIGAN, Heidi	HOU006	1334048011	\$194.50	Unecomonical to pursue.
7. JOHNSON, Beverly	JOH025	3593089811	\$228.80	Unecomonical to pursue.
8. JOHNSON, Michael	JOH041	2304066611	\$175.00	Unecomonical to pursue.
9. KERR, Jill	KER022	1164098611	\$120.00	Unecomonical to pursue.
10. KROPP, Natalie	KRO002	1784091811	\$292.50	Unecomonical to pursue.
11. MCMURRICH, Jason	MCM021	1844008811	\$195.00	Unecomonical to pursue.
12. MILLAR, Darron	MIL023	2603052511	\$170.00	Unecomonical to pursue.
13. SCHOLES Jenny	ESC002	1184102312	\$ 89.60	Unecomonical to pursue.
14. STEWART Alice	STE058	3054001911	\$175.00	Unecomonical to pursue.
15. VANBEERS Jerry	VAN041	2214032511	\$175.00	Unecomonical to pursue.

NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
16. VANDERLIST John	VAN048	3114024511	\$205.00	Unecomonical to pursue.
17. RICHARDSON Grant	RIC010	2993085111	\$189.60	Unecomonical to pursue.
18. ROSE Deirdre	ROS024	3443037222	\$189.60	Unecomonical to pursue.
19. BELL Eric	BEL032	1844007911	\$175.00	Unecomonical to pursue.
20. BENNETTO Shane	BEN022	0674024611	\$184.70	Unecomonical to pursue.
21. BLASHER Melissa	BLA031	1834006511	\$205.00	Unecomonical to pursue.
22. BROADBENT Donna	BRO114	2474017111	\$175.00	Unecomonical to pursue.
23. DAY Dianne	DAY007	2274053811	\$175.00	Unecomonical to pursue.
24. DINAH Sam	DIN001	1643042311	\$170.00	Unecomonical to pursue.
25. DUFF Alex	DUF010	1514116011	\$170.00	Unecomonical to pursue.
26. EDE Michael	EDE001	2794013711	\$185.00	Unecomonical to pursue.
27. FORJANIC Martina	FOR016	3313102911	\$214.10	Unecomonical to pursue.
28. GOUGE Wayne	GOU004	3463041811	\$170.00	Unecomonical to pursue.
29. HAZELL Vincent	HAZ005	1834004311	\$175.00	Unecomonical to pursue.
30. IRELAND Tim	IRE001	0444041811	\$297.40	Unecomonical to pursue.
31. JAMIESON Lisa	JAM002	2104110711	\$235.00	Unecomonical to pursue.

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NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
32. KAYE Michael	KAY007	2514031411	\$175.00	Unecomonical to pursue.
33. KEEGAN Deanne	KEE012	2194023624	\$165.00	Unecomonical to pursue.
34. KELLOU David	HEL018	3153038911	\$189.60	Unecomonical to pursue.
35. KORHONEN Marika	KOR004	1504112311	\$170.00	Unecomonical to pursue.
36. KRAJEWSKA Alexandra	ERA002	1974056311	\$175.00	Unecomonical to pursue.
37. LEVITSKI John	LEV004	1204111311	\$120.00	Unecomonical to pursue.
38. LIND Lynette	LYN009	1384064211	\$184.70	Unecomonical to pursue.
39. LUDMILA Onishko	LUD001	1654047911	\$170.00	Unecomonical to pursue.
40. MCGREGOR Willow	MCG034	1634041311	\$263.10	Unecomonical to pursue.
41. MADDEN Leila	MAD051	1533003911	\$169.75	Unecomonical to pursue.
42. MARKOVIC Zelka	MAR090	0314101411	\$174.90	Unecomonical to pursue.
43. PROUD Phillip	PRO001	2933064611	\$129.80	Unecomonical to pursue.
44. RENNIE Ian	REN008	1074062111	\$114.10	Unecomonical to pursue.
45. ROURKE Darren	ROU003	2943068611	\$209.20	Unecomonical to pursue.
46. SAWER Robyn	SAU007	1154093311	\$170.00	Unecomonical to pursue.
47. SIVALOGANA DHAN P	SIV002	3503061314	\$142.20	Unecomonical to pursue.

NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
48. STAAL Willem	STA050 STA051	0993031611 1003033111	\$165.00 \$193.50	Unecomonical to pursue.
49. TACKLIND Richard	TAC001	3173049711	\$170.00	Unecomonical to pursue.
50. VOGELE Jodi	VOG001	2623062811	\$170.00	Unecomonical to pursue.
51. WHITE Ian	WHI036	0764058711	\$199.40	Unecomonical to pursue.
52. YANDELL Chris	YAN002	3243074623	\$178.95	Unecomonical to pursue.
53. YOUNG Gregory	YOU009	0544077111	\$170.00	Unecomonical to pursue.
54. ZWIREK John	LWI001	3163045913	\$127.50	Unecomonical to pursue.

**TOTAL \$9,801.10**

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NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
BAKER, Belinda	BAK018	3134029911	\$245.00	Unecomonic al to pursue.
BLYZLYUK, Nina	BLY007	1005036411	\$175.00	Unecomonic al to pursue.
COWAN, William	COW008	0205061511	\$175.00	Unecomonic al to pursue.
DIAMOND, Brien	DIA003	3644109511	\$175.00	Unecomonic al to pursue.
FENG, Jennyvanms	YAN006	0755061711	\$225.00	Unecomonic al to pursue.
HARRINGTON, Matthew	HAR105	2834027811	\$175.00	Unecomonic al to pursue.
HOGG, Naomi	HOG019	0015002611	\$175.00	Unecomonic al to pursue.
HOWICK, Keith	HOW021	1144088211	\$170.00	Unecomonic al to pursue.
MCDONALD, Leanne	MAC056	3274078711	\$235.00	Unecomonic al to pursue.
MAYHEW, Michelle	MAY021	3294087611	\$175.00	Unecomonic al to pursue.
MURTON, John	MUR059	0275085111	\$175.00	Unecomonic al to pursue.
POWER, Keith	POW034	0065020111	\$175.00	Unecomonic al to pursue.
VARLIS, Harry	VAR005	0295089811	\$175.00	Unecomonic al to pursue.
WIGGINS, Darren	WIG013	0625011711	\$235.00	Unecomonic al to pursue.
WILLIAMS, Craig	WIL202	0115035511	\$175.00	Unecomonic al to pursue.
WRAY, Paul	WRA003	3034106311	\$190.00	Unecomonic al to pursue.
				<b><u>TOTAL \$3,050.00</u></b>

NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
APPS, Philip	APP006	0715044511	\$175.00	Unecomonic al to pursue.
ASHMAN, Graeme	ASH006	3374008911	\$190.00	Unecomonic al to pursue.
BAKER, Todd	BAK012	1115076011	\$205.00	Unecomonic al to pursue.
BROWN, Darren	BRO120	2854038211	\$175.00	Unecomonic al to pursue.
COMBE, Freda	COM006	0275082711	\$175.00	Unecomonic al to pursue.
DEHNE, Vince	DEH002	0315099711	\$240.00	Unecomonic al to pursue.
DOBBS, Bevan	DOB004	2214032311	\$175.00	Unecomonic al to pursue.
ELLIS, Steve	ELL029	0805079211	\$175.00	Unecomonic al to pursue.
EVANS, Glenn	EVA021	2744000111	\$195.00	Unecomonic al to pursue.
FRANCIS, Troy	FRA062	3214058911	\$175.00	Unecomonic al to pursue.
GENDERS, Jason	GEN002	3183052111	\$170.00	Unecomonic al to pursue
GORMAN, Rebecca	GOR028	0205064133	\$131.25	Unecomonic al to pursue.
GRAHAM, Alex	GRA084	0295092611	\$190.00	Unecomonic al to pursue.
HAGAN, Paula	HAG007	3034107011	\$175.00	Unecomonic al to pursue.
HANLEY, Natasha	HAN038	2904057311	\$195.00	Unecomonic al to pursue.
HAWKE, John	HAW016	2544041111	\$175.00	Unecomonic al to pursue.
HUSSELL, Phillip	HUS006	0305094211	\$175.00	Unecomonic al to pursue.
LAWRENCE, Robert	LAW025	3194053311	\$175.00	Unecomonic al to pursue.

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NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
LEAL, Kerry	MAY010	0975026611	\$175.00	Unecomonic al to pursue.
LIND, Lynette	LIN014	0845097811	\$175.00	Unecomonic al to pursue.
LONEY, Jack	LON021	0805078311	\$175.00	Unecomonic al to pursue.
NATTRASS, Peter	NAT001	3454039911	\$175.00	Unecomonic al to pursue.
NOLTE, Vicki	NOL008	0045014411	\$175.00	Unecomonic al to pursue.
OSBORNE, Steve	OSB004	0675031911	\$175.00	Unecomonic al to pursue.
RAYMOND, Lance	RAY010	0565088011	\$185.00	Unecomonic al to pursue.
SHAO, Ye Jian	SHA055	1095067811	\$175.00	Unecomonic al to pursue.
SHEVESSE, David	SHE038	0975023211	\$195.00	Unecomonic al to pursue.
STEVENS, Darren	STE078	2754005411	\$225.00	Unecomonic al to pursue.
TOIVONEN, Melissa	TOI002	0205064123	\$131.25	Unecomonic al to pursue.
TSE, Bo	TSE001	0815082411	\$175.00	Unecomonic al to pursue.
TUCKEY, John	TUC011	0255075811	\$175.00	Unecomonic al to pursue.
WAY, Roz	WAY001	2333073211	\$100.00	Unecomonic al to pursue.
			<b><u>TOTAL</u></b>	<b><u>\$5,677.50</u></b>

NAME	Cust. No.	A/C No.	\$ DUE	REASON FOR W/O
ANDERSON, David	AND074	1565017611	\$175.00	Unecnomical to pursue.
ASSORNA, Chris	ASS002	0085024222	\$195.00	Unecnomical to pursue.
BAILEY, Melba	VAI002	1125082211	\$175.00	Unecnomical to pursue.
BARRENGER, Paul	BAR099	3464046911	\$175.00	Unecnomical to pursue.
BHARUCHA, Murzban	BHA001	0495062811	\$175.00	Unecnomical to pursue.
BUSH, Andrew	BUS009	3444036111	\$175.00	Unecnomical to pursue.
CAGAIN, Brian	CAR066	3054004211	\$225.00	Unecnomical to pursue.
DAVIDSON, Jamie	DAV085	0705042711	\$220.00	Unecnomical to pursue.
DEMCZYSZYN , Donald	DEM003	2584056211	\$195.00	Unecnomical to pursue.
GARRICK, Aaron	GAR029	2884052212	\$195.00	Unecnomical to pursue.
GRAY, Scott	GRA087	0545079311	\$250.00	Unecnomical to pursue.
HERRINGTON , John	HAR106	2834031212	\$180.00	Unecnomical to pursue.
HETHIN, Peter	HET001	2684094411	\$175.00	Unecnomical to pursue.
HILL, Travis	HIL034	3214059411	\$265.00	Unecnomical to pursue.
JONES, David	JON064	0215067411	\$180.00	Unecnomical to pursue.
MATHEWS, Danny	MAT029	0285087311	\$175.00	Unecnomical to pursue.
MCEWAN, Karen	MCE004	1755103811	\$175.00	Unecnomical to pursue.
MOUCK, Richard	MOU007	3384013711	\$380.00	Unecnomical to pursue.



29 February 1996

NAME	CUST No.	A/C NO	\$ DUE	REASON FOR W/O
SPOONER, Grant	SPO003	3534071211	\$ 175.00	Uneconomical to pursue.
STEWART, Richard	ste098	"0415033011	\$ 175.00	Uneconomical to pursue.
SULLIVAN, Gregory	SUL009	"0045013111	\$ 215.00	Uneconomical to pursue.
THOMAS, Maureen	THO050	1029033411	\$ 134.00	Uneconomical to pursue.
		<b>TOTAL</b>	<b>\$ 4,384.00</b>	

Name	Cust. No.	A/C No.	Amount	Reason for W/O
BACHSAN, Christine	BAC009	2524036111	\$ 175.00	Uneconomical to pursue
BUETTNER, Kerry	BUE002	3404021611	\$ 225.00	Uneconomical to pursue
PITTARD, Stacy	PIT001	1355052111	\$ 220.00	Uneconomical to pursue
PITTARD, Stacy	PIT001	1455090911	\$ 245.00	Uneconomical to pursue
STEVENS, Martin	STE076	2644078211	\$ 175.00	Uneconomical to pursue
THOMSON, Brian	THO090	3104019511	\$ 175.00	Uneconomical to pursue
WALKER, Frederick	WAL111	245075311	\$ 195.00	Uneconomical to pursue
WARHURST, John	WAR049	3654114511	\$ 175.00	Uneconomical to pursue
WILLIAMS, Tamara Lea	WIL136	1204110012	\$ 170.00	Uneconomical to pursue
WILLIAMS, Matthew	WIL174	2534038312	\$ 245.00	Uneconomical to pursue
WOJCIECHOWSKI, Walter	WOJ004	935009011	\$ 195.00	Uneconomical to pursue
		<b>TOTAL</b>	<b>\$ 2,195.00</b>	

29 February 1996

Name	Cust. No.	A/C No.	Amount	Reason for W/O
ANDERSON, Steven	AND066	3614102611	\$ 235.00	Uneconomical to pursue
BOLITHO, Marta	BOL018	1385065511	\$ 230.00	Uneconomical to pursue
BRADLEY, Mary	BRA051	"0703036911	\$ 165.00	Uneconomical to pursue
COMBE, David	COM050	1063055412	\$ 99.90	Uneconomical to pursue
FORD, Jessica	FOR040	"0095027011	\$ 180.00	Uneconomical to pursue
FRANCIS, Joanne	FRA035	1454091311	\$ 170.00	Uneconomical to pursue
GIBBS, Robert	GIB021	"0015004711	\$ 195.00	Uneconomical to pursue
HARKIN, Dan	HAR114	3454041911	\$ 275.00	Uneconomical to pursue
HEBERT, Allan	HEB050	2262036511	\$ 184.00	Uneconomical to pursue
HERBERT, Kane	HER023	3614102311	\$ 295.00	Bankrupt
KHOUNSIPASEUTH, Yotpathana	KHO002	"0675031155	\$ 135.00	Uneconomical to pursue
KHOUNSIPASEUTH, Soksata	KHO002	"0675031115	\$ 135.00	Uneconomical to pursue
KHOUNSIPASEUTH, Loklevsa	KHO002	"0675031135	\$ 135.00	Uneconomical to pursue
KLATOVSKY, Glen	KLA001	"0635015911	\$ 195.00	Uneconomical to pursue
MCQUALTER, Nicholas	MCQ002	2423107811	\$ 50.00	Uneconomical to pursue
MAXFIELD, Paul	MAX001	2753007811	\$ 58.00	Uneconomical to pursue
MORRIS, Wayne	MOR121	1495108811	\$ 190.00	Uneconomical to pursue
NANMUSKA, Slavica	NAN005	1865017611	\$ 287.10	Uneconomical to pursue
PAOLACCI, Tracey	PAO001	1885027811	\$ 200.40	Uneconomical to pursue
RODGER, Christopher	ROD052	1262012822	\$ 284.20	Uneconomical to pursue
RUSSEL, Andrew	ROS034	1124080811	\$ 170.00	Uneconomical to pursue
SMITH, Matthew	SMI121	2754003211	\$ 95.00	Uneconomical to pursue

Name	Cust. No.	A/C No.	Amount	Reason for W/O
SMITH, Norman	SMI055	"0715043311	\$ 175.00	Uneconomical to pursue
THOMAS, Jeff	THO115	1485102611	\$ 195.00	Uneconomical to pursue
THOMAS, Wendy	THO118	1155094911	\$ 190.00	Uneconomical to pursue
THORNCROFT, Linda	THO094	3354004111	\$ 45.00	Uneconomical to pursue
VRANKO, Ljubomar	VRA001	"0315101711	\$ 175.00	Uneconomical to pursue
WATSON, Nigel	WAT046	2844035012	\$ 175.00	Uneconomical to pursue
WATSON, Trudy	WAT047	2844035022	\$ 175.00	Uneconomical to pursue
YWIATT, Orowin	YWI001	1775111911	\$ 185.00	Uneconomical to pursue
ZIEBELL, Kevin	ZIE003	1774090811	\$ 174.90	Uneconomical to pursue
		TOTAL	\$ 5,453.50	

FILE NAME: SEC124

Ms Helen Wilson

I refer to your minute dated 20 December 1995 requesting information to write-off under Section 124 of the Audit Act. The following data is provided for your information, I have only provided one total, as I do not wish to breach the privacy act.

<u>Receipt</u>	<u>Amount</u>	<u>Date</u>	<u>Reason</u>
W O'Reilly	-	5-Jun-95	Float stolen
Tug Depot	-	4-Jul-95	Break-in
Tug Depot	-	19-Oct-95	Shortfall
Tug Cash Office	-	6-Apr-95	Break-in
B Meaney	-	4-Jul-95	Break-in
S Maloney	-	30-May-95	ATS System
Kambah News.	-	19-Apr-95	Unpaid tickets
ANU Liberal Club	-	10-Jul-95	Debt charged twice
ACT School Sports Cnl.	-	10-Jul-95	Debt charged twice
Covenant College	-	10-Jul-95	Debt charged twice
E Griffen	-	16-Aug-95	Error in Ticket Sales
	29,684.03		

Christine Lomas  
5-Jan-96

ACT DEPARTMENT OF  
URBAN SERVICES

Environment and Land Bureau  
Minute

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Subject: ASSEMBLY QUESTION ON NOTICE - WRITE OFF OR WAIVER OF RIGHTS TO MONEY

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**Helen Wilson**  
**Office of the Secretary**

The following information is provided in response to your request concerning the write off or waiver of rights to money under Section 124 of the Audit Act 1989 or any other act between 9 March and 30 November 1995.

One waiver has been made during the period concerned.

The beneficial recipient of the decision was ACTEW Corporation. The amount of money involved was \$1,558. The decision was made on 13 July 1995. The reason for the decision was that:

- ACTEW paid a licence fee for a waste discharge licence when it applied for a licence for the period 1 January to 31 December 1995
- licences were issued for the periods 1 January to 31 March 1995 and 1 April to 30 June 1995 only, pending the resolution of a number of conditions of the licence
- following resolution of these issues, a licence for the period 1 July 1995 to 30 June 1996 was issued
- given that ACTEW had already paid a full fee for the period covered by the 2 short term licences (6 months), a reduced fee was levied for the subsequent annual licence.

Please contact Diana Jackson on 207 2211 if you require further information or assistance.

A Nicolson  
A/g Director  
Environment  
10 January 1996

## MINUTE PAPER

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**SUBJECT:** QUESTION ON NOTICE - WRITE OFF OR WAIVER OF RIGHTS  
TO MONEY

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FILE REF :  
OFFICER : R Romano  
PHONE : 2071652  
FAX : 2071648

Helen Wilson  
Office of the Secretary

As requested on 20 December 1995 the following are details of write off or waiver of rights to money under section 124 of the *Audit Act 1989* or any other Act, between 9 March and 30 November 1995 recorded by the Commercial Section for ACT Land.

<b>Recipient</b>	<b>Date</b>	<b>:</b>	<b>Amount</b>	<b>Reason</b>
CANMAP	5/6/95	:	\$15000	Company bankrupt
Tuggeranong Pastoral Co.	12/7/95	:	\$2.36	Uneconomical to pursue
TD Kelly	4/9/95	:	\$7.11	Uneconomical to pursue
TJ Spellman	4/9/95	:	\$3391.97	Uneconomical to pursue

If you have any queries please contact me on 2071652.

Rosetta Romano  
Accountant  
Commercial Section

## Minute Paper

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**Subject:** WRITE OFFS

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Annabelle Pegrum  
A/g General Manager  
City Operations

The following invoices from the 1993/94 and 1994/95 financial year are to be written off under Section 124(1)(b) of the Audit Act (irrecoverable revenue). These balances below are as at 30 June 1995 and are to be written off for the 1994/95 period.

Despite chasing of these accounts on several occasions by telephone it is clear payment will not be forthcoming. Given the age of these accounts write off action appears to be the most appropriate course of action.

### ENGINEERING SECTION CITY PARKS

Birrigai	Jrnl	June	39	(93-94)	\$1,100.46.
Bruce Stadium	Jrnl	Feb	55	(93-94)	\$1,350.00

**TOTAL** **\$2,450.46**

Greg Potter  
Manager Administration  
City Parks  
7 August 1995



MINUTE



ACT GOVERNMENT

Contact: Sue Kumpus  
 Telephone: 2077635  
 File Ref:

SUBJECT: ASSEMBLY QUESTION ON NOTICE - INFORMATION IN RELATION TO WRITE OFF OR WAIVER OF RIGHTS TO MONEY UNDER SECTION 124 OF THE AUDIT ACT (BETWEEN 9/3/95 AND 30/11/95).

Sue Ross  
 Manager  
 Business and Development

- Diana Banks  
 A/g General Manager  
 Services & Information Branch

- Manager  
 Branch Services

In response to the minute dated 22 December 1995 seeking information on the above Question on Notice, Services and Information Branch offers the following -

Who was the beneficial recipient of the decision	What was the amount of money involved	On what date was decision made	What was the reason for the decision	
<u>DOG CONTROL</u>				
Andrew Clive	\$287.00	13/9/95	All avenues searched, item not found. Officer to take more care.	Loss
due to mistake/neglect.				
<u>SHOPFRONTS</u>				
Diana Schumacher	\$50.00	13/9/95	Cashier discrepancy - more care to be taken. Loss due to mistake/neglect.	
Dana Vardos	\$50.00	13/9/95	Cashier discrepancy - more care to be taken. Loss due to mistake/neglect	
Carlos Tagaza	\$100.00	13/9/95	Cashier discrepancy - more care to be taken. Loss due to mistake/neglect.	
Carlos Tagaza	\$50.00	13/9/95	Cashier discrepancy - further claims against this officer not	to be
approved until				
investigation made				
Carlos Tagaza	\$50.00	13/9/95	Cashier discrepancy	
Megan Crockford	\$45.00	13/9/95	Cashier discrepancy - more care to be taken. Loss due to mistake/neglect	
Annette Stone	\$110.20	13/9/95	Cashier discrepancy - more care to be taken. Loss due to	

ACT DEPARTMENT OF  
 URBAN SERVICES  
 CITY SERVICES

**SERVICES AND INFORMATION BRANCH**

29 February 1996

			mistake/neglect.
Michelle Gregory	\$100.00	13/9/95	Cashier discrepancy - more care to be taken. Loss due to mistake/neglect.
Unknown	\$50.50	13/9/95	Changes made in layout of safe - location of float. Security tightened on key issue.
Unknown	\$34.80	13/9/95	Cashier discrepancy - closer supervision, security tightened.
Linda Sergi	\$65.00	3/10/95	Cashier discrepancy - more care to be taken. Loss due to mistake/neglect.
Sue Weise	\$100.00	3/10/95	Cashier discrepancy - more care to be taken. Loss due to mistake/neglect.
May Leon	\$100.00	12/10/95	Cashier discrepancy - more care to be taken - note was made of staff rotations. Loss due to mistake/neglect.
Nicole Moutia	\$20.00	29/11/95	Cashier discrepancy - more care to be taken. Loss due to error/mistake.

LIBRARIES

Nil return

WASTE MANAGEMENT

Nil return

CPS

Nil return.

Submitted for your consideration.

Sue Kumpus  
A/g Admin Officer  
Services and Information

9 January 1996

29 February 1996

## ACT City Services

PO Box 249, Civic Square ACT 2608

**ACT Department  
of Urban Services**

Fax: 207 6108

Tel: 207 6419

**SUBJECT: Question on notice - Write off or waiver of rights to money**

File Reference:

Helen Willson  
Office of the secretary

Please find attached responses from City Services to the Question on notice concerning write off or waiver of rights to money.

If you have any queries please contact me on 76419.

Tricia Mair  
Business & Development  
16 January 1996

<b>Beneficial Recipient of Decision</b>	<b>Dollar Value of Decision</b>	<b>Date of Decision</b>	<b>Reason for Decision</b>
Unknown street lighting was stolen and	\$853.22	21-Aug-95	Recovery of cost of repair to not possible as the vehicle driver unable to be identified
J Paal street lighting locate the driver.	\$1,375.16	22-Aug-95	Recovery of cost of repair to not possible as unable to
J Morris/K Watson street lighting locate the driver.	\$1,948.70	22-Aug-95	Recovery of cost of repair to not possible as unable to
D Hough street lighting vehicle at time	\$2,390.38	31-Aug-95	Recovery of cost of repair to not possible as the owner of not able to be identified
A Oloyede street lighting locate the driver.	1621.82	25-Sep-95	Recovery of cost of repair to not possible as unable to
L Kinsella street lighting locate the driver.	2399.26	3-Nov-95	Recovery of cost of repair to not possible as unable to
T Clarke traffic signals locate the driver.	\$2,840.00	Sep-95	Recovery of cost of repair to not possible as unable to
D Lester traffic signals locate the driver.	\$702.44	Sep-95	Recovery of cost of repair to not possible as unable to
M Santinon traffic signals bankrupt with no	\$15,045.81	Oct-95	Recovery of cost of repair to not possible as driver is assets
<b>Total</b>	<b>\$55,707.41</b>		

<b>Beneficial Recipient of Decision</b>	<b>Dollar Value of Decision</b>	<b>Date of Decision</b>	<b>Reason for Decision</b>
Vicki Gill to be genuine of documents, supervisors.	\$50.00	25/05/95	Cashier's deficiency deemed error after thorough checking cash and cheques by
Graham Piper to be genuine of documents, supervisors.	\$20.00	29/06/95	Cashier's deficiency deemed error after thorough checking cash and cheques by
Kym Chovan-Smith to be genuine of documents, supervisors.	\$50.00	23/07/95	Cashier's deficiency deemed error after thorough checking cash and cheques by
Louise Dwight to be genuine of documents, supervisors.	\$50.00	07/08/95	Cashier's deficiency deemed error after thorough checking cash and cheques by
Susan Howell to be genuine of documents, supervisors.	\$50.00	18/08/95	Cashier's deficiency deemed error after thorough checking cash and cheques by
Kerry Devine to be genuine of documents, supervisors.	\$98.00	01/11/95	Cashier's deficiency deemed error after thorough checking cash and cheques by
Kym Chovan-Smith to be genuine of documents, supervisors.	\$5.00	01/11/95	Cashier's deficiency deemed error after thorough checking cash and cheques by
C Atyeo street lighting locate the driver.	\$1,608.81	22-Mar-95	Recovery of cost of repair to not possible as unable to
Ante Kovancevic street lighting locate the driver.	\$759.39	28-Mar-95	Recovery of cost of repair to not possible as unable to
L Lawrence street lighting locate the driver.	\$1,996.85	29-Mar-95	Recovery of cost of repair to not possible as unable to
E Ryan street lighting locate the driver.	\$781.90	30-Mar-95	Recovery of cost of repair to not possible as unable to
S Wills street lighting locate the driver.	\$1,503.71	30-Mar-95	Recovery of cost of repair to not possible as unable to
Z Petrovic street lighting locate the driver.	\$ 1,661.92	30-Mar-95	Recovery of cost of repair to not possible as unable to

<b>Beneficial Recipient of Decision</b>	<b>Dollar Value Of Decision</b>	<b>Date of Decision</b>	<b>Reason for Decision</b>
G Bauer street lighting locate the driver.	\$1,847.76	30-Mar-95	Recovery of cost of repair to not possible as unable to
L Hropic street lighting locate the driver.	\$1,456.57	30-Mar-95	Recovery of cost of repair to not possible as unable to
M Tantitemit street lighting locate the driver.	\$1,861.24	29-Mar-95	Recovery of cost of repair to not possible as unable to
Zheo Zheng street lighting locate the driver.	\$ 1,660.08	11-Apr-95	Recovery of cost of repair to not possible as unable to
I Rankin street lighting was stolen and	\$2,240.21	28-Apr-95	Recovery of cost of repair to not possible as the vehicle driver unable to be identified
A Shilg street lighting locate the driver.	\$921.71	13-Jul-95	Recovery of cost of repair to not possible as unable to
J Murphy street lighting locate the driver.	\$174.80	24-Jul-95	Recovery of cost of repair to not possible as unable to
M Perry street lighting locate the driver.	\$1,664.25	24-Jul-95	Recovery of cost of repair to not possible as unable to
A Watson street lighting locate the driver.	\$2,206.68	24-Jul-95	Recovery of cost of repair to not possible as unable to
S Pinwell street lighting locate the driver.	\$1,647.19	24-Jul-95	Recovery of cost of repair to not possible as unable to
W Visser street lighting locate the driver.	\$1,188.11	24-Jul-95	Recovery of cost of repair to not possible as unable to
M Ahern street lighting locate the driver.	\$1,026.44	24-Jul-95	Recovery of cost of repair to not possible as unable to

## Minute Paper

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**Subject:     WRITE OFFS**

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Annabelle Pegrum  
A/g General Manager  
City Operations

The following invoices from the 1993/94 and 1994/95 financial year are to be written off under Section 124(1) (b) of the Audit Act (irrecoverable revenue). These balances below are as at 30 June 1995 and are to be written off for the 1994/95 period.

Despite chasing of these accounts on several occasions by telephone it is clear payment will not be forthcoming. Given the age of these accounts write off action appears to be the most appropriate course of action.

### **CITY PARKS**

CSIRO	Inv 1207/945	\$2732.00
Hooker Corporate	Inv 1128	\$2306.00
Hooker Corporate	Inv 1156	\$2120.00
Hooker Corporate	Inv 1179	\$ 828.00
Hooker Corporate	Inv 1203	\$ 621.00
Asset Management	Inv 1049/948	\$3038.34
Waste Management	Inv 1019	\$ 178.00
Public Works	Inv 1189	\$1191.20
Transport Regulation	Inv 1094	\$3479.00
DUS Estate Management	Inv 982	\$ 255.00
Bruce C I T	Inv 1025	\$ 70.00
CSIRO	Inv 991	\$1066.00

### **TSU**

Vermont Sands	SDA 986	\$ 529.00
Tamworth Turf	SDA 957	\$ 105.00
Valley Landscape	SDA 988	\$ 313.00
Valley Landscape	SDA 1055	\$ 87.00

**TOTAL** \$18918.54

Greg Potter  
Manager Administration  
City Parks

*29 February 1996*

**ATTACHMENT C**

**DEPARTMENT OF HEALTH AND COMMUNITY CARE**



RECIPIENT	AMOUNT	DATE OF DECISION	REASON
<b>Community Division</b>			
<b>Health Centres</b>			
WILLIAM R	24.15	14/3/95	Accounts returned
POND M	24.15	14/3/95	Accounts returned
PHAM H	6.30	14/3/95	Accounts returned
HUDSON G	3.60	14/3/95	Accounts returned
HIDALGO J	3.60	14/3/95	Accounts returned
HASEMER J	66.00	March 95	Claim for workers compensation no longer pursued
DILLOLO A.P. Mr	66.00	27/4/95	Insurance company and client refused to pay account.
NARAYAN S	21.00	April 95	Unable to trace
MCMURRAY G	24.15	April 95	Mail returned unclaimed
KEIRINS R	12.00	April 95	Workers compensation denied
JONES J	22.50	April 95	Mail returned unclaimed
CARLINE R	72.00	April 95	Insurance company refused to pay \$150 for medical report - paid \$78
BUCKNELL P	43.00	May 95	Workers compensation denied - unable to trace patient
BICKLEY, S	27.00	21/6/95	Cost of recovery of the debt did not justify further action.
SAILLOT E	66.00	July 95	Claim for workers compensation no longer pursued
SEYMOUR E	42.50	July 95	Mail returned unclaimed
GOLD S	66.00	July 95	All attempts to retrieve from insurance company failed
PIERCY N	24.15	July 95	Workers compensation denied patient ignored accounts
BATES V	128.00	July 95	Comcare refused liability account over 2 years old.
VANNASY D	24.15	24/8/95	Baby not registered with Medicare. No longer at address given
ZIEBILL K	48.30	Sept 95	Compensation denied, mail returned
YOUNG S	42.00	Sept 95	Unable to trace
STOCKDILL S	24.15	Sept 95	Compensation denied
DORAN B	43.55	Sept 95	Compensation denied, mail returned
WHITFIELD J	24.15	30/10/95	Client not accepted for a Workers Compensation claim. Outside Medicare time frame.
DALEY WJ	33.58	14/11/95	Estate finalised
FLEISCHER R	120.00	14/11/95	Unable to trace, over two years old
MAILAU H	24.15	14/11/95	Unable to trace, over two years old
MADDEN L	48.30	14/11/95	Unable to trace, over two years old

RECIPIENT	AMOUNT	DATE OF DECISION	REASON
RICHARDSON G old	24.15	14/11/95	Unable to trace, over two years
ROBINS L old	24.15	14/11/95	Unable to trace, over two years
TAN R old	24.00	14/11/95	Unable to trace, over two years
CHERRY P pursued	66.00	Nov 95	Claim for compensation not
NEILL J	38.00	Nov 95	Unable to trace
ANDREWS G	36.15	Nov 95	Mail returned
<b>Disability Services</b>			
JOHNSON S Model.	289.00	20/6/95	Changeover to Resident Funded Was required to pay rent as well as accommodation costs and applied relief.
for SYERDAHELYI H Model.	289.00	20/6/95	Changeover to Resident Funded Was required to pay rent as well as accommodation costs and applied relief.
for			
<b>Corporate</b>			
WENNBERG N	88.21	10/8/95	Unable to trace
<b>Hospital</b>			
BATES L	90.00	27/7/95	Unrecoverable
NOBLE Mr & Mrs	995.00	27/7/95	Unrecoverable
KELLY G	37.50	27/7/95	Unrecoverable
KELLY G	78.50	27/7/95	Unrecoverable
DARCY Ms	25.00	27/7/95	Unrecoverable
LANE D	110.00	27/7/95	Unrecoverable
WHYMAN W	10.00	27/7/95	Unrecoverable
WOODS Mr & Mrs	478.65	27/7/95	Unrecoverable
TOON J	52.50	27/7/95	Unrecoverable
RICHEs S	87.50	27/7/95	Unrecoverable
CALLAGHAN L	55.00	27/7/95	Unrecoverable
BROWN A	10.00	27/7/95	Unrecoverable
HOWELL Mr	50.00	27/7/95	Unrecoverable
MURRAY J	20.00	27/7/95	Unrecoverable
PRICE M	25.00	27/7/95	Unrecoverable

RECIPIENT	AMOUNT	DATE OF DECISION	REASON
KAYE R	10.00	27/7/95	Unrecoverable
MAXWELL Mr	120.50	27/7/95	Unrecoverable
MAXWELL Mr	90.00	27/7/95	Unrecoverable
WHITE Miss	10.00	27/7/95	Unrecoverable
HEYCOX D	185.00	4/10/95	Unrecoverable
THOMAS B	200.00	4/10/95	Unrecoverable
SHAW B	52.00	4/10/95	Unrecoverable
SAMS Mrs	18.20	4/10/95	Unrecoverable
CHOWN P	288.00	4/10/95	Unrecoverable
WATERBURY M	41.60	4/10/95	Unrecoverable
HOOLE A	120.00	4/10/95	Unrecoverable
BOBBINE Mr & Mrs	457.60	4/10/95	Unrecoverable
CARLIN D	72.80	4/10/95	Unrecoverable
HUMPHREY J	10.40	4/10/95	Unrecoverable
PARSONS T	13.00	4/10/95	Unrecoverable
NOOY V	16.40	4/10/95	Unrecoverable
WALKER P	26.00	4/10/95	Unrecoverable
HALL C Mr & Mrs	13.00	4/10/95	Unrecoverable

*29 February 1996*

**ATTACHMENT D**

**CHIEF MINISTER'S DEPARTMENT**

**REVENUE OFFICE  
WRITE-OFFS AND WAIVERS  
9 MARCH TO 30 NOVEMBER 1995**

<b>WRITE-OFFS</b>	<b>Date</b>	<b>Amount</b>
Stamp Duty		
. Irrecoverable	22/03/95	147
	24/03/95	4,384
. Uneconomical to pursue	25/10/95	*350
	10/11 /95	*375
Liquor Licence Fee		
. Irrecoverable	23/03/95	9,946
	27/11 /95	4,176
Payroll Tax		
. Irrecoverable	24/03/95	2,432
	29/09/95	166,736
Bookmakers Levy		
. Irrecoverable	28/04/95	1,246
Gaming Machine Taxation		
. Uneconomical to pursue	13/07/95	*31
Conveyancing Enquiry Fee		
. Uneconomical to pursue	13/03/95	48
	21/07/95	48
<b>WAIVERS</b>	<b>Date</b>	<b>Amount</b>
Stamp Duty		
. Corporate Restructure		
- Monier PGH Holdings Group	29/07/95	168,000
- CRA Group	13/08/95	10,800,000
- Boral Cyclone Group	16/11/95	136,657
. Avoidance of double duty on taxpayer	20 <sup>1</sup> /06/95	168,000
. Amalgamation of Superannuation Fund	28/09/95	7,437
	15/09/95	6,346
. Payment in error - no refund provision	28/08/95	*3,198
	21/11 /95	350
	29/11/95	400
. Clerical error	13/03/95	*1,305
<b>RATES AND LAND TAX ACT Section 28A</b>	<b>Date</b>	<b>Amount</b>
Rates and Land Tax		
. Just and equitable	numerous	<u>*28,860</u>
	<b>Total</b>	<b>\$11,510,472</b>

<sup>1</sup> Note: \*Denotes more than one taxpayer

*29 February 1996*

**ATTACHMENT E**

**ATTORNEY GENERAL'S DEPARTMENT**

## ATTORNEY-GENERAL'S DEPARTMENT



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**Subject: ASSEMBLY QUESTION ON NOTICE**

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Mr M C Woods  
Under Treasurer

Attention: Mr B Ryan

I refer to your memo of 20 December 1995 concerning a question on notice by Ms Follett on the number and value of write-offs or waivers of rights to money under Section 124 of the Audit Act 1989 or any other Act, between 09 March and 30 November 1995.

The following information is provided:

The Registrar of the Magistrates Court has the discretion to waive application and transcript fees in cases where the payment of such a fee would cause hardship to the client. Legally assisted persons are also not required to pay court fees.

Details of these waivers are as follows:

**ACT Magistrates Court Act 1930**

17 application fees waived totalling	\$ 4 590
3 transcript fees waived totalling .	\$ 4 000

**ACT Magistrates Court (Civil Jurisdiction) Act 1982**

3 application fees waived totalling	\$ 204
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**Small Claims Act 1974**

1046 application fees waived totalling	\$28 242
--	----------

**Family Law Act 1975**

1 application fee waived totalling	\$ 300
------------------------------------	--------

**Guardianship and Management of Property Act 1991**

164 application fee waived totalling	\$ 3 280
--------------------------------------	----------

Amounts written off under the **ACT Audit Act 1989:**

5 cash deficiencies were written off totalling \$245.

These amounts relate to short falls in daily takings by counter agents of the Court. These deficiencies are all investigated as a matter of course. On all of the occasions included above, the officers involved were found not to be negligent in their duties in relation to the collection of public moneys, and therefore were not held liable to pay the amounts to the Territory in respect of the loss.

Similarly, the Registrar of the Supreme Court also has powers under the Supreme Court Act 1933 to waive application fees where the payment would cause hardship.

This discretion was exercised on 42 occasions in relation to Personal Injury Claims. The total value was \$7 488.

**Liquor Licence Fees**

Write-offs under Section 124 of the Audit Act -

Number	10
Value	\$13.87

These amounts were written off as uneconomic recoveries.

**Registrar-General's Office**

Write-offs under Section 124 of the Audit Act -

Recipient	Bloomfield Nicholls Solicitors
Number	1
Amount	\$45.00
Date of Decision	11 May 1995
Reason	Uneconomic Recovery

The credit arrangements for these Solicitor's have subsequently been terminated.

If you require any further information, please contact me on ext. 70509.

V.C. Dawson  
Finance Manager  
Ministerial & Corporate Services

08 January 1995



*29 February 1996*

**ATTACHMENT F**

**DEPARTMENT OF EDUCATION AND TRAINING**

**DEPARTMENT OF EDUCATION AND TRAINING & CHILDREN'S, FAMILY AND YOUTH SERVICES BUREAU**

**DEBT WRITE-OFFS 9 MARCH 1995 TO 30 NOVEMBER 1995**

<b>Beneficiary</b>	<b>Amount of Write-Off (\$)</b>	<b>Date of Write-Off</b>	<b>Reason for Write-Off</b>
Mrs M Kelly fence which Mrs Kelly's property. forward a case of hardship.	267.00	4.4.95	Debt related to the construction of a bordered both the school and Debt was waived as Mrs Kelly put inability to pay due to financial
Ms A Isaacs Debt was recovery action and oversight was Department.	83.70	8.5.95	Overpayment of travelling allowance. written-off due to oversight in long time delay (2 years) before detected. Officer had left the
Mr R Hennessy Debt was recovery action and oversight was Department.	83.70	8.5.95	Overpayment of travelling allowance. written-off due to oversight in long time delay (2 years) before detected. Officer had left the
Ms J Carroll Debt was recovery action and oversight was	83.70	8.5.95	Overpayment of travelling allowance. written-off due to oversight in long time delay (2 years) before detected.
Ms J Parker oversight in before oversight	312.78	12.5.95	Salary overpayment. Write-off due to recovery action and long time lapse was detected.
Canberra Youth Ballet locate debtor. School	1480.00	15.5.95	Hire of school buildings. Unable to
Mr N Wridgeway oversight in years) before left the	3929.84	8.6.95	Salary overpayment. Write-off due to recovery action and long time delay (2 oversight was detected. Officer had Department

<b>Beneficiary</b>	<b>Amount of Write-Off (\$)</b>	<b>Date of Write-Off</b>	<b>Reason for Write-Off</b>
Ms C O'Connor for use of an recovered prior to	134.68	23.6.95	Due to an oversight the contribution SES vehicle which was not fully the officer leaving the Department.
Ms J Hartley written-off due to time delay  detected.	769.19	8.6.95	Salary overpayment. Debt was oversight in recovery action and long  (2 years) before oversight was
Mr M Sawatski Long time recovery action was	31.50	21.8.95	Overpayment of travelling allowance. delay (2 years) before lack of detected.
Ms S Reichel had left  cost efficient to continue recover	32.08	24.8.95	Overpayment of allowance. Officer Department and did not requests. Not action.
Mr D McClure to oversight in years) before left the	1242.97	24.8.95	Overpayment of salary. Write-off due recovery action and long time delay (2 oversight was detected. Officer had Department
Mr P Nean Officer had left repayment efficient to continue	124.85	5.9.95	Overpayment of travelling allowance. Department and had not responded to requests. Not considered cost recovery action.

*29 February 1996*

**ATTACHMENT G**

**DEPARTMENT OF BUSINESS, ARTS, SPORTS AND TOURISM**

Nil returns

29 February 1996

**MINISTER FOR HOUSING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 136**

**Housing Trust Properties - Statistics**

**MS MCRAE** - asked the Minister for Housing and Family Services -

In relation to ACT Housing properties, as at (a) 30 November 1994 and (b) 30 November 1995 and for each of the following categories:

- (c) two bedroom house;
- (d) three bedroom house;
- (e) four bedroom house;
- (f) bedsitter flat;
- (g) one bedroom flat;
- (h) two bedroom flat; and
- (i) location -

How many -

- (1) properties were there;
- (2) were tenanted;
- (3) were new;
- (4) were sold in the preceding 12 months.

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

(1) How many properties were there\*

(i) Location	Belconnen		City		Tuggeranong		Woden		Total	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
(c) 2 bed house	213	244	393	392	118	126	357	356	1081	1118
(d) 3 bed house	1929	1932	1117	1109	1628	1659	1582	1570	6256	6270
(e) 4 bed house	270	271	70	68	184	192	132	132	656	663
(f) bedsit flat	0	0	502	502	0	0	422	422	924	924
(g) 1 bed flat	192	194	407	416	109	121	274	279	982	1010
(h) 2 bed flat	200	210	584	588	50	62	434	434	1268	1294

\* Categories (c) to (h) above only represent approximately 90% of all stock owned by ACT Housing as Aged Persons Units (APUs), Aged Persons Flats (APFs), 1 bedroom houses, >4 bedroom houses and boarding houses have not been included.

(2) How many were tenanted

Location	30 November 1994	30 November 1995
Belconnen	2968	2982
City	3254	3194
Tuggeranong	2120	2163
Woden	3439	3480
Community Housing*	204	215

\* An additional column of Community Housing properties has been added to this question as it was not possible to divide the properties utilised for Community Housing between each location.

\*\* Information not available under each dwelling type category.

(3) How many were new (acquired in the preceding 12 months)

(i) Location	Belconnen		City		Tuggeranong		Woden		Total	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
(c) 2 bed house	0	31	1	1	0	8	1	0	2	40
(d) 3 bed house	3	21	3	1	16	38	1	13	23	73
(e) 4 bed house	5	2	1	0	0	9	0	1	6	12
(f) bedsit flat	0	0	0	0	0	0	0	0	0	0
(g) 1 bed flat	20	2	0	14	27	12	0	5	47	33
(h) 2 bed flat	0	10	15	8	28	12	0	0	43	30

(4) How many were sold in the preceding 12 months)

(i) Location	Belconnen		City		Tuggeranong		Woden		Total	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
(c) 2 bed house	0	0	4	3	1	0	4	2	9	5
(d) 3 bed house	25	16	13	10	22	6	21	14	81	46
(e) 4 bed house	3	2	0	1	1	1	0	1	4	5
(f) bedsit flat	0	0	0	0	0	0	0	0	0	0
(g) 1 bed flat	0	0	0	0	0	0	0	0	0	0
(h) 2 bed flat	0	0	0	0	0	0	0	0	0	0

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 138**

**Children with Disabilities - Statistics**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

Who gathers statistics about children with disabilities in the ACT for the Department of Education and Training and the Children's and Youth Services Bureau.

**MR STEFANIAK**- the answer to Ms McRae's question is:

Statistics on school age students who are accessing additional resources through itinerant services (hearing or visually impaired) special settings, special classes, the Integration Program or supplementary support are maintained by the School Programs Branch of the Department of Education and Training and Childrens, Youth and Family Services Bureau.

Statistics on children who are receiving additional support through Early Intervention Units are maintained by the Children's and Youth Services Bureau of the Department of Education and Training and Childrens, Youth and Family Services Bureau.



29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 140**

**Children with Disabilities - Summer Programs**

**MS McRAE** - asked the Minister for Education and Training on notice 20 February 1996:

What was the cost of placements of children with disabilities in regular summer holiday programs rather than at the Malkara Summer School.

**MR STEFANIAK** - the answer to Ms McRae's question is:

The average cost per student accessing community programs in the 1996 summer holiday exclusive of transport costs, was \$292.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 141**

**Children with Disabilities - Summer Programs**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

Is an evaluation of the new summer holiday program for children with disabilities, ie. placing them in regular programs rather than the special one at Malkara School, going to be undertaken; (a) if so, when; and (b) if not why not.

**MR STEFANIAK** - the answer to Ms McRae's question is:

In mid February, questionnaires to evaluate the holiday program were distributed to the parents of all eligible children and to the community organisations which provided the child care. The responses from the questionnaires are currently being collated and the information gathered will be provided to the Special Education Review.

29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 142**

**Children with Disabilities - Summer Programs**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

What feedback has been gathered from the managers of school holiday programs in regard to the placement of children with disabilities.

**MR STEFANIAK** - the answer to Ms McRae's question is:

In mid February, questionnaires were distributed to the managers of community organisations which provided programs for students with disabilities during the summer vacation. Responses are currently being collated and the information will be provided for inclusion in the Special Education Review.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 143**

**Children with Disabilities - Summer Programs**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996

- (1) What plans are being made for this year's school holiday programs for children with disabilities.
- (2) Who has been consulted for the preparation of school holiday programs

**MR STEFANIAK** - the answer to Ms McRae's question is:

- (1) The school holiday program offered in the 1995/96 summer is currently being evaluated, with input having been invited from parents and service providers. The information gathered will be provided to the Review of Special Education Services in the ACT and planning for the 1997 program will depend upon recommendations from the Review.
- (2) At this point no formal consultations have occurred to plan for holiday programs which may be offered for the 1996/97 summer.

29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 144**

**Children with Disabilities - Support Services**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

- (1) Who plans for the emerging needs for children with disabilities.
- (2) What statistics are used, by whom, to predict and manage the level of support services needed by children with disabilities and their carers.

**MR STEFANIAK** - the answer to Ms McRae's question is:

- (1) The emerging needs of individual students with disabilities are determined each year, within budgetary and resource constraints, by the In School Review Panel comprised of the school's principal, class teacher, itinerant teacher, school counsellor and parents.

Children accessing early intervention services may be assessed by paediatricians, Child Health Medical Officers and the Child Health and Development Service in order to determine their level of resourcing needs.

At the system level strategic planning for students with disabilities is carried out by the Central Office of my department.

- (2) Because of the fluid nature of the ACT population, statistics are not reliable predictors of establishing need for special services and allocation of resources is dependent on evaluation of individual educational needs.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 145**

**Children with Disabilities - Outside School Hours Programs**

**Ms McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

What after school care provisions are there for school age children with disabilities?

**MR STEFANIAK** - the answer to Ms McRae's question is:

- 1 Outside school hours care programs for primary school aged children are offered by the community and private sector usually in premises leased to them by the schools in which they operate. Most Programs are funded either by the Commonwealth or under the Commonwealth/ACT joint National Child Care Strategy Agreement. Services are provided principally for employment related child care.
- 2 Children with disabilities are able to access the assistance of the Commonwealth funded Integration Services to integrate them into appropriate outside school hours care programs. Outside school hours care staff are assisted by the Integration workers for a limited period of time until the child with disabilities can be integrated into the normal program. If children have exceptional needs they may require more facilities or staff time than the outside school hours care program can offer. However every effort is made to accommodate children with disabilities into these programs.
- 3 The ACT Government is funding some outside school hours care places for children and adolescents with disabilities through a three year pilot scheme for its employees. Three services are funded to provide priority of access to ACTPS employees who require after school and holiday care for adolescents with a disability. Total annual funding for these programs is \$40,500 and it is due to finish in June 1997.

29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 146**

**Children with Disabilities - Placements**

**Ms McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

What happens to children with disabilities who cannot be placed at any school.

**MR STEFANIAK** - the answer to Ms McRae's question is:

The department offers a range of programs within mainstream and special settings so that any ACT child with a disability, wishing to access an ACT government school, is assured of a place within a school with an appropriate educational program.

Any student who is unable to access a school program because of a chronic illness is able to access tutoring services through the teacher coordinating the Chronically Ill Students Program. This is a 40% teaching position which supervises provision of services to between 40 and 50 chronically ill students, some of whom are also disabled.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 147**

**Children with Disabilities - Statistics**

**Ms McRAE** - asked the Minister for Education and Training on notice on 20 February 1996

- (1) How many children with disabilities, who require extra attention and support, and are unable to attend a regular school, are there in the ACT.
- (2) How many of those children have siblings.
- (3) How many of those children live in one parent families.

**MR STEFANIAK** - the answer to Ms McRae's question is:

(1) The ACT Department of Education and Training provides a wide range of options for students with disabilities which encompass both regular and special settings. Currently, all students with disabilities in the ACT, wishing to attend a government school, are attending the educational setting selected by their parents in consultation with teachers and counsellors from the Department.

At the February census, 446 students were in special settings at Koomarri, Cranleigh, Malkara, Hartley St, the Woden School and Phillip and Dickson Colleges.

(2) and (3) The department does not keep these statistics.



29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 148**

**Schools - Occupational Health and Safety Audits**

**MS MCRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

- (1) When was the last audit done of the specific occupational health and safety improvements needed in ACT schools.
- (2) What was the result of that audit.
- (3) What follow up action was taken.

**MR STEFANIAK** - the answer to Ms McRae's question is:

- (1) A system wide OHS audit of ACT schools was undertaken in 1990. Workplace health and safety audits are regularly conducted by school staff at individual schools as required, as part of the process of continuing improvement in ACT schools. A system wide audit of science laboratories was undertaken in 1993.
- (2) Reports of hazards identified and corrective action recommended were provided to the relevant school Principals for consideration.
- (3) Principals consulted with the school health and safety representatives to reach agreement in relation to proposed remedial action. Principals arranged corrective action where required.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 149**

**Schools - Occupational Health and Safety Issues**

**MS MCRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

What happens when a school notifies the Department of specific problems in regard to occupational health and safety.

**MR STEFANIAK** - the answer to Ms McRae's question is:

Routine OHS issues are resolved at the school level.

A school may refer issues to the Department where:

- the school requires specialist advice in relation to a possible OHS issue; or
- the school does not have adequate resources to resolve the issue, ie major repairs or maintenance requirements.

Specialist advice is provided through the Departmental Property Management staff and OHS Adviser.

In addition to annual major maintenance and new works programs, the Department has a contingency fund to ensure that OHS issues of an urgent nature are resolved without delay.

29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 150**

**Schools and Colleges - Maintenance Plans**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

What is the maintenance plan for each of the schools and colleges?

**MR STEFANIAK** - the answer to Ms McRae's question is:

Each year the Department develops an annual maintenance program for each school for planned and specific works. This work is aimed at providing schools with a safe and comfortable learning environment. The work includes jobs associated with the safe and efficient operation of mechanical and electrical plant, fire protection and maintaining the basic fabric of the buildings, for example, painting and roof repairs.

The annual program is based primarily on the advice provided by Construction and Maintenance Management Services (part of the Department of Urban Services) on maintenance needs across the whole system.

In addition, a large part of the maintenance and repair expenditure at any school is to meet unforeseen demands for repairs caused by fires, vandalism, storm damage, as well as OH&S needs. Furthermore, each school is allocated minor maintenance funds to meet the ongoing cost of works up to \$1500 throughout the year. These allocations take into account the age of the school, its size, enrolment level and building structure.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 151**

**Schools and Colleges - Maintenance Audits**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996:

- 1) When was the last audit made of the maintenance needs of all ACT schools and colleges.
- 2) What was the result of that audit.
- 3) What follow up action was taken.

**MR STEFANIAK** - the answer to Ms McRae's question is:

Construction and Maintenance Management Services carry out regular inspections of schools as part of a cyclical program and assess the maintenance needs for schools each year. From this process, the department plans its annual program of specific and planned maintenance.

In addition, each school is provided with funds for minor maintenance which is allocated mainly on the basis of age, size, enrolment and building structure. These funds enable them to meet minor repairs and maintenance works up to \$1,500.00 per job.

# *Brief*

**MINISTER FOR HOUSING  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 155**

**Housing Trust - Waiting Lists**

**MS MCRAE** - asked the Minister for Housing and Family Services -

- (1) How frequently are people on waiting lists for ACT Housing properties contacted.
- (2) What information is given to them in regard to their likely continued waiting time.

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

- (1) At least annually, applicants are contacted to confirm their interest, location and continued eligibility.
- (2) The annual review does not provide specific information about expected waiting times. This information is available at any time on request from any regional office.

ACT DEPARTMENT OF  
URBAN SERVICES

*Quality housing for all Canberrans*

ACT Government

# *Brief*

**MINISTER FOR HOUSING  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 156**

**Housing Trust - Notice of Tenancy Offers**

**MS MCRAE** - asked the Minister for Housing and Family Services -

- (1) What is the policy in regard to warning prospective ACT Housing tenants that an offer of a Housing property is imminent.
- (2) Is there any guaranteed period of time so that prospective tenants can give appropriate notice to their landlords; if not, why not.

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

- (1) ACT Housing's clients are given between 4 and 8 weeks notice that their names are reaching the top of the waiting list for the allocation of accommodation. The period varies in each region subject to the availability of accommodation.
- (2) It is not always possible to provide precise information about when a firm offer of housing will be made because housing availability is dependent on our current clients advising us as to when dwellings are becoming vacant. Further notification can be given in some cases when a large extent of maintenance needs to be undertaken before a dwelling can be made available for re-allocation.

ACT DEPARTMENT OF  
URBAN SERVICES

*Quality housing for all Canberrans*

ACT Government

# Brief

**MINISTER FOR HOUSING**  
**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 157**

**Housing Trust - Eviction Summonses and Warrants**

**MS MCRAE** - asked the Minister for Housing and Family Services -

- (1) How many ACT Housing tenants have been summoned to a court hearing in (a) October 1995; (b) November 1995; (c) December 1995; (d) January 1996 and (e) February 1996 in order to be evicted from their properties.
- (2) How many of the eviction orders given by Housing were overturned by a magistrate.

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

The questions asked by Ms McRae are unclear. For this reason the number of warrants granted has been added to the answer. Only 25 warrants of eviction have been granted by the court since October 1995.

- (1) (a), (b), (c), (d), (e) and (2)

<i>Month</i>	<i>Number Summoned</i>	<i>Overtured (Warrants Refused)</i>	<i>Warrants Granted*</i>
October 1995	21	Nil	5
November 1995	29	Nil	10
December 1995	22	3	5
January 1996	37	Nil	5
February 1996	Details Incomplete	Nil	Nil

## *Brief*

- \* The difference between the number of tenants summoned and warrants granted is the result of:
- a) matters adjourned to a later date (eg, October to November);
  - b) matters withdrawn;
  - c) warrants refused; and
  - d) matters where the court ordered the tenant to pay a specific amount of rent and arrears; in these cases the application for eviction is suspended and reactivated if the tenant breaches the order.



**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 159**

**Charnwood High School - Student Enrolments**

**MS McRAE** - asked the Minister for Education and Training on notice on 22 February 1996:

1. How many students were in years 7, 8 and 9 at Charnwood High School in 1995?
2. In which schools have they enrolled in 1996?

**MR STEFANIAK** - the answers to Ms McRae's questions are:

- 1 At 18 December 1995 students attending Charnwood High School in years 7, 8 and 9 were:

Year 7	57
Year 8	77
Year 9	58
<b>Total</b>	<b>192</b>

- 2 At 4 March 1996 students from Charnwood High School have enrolled in the following schools:

Ginninderra District High	134
Melba High School	48
Other	10
<b>Total</b>	<b>192</b>

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 160**

**Melba High School - Principal**

**MS McRAE** - asked the Minister for Education and Training on notice on 22 February 1996:

What process was undertaken to replace the principal of Melba High School.

**MR STEFANIAK** - the answer to Ms McRae's question is:

- (1) The selection process is currently in progress.
- (2) The position was advertised via broadcast fax to schools on 28 January 1996 and in the Gazette PS4 of 1 February 1996.
- (3) Applications closed on 15 February 1996.
- (4) The Selection Committee will make a recommendation to the Chief Executive in time for the successful applicant to take up the position at the commencement of Term 2 1996.

29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 161**

**Melba High School - Principal**

**MS McRAE** - asked the Minister for Education and Training on notice on 22 February 1996:

Why was the position of principal at Melba High School not filled in February when it was known in November that a vacancy existed.

**MR STEFANIAK** - the answer to Ms McRae's question is:

The principal of Melba High School submitted an application for leave without pay, dated 27 November 1995. The leave was approved by the department, with the principal accepting the leave without pay conditions on 13 December 1995, this was too late for the position to be advertised before the end of the school year.

The position was advertised by broadcast fax together with seven other principal positions on 29 January 1996 and was also advertised in the Commonwealth Gazette of 1 February 1996.

To minimise disruption to schools, the date of effect for these appointments was advertised as 15 April 1996, the first day of Term 2. Applications for these positions closed on 15 February 1996; selection processes are in progress.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 162**

**Melba High School - Resources**

**MS McRAE** - asked the Minister on notice on 22 February 1996:

Why were no extra resources offered to support Melba High School when a substantial number of ex-students from Charnwood High School have now enrolled there?

**MR STEFANIAK** - the answer to Ms McRae's question is:

The decision was to amalgamate Charnwood High School with Ginninderra High School. As a matter of course the resources of the former separate schools were incorporated into the amalgamated school. The decision indicated that any additional resources would be available only to the amalgamated school.

The Priority Enrolment Area (PEA) for Ginninderra District High School encompasses the PEAs of the two amalgamating schools. Free transport for two years to former Charnwood students has been made available, to reduce any disadvantage which may have been caused by the decision, to students travelling to the amalgamated school.

Resources for ACT schools are largely driven by enrolments, and when the enrolment of a school increases, additional resources are allocated to the school to accommodate the increased number of students. In the case of former Charnwood students attending Melba High School, the school receives the normal quota of resources commensurate with the numbers of students attending.

29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 163**

**Students with Disabilities - Reviews**

**MS McRAE** - asked the Minister for Education and Training on notice on 27 February 1996:

As a result of the Giorcelli Review - (a) will students with intellectual and physical disabilities be able to enrol in their local school as a result of this review; (b) in what year will this occur; and (c) will resources in the terms of the recommendations be provided.

**MR STEFANIAK** - the answer to Ms McRae's question is:

(a) The department currently offers a wide range of programs and options for students with physical and intellectual disabilities. The Giorcelli Review will be considered along with the review of all special education programs currently being undertaken.

(b) and (c) Time frame and resource implications for increased inclusion will arise from recommendations of both the Giorcelli Review and the broader Special Education Review.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 164**

**P and C Associations - Fundraising Information**

**MS McRAE** - asked the Minister for Education and Training on notice on 27 February 1996:

Could the Minister provide a list of the amount of money raised by the P&C of each Government school and college in 1995.

**MR STEFANIAK** - the answer to Ms McRae's question is:

P&C Associations operate as separate legal entities being formed as incorporated associations in accordance with the *Associations Incorporation Act 1991*. The P&C Associations maintain separate financial records which are not available to the Department. As a result, it is not possible to provide the requested information.

29 February 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 165**

**Evening College Programs**

**MS McRAE** - asked the Minister for Education and Training on Notice on 27 February 1996:

In relation to Evening College Programs for 1996-

- (1) At which colleges have students enrolled
- (2) How many have enrolled at each college.
- (3) How many have enrolled at colleges other than the four advertised in the Canberra Times on Saturday, 17 February 1996

**MR STEFANIAK** - The answer to Ms McRae's question is:

- (1) Students have enrolled in evening college Year 12 programs at Erindale, Dickson, Stirling and Hawker colleges.

- (2) As at 5 March 1996 enrolments in each evening college are as follows:

Dickson	Erindale	Stirling	Hawker
41	33	34	50

- (3) There have been no enrolments at colleges other than those advertised.

**MINISTER FOR CHILDREN'S AND YOUTH SERVICES**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 173**

**Foster Care Program**

**MS McRAE** - asked the Minister for Children's and Youth Services on notice on 29 February 1996:

Can the Minister confirm that Government Foster Care programs in the ACT are about to be totally transferred to community organisations.

**MR STEFANIAK** - the answer to Ms McRae's question is:

Family Services contracts out 70% of foster care services for children in the ACT. The Government is currently assessing the feasibility of tendering out for the provision of the Family Services foster care program.

This program has approximately 40 places for children in need of care. It is the largest foster care program in the ACT.

The feasibility of tendering out has to be carefully considered because of the importance of maintaining the quality of services provided to this group of disadvantaged children.

Tendering out will only proceed if and when the Government is satisfied that the children will get good care and the foster carers are well supported in this important work.



**MINISTER FOR HOUSING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 176**

**Housing Trust Properties - Statistics**

**MS MCRAE** - asked the Minister for Housing and Family Services - In relation to ACT Housing properties, as at (a) November 1994 and (b) 30 November 1995 and for each of the following categories:

- (c) Aged Persons Units (APU's);
- (d) Aged Persons Flats (APF's);
- (e) 1 bedroom houses;
- (f) larger than 4 bedroom houses; and
- (g) boarding houses.

How many -

- (1) properties were there;
- (2) were tenanted;
- (3) were new;
- (4) were sold in the preceding 12 months.

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

# Brief

(1) How many properties were there

Location	Belconnen		City		Tuggeranong		Woden		Total	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
(c) APU	211	211	192	192	56	68	375	375	834	846
(d) APF	0	0	184	184	0	0	48	48	232	232
(e) 1 bed house	0	0	3	3	0	0	7	7	10	10
(f) > 4 bed house	33	25	14	14	22	29	29	30	98	98
(g) boarding houses	2	2	3	3	1	1	3	3	9	9

(2) How many were tenanted\*

Location	30 November 1994	30 November 1995
Belconnen	2968	2982
City	3254	3194
Tuggeranong	2120	2163
Woden	3439	3480
Community Housing**	204	215

\* This is a total dwelling figure. Information is not available under separate dwelling type categories.

\*\* An additional column of Community Housing properties has been added to this question as it was not possible to divide the properties utilised for Community Housing between each location.

## Brief

(3) How many were new (acquired in the preceding 12 months)

Location	Belconnen		City		Tuggeranong		Woden		Total	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
(c) APU	0	0	4	0	0	12	10	0	14	12
(d) APF	0	0	0	0	0	0	0	0	0	0
(e) 1 bed house	0	0	0	0	0	0	0	0	0	0
(f) > 4 bed house	2	0	0	0	1	7	0	1	3	8
(g) boarding houses	0	0	1	0	0	0	0	0	1	0

(4) How many were sold in the preceding 12 months)

Location	Belconnen		City		Tuggeranong		Woden		Total	
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)
(c) APU	0	0	0	0	0	0	0	0	0	0
(d) APF	0	0	0	0	0	0	0	0	0	0
(e) 1 bed house	0	0	0	0	0	0	0	0	0	0
(f) > 4 bed house	0	0	0	0	0	0	0	0	0	0
(g) boarding houses	0	0	0	0	0	0	0	0	0	0

ACT DEPARTMENT  
OF URBAN SERVICES

*Quality housing for all Canberrans*

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