



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

14 MAY 1996

**Tuesday, 14 May 1996**

Port Arthur tragedy.....	1155
Petition: National soccer centre.....	1159
Paper.....	1160
Additional Estimates 1995-96 - select committee .....	1160
Additional Estimates 1995-96 - select committee .....	1179
Personal explanations.....	1184
Inquiries (Amendment) Bill 1996 .....	1185
Question time and sub justice convention (Statement by Speaker).....	1187
Questions without notice:	
Australian Public Service - job cuts.....	1189
Australian Public Service - job cuts.....	1191
Urban services budget .....	1193
Australian Public Service - job cuts.....	1194
Capital works budget.....	1196
National Capital Investment Centre .....	1197
Domestic violence .....	1198
Speedrail project .....	1201
Kingston foreshore.....	1202
Acton Peninsula .....	1207
Statutory appointments.....	1208
O'Connor Ridge.....	1209
Urban services budget .....	1210
P and C associations - fundraising information.....	1211
Personal explanation .....	1211
Kingston foreshore.....	1212
Questions without notice: Belconnen Remand Centre.....	1221
Answers to questions on notice.....	1222
Firearms control scheme - Australasian Police Ministers Council meeting (Ministerial statement) .....	1222
Weapons (Amendment) Bill (No. 2) 1996 .....	1229
Papers.....	1230
Public Accounts - standing committee.....	1231
Competition Policy Reform - select committee.....	1231
Subordinate legislation.....	1232
Ministerial travel schedule - January-March 1996.....	1234
Scrutiny of Bills and Subordinate Legislation - standing committee .....	1235
Adjournment: Debate on leasehold administration - <i>Hansard</i> report.....	1235

**Tuesday, 14 May 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.

### **PORT ARTHUR TRAGEDY**

**MRS CARNELL** (Chief Minister): I move:

That the Assembly expresses its deep regret at the deaths which occurred in the Port Arthur tragedy and tenders its profound sympathy to the families in their bereavement and the people of Tasmania.

Sunday, 28 April, and the days that followed will be remembered as the time Australia went into shock after 35 people were killed and another 19 wounded at the tourist site of Port Arthur in Tasmania. It was a senseless action by a single individual that put an end to the lives and hopes of so many innocent people who were simply out sightseeing. The loss of those people will affect the lives of countless Australians, family and friends, workmates and many more people from overseas for a very long time to come.

Those who died from gunshot wounds included 16 men, 13 women and three children from Australia, as well as two people from Malaysia and one from India. From New South Wales there were Zoe Anne Hall, who was 28; Glen Pears, 35; Tony Kistan, 48; Andrew Mills, 39; Helene and Robert Salzmann, both in their 50s; Jim Pollard, 72; and Elizabeth Howard, 28. From Tasmania there were Royce Thompson, who was 59; Janet Quin, 50; Nanette Mikac, 36, and her children, Madeline, 3, and Alannah, 6; Mary Nixon, 55; David and Sally Martin, both in their 60s; and Jason Winter, 39. From Victoria there were Walter Bennett, who was 66; Kevin Vincent Sharp, who was 69; Raymond J. Sharp, who was 67; Sarah Loughton, who was 15; Mervyn and Mary Howard, who were 55 and 57, respectively; Dennis Lever, who was in his 50s; Ron Jary, who was 71; Pauline Masters, who was 49; Elva Gaylard, who was 48; Peter Nash, who was 32; and Anthony Nightingale, who was 43. From Western Australia there was Kate Elizabeth Scott, who was 21. There were Winifred Aplin, who was 58, and Gwenda Neander, who was 67, from South Australia. From Malaysia there were Ng Moh Yee William and Chung Soo Leng, who was 32; and there was an unknown individual from India. I think that, when you put names and ages to people, it makes them seem much closer to us.

*14 May 1996*

We have learnt bits and pieces about the lives and achievements of many of these victims from the media. We have heard the grief and seen the pain of their families and friends. Survivors have recounted what they can remember from that dreadful day. We can only imagine the pain and shock they must feel. It will certainly take some time for them to feel safe again. The lives and stories, in particular, of the 35 victims who were gunned down should never be forgotten; as, indeed, they will not, judging by the overwhelming response to the tragedy from so many people from all over Australia and the world. That began with the hundreds of people who were involved in the rescue and emergency work at Port Arthur on Sunday, 28 April, and includes all the ambulance workers, the medical and hospital staff at Royal Hobart Hospital, helicopter pilots, police and army personnel, and the staff and visitors who were at Port Arthur on that day and who helped quite substantially. On Monday, 29 April, following a call from the Governor-General, Sir William Deane, to provide a spiritual focus for the nation's shock and grief, an ecumenical prayer service was held in Canberra at St Christopher's Cathedral at Manuka. I and other members of this Assembly attended that service, and prayers were offered for the victims, their families and friends and for all the people of Tasmania.

The Premier of Tasmania, Tony Rundle, announced the establishment of the Port Arthur Victims Appeal on Monday, 29 April, to provide financial support for those trying to come to grips with their grief and loss. The ACT Government has donated \$20,000 to that fund on behalf of the people of the ACT, and I have also sent a letter to the Tasmanian Premier, on behalf of the people of the ACT and signed by all members here, expressing our sympathy to and support for the families and friends of people who were killed or wounded, and the people of Tasmania.

The memorial service held at St David's Cathedral on Wednesday, 1 May, saw the whole country trying to come to grips with the worst mass killing in recent times. In a very moving service, shared by some 700 people inside the cathedral, hundreds more outside and millions across Australia, the massive loss of life at Port Arthur was remembered with a minute's silence. Mr Speaker, you went to that service, representing this Assembly, and I am sure that everyone would thank you for that.

It is a tragic observation, but a true one, that adversity like this binds a community together. Less than two weeks after the Port Arthur tragedy we saw all Australian States and Territories agree to substantial and radical national reform of the ownership and usage of firearms. We have seen strength come from adversity through this quick action, just as we have in the way that communities have united to express their grief and sorrow, their shame and disbelief and their heartfelt support.

The massacre at Port Arthur has disturbed the sense of security that we have all taken for granted, but we can take heart from the very powerful effort that has occurred to make sense of what has happened and to find answers to the question that the loss of so many of these lives has raised. I am sure that members will agree that we must all try to act to prevent anything like this from ever happening again, and I am sure that all members will also join with me today in expressing our best wishes for the recovery of those who were injured and our most profound sympathy to the families and friends of those who died so tragically at Port Arthur. May the victims always rest in peace.

**MR WHITECROSS** (Leader of the Opposition): Mr Speaker, the Opposition wholeheartedly endorses this motion of condolence and joins with the Government to express our deepest sympathy to all touched by this: The families and friends of the people who were killed and of the people who were injured and the other people who have been involved. The collective pain of what happened at Port Arthur has been felt by them, by people throughout Tasmania, by people throughout Australia and, in many senses, by people around the world; just as we have felt the pain of similar events in the past that have happened elsewhere in the world.

It is appropriate for this Assembly to pass on its deepest sympathies; first, to the families of the victims. The loss that they have suffered is a severe one and is made all the more severe by the senselessness of the circumstances of that loss. There are so many families involved - parents and siblings, partners, grandparents, grandchildren. Then there are the survivors - those who were not killed and who have to deal with injuries, many very severe, and who have to deal with the questions that survivors always ask about why they survived and others did not; who also have families and friends and loved ones who have to deal with what has happened to them. Then there are the people who cared for the survivors and, indeed, those who died: Emergency workers, police and ambulance people, people from the medical profession, counsellors, social workers, priests, friends and families who are still putting together the pieces of what happened, and who will be doing so for a long time to come, and who will be affected throughout their lives by this experience. Mr Speaker, to all those people our sympathies must go. This has been a terrible tragedy, a terrible scar on our community, and we must remember these people and others who have suffered like them. We must also pray that some good will come out of this; that this event will make us pause to reflect on the place of violence on our society.

It is one small but important consolation, I suppose, that we have taken up the issue of gun law reform, as the Chief Minister mentioned. We need to continue to reflect on the impact of violence in our society. Sometimes it is easy for a community like ours to become a little bit blase about violence, and that is to our collective shame, I think. But events like this remind us that violence has real consequences and that there are victims who will be suffering for some time to come because of this violent and senseless act. As I said, Mr Speaker, our sympathies must be with them - the families of those who have died and those who have survived - and those who have been touched by this tragedy.

**MR MOORE:** Like many other people in Australia, I have been overwhelmingly saddened by the events of two weeks ago at Port Arthur in Tasmania. Like many other people, I have gone through a range of reactions - sadness and grief in empathy with all those who lost dear ones so brutally on that occasion; shock at the act itself and the unbelievable senselessness of it; finally, a feeling of sympathy for those who are left behind. They have to deal with the aftermath of this tragedy. One would not be blamed for feeling overwhelmed with despair about tragedies such as these and what they do to the psyche of Australians. What does help us to overcome pessimism on these occasions is the extraordinary courage and heroic efforts made by those who tried to protect others, those who helped others to safety, those who assisted with medical and counselling care and those members of the police force who were on duty.

14 May 1996

I think we can also take heart from the historic, momentous decision taken by the Prime Minister and all Ministers for Justice last Friday. I think this action will prove that those people in Tasmania did not die in vain. Most Australians have been most shocked at the possibility that we were going down the same path as the US when it comes to violence. In that country, every 21 minutes a person is shot and killed. I am proud that Australia has decided that it wants a safer and more rational society. This event has also made me think about the socialisation, particularly of males in our society, and how that contributes to the violence that we witnessed at Port Arthur. Perhaps later, when we are debating the issue of gun control, I will elaborate on that issue of socialisation.

Mr Speaker, I offer my sincere sympathies to those who have to deal with the loss of their loved ones - their children, wives, husbands, sisters, brothers, grandparents, aunts, uncles and friends. Although these statements of sympathy may sound hollow in some way from strangers such a long way away, I would like to reassure those people that we will ensure a positive outcome in the future and ensure that those loved ones did not die in vain.

**MS TUCKER:** Mr Speaker, the Greens join with other members of this place to offer condolence to all people who have been affected by the events at Port Arthur, and I would like to express our sincerest and most heartfelt sympathy to all those people.

Not long after the event I received a letter which I would like to read to members. I was surprised to receive this letter, because it was from someone whom I know personally and who would normally just ring up and have a chat on the phone. She wrote to me as an MLA in the ACT and she said:

Dear Kerrie

I am writing to you as MLA for the ACT to urge you to do everything in your power to press for tighter gun control laws.

[My family] and I were in Port Arthur on the day of the massacre. A chance decision to take a walk before going to the historic site meant that we escaped the shootings but discovered the body of a woman in a car at the petrol station. I got out to see if she was still alive and someone crept out of the post office to warn us someone was loose with a gun. We dashed for our lives to the post office. And we were lucky to have been so little traumatised compared to others. I will never forget it.

The arguments for gun control are well known and I will not repeat them here. What I can add is my account of a harrowing experience that I want no one else ever to suffer.

Later I rang this person, and we talked for a long time. I understand that there were at least 15 people from Canberra at Port Arthur on that day who have been offered counselling in the ACT.

I do believe that we have made some very important steps in gun control; but I would have to remind members that, of the 18,000 guns in the ACT, only 3,600 will become illegal under this new legislation. I urge all members to give very serious consideration to taking the courageous step that it may be for some of you to make us the State which has shown great courage in getting the tightest and the best gun laws in this country, so that not just the tragedy at Port Arthur but the tragedy that occurs every day in Australia - that is, death by gun in homes and suicides - will be addressed at this time. This is a window of opportunity for all governments to take courageous and strong action. I will conclude on that note and once again express very deep sympathy to all people who were affected by the tragedy of Port Arthur.

**MR SPEAKER:** I ask all members to signify their approval of the motion by rising in their places and standing in silence for one minute.

Question resolved in the affirmative, members standing in their places.

### PETITION

**The Clerk:** The following petition has been lodged for presentation:

By **Mr Hird**, from 31 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

### National Soccer Centre

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the undersigned residents living in the Belconnen community totally support the proposed development and provision of much needed community sporting facilities by the Belconnen Soccer Club at the intersection of Owen Dixon and William Slim Drives in McKellar.

Your petitioners therefore request the Assembly to approve the above lease and development application as soon as possible.

Petition received.

14 May 1996

## PAPER

**MR MOORE:** Mr Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not address the Assembly.

Leave granted.

**MR MOORE:** I present an out-of-order petition from 880 residents requesting that Ginninderra Drive be extended to Northbourne Avenue and that Mouat Street not be duplicated.

## ADDITIONAL ESTIMATES 1995-96 - SELECT COMMITTEE Report on Appropriation Bill (No. 2) 1995-96

**MS McRAE (10.51):** Mr Speaker, I ask for leave to present the Report of the Select Committee on Additional Estimates 1995-96 and move a motion in relation to the report.

Leave granted.

**MS McRAE:** Pursuant to order, I present the Report of the Select Committee on Additional Estimates 1995-96, together with the minutes of proceedings. This report was provided to the Speaker for circulation on Monday, 6 May, pursuant to the resolution of the Assembly of 16 April 1996, as amended on 18 April 1996. I move:

That the report be noted.

This is the report of the Additional Estimates Committee. It was formed, of course, to scrutinise Appropriation Bill (No. 2) 1995-96, introduced by the Carnell Government. The committee, need I say, had a very short time to scrutinise the Bill, call officials, question them and formulate a report. I begin by thanking my fellow committee members and, in particular, the secretary, Mr Bill Symington, as well as all the officials who took the time to attend, and to provide the material that was called for, often at very short notice. The committee collectively would like to thank everyone who participated so willingly in that.

The report, as will have already been seen, is an unusual one, as it has conclusions rather than recommendations and has a dissenting opinion rather than an independent dissenting report. I did not attempt, as chair, to draw the committee to one clear-cut conclusion and therefore recommendation, for a number of reasons. It was clear from the start that the Chief Minister had formed an opinion about the use of the Audit Act to make financial transfers by both the Follett Government and the Kaine Government. She said in her presentation speech:



Put simply, we are not prepared to adopt the practice that has been used in previous years of making artificial cash management arrangements to conceal what is a significant overrun in the health and community care budget.

From there on we all knew where the Chief Minister was coming from and what her clear political positioning was. It was a choice, an open choice, that was made quite clearly by the Chief Minister with a particular intent, with a particular colouring, and with a particular interpretation of previous events. She wanted to be different from other governments and chose to define perfectly appropriate procedures that had been used by many governments for the transfer of funds as somehow inherently bad, and has since commented on events that were done in the dead of night and so on.

The Chief Minister was also clearly very displeased that the health budget had indeed overrun, and rightly so, and stated in her opening statement to the Estimates Committee that the process of introducing a second appropriation Bill would give the Department of Health and Community Care a message. Again, there was a clearly stated, openly stated, intent to involve the Assembly in debate, through its committee and in the chamber, on the problems besetting the Health and Community Care Department. That, again, is an interpretation that the Chief Minister chooses to put on her responsibilities, which she may; but I will explain why there can be differences of opinion about that and why there should be differences of opinion about that.

The immediate question that emerged was: Why an appropriation Bill? If the Government had a problem with using the Audit Act provisions for the transfer of money, there was nothing to stop Mrs Carnell using the transfer Act and then announcing it both publicly to the general public, by way of press release, and to the Assembly at the very moment that it happened. It would have been done openly and would have been open to public scrutiny. That course was clearly open and has always been open to any Treasurer. A motion could have been put that day, and the motion debated. That was an option that was there. We are talking about options that were chosen, interpretations of events that were made and clearly explained, but each with its own colouring for a particular intent. The transfers could have been scrutinised again by the Estimates Committee in October, as has been done in every other Assembly. Despite all claims that these events were secretive, they have never escaped public scrutiny - as both Mr Kaine and Ms Follett remember, to their pain. No Treasurer, no Minister, no government likes to be caught out in a process of mismanaging their budget.

What is ironic, therefore - and it is very ironic - is that these transfers under the Audit Act will still have to be made. Despite the fact that there is an appropriation Bill in front of us and despite the fact that the Assembly is being asked to authorise the expenditure of a further \$14.2m on health, the transfers will be undertaken. I sincerely hope that, after all the hot air about the use of the Audit Act, this time it will, in fact, be announced in the Assembly on the day that it happens and not be left purely and simply to be scrutinised in October, which, of course, it again will be.

14 May 1996

What the committee could not ascertain was exactly where this \$14.2m was coming from. We were told that there were unexpended moneys in a central redundancy fund, in public works and in the Treasurer's Advance. We were told that due to industrial unrest the Estimates Committee could not be provided with revenue figures to date. Therefore, we did not know, because of the fact that the Fiscal system was down, what the financial situation was here and now. But we were assured that we could feel secure that, out of those three separate funds, there was sufficient money to cover this shortfall. Audit Act will be used. The committee questioned again the use of the Appropriation Bill because, no matter how it is dressed up, it is purely and simply a request from the Government to spend another \$14.2m - \$14.2m more than was appropriated in Appropriation Bill (No. 1). This was fundamentally why the committee reached its first conclusion.

Despite the Government's aversion to the Audit Act provision, it carries a clear advantage over this new Bill. I remind members that the first conclusion was:

The committee remains to be convinced that Appropriation Bill (No. 2) is necessary.

The committee is concerned that an appropriation over and above that authorised by the ACT budget, rather than the transfer of funds by the normal and tested mechanisms available to the Government which are themselves subject to proper scrutiny by the Assembly, carries the prospect that the Government could spend the additional funds up to the limit of the additional appropriation. This was characterised during the hearings as virtually an open chequebook. The Government, under the current provisions of the Audit Act, can transfer only money that has already been appropriated; so, the bottom line does not change. The appropriation of \$14.2m does change the bottom line.

The new procedure that the Estimates Committee was asked to scrutinise puts no restrictions on that expenditure or controls on the overall spending - up to that limit, of course. When it questioned why such a precedent was being set, the committee was assured that it is done in other parliaments. Further questioning revealed that it is done in other parliaments. In Tasmania, it happens after the budget is brought down and is a sort of tidy-up process, in exactly the same way as our scrutiny of the Audit Act. In the Federal Parliament we all know about Appropriation Bills (No. 3) and (No. 4). But we did not take much comfort from that because in the Federal Parliament there is simply no provision, as there is under our current Audit Act, to move money from one appropriation to another. The circumscription of the additional estimates that is done in the Federal Parliament is clearly spelt out. The budget, as formulated by the Federal Government at the beginning of the process, clearly spells out at what point and why extra appropriations may be had. It is not easily given, and by no means does it follow the model here, which is virtually given without a clear tag.

Yes, we were told that it will go to health and community care, but we were not told where it had come from and we were not told clearly and categorically that it is simply an appropriation of \$14.2m more; nor were we told what effect it would have on other line items in the budget. We were told about three areas that would be affected by the budget,

but we were not given clear and unequivocal information as to exactly where that money would come from and what the effect would be on other line areas. That is not how the Commonwealth's appropriation Bills work, and we found it a bit irrelevant to be using that as an example.

It is a new procedure that the Chief Minister has chosen and, as such, should be questioned very closely. That is why we left it as a conclusion - because it does need additional scrutiny, additional debate and a clear-headed approach from this Assembly about exactly what we are getting into. The committee remained anxious, and the fact that two members chose to offer a different opinion does not remove those concerns. I think it further highlights the fact that there are concerns and capacities to interpret the information differently and, therefore, a failure on the part of the Government to clearly explain.

How can the Assembly and the community be assured that Appropriation Bill (No. 2) will not result in the expenditure of a further \$14.2m? We cannot be. This is the clear challenge we are giving to the Chief Minister and her Government. In not formulating a recommendation against the Bill, this is the challenge we are now posing. We are saying - and I hope that Mrs Carnell is listening - "Convince us, convince everyone in the Assembly and everyone in the ACT, that, by passing this Appropriation Bill, we are not just writing out a cheque for \$14.2m more; that there is some clear, logical and unassailably good reason why we should do it this way, rather than stick to the ways that have been tested, that have been tried and that have disciplines on them which exist currently under the Audit Act".

Mrs Carnell and her Government have every right to try to establish themselves as a team wanting to be politically different from their predecessor. Mind you, they do not have to try very hard; they are exceptionally different. But that does not mean that they should try to redefine, without any public consultation or discussion, what the responsibilities of the Executive and the Assembly are. The Estimates Committee and the Assembly do share the Chief Minister's displeasure at seeing an overrun in the health budget, but the Assembly cannot run the Health and Community Care Department for the Chief Minister. When the Government was formed, we handed over that responsibility, and we handed it over in good faith.

We have heard a lot about managers going on contract and losing their jobs if they do not deliver. We have not, however, heard too much from Mrs Carnell about Ministers resigning if they do not deliver on their responsibilities. Close examination of the health budget revealed serious structural problems. I refer you to conclusions 5 and 6 of the report. These structural problems were evident from their inception. My colleague Mr Berry, I am sure, will discuss this in much greater detail. Suffice it to say that the weaknesses were not dealt with as soon as they emerged. The Assembly, whilst it is able to scrutinise ministerial activity closely, cannot and, what is more, should not be expected to make day-to-day running decisions about the departments that Ministers are responsible for. Ministers' responsibilities are clearly defined, and they include keeping a close eye on their budgets.

14 May 1996

This is crunch time for this Government. The committee's conclusions about the health budget are deadly serious. Mrs Carnell is free to bring in new procedures, new accounting processes, new contracts for staff; but now she has one responsibility only, and that is to convince us - without name-calling, posturing or calling us all things that we would rather not be called, and calling for our support - on some objective basis, through cold, hard argument and factual reasoning, that she is able to draw sufficient respect from her department to have them implement the changes that are needed to draw the health budget into line. The committee's concerns are grave, and we expect an equally grave and considered response.

**MR KAINÉ** (11.07): Mr Speaker, in many respects, as a committee report, this is a rather strange one. As the chair of the Estimates Committee has noted, there is not a dissenting report; there is a dissenting opinion. That was quite deliberate. It is a dissenting opinion because the report consists of nothing but opinion. It comes up with no recommendations. Even the conclusions are indeterminate. The Assembly has before it a report which suggests no course of action that the Assembly should take in connection with the Appropriation Bill. It does express nothing but opinion, and that is precisely the reason why my dissenting document was a dissenting opinion.

Ms McRae says that this is simply a request to spend an additional \$14.2m. It is partly true, but it is an incomplete statement. It is a request for approval to spend an additional \$14.2m on the health function, quite explicitly. There is some suggestion in the report that this money might not be spent on health; it might be spent on other things. But the Appropriation Bill is quite explicit; it is asking for additional money to be spent in the health budget. It seeks to increase the health budget by \$14.2m. The Government, when this Bill is passed - as, I submit, it will be - has no mandate to spend the money on anything else. Yet the report raises questions about whether or not the money can be spent on other things. I submit, Mr Speaker, that it cannot. The purpose of this additional Appropriation Bill is quite explicit.

Since the committee, as I said, has come up with no recommendations and only conclusions which in themselves are vague and indeterminate - and I will come to that in a minute - it seems strange that more than half of this report deals not with the estimates which the committee was asked to consider but with the process by which the Government brought this matter to the Assembly. The general argument seems to be that it is somehow wrong because it is different; it is not what people did before and, therefore, it is somehow wrong. In trying to define how it is wrong, at some places in the report words like "necessary" are used. Was it necessary? In other cases they have used the word "appropriate". Is it appropriate?

In one case the committee got darned close to suggesting that it might have been unlawful. They did not say that, but they did state that the previous process that was used was lawful. What they did not say was that this process is also lawful. It seems that it has been left hanging and the implication seems to be that, because the process formerly used was lawful, this one is unlawful. I submit, in the strongest terms, that simply to suggest that it might be unnecessary or inappropriate is no basis for a criticism of the Government, because, in my view, it is quite appropriate; necessity is a matter of opinion; and there is nothing that suggests that it is unlawful.

What, then, is wrong with the process that the Government has used? I come back to the point that it appears to be asserted that it is wrong because it is different.

**Mr Berry:** Shonky.

**MR KAINE:** Mr Speaker, I request that that interjection be withdrawn.

**MR SPEAKER:** Do you withdraw, Mr Berry?

**Mr Berry:** I do not think I should have to withdraw that. I just say that the process is shonky.

**MR KAINE:** I request, Mr Speaker, that that interjection be withdrawn.

**MR SPEAKER:** Mr Berry, Mr Kaine has asked for a withdrawal.

**Mr Berry:** I do not impugn any member in this Assembly. I just say that it is a shonky process.

**MR KAINE:** Mr Speaker, I will demonstrate that it is not shonky.

**Mr Berry:** I think the standing orders make it clear that unless I have impugned somebody's character I do not have to withdraw it.

**MR KAINE:** If Mr Berry wishes to be so aggressive, then I will spend the next few minutes proving that it is not shonky; that is the whole point. It is not unlawful; it is quite appropriate; and, as I said, whether it is necessary is purely a matter of opinion. The Chief Minister and Treasurer is just as entitled to an opinion on that as Mr Berry is. What is it that the Opposition seeks to put forward in this report that says that it is wrong? They say, "Under the old system, you had a chance to interrogate the Government about whether what they did was right". That is partly true. Let us look at the procedure that has always been used in the past. In the past, the procedure has always been that the Treasurer has used the provisions of the Audit Act - quite appropriate, quite lawful - to inform the house long after the transactions have taken place that money has been spent in a way that was not intended when the Appropriation Bill was first brought down months before. I say that this would be months after the event because, in this particular case, under the Audit Act, we would not have seen that statement from the Chief Minister until about July. It would be tabled and it would be noted. I know of no case in this Assembly where that statement tabled by a Treasurer has been subjected to debate at the time.

Ms McRae says, "Yes, but when the Estimates Committee meets in about September, October, November, you can have a look at the Government's performance last financial year". Of course you can, but that could be six months after the transactions have taken place. Furthermore, a debate on the health blow-out, in the context of the normal annual Estimates Committee, is an examination of one small aspect of the total budget. I would submit that in no case has the blow-out in the health budget - and there has been one every year since self-government - or the debate in the Estimates Committee in any year been as explicit as was the case with this additional Appropriation Bill.

*14 May 1996*

The first point is that more often than not there is a delay of at least six months before the transfer of funds by a government is even brought to public attention and to the attention of this Assembly. I submit that that in itself makes it inappropriate. This Assembly should know long before that if money is being used for purposes other than that for which the Assembly had appropriated the money in the first place. This year the Treasurer said, "I am prepared to submit myself to the detailed investigation and examination of an estimates committee before I change the allocation of the money. Indeed, I will seek the Assembly's approval to reallocate the money now. I will not tell them about it in six months' time; I will not leave it until September, October or November to be questioned on the appropriateness, the necessity or the lawfulness of my shifting money around. I will submit myself to that process now, in advance of doing it".

Having explained to the Assembly why, the Chief Minister and Treasurer says, "The Assembly can make a decision about whether they want me to rearrange the finances; whether they want me to make provision now for additional expenditure in the health budget; and whether they want me to take money from the capital works program, from the redundancy pool and from the Treasurer's Advance to cover this additional expenditure". To my mind, that is a far more open and accountable process than the old one which the Labor Party seems to be saying is more appropriate, more necessary, more lawful than the one that the Chief Minister and Treasurer has chosen to adopt. All I can say is that, if that is their logic, it is the strangest logic that I can conceive of. They are asserting that to put yourself on the griddle before the action is taken, to be answerable for it, to explain it, is far more inappropriate, less essential and perhaps unlawful - there is an insinuation that perhaps it is unlawful - than to leave it for six to eight months downstream and allow the examination to take place then.

By what process of logic can Ms McRae say that the old system, the one that has been commonly used, is better than this one? I do not see it. I believe that the Chief Minister has made herself far more accountable. Interestingly enough, of course, what the Chief Minister has done does not replace the old system; it is merely a supplement to it, because at the end of the fiscal year she is still going to have to table the statement required by the Audit Act, which previous Treasurers have done; she is still going to be subjected to further investigation, interrogation and debate in the Estimates Committee when it comes up in October, November, December, or whenever it comes up, to look at next year's budget and the performance on this year's one. She is not avoiding that in any way. The Audit Act statement is a statutory requirement; it has to be tabled. What she has done is really to subject herself to two different occasions on which the Assembly can question her on this matter - before the event and afterwards.

If Ms McRae is so dead set on the system that has been used in the past, she can still do just what she suggests ought to be done. She can subject the Chief Minister and Treasurer to the same questioning again, if she wants to, when the Audit Act statement is tabled as a matter of law, which will be in about July; and she can do it again when the Estimates Committee sits to consider the 1996-97 budget and to review the 1995-96 budget. What could be fairer than that? What could be more open than that? What could be more honest than that?

This strange assertion that it is somehow wrong because it is different is an absurdity. The committee is so unsure of itself that it brings forward no recommendations. I said before that I would come back to it. Its conclusions, so-called, are wishy-washy. I go to paragraph 2.32 of the committee's conclusions as to the process. They do not say that it is wrong; they simply say, "The committee remains to be convinced that it is necessary". So what? What responsibility does that impose on the Government or this Assembly? None whatsoever. In other words, the committee has copped out. It could not bring itself to say that it was unlawful, because it was not. It could not even bring itself to say that it was inappropriate; it just says, "The committee remains to be convinced that it is necessary". What a wimp; what a cop-out! It means nothing; it carries no weight with the Government; it places no obligation on either this house or the Government.

I can only say the same thing about its further conclusions on page 19 of the report, at paragraphs 3.26 and 3.27. They are general conclusions which do nothing but express an opinion. They place no obligations on the Government; they place no obligations on this Assembly; and they give no indication as to in what direction the committee would like the Government to go. If I were the Chief Minister I would read this with great interest and say, "Well, yes, it is a matter of opinion; it is interesting". I would go on and say, "But I am confident that I did the right thing by putting the matter before the Assembly now instead of leaving it for six to eight months to sneak it in under the door and hope that it will go by without notice".

**Mr Berry:** You know that that is not true.

**MR KAINE:** Mr Berry says that it is a shonky deal. I would submit that, if Mr Berry thinks this is shonky, then he will need to look very closely at the way he handled the health budget when he was Minister. Mr Speaker, I would submit to you that he was never submitted to the same intensity of questioning and interrogation as the Chief Minister has just been through on this issue in connection with the health budget. You can chuckle and laugh; but go back to the *Hansard* and it will prove that what I just said is right. You were never submitted to it and, when you were submitted to any sort of interrogation or questioning about it, it was six to eight months after the event. What could this Assembly or your Government do at that time, if the committee and the Assembly thought that what you did was wrong? The answer was nothing.

You have a choice to make, Mr Berry. The Appropriation Bill will come up for debate later, and you have to make up your mind whether you are going to support it or reject it. If you reject it, it will be the first time in the history of this Assembly that a money Bill has been rejected. Mr Berry may be seeking to make history and to be a prime mover in this, but he has yet to demonstrate that what Mrs Carnell is doing is inappropriate; he has yet to demonstrate that it is unnecessary; and he certainly has yet to demonstrate that he believes that it is unlawful. It was none of those things. It was most appropriate; it was quite lawful; and, in my view, it was the proper course for the Treasurer and Chief Minister to follow - to expose herself to questioning on the matter before the Assembly votes on it rather than six months afterwards.

14 May 1996

**MR BERRY** (11.22): In 1995, Mr Speaker, an Appropriation Bill was put before this chamber which set out to appropriate \$303m for the Department of Health and Community Care and, in the interests of restoring the proper historical perspective, Labor opposed that. Let us make sure that we get history in its right context, Mr Kaine. Preceding that Bill, a statement of expenditure pursuant to subsection 47(2) of the Audit Act was placed before this Assembly by - yes, you guessed it - Mrs Carnell. That is the process which is criticised in the Appropriation Bill (No. 2) 1995-96 document, where, in the overview, it says:

Introduction of this Bill avoids the practice used in previous years of making artificial cash management arrangements to conceal an overrun in the Health and Community Care Budget.

I say that that language is shonky because Mrs Carnell herself used the lawful processes of the Audit Act prior - - -

**Mrs Carnell:** We did not say that it was not lawful. We said that it was not - - -

**MR BERRY:** She used the appropriate and lawful processes of the Audit Act to bring it before this chamber. Moreover, Mr Speaker, it was open to this Assembly when that was brought before this chamber to refer it to an appropriate committee, or to establish a new committee to deal with the issue if the Assembly so desired. Indeed, Mr Speaker, these matters would be drawn to the attention of the subsequent estimates committees, as is usually the case. I have to say, as a member of many of those estimates committees, that I find it quite offensive for these sorts of political statements to be made in a Government document in relation to an appropriation Bill. You cannot say:

Introduction of this Bill avoids the practice used in previous years of making artificial cash management arrangements to conceal an overrun in the Health and Community Care Budget.

It is a lie. It is an outright lie. History proves that because on many occasions documents have been brought before this chamber pursuant to the Audit Act and they have been dealt with by this chamber. So, Mr Speaker, there is no doubting the shonky business behind this whole approach.

It was very interesting to listen to Mr Kaine, in his response to the report, defending his dissenting opinion. It was notable throughout that response that at no time did Mr Kaine defend Mrs Carnell's management of her health budget, and neither should he, because that is what is behind this entire matter. Quite clearly, Mrs Carnell's management of the health budget has been found wanting. This Assembly has censured Mrs Carnell over her management of the health budget, and rightly so. Indeed, it has censured her for recklessly misleading this place, Mr Speaker. We have a very clear situation; the Health Minister has been found wanting, and this inquiry finds her wanting again. The facts are that Mrs Carnell decided on a particular budget of around \$303m for the Department of Health and Community Care. She told this committee of inquiry that she had settled on a separation rate of around 55,000. Those estimates subsequently changed to around 58,000.



**Mr De Domenico:** What is a separation rate?

**MR BERRY:** Of course, Mrs Carnell knew that the cost of those separations was going to impact on the health budget.

**Mr De Domenico:** Separations?

**MR BERRY:** Ask the Health Minister. She might be able to tell you what a separation is - only might.

**Mrs Carnell:** Is he talking about redundancies? That comes from the central redundancy pool. It has nothing to do with the health budget.

**MR BERRY:** Mrs Carnell does not seem to understand what a separation is. If she has a look at one of her Woden Valley Hospital information bulletin patient activity data sheets - - -

**Mrs Carnell:** Oh, you mean admissions.

**MR BERRY:** No, no, no. Go down to Table 1, paragraph 2, separations, and look at total separations. You will see that in July 1995 - Mrs Carnell would have had this on her desk - there was a 5.3 per cent increase in separations in the first month of her budget. That is separations. That is another little education lesson. In the context of a \$303m budget and a commitment to 55,000 separations, Mrs Carnell knew that the budget was blowing out in July and did nothing. That is where the big cover-up is.

**Mrs Carnell:** Aren't we naughty! We saw more patients.

**Mr De Domenico:** Close some wards down. That is what we should have done.

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

**MR BERRY:** Mrs Carnell has to understand that if she puts up a budget which is inadequate, if there is insufficient money, she has to wear the responsibility for her mismanagement. Obviously, at the outset, this budget was light on. Her management has been light on from the word go, as has been demonstrated by these activity reports and her inability to demonstrate to the committee of inquiry that she chose to do anything about it. The fact of the matter is that she chose to do nothing, and that was clearly proven. Mr Kaine, I can understand why you did not try to defend Mrs Carnell's management of the health budget. It is outrageously poor and is deserving of the censure motion recently passed by this Assembly. I have no more to say in relation to the management of the health budget. I will now go to the issue of the propriety of this approach.

Clearly, Mr Speaker, the approach that has been taken by Mrs Carnell appropriates an additional \$14.2m for whatever use the Government chooses - any use at all. It also allows the Government to borrow another \$14.2m. It does not require them to spend all of the \$14.2m. Indeed, Mrs Carnell's officials could not demonstrate to the committee whether they were going to spend \$1 or \$14.2m, or where they were going

14 May 1996

to spend it. That demonstrates, Mr Speaker, the shonkiness of this proposal. Quite contrary to the statement in the Appropriation Bill - that is, "Introduction of this Bill avoids the practice used in previous years of making artificial cash management arrangements to conceal an overrun in the Health and Community Care Budget" - I suggest, Mr Speaker, that the approach that has been taken in this Appropriation Bill is even more secretive because Mrs Carnell could not demonstrate where the money was going to be spent or how much of it was going to be spent. Indeed, she could not even give the committee of inquiry an unequivocal commitment that she would not borrow more money.

The fact of the matter is that, however you describe the expenditure of this money in this piece of paper, it is absolutely worthless because Mrs Carnell can go out there and borrow \$14.2m.

**Mr De Domenico:** You do not know what you are talking about.

**MR BERRY:** She can go and borrow \$14.2m. She can add that to the debt. Those are the facts of the matter. I have to say that we do not have to defend your budget, because we opposed it. You just get a feeling about Liberal budgets over the years. You get a feeling about Liberal budgets; if you vote for a Liberal budget you get the outcomes. We did not vote for it. We have no commitment to it.

Mr Speaker, this approach leads us down that rocky path of mismanagement that we have had to tolerate from Mrs Carnell to date in relation to health. There is no question about Mrs Carnell's management; it has been found wanting. It is a ramshackle arrangement which does not earn any confidence out there in the community. Mr Speaker, this shonky, secretive approach is as dishonest as anything we have seen come before this Assembly.

**Mrs Carnell:** Secretive? Is the Estimates Committee secretive now?

**MR BERRY:** For Mrs Carnell to say that this is open is quite outrageously untrue because she could not clearly demonstrate where the money was going to be spent. She could not even tell the committee of inquiry how it would be spent. (*Extension of time granted*)

Mr Speaker, at the risk of repeating myself, I would like to draw your attention to the report which was circulated, and in particular to those paragraphs which demonstrate clearly that officials did not know how much they were going to spend. Mrs Carnell clearly put on the record that she could not give an unequivocal commitment that there would not be further borrowings. Mrs Carnell did put on the record that she thought she might like to use this process to reinforce on management the requirement to stay within budget. Heavens above, she is the Minister for Health.

**Mrs Carnell:** It did not work for you. Four budgets, four blow-outs, fewer beds, longer waiting lists.

**MR BERRY:** You have the obligation and the responsibility to do something about it. Mrs Carnell said repeatedly during the committee of inquiry, "I chose not to front-end load the budget". In effect, she was admitting that she did not put enough money in the budget. She was admitting that she did not put enough money in the budget to fund the separations in the hospital system.

**Mrs Carnell:** Are you suggesting that spending 30 per cent more per patient is all right?

**MR BERRY:** When you know off by heart what separations in the hospital context means you can come in and talk to us here about hospital management. A simple understanding of the hospital system would tell you what separations means. Go away and learn it. Perhaps we will get a chance to ask you a question later on about what separations means.

Mr Speaker, we have a Minister for Health and Treasurer who does not provide sufficient money for the budget settings in Health; that is to say, she decided upon 55,000 patients and at some stage in the proceedings decided on 58,000, knowing full well that there was not enough money in the budget. That is why she was censured in this place, because of her mismanagement of the budget process in Health, and no wonder. What an outrageously secretive process! There was no report to this Assembly that Mrs Carnell had taken the decision that she was going to increase the numbers without funding in the budget. She did say at one stage that it was out of control and she did not know what to do about it. What an admission from a Health Minister and Treasurer - "I do not know what to do about it". It was on the front page of the *Canberra Times*. Mr Speaker, this report ought to be endorsed by this Assembly. There is certainly no need for this Appropriation Bill. There is absolutely no need for it.

**Mrs Carnell:** I raise a point of order, Mr Speaker. I would like Mr Berry to withdraw the statement that I kept secret the monthly reports on health blow-outs, because it is simply untrue. This Government presented monthly reports, unlike the previous Government, which kept all their information secret.

**MR BERRY:** That is hardly a point of order.

**MR SPEAKER:** Did you withdraw?

**MR BERRY:** No, I did not, Mr Speaker. There is no imputation.

**Mr De Domenico:** On a point of order, Mr Speaker: I suggest that you ask Mr Berry to withdraw.

**MR SPEAKER:** Yes. The Chief Minister has drawn attention to what she believes to be an imputation and I am asking you to withdraw it.

**MR BERRY:** What is your opinion, Mr Speaker? Do you think it is an imputation, Mr Speaker? It is your ruling.

**MR SPEAKER:** The Chief Minister does, and I am asking you whether you will withdraw it.

14 May 1996

**MR BERRY:** No, I will not; not unless you order me to, Mr Speaker.

**MR SPEAKER:** I do.

**MR BERRY:** Okay; I withdraw it.

**MR SPEAKER:** Thank you.

**MR BERRY:** That is a new standard. Whatever the Chief Minister wants she gets in this place, Mr Speaker.

**MR SPEAKER:** Continue, Mr Berry.

**MR BERRY:** Mr Speaker, these shonky actions that have been taken by this Government have been exposed by this committee inquiry.

**Mr De Domenico:** Oh, dear! You are nice! We like you too, Wayne! You do not want to get personal, do you?

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

**MR BERRY:** It has been exposed by this committee of inquiry.

**Mrs Carnell:** What has been exposed? There is nothing in here.

**MR BERRY:** Your gross mismanagement of the health portfolio has been exposed; your gross incompetence as a Treasurer has been exposed. Mr Speaker, this public relations stunt has been exposed as well. Mr Speaker, this Appropriation Bill does not deserve support, and neither did the first one. That ought to be the position which we follow in this Assembly. Mr Speaker, it is a shonk on all grounds.

**MR HIRD (11.38):** Firstly, I would like to thank the secretary, the staff and all those who assisted the committee in its deliberations.

**Mr De Domenico:** I am sure that Mr Berry would have wanted to do that too.

**MR HIRD:** That is true. I particularly want to address and to draw members' attention to my dissenting opinion. Indeed, the report from the Estimates Committee was an opinion. Why is this parliament wasting so much time and indulging in so much hogwash over whether the Chief Minister ought to have sought the parliament's approval for the appropriation of an additional \$14.2m for the health budget or whether she should simply have transferred the amount from other programs to the health budget, as she has the power to do? I submit that the Chief Minister has taken the correct approach by introducing Appropriation Bill (No. 2) and by informing, through this house, the people of the ACT.

A select committee has spent two days listening to 10 witnesses at public hearings, on top of drawn out debate in this house on 16 April, and for what? Just what have we achieved? The fact that the question was referred to a select committee in the first place was nothing more than a cheap, political stunt headed by the Deputy Opposition Leader, Mr Shonk - I am sorry - in a bid to score - - -

**Mr Moore:** I take a point of order, Mr Speaker. I believe that Mr Hird is reflecting on a vote of the Assembly.

**MR SPEAKER:** I think Mr Hird also should refer to members by their own name.

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

**Mr Berry:** I think, Mr Speaker, he also described me as “Mr Shonk”. That clearly is an imputation.

**MR SPEAKER:** Indeed. That is why I suggested that you might like to withdraw that and rephrase your remarks, Mr Hird. If you are referring to Mr Berry - - -

**MR HIRD:** As Mr Shonk.

**MR SPEAKER:** Refer to him - - -

**MR HIRD:** I apologise for calling Mr Berry “Mr Shonk”.

**Mr Berry:** Just withdraw it. You do not have to apologise.

**MR SPEAKER:** Withdraw it.

**MR HIRD:** I withdraw any reference that Mr Berry is really Mr Shonk.

**MR SPEAKER:** Thank you.

**MR HIRD:** I withdraw that, Mr Speaker.

**MR SPEAKER:** Unequivocally.

**MR HIRD:** Yes, certainly. Definitely. I do apologise, through the Chair, to Mr Berry for referring to him as Mr - - -

**MR SPEAKER:** Order! Mr Hird, this is not a game. Would you mind getting on with your speech.

**MR HIRD:** Thank you, sir. The fact that the question was referred to a select committee in the first place was nothing more than a cheap political stunt.

14 May 1996

**Mr Moore:** I take a point of order, Mr Speaker. This is the very point of order that I raised. I refer to standing order 52, which reads:

A Member may not reflect upon any vote of the Assembly, except upon a motion that such vote be rescinded.

**MR SPEAKER:** Thank you.

**Mr Moore:** I am still continuing my point of order, Mr Speaker. You had indicated to Mr Hird that this was the case. Mr Speaker, you also have the option of standing order 202(e). If a member is persistently and wilfully disregarding the authority of the Chair he can be named, Mr Speaker. We have not done that for a long time. I think Mr Hird may be an excellent example.

**MR SPEAKER:** Perhaps you might bear it in mind yourself, Mr Moore.

**MR HIRD:** I do withdraw those remarks.

**MR SPEAKER:** Thank you, Mr Hird. Continue.

**MR HIRD:** The Chief Minister was merely using the correct channels to resolve a budget issue. Perhaps Mr Berry would care to enlighten the parliament on how many times his former colleague, the then Chief Minister, used her powers simply to transfer funds from one program to another to cover up a budget blow-out without reference to this house? What would have happened if Mrs Carnell had gone ahead with the transfer of those funds? She would have been subjected to the same criticism and condemnation because there would have been allegations from the Opposition benches that she was trying to hide something.

Mr Speaker, I believe that it is about time members of this house, particularly those on the other side of the house, stopped behaving like schoolkids and got on with the job of helping to govern this Territory. This is a classic case of the Chief Minister being damned if she does and damned if she does not. The Chief Minister and Treasurer, Mrs Carnell, has been subjected to attacks from the Opposition and, I am sorry to say, other members of this place for the professional way she has gone about this matter. She has been condemned for asking the parliament to pass an appropriation Bill seeking an additional \$14.2m for the health budget - something that has blown out in every previous year. Mr Speaker, the Chief Minister could have shielded herself from these attacks by simply transferring the \$14.2m from one program to another, as I said earlier. Unlike her predecessors, and those on the other side of this house, she preferred to be up front, say what the problem was, tell the house, and make it subject to public scrutiny - something that never happened in the life of the previous Government.

**MS TUCKER (11.43):** Mr Speaker, I also would like to thank Bill Symington and Kim Blackburn for their support to this committee, and the other members. Mr Speaker, the Greens also believe that Appropriation Bill (No. 2) was unnecessary and was undertaken largely as a political exercise in deflection. The Government knew that they were going to be seen as mismanaging the health budget, so the better political option was to say, "Yes, we blew out the health budget; but it is okay because we are not going to let anyone in the Health Department forget it, and we are much more open and transparent than the previous Government".

The point that has been made over and over again is that what has been done through Appropriation Bill (No. 2) could have been done via the existing Audit Act. It is a bit ironic that in the same sitting week that the Appropriation Bill was tabled the Financial Management Bill was also tabled. The Government have made it quite clear that they do not like the existing Audit Act and the existing mechanisms for the transfer of funds between appropriation units and, quite appropriately, as they do not like it, they have set in train a process to change it and we have the Financial Management Bill. We have not debated this Bill yet; nevertheless the Government have decided to implement the basic trust of that Bill in this second appropriation. We will have an opportunity next week to debate it and it is unfortunate that this process has happened.

Then there is the issue of so-called transparency. The Government claims that this process is so much more transparent because we get the chance to scrutinise the changes immediately rather than waiting until the normal estimates committee process; but, as the committee points out, the Assembly can at any time refer transfers under the Audit Act to the Public Accounts Committee for closer scrutiny. Although in the normal course of events the estimates committees are later, or ex post facto as the report acknowledges, I think it also has to be said that, in the course of the Estimates Committee hearing, over and over we heard the Government say that they could not provide us with detail of this or that until the end of the financial year. So the argument about increasing transparency is a bit of a long shot.

The Government did acknowledge also that one of the main purposes of this Appropriation Bill was to send a tough message to health officials that they have to live within budgets. What are the ramifications of this shaming of health officials? Living within budgets is obviously important, but it is also important to think about the likely outcome of this public embarrassment of managers, particularly those now on contract. If health officials know that their jobs are on the line, they will be looking for cuts where they can, so that they are seen to be financially responsible, and where will these cuts be? Most likely, they will not be where all the public attention is focused. They will not be in the waiting lists, for example. The cuts will be in much more subtle areas that are much harder to identify, like community health care for example.

I would like to see the waiting list of low income people trying to access the services of allied health professionals. I would like to see a survey done of how many people have just given up. We are getting calls from these people. They do not even try to access health services, particularly those of allied health professionals, if they are on a low income, because they are very hard to get to see. They are certainly not going to pop in to the doctor over some measure of preventative health. I would like to see a much greater recognition from this Government of the link between socioeconomic status and health. It is clear in all the literature that there is a huge link. If we are not looking at what is happening in the lower socioeconomic areas, we have no hope of having a decent preventative health care strategy, and we are going to have more need for the high expense machines and hospital care that we are also concerned about the costs of.

I am not going to talk in much detail about the need for extra money. A not insignificant amount of the need for the extra money came about because of a delay in achieving the savings foreshadowed in the operational efficiency review. Some members of this place thought it was inappropriate for Booz Allen to be included in the budget anyway and,

*14 May 1996*

as the previous Estimates Committee pointed out, this was an unrealistic budget. We already know from the industrial disputes that this Government severely misjudged the industrial climate, and the predicted savings from the VMOs were obviously extremely ambitious.

The Greens believe that this whole exercise has been a cynical political exercise, from both sides, and not about transparency as the Government claims. We have even been assured that the Government will not borrow the money, as it can all be found from the Treasurer's Advance, capital works and so on. The convoluted argument is about needing to have more money appropriated even though they do not actually need more money. We have, at least until the Government's Financial Management Bill gets passed - presuming that it does - an Audit Act which is the existing mechanism for the transfer of funds and which could have been implemented with the same scrutiny or transparency if the Government had chosen.

**MR SPEAKER:** I call the Chief Minister.

**Mrs Carnell:** I am just going to present the Government response.

**Ms McRae:** No. I want to finish the debate.

**MR SPEAKER:** Very well. I do not think there is anybody else wishing to speak.

**MS McRAE** (11.49), in reply: I am concerned in case Mr Osborne, a member of the committee, wanted to speak. I will take the opportunity to sum up, very briefly. Thank you, Mr Speaker, for your forbearance.

**Mr Kaine:** Well, get up and support the Chief Minister. Go on; give the Chief Minister a vote before the debate is over.

**MR SPEAKER:** Order! Can we proceed with the debate?

**MS McRAE:** There is a minor distraction. Thank you to all the members. Quite clearly, from the debate and the issues covered in the debate, the Assembly can now see what was before the committee and why the committee concluded in the way that it did. Mrs Carnell chooses to put her own interpretation on it, as usual; but Mrs Carnell will learn, like the rest of us, that it does help to listen to people once in a while. Arguments were put, and put again by several members of the committee. Primarily, what the committee has a problem with - it still has not been answered - is from which part of the budget money is being taken, which use of the Audit Act would show but this action does not, and why we need another \$14.2m when there is money within the budget. No matter what, those questions have not been answered. There is absolutely no problem when there is \$12m in the Treasurer's Advance, \$12m in the redundancy pool, and at least \$12m in the capital works program. There is absolutely nothing to stop the Government from moving that money around.



Mrs Carnell's oft repeated interjection that it would be done in the dead of night and not scrutinised simply does not bear following through as a logical argument. There was nothing to stop Mrs Carnell coming in last week and saying, "I, as Treasurer, am about to use the Treasurer's Advance. I, as Treasurer, am about to move this money. Do you like it or don't you? Move against me if you do not". That was completely open to Mrs Carnell. They are trying to push us into the position of saying that that is inherently wrong and that this Government's position is inherently good. One can take whatever side one likes on that, but it does not remove the basic problem that this committee had and that the Assembly members must face.

From which area of the budget is this money being transferred? How much of it is being transferred? What effect is there on the redundancy pool, on the Treasurer's Advance and on public works as a result of having that money transferred? What effect does it have on the bottom line? What we are being asked to do, purely and simply, is to hand over \$14.2m more to the health budget, maybe. We are not quite sure because when we asked in detail we were not told whether the money would actually be transferred from the three identified programs or whether the appropriated money would simply be spent on health and the three appropriated programs not touched.

**Mrs Carnell:** We did. We said that quite categorically.

**MS McRAE:** You have not said it categorically enough, Mrs Carnell, because when we went through the transcripts it was not clear. When you go to the Audit Act, the Audit Act makes it absolutely clear, fundamentally black and white clear, that if you want \$7m more you move it from one area and you put it in another. This is simply saying that this is an appropriation Bill for \$14.2m more, albeit for the health budget; but, it could be moved from three identified programs; but, it may not be used; but, it may have an effect on borrowing because, shock, horror - going back to the transcript - "We do not know our revenue; we do not know how we are travelling with our revenue at the moment. We do not know the overall impact of where we are travelling on the bottom line. We do not know how much we are going to borrow". In that context, we are being asked to deal - - -

**Mrs Carnell:** But this has nothing to do with borrowing.

**MS McRAE:** Mrs Carnell, you will get your turn.

**Mrs Carnell:** It has nothing to do with borrowing.

**MS McRAE:** You will get your turn. I am explaining to the Assembly the range of imponderables that were before the committee, that were explained to the committee in terms of trying to come to grips with where the budget is now, where the budget is as a whole, where the difficulties lie in terms of trying to understand where we are at with revenue and where we are at with expenditure in each of the different areas. What the committee was told categorically was that there was a problem with health. What the committee was not told categorically was whether there was or was not a problem in any other area. What we were told was that, inasmuch as they could tell, everybody else was

14 May 1996

travelling on line. But we were then told that there were three separate areas from which this money could be drawn. Therefore, it may not end up all being actually spent on health. Money may or may not be taken from other areas. The budget may or may not come in with \$14.2m extra. This is an extra appropriation Bill.

Mrs Carnell, you did not make it clear. You may read the *Hansards* and see that the committee was not left with a clear and unequivocal statement about where the extra money was coming from and whether, under persistent questioning, an extra \$14.2m was going to be spent or not. What we were told was that anything between \$1 and \$14.2m of this extra appropriation may be spent.

**Mrs Carnell:** No, no, no; \$14.2m will be spent on health.

**MS McRAE:** I like the way you rewrite history, Mrs Carnell. If you go back to the *Hansards*, if you go back to what the committee heard overall in the context of the entire budget, this addition of \$14.2m may or may not be spent entirely on health because it may or may not be drawn from the three areas where there was money identified. We know what the Appropriation Bill itself said. What we are talking about is the detail that was presented to the committee, which made what seemed a straightforward process far more complex, and to not have all the curtailments on it that the Audit Act has.

The argument that it is a secretive process is a spurious and ridiculous argument. There is nothing to stop Mrs Carnell from making anything at all public. In fact, one would go out of one's way to say that, of the 17 of us, Mrs Carnell is best at making things public. If there is one skill that Mrs Carnell has, it is communicating with the public and offering information. So there is absolutely no argument to say that, because something is done under the Audit Act, suddenly it is secretive. It would be secretive only if Mrs Carnell chose not to tell. It was open to Mrs Carnell to tell the minute the Audit Act was used. I sincerely hope that the day the Audit Act is actually used for these transfers she will break with tradition so called and actually make it public. It is a spurious argument to mount for a completely new procedure. It is also, as Ms Tucker pointed out, a spurious argument to mount that, because we have in place a new Bill that is going to allow this procedure after we have passed the new Bill, let us go with the new procedure now because someone happens to like it. That is essentially what we were asked to look at.

I urge members to look at the detail of what was given to us as shown in the *Hansard*, not the simplistic interpretation of events that has been glossed over and offered to the Assembly. When we questioned, nothing was as clear as was made out. When we questioned, the detail did not come through in quite such a simplistic way. Yes, the Appropriation Bill says that it is for health; but no, it may not all be spent on health - it may or may not - but other money may be transferred from elsewhere. It may, therefore - this is the basis of my argument - add a further \$14.2m to the total appropriation; but it may not, because money may be transferred from at least three other areas.

**Mrs Carnell:** That does not mean that it is not going to be spent on health.

**MS McRAE:** That does not mean that my argument is wrong, Mrs Carnell.

**Mrs Carnell:** Yes, it does.

**MS McRAE:** That is the point that you are having a problem with. No, no, no. Money can be transferred from three areas and the committee did not know how much and from which of those three areas it would come. That is the point of my argument now. That is why it undermines the whole argument that it is only for health - because it is based on a wrong assumption about what is going to happen in the rest of the budget.

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

Question resolved in the affirmative.

**ADDITIONAL ESTIMATES 1995-96 - SELECT COMMITTEE  
Report on Appropriation Bill (No. 2) 1995-96 - Government Response**

**MRS CARNELL** (Chief Minister and Treasurer) (12.00): I seek leave to present the Government's response to the report.

**MR SPEAKER:** Is leave granted?

**Mr Berry:** Mr Speaker, there was agreement that this would happen - - -

**MR SPEAKER:** Order! If you are addressing the Chair - - -

**Mr Berry:** No.

**MR SPEAKER:** Would you mind standing up, Mr Berry.

**Ms McRae:** Is leave not granted?

**Mr Berry:** No. At the Government business meeting it was suggested that this was going to happen next week.

**Mr Kaine:** She has leave, Mr Speaker.

**Mr Berry:** No, she has not.

**MR SPEAKER:** Order!

**Mr Berry:** We said no. She can move to - - -

**MR SPEAKER:** I suggest that after the Chief Minister produces the Government's response it is up to the Assembly to decide what to do.

**Mr Berry:** I said no. The answer is no. If you want to move a motion to - - -

14 May 1996

**MRS CARNELL:** But you have given it already.

**Mr Berry:** No. I said no.

**MRS CARNELL:** I have been given leave.

**MR SPEAKER:** Order! You sought leave to present the Government response.

**Mr Berry:** And I said no.

**Mr Kaine:** No, you did not.

**MR SPEAKER:** No, you did not. Nobody said anything, as a matter of fact.

**MRS CARNELL:** And I got their leave to go.

**Mr Berry:** No, you did not.

**MRS CARNELL:** I did. He said, "Yes, go".

**Mr Berry:** Well, see how you go.

**MR SPEAKER:** Order! I am informed by the Clerk that we can overcome this problem because the Chief Minister does not need leave. Proceed, Chief Minister.

**MRS CARNELL:** Thank you. Mr Speaker, I present the Government's response to the Report of the Select Committee on Additional Estimates 1995-96.

**Mr Berry:** Mr Speaker, she does not have to have leave to table it, but she does have to have leave to speak.

**MR SPEAKER:** I am advised that, if the Chief Minister moves that the Assembly takes note of a paper, she can speak.

**MRS CARNELL:** I move:

That the Assembly takes note of the paper.

Mr Speaker, the committee's report made no recommendations but drew some conclusions - a somewhat unusual approach. I have to say that the conclusions made by the committee are disappointing, although I note that the committee did not take a unanimous view. The conclusions are particularly disappointing on the critical matter of principle. The principle at stake is the primacy of this Assembly. Each year this Assembly passes an appropriation Bill allowing the government of the day to implement its budget decisions. The Government believes that, when a major adjustment is made to the budget, that too should go to the Assembly for approval. It is the Assembly which passes the appropriation and it is therefore logical that the approval of the Assembly should be required for major adjustments to that appropriation. When we were in opposition we

argued this case consistently. Indeed, the former Government also acknowledged the validity of a supplementary estimates procedure for major changes to appropriations. It supported referring this issue to the Public Accounts Committee, which concluded in June 1993 that the process of supplementation needed to be more transparent to enable more informed debate by members, Mr Speaker.

Given that background, it is quite extraordinary that the majority of this committee should come down with a completely contrary view now. Mr Speaker, in June 1993 there was one idea; now there is a totally different one. To argue that a supplementary estimates process is not appropriate when there has been a major adjustment to an appropriation is completely at odds with the views expressed by those opposite in the past. It also flies in the face of logic, and it flies in the face of the fundamental principle that this Assembly, elected by the voters of the ACT, is the ultimate authority when it comes to taking money, in the form of taxes and charges, from the people of Canberra and spending it for the community's good.

This year, for the first time, the Government has gone to a second appropriation to cover a major adjustment to the health budget. I stress that it is not the first time that a major adjustment to the health budget has been made. Indeed, adjustments have been the rule rather than the exception. But this is the first time that a government has gone to a second appropriation. We believe that it is the appropriate course of action. It is consistent with the views we have expressed in the past, and it is consistent with the principle that this Assembly should approve a major adjustment to any appropriation.

Mr Speaker, the Government has given a firm undertaking that, notwithstanding the second appropriation, total expenditure will not exceed the total amount originally appropriated. Maybe I should stress that again because it appeared that Ms McRae did not quite understand that. As chair of the committee, if there were things she did not understand, she should have asked another question. The Government has given a firm undertaking, I repeat, Mr Speaker, that, notwithstanding the second appropriation, total expenditure will not exceed the total amount originally appropriated. In fact, Mr Speaker, I think it would be a good idea right now to table for this Assembly the authority which actually moves \$14.2m from urban services and reduces the appropriation for urban services by \$14.2m from capital works. If the Assembly is interested, I am very happy to do that.

We have gone to great lengths to explain openly and in great detail the need for a second appropriation. The Government accepts its responsibility in this matter. We accept criticism of the budget overrun - in fact, I made that very clear from the beginning of my speech - but it must also be seen in the context of a long legacy of budget overruns in the health portfolio. How in heaven's name could Mr Berry stand there and make the comments he did when he was the Minister who produced four budget overruns - four out of four? Every time he was Health Minister and brought down a budget he overran the budget. As well as that, he reduced bed numbers and he blew the waiting list by more than double. Yet he could stand there and try to be holier than thou.

14 May 1996

I am surprised. As Health Minister I have made it clear that it is not acceptable for the Health Department to overrun its budget every year and simply expect to be bailed out. This year at least we have been able to achieve significant improvements in service, as reflected by increased patient numbers and a reduction in the surgical waiting list. We have also had to deal with what proved to be open-ended enterprise bargaining agreements from the past.

The estimates committee process gave members an opportunity to examine in detail the areas where overspending has occurred and to ask what the Government is doing about it. Estimates committees are never comfortable processes for the government of the day. I am absolutely amazed that those opposite should consider for one moment that an estimates committee approach, where a Minister and senior officials sit there at the discretion of the estimates committee, is somehow a method of keeping something secret. The one thing that I think we would all have to say about estimates committees is that they give an absolute open book to members of the Assembly to ask whatever questions, at whatever length, with as many supplementary questions as they want, to get to the bottom of whatever issues they want to get to the bottom of. I would suggest that to assume, even for one moment, that our estimates committee approach here in the ACT somehow keeps things secret is - - -

**Mr Berry:** Who made that suggestion?

**MRS CARNELL:** You, actually. Anybody in this Assembly who has ever been through that process knows that it is absolutely rubbish.

**Mr Berry:** I raise a point of order, Mr Speaker. Mrs Carnell has just suggested that I had said that the Estimates Committee was keeping secrets. Mr Speaker, as you have ruled out, as an imputation, the word "secret", I would regard that as a serious imputation against me because I would never consider that the estimates committee process keeps secrets.

**MRS CARNELL:** Thank you. I will restate what I said. I said that Mr Berry said that the estimates committee process somehow kept things secret, that it kept things under wraps. That is, I think, exactly what he said in his speech. If he did not suggest that the estimates committee process was somehow keeping things under wraps, then it totally negates the committee's whole response. If the Estimates Committee is a method of openness and transparency, that vindicates the Government's whole position here.

We believe strongly that there is no more open process for this Assembly than the estimates committee approach. Those opposite possibly do not realise that our estimates committee approach is very different from that in other parliaments where members are kept to one supplementary question. They cannot continue a line of questioning, as is allowed here. We have a very open and very transparent estimates committee approach. Mr Berry indicated in his speech, and I think that Ms McRae also indicated it, that the estimates committee approach that we took somehow lacked transparency, and somehow produced secrecy. That is the last thing that our estimates committee approach could ever be said to do.

In the past governments have avoided the intense scrutiny of a supplementary estimates committee process by adopting the much easier cash management approach to budget overruns. I was fully aware of this in supporting a second appropriation. I was also fully aware that it meant allowing unprecedented scrutiny of the Government's budget management. The Estimates Committee is the mechanism that allows the Assembly that scrutiny and it is therefore astonishing that the Estimates Committee should come down with a report that says that such scrutiny should not have occurred. Fancy an estimates committee, Mr Speaker, coming down and saying, "We did not want to scrutinise this. We did not want to ask you questions. We think you should have just signed it off."! I am absolutely stunned that a committee of this Assembly would ever report that they did not want the information, that they did not want the level of scrutiny, that they did not want the transparency. That is effectively what the majority of committee members concluded when they said that they were not convinced that there was a need for a second appropriation, and therefore the supplementary estimates process, in their view, obviously, should not have gone ahead.

Setting aside political differences for a moment, it is important that all members of this Assembly recognise the value of the estimates committee process. We certainly do on this side. I must admit, Mr Speaker, that I believe that every member of this Assembly would be very pleased at having the opportunity to ask the relevant Minister and the senior officials whatever questions they wanted to ask on such a significant budget change as this one. It is extremely unfortunate, Mr Speaker, that the estimates committee process has been undermined and politicised to such an extent that an estimates committee has actually disputed the need for detailed scrutiny of a major budget overrun.

Mr Speaker, I am absolutely stunned at the comments that were made by Ms McRae and Mr Berry. Somehow Ms McRae does not think we were clear enough that we were going to spend \$14.2m more on health. If she was not clear on that, maybe she should have read the title of the Appropriation Bill, which made it very clear that this \$14.2m will be spent on health. In fact, if she had looked at the monthly reports that we make available, unlike under previous governments under which such things were not available, she would have seen right from July last year that the problems in health were accumulating. The fact is that we have already spent a significant amount of that \$14.2m as well.

We also made extremely clear, Mr Speaker, in my opening statement for the Estimates Committee, exactly how the money had been spent, what the cost pressures had been in health, where we had not achieved on a line-by-line basis the sorts of savings that we had hoped to achieve, and where we had spent more than we expected on a line-by-line basis. All of that information was brought forward, but did I get many questions on that? No. None of those opposite seemed to be overly interested in the health budget and what was actually happening. They were much more interested, supposedly, in arguing that they should not be sitting there at all; that they should not really be having an estimates committee approach; that they should not really be placed in a position of having to experience this open government or transparent approach; that they really seriously wanted me to go away and sign off a document that potentially could end up being debated in the Assembly. We all know that a debate in the Assembly is about "We said this and you said that". It is certainly not about the level of scrutiny that an estimates committee procedure actually gives to all of those opposite.

14 May 1996

We believe strongly that, whenever there is a significant change in the Appropriation Bill approved by this Assembly, this Assembly, Mr Speaker, should be the body that changes or varies that appropriation. It should not be done, when there is a significant change, simply by the Chief Minister signing a piece of paper. I am horrified, shocked and amazed that those opposite do not agree with that approach.

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

### PERSONAL EXPLANATIONS

**MR BERRY:** Mr Speaker, pursuant to standing order 46, I seek leave to make a short statement.

**MR SPEAKER:** Proceed.

**MR BERRY:** Mr Speaker, I claim to have been misrepresented. Mrs Carnell, during the course of her speech, made certain claims that, as a member of the Opposition, I had some doubt about the estimates committee process or believed that the estimates committee process was incapable of dealing with the matter which was before it in relation to Appropriation Bill (No. 2).

**Mrs Carnell:** I did not use the word "incapable" once.

**Mr De Domenico:** No; get it right.

**MR SPEAKER:** Order! Proceed, Mr Berry.

**MR BERRY:** They would be able to get leave under standing order 46, too, if they wanted to. Mr Speaker, I want to make it clear to this Assembly that I have the utmost confidence in the estimates committee process. I always have had. I believe that it does expose in some cases the frailty of government and the frailty of the bureaucracy. On this particular occasion, Mr Speaker, it has clearly exposed the frailty of the Government's argument in relation to Appropriation Bill (No. 2). I think, for those reasons, the estimates committee process has to be endorsed. For Mrs Carnell to say that the Opposition in some way did not have an estimates committee process or some other committee process available to it in relation to procedures which were conducted under the Audit Act is entirely spurious. The fact of the matter is that the Assembly could decide on a committee investigation of this particular matter.

**Mrs Carnell:** Mr Speaker, I raise a point of order. The member is debating the issue. This is not a personal explanation.

**MR BERRY:** I have been given leave.

**MR SPEAKER:** Order! I do uphold that. Mr Berry, make your personal explanation.



**MR BERRY:** Mr Speaker, for Mrs Carnell to allege that I in some way had no confidence in the estimates committee process is quite wrong and misleading.

**MR SPEAKER:** Do you wish to make a personal explanation, Chief Minister?

**MRS CARNELL** (Chief Minister and Treasurer): I suppose I have to, Mr Speaker. Mr Speaker, I ask Mr Berry to withdraw any indication that I was misleading this Assembly in any way. He certainly did make that comment at the end of his speech. With regard to a personal explanation, Mr Speaker, I made it very clear that I believe that this Assembly is the ultimate body in governing this Territory. I made it very clear that I believe that the Estimates Committee is very important to this Assembly. If Mr Berry knew anything, he would realise that there would not have been an estimates committee if there had not been an appropriation Bill.

**MR SPEAKER:** Mr Berry, would you withdraw the comment that the Chief Minister was misleading?

**Mr Berry:** Yes, sir.

**MR SPEAKER:** Thank you.

### **INQUIRIES (AMENDMENT) BILL 1996**

Debate resumed from 18 April 1996, on motion by **Mrs Carnell:**

That this Bill be agreed to in principle.

**MR WHITECROSS** (Leader of the Opposition) (12.19): The purpose of this legislation is pretty straightforward - to ensure that when we have an inquiry under the Inquiries Act the report can be made available to members prior to it being tabled in the Assembly. We will not have to wait until it is tabled in the Assembly for it to attract the normal privileges. This is something that has been highlighted by the Pearce inquiry and the Stein inquiry. The Labor Party will be supporting this Bill.

**MR MOORE** (12.20): I rise to support this legislation. The point was not made just by the Pearce inquiry. It was reiterated by Justice Stein in his report as well. This does raise a number of issues that have come before the Assembly with reference to the Assembly's own reports, Mr Speaker. I think it may well be worth while for us to consider using a similar approach when Assembly reports are presented outside normal sitting times. The process at the moment, Mr Speaker, is that they are given to you and you are left to make the judgment about whether or not they will attract this type of protection. That is a side issue, Mr Speaker, that I might refer to you - the possibility of protecting committee reports in the same way. It is a sensible move and it fits in with the spirit of the Inquiries Act.

14 May 1996

I will ask the Chief Minister whether she has checked the Royal Commissions Act to ensure that it provides this same set of protections under those circumstances. I have not had time to check the Royal Commissions Act, but when we debated the Inquiries Bill and the Royal Commissions Bill they were very similar. I will ask the Chief Minister whether she has checked that the Royal Commissions Act has the same protections. If not, will she make a commitment to do so and bring a simple amendment like this to the Assembly, should that be necessary?

**MS HORODNY** (12.22): Mr Speaker, the Greens are fully supportive of measures to increase the public accountability of government and to protect individuals who publicly raise issues of concern that might be embarrassing to the Government or particular sectional interests. We will, therefore, be supporting this Bill. It will correct an anomaly in the Inquiries Act to ensure that inquiry reports can be publicly released, with full immunity, by the Chief Minister before the next sitting of the Assembly. It will ensure that the issues raised by an inquiry and the recommendations made can be put on the public record without delay.

While we support these amendments to the Inquiries Act, I note that there are still some problems with this Act which were identified by the Stein inquiry. At present, people who make written submissions to a board of inquiry do not receive the same level of protection under the Act as witnesses at a hearing of the board. Stein's first two recommendations address this issue. I note that the Government stated in its response to the Stein inquiry that it will make the necessary amendments to the Inquiries Act to implement these recommendations. However, I understand that the Government has held off from acting on these recommendations until the Planning and Environment Committee has reported on the Government's response to Stein. I am sure that there will be bipartisan support for the implementation of these further changes to the Inquiries Act, as I have not heard many objections to these particular recommendations. The Greens therefore urge the Government to introduce these further amendments to the Inquiries Act without delay.

**MRS CARNELL** (Chief Minister) (12.24), in reply: Mr Speaker, I can assure Mr Moore that this Bill was drafted along similar lines to the Royal Commissions Act. I hope that that makes him more confident about the Bill. Thank you very much, members, for your support for this Bill. It does overcome a problem that has existed in the past, as members have said. We found out about it with regard to the Pearce inquiry and then again with the Stein report. I am pleased that very shortly we will have an amendment that makes sense and that will overcome this problem in the future.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.25 to 2.30 pm**

**QUESTION TIME AND SUB JUDICE CONVENTION**  
**Statement by Speaker**

**MR SPEAKER:** Before I call on questions, I wish to address the Assembly on the conduct of question time in recent sittings of the Assembly and on a matter relating to a question on notice. During the April sittings, and on Thursday, 18 April 1996, in particular, a number of points of order were taken throughout question time. The points of order generally related to two matters - one concerning supplementary questions and the other concerning the answers given to questions.

One point of order was raised by Mr De Domenico in relation to comments made by Ms McRae, who he thought had asked a supplementary question when the Minister had taken the original question on notice. Ms McRae informed the Assembly that in fact she was speaking to a point of order taken by Mr Humphries. However, I would like to clarify the issue of whether a supplementary question can be asked when the principal question has not yet been answered. Standing order 119, relating to supplementary questions, states in part:

Immediately following the oral answer to a question, one supplementary question may be asked by the Member who asked the original question: Provided that the supplementary question is relevant to the original question or arises out of the answer given, ...

I will pause there. The standing orders do not stipulate that a supplementary question can arise only out of the answer given, although this is generally the practice, but provide that it can also be asked if relevant to the original question. Clearly, where a Minister has not been able to answer the original question, a supplementary question still can be asked. Standing order 119 further states:

Provided that the supplementary question ... contains no preamble, introduces no new matter and is put in precise and direct terms.

This part of the standing order relates directly to other points of order taken during the April sitting week. On 18 April 1996 Mr Humphries, on a point of order as Mr Whitecross asked a lengthy supplementary question of Mrs Carnell, asked whether statements were permitted. The standing order leaves no room for doubt or interpretation on this issue. A supplementary question must be asked in precise and direct terms and without a preamble or opening statement. Given the circumstances under which a supplementary question can be asked, there should be no need to extend the latitude of this standing order. The member should have acquainted the Assembly and the Minister of the relevant facts when asking the original question.

The third issue that was raised in April related to whether a supplementary question can ask for the same information as the original question but in a different manner. Mr Kaine took this point of order in relation to Mr Wood, who indicated that he would "ask the question in a slightly different way". I responded at the time that asking the same question may result in the same answer being given. I must remind members that, while standing order 117(h) states that a question fully answered cannot be renewed,

14 May 1996

it is the practice of this Assembly to exercise some latitude in relation to this standing order at question time. Members may reword a supplementary question to seek the same information as the original question so as to clarify the Minister's answer. I will, however, be monitoring the practice and exercising discretion so that the original intention of the standing order is not ignored.

In the April sitting week there were also a number of points of order taken in relation to standing order 118, which states in part:

The answer to a question without notice:

- (a) shall be concise and confined to the subject matter of the question; and
- (b) shall not debate the subject to which the question refers, ...

On Thursday, 18 April 1996, Mr Berry took a point of order when Mr Stefaniak, in response to a question on the basketball courts at Charnwood High, spoke about youth services. I should like to remind Ministers that, although it has been the practice in this place to allow Ministers a reasonable degree of latitude in responding to questions, responses should not include subject matter outside that asked about in the question, unless there is a direct and identifiable correlation between the subject of the question and the matter addressed in the answer.

**Mr Berry:** There were youths who spotted them as having been pinched.

**MR SPEAKER:** That interjection is timely, Mr Berry. I would also remind all members that interjections can lead to a Minister responding and, in so doing, straying into contravention of part (b) of the standing order; that is, they can lead to debate. Finally, I point out to all members that one of the functions of the standing orders is to ensure that the proceedings of the Assembly are conducted in an orderly manner and that adherence to standing orders by all members enhances the conduct of the chamber. It is also possible to amend the standing orders if it is the wish of the Assembly to do so.

On another matter, I wish to inform the Assembly that on 17 April 1996 a question which had been submitted by Ms Follett appeared on the notice paper. The question relates to the Belconnen Remand Centre, and two parts - (1) and (5) - of it are concerned directly with the death in custody which occurred on 15 April 1996. Although questions are checked to ensure that they conform with standing orders before they appear on the notice paper, the sub judice convention traditional to the Westminster style of parliament was not checked.

As members would be aware, the sub judice convention is self-imposed by legislatures to avoid debate on matters which are in the judicial system. As set out in *House of Representatives Practice*, the convention is that "subject to the right of the House to legislate on any matter, matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions". *House of Representatives Practice* also states that the application of the sub judice rule is subject always to the discretion of the Chair.

I have considered the two parts of Ms Follett's question that relate to the matter before the coroner and have sought information from the Commonwealth Parliament as to their practice in relation to coronial inquiries. Although the information requested by Ms Follett seems to be factual in nature, it is possible that it may prejudice the coronial inquiry. I therefore ruled it out of order and wrote to Ms Follett asking her to withdraw from the notice paper those parts of the question relating directly to the detainee and indicating that I would be making my ruling known to the Assembly when it sits, which I am doing now. Those parts of the question remain on the notice paper, and I will be directing the Clerk to withdraw parts (1) and (5) from the question to appear on the notice paper of 15 May 1996.

## QUESTIONS WITHOUT NOTICE

### Australian Public Service - Job Cuts

**MR WHITECROSS:** My question without notice is to the Chief Minister. Chief Minister, I refer to the comments by your deputy and Business and Industrial Relations Minister, Mr De Domenico, that there will be “opportunities in the financial services area as public servants seek advice on what to do with their redundancy/retirement packages”. I also refer to Mr De Domenico's comments that public service job cuts will have little, if any, effect on future unemployment. Does the Chief Minister endorse these comments by her deputy, or does she agree with the vast majority of Canberrans that these comments are insensitive and an insult both to public servants who face the loss of their jobs and to private businesses that are currently experiencing such severe pain due to the Federal Government's ill-conceived policies?

**MRS CARNELL:** Mr Speaker, I must admit that I did not hear my deputy make those comments at all. In fact, I would be extremely surprised if Mr De Domenico made any comment at all with regard to public sector cuts somehow having no impact at all on unemployment. There is no doubt, from my reading of Mr De Domenico's press release and other statements, that he was saying exactly the opposite. He was actually saying that the rise in unemployment that had occurred over the last couple of months could be directly related to the downturn in employment with regard to the unsureness and the general insecurity that currently exist in the private sector and in the public sector in Canberra. That is the reason that I went to see the Prime Minister last week - to make it very clear to John Howard that the current problems in Canberra, which were related very much to people simply not knowing where the future lies for our city, were causing us extraordinary problems.

My own public servants know very well what is going on. What is going on is that there will be absolutely no involuntary redundancies. We have made it very clear that in the ACT Government there will be no involuntary redundancies. It makes it very clear. Therefore, redundancies can happen only when somebody chooses to go. It is that simple.

14 May 1996

**Ms McRae:** Or their job is abolished. Go on with you!

**MRS CARNELL:** If their jobs are abolished, then they are offered redeployment, retraining and any number of other approaches. It is that simple. Mr Speaker, again with regard to those comments, we are very concerned about speculation that currently exists at the Federal level. We have made it very clear to Mr Howard that we do not believe that this sort of speculation is doing anything for Canberra, and we have also made it extremely clear that Canberra must not be targeted, must not be used as an easy political scapegoat because a bit of Canberra bashing, some people out there in the rest of Australia believe, is not such a bad deal. That sort of approach simply will not be accepted either by this Government or by the people of Canberra.

To complete this answer, it is important to say, as I know that Ms Follett did on many occasions, that the future of this city does not lie with growth in the public sector. Ms Follett regularly got up, stood in this spot and said that future employment growth in Canberra was based upon growth in the private sector. We totally agree with that approach. We do not just agree; we are actually doing something about it, Mr Speaker. Doing something about it means getting in there and encouraging businesses to this city and providing the appropriate incentive packages and the appropriate situation and climate to allow businesses to grow.

It was very encouraging last week to be opening new office space in this city for BHP Information Technology, a company that has been here since 1989 but believes strongly enough in the Canberra economy to be expanding from being just a service provider to actually working up and doing research here and selling some of their research software products to the Victorian Government, the Northern Territory Government and offshore as well. Even with the problems that exist at the Federal level, it is great to see companies such as BHP IT have the confidence in this city that certainly we on this side of the house do. I believe that that is the appropriate approach. We must get in there and we must encourage the private sector; but at the same time we need to be telling our Federal colleagues, as we are, that targeting Canberra is just not on.

**MR WHITECROSS:** Mr Speaker, my supplementary question is: Does the Chief Minister really believe that Mr De Domenico did not make these remarks that he was reported to have made? Is she concerned that he may have offended public servants and businesses by implying that there was no effect from these changes, when clearly there is an effect? Will you repeat your assurance just given that any ACT public servant who loses their job will be offered another job at the same level?

**MRS CARNELL:** What we have said quite definitely is that there will not be any involuntary redundancies; that any public servant whose job, for whatever reason, no longer exists will be offered redeployment and retraining. That has been the case the whole way through. That is exactly the position that we have always had. Mr Speaker, I certainly did not hear Mr De Domenico make any of those comments. I know perfectly well that he is, as I am, very concerned about public sector cuts that are at anything like the sort of level we have heard bandied about by those opposite,

and unfortunately by people who should know better - people such as fairly prominent union leaders in this city and new senators from the Labor Party. They have bandied around figures that can only serve to scare public servants. I do not believe that that sort of an approach is acceptable. By the way, Mr Speaker, when people on our side of politics made those comments, when some fairly unwise comments were made by State Premiers, we got stuck right into them. When Kate Lundy made those comments, and when union leaders made those comments, did this mob get stuck into them? No, they did not.

### **Australian Public Service - Job Cuts**

**MR KAINÉ:** Mr Speaker, I want to take up the same matter that the Leader of the Opposition has taken up. I note that over the weekend Mr Berry was quoted by the *Canberra Times* as having made some comments about what he claimed was Mr De Domenico's insensitivity to possible job cuts in the Commonwealth Public Service. The Leader of the Opposition has now raised the matter, but I notice that he does not address the question to Mr De Domenico; he addresses it to the Chief Minister. I would like to ask Mr De Domenico whether he accepts the criticism made by Mr Berry, whether he accepts it as being fair and reasonable, having regard to the context of his own comments which Mr Berry was referring to in making those statements.

**MR DE DOMENICO:** Mr Speaker, the latest attempt at publicity by Mr Berry does not surprise me in the slightest. As usual, it is all doom and gloom. The article in question was only a small one but worth noting publicly in this chamber if for no other reason than because it again epitomises the Opposition's willingness to put their political point-scoring above all else, including the economic wellbeing of Canberrans. Mr Speaker, this Government has never hidden from the fact that the Federal Government's proposed cuts to the Commonwealth Public Service will have an impact on Canberra. Of course they must. Whilst details of those cuts are yet to be finalised, the speculation over just how many jobs may be lost is already having a damaging effect on confidence in the ACT economy, as Mrs Carnell said. Mr Berry is quoted as saying that I, and presumably this Government, are insensitive to the economic situation being faced in the ACT. Mr Speaker, how hypocritical he is! Let us not forget that, since Labor took office federally back in 1983 - - -

**Mr Berry:** It was only a little article. It was only this big - two or three centimetres.

**MR DE DOMENICO:** It was as big as your brain, Mr Berry.

**Mr Berry:** Do not get carried away.

**MR DE DOMENICO:** No, I am not getting carried away. These are just a few home truths that you might not like to hear.

14 May 1996

Mr Speaker, let us not forget that, since Labor took office federally back in 1983, 18,000 Commonwealth Public Service jobs have been shed. Even in today's *Canberra Times* - in a bigger article than Sunday's, Mr Berry - statistics released by the Department of Finance show that more than 5,000 - - -

**Mr Humphries:** I raise a point of order, Mr Speaker. It is impossible to hear what Mr De Domenico is saying, even though I am sitting right beside him. I would ask for a little bit of control of those opposite.

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

**MR DE DOMENICO:** Mr Speaker, let us not forget that, since Labor took office federally back in 1983, 18,000 - I repeat, 18,000 - Commonwealth Public Service jobs have been shed. Even in today's *Canberra Times*, statistics released by the Department of Finance show that more than 5,500 Commonwealth public servants were made redundant last year alone. That was under Labor, Mr Berry - not under the Liberal Party; under Labor.

Mr Speaker, further cuts seem likely under the Howard Government. With this in mind, the Carnell Government has some choices. We could stick our heads in the sand and pretend that it is business as usual, or we could rant and rave and achieve absolutely nothing - like those sitting opposite me. Mr Speaker, this Government, however, chooses to see the positives and the great opportunities ahead for Canberra. We recognise that it is time to build on what is already a vibrant business sector and we are putting in place mechanisms to ensure the future of Canberrans. We are doing everything in our power to ensure that through a range of initiatives the private sector grows in this uncertain economic climate.

Only two weeks ago I announced a major review of the Government's Business Services Centre, which is critical in ensuring that small business support services are focused on further developing the entrepreneurial culture of the ACT and the region. This new style Business Services Centre will provide a wide range of business resources and business services and will also see the Government go out in the real world as such and talk with those in small business. Mr Speaker, the Government is also helping the private sector through initiatives such as CanTrade, the ACT business incentive scheme and the Red Tape Task Force. We have also committed over \$5m in funding to encourage and further develop Canberra's private sector. Mr Speaker, it is a pity that the Opposition fails to acknowledge this. They laugh and they talk about doom and gloom but will not acknowledge reality. We must remember that Mr Berry in fact is a product of the Left. His traditional support base relies on private sector investment for jobs but does not mind squeezing employers for higher pay. That is what Mr Berry is all about. Little wonder the Follett Government created only 700 jobs in its last year, compared with 2,300 jobs created in just one year of this Government's present term.

I would ask that those opposite, whilst listening to this answer, give some thought to ACT workers - including the CFMEU members, Mr Whitecross - who rely on economic growth and development for a living and who are benefited by these newly created jobs. These people are not benefited by devaluing the ACT's economic outlook but rather are keen for the Government to proceed with projects like the Kingston foreshore



redevelopment, Mr Whitecross. I would be very interested in seeing what your point of view is on that one. I was pleased to read comments by the ACT president of BOMA in today's *Canberra Times* - once again, bigger than Mr Berry's attempt at publicity. He talked about the viability of Canberra's non-residential construction industry. He was quoted as saying that he was able to list more than a dozen major construction projects in Canberra. He identified the Russell Offices redevelopment, the Lend Lease project in Garema Place, extensions to major retail centres, and the redevelopment of ACTEW's Fyshwick premises, which we opened yesterday.

Mr Speaker, Mr Berry's claim to fame is that of being the only Minister to be sacked since self-government. As Mr Kaine rightly says, Mr Berry is constantly looking for someone to join his exclusive club. It would appear from this latest stunt that the Opposition Leader in waiting is living by the dictum that any publicity is good publicity. Mr Speaker, I will continue to talk up the economy of this place. If Mr Berry does not like it, tough. We will continue to talk up the economy of this place. If Mr Whitecross does not like it, tough. I think that what Mr Whitecross should do is talk to the people who put him in his spot, people like Mr Wason from the CFMEU. Go and talk to him, Mr Whitecross - the guy who pulls the strings. Go and ask him what he believes the future of the Territory will be, and he will tell you that Kingston foreshore is something we have to go ahead with. He will also tell you that the future employment prospects in this town must rely on the private sector. Yes, Mr Berry, Mr Whitecross and Mr Kaine, we will all continue to talk up the ACT economy. You sit in your squalor over there and continue to prophesy doom and gloom. We will go ahead and do the job.

### **Urban Services Budget**

**MR MOORE:** Mr Speaker, my question is to the Chief Minister as Treasurer. I understand that projections indicate that the City Services Group in the Urban Services Department has blown its budget by approximately \$5m. Would you indicate to the Assembly the actual projection for the end of the financial year and explain how this budget blow-out from this section of the department is going to be met?

**MRS CARNELL:** I am certainly unaware that City Services have blown their budget by \$5m, Mr Moore, but I am extremely happy to have a look at that and get back to you with further information. Having spoken to the head of Urban Services only yesterday, I am fairly confident that they believe that they can bring their budget in.

**MR MOORE:** I ask a supplementary question, Mr Speaker. Chief Minister, we are talking about a very sizeable sum of money. It is quite clear that the Department of Urban Services has available to it the capital works budget. Indeed, you have taken \$14m out of it just this morning. You indicated that just this morning.

**MR SPEAKER:** Order! This is a supplementary question, Mr Moore.

14 May 1996

**MR MOORE:** That is what I am getting to, Mr Speaker. Chief Minister, what action are you taking to ensure that when budgets are blown out by large sums of money like this you are informed?

**MRS CARNELL:** We have monthly reports, Mr Moore, on every aspect of the ACT budget, as you know. We are kept up to date, and we have regular meetings.

### **Australian Public Service - Job Cuts**

**MR BERRY:** My question is to the Chief Minister. I refer the Chief Minister and Treasurer to her media release of 2 March 1995, in which she said:

It is clear that major reductions in public services have a direct impact on the private sector, with a consequent downturn in the economy as a whole.

I refer also to the *Canberra Times* article of 18 April 1995, which reports the Chief Minister as follows:

Mrs Carnell said she had no plans to “do a Carr” and slash the public service as there was a symbiotic relationship between the private and public sectors in the ACT and if she started cutting bureaucrats the private sector would fall over.

Furthermore, I would like the Chief Minister to especially note two comments accredited to her Deputy Chief Minister which are on the public record. I refer to the *Canberra Times*. We have been using the *Canberra Times* as an important reference. Mr De Domenico drew attention to that a minute ago. Mr De Domenico said about the Public Service cuts, “So what!”. This is the Minister for Industrial Relations in the ACT, who is supposed to have some connection with the business sector. Mr De Domenico is also quoted as expressing this view:

The future for employment in the Territory lies clearly in the private sector and Public Service job cuts will have little if any effect on future unemployment.

Will the Chief Minister, having considered all of those opinions, tell us who is right here? Which one is right - you or Mr De Domenico?

**MRS CARNELL:** I thought I answered that question by saying that I did not hear Mr De Domenico say that. Mr De Domenico said that he did not say it.

**Mr Berry:** I will table the article from the *Canberra Times*.

**Mr De Domenico:** It must be true if it is in the *Canberra Times*!

**MRS CARNELL:** I have some good points from you in the *Canberra Times*. Mr Speaker, there is no doubt that wholesale cuts in the public sector have a direct and immediate impact on the private sector. In fact, we have seen that in the unemployment statistics in the ACT over the last couple of months. Even at a time when there have not actually been any public sector cuts, just the insecurity caused by the potential of public sector cuts will do that to the private sector. I think that goes without saying. Mr De Domenico just said definitely that he did not make any comments that cuts in the public sector would have no effect on long-term unemployment or employment generally in the ACT. I do not quite know how you answer a question about a statement that my deputy says quite categorically he did not make.

Mr Speaker, the important issue here is that the ACT Government, I believe, has taken the appropriate approach to staff management. Under the previous Government, if you remember, Ms Follett had something like \$17m available for redundancies. How much did we have this year? We had \$12m. The reality is that the amount of money available for voluntary redundancies - neither Ms Follett nor I have used involuntary redundancies; nor will I - is less. The fact is that we have put less money aside for redundancies than the previous Government did. I think that really sums up the whole issue here, Mr Speaker. It is interesting that those opposite use the *Canberra Times* for quoting "absolute truth" when it suits them. If they want to get into that business, boy, do we have a deal for them.

**MR BERRY:** Mr Speaker, I have a supplementary question. Mrs Carnell clearly says that a downturn would affect the economy as a whole. She clearly says that the private sector would fall over if there were cuts in bureaucrats. Mr Speaker, the supplementary question I put to the Chief Minister is this: Will you stand by your Deputy Chief Minister on his comments and his flaunting of his ignorance, or will you do something about it? If you are not prepared to follow either of those lines, will you announce your unswerving endorsement for this incompetent Minister here today on this floor - unswerving endorsement for his comments?

**MR SPEAKER:** Chief Minister, do not sway.

**MRS CARNELL:** Mr Speaker, I promise not to sway. I will stand really still. Mr Speaker, I endorse all of my Ministers, in fact all of my colleagues on this side of the house, without any doubt whatsoever. I think the comment that I made, Mr Speaker - and I stand by it - is that wholesale cuts in the Public Service in Canberra will have an immediate and inevitable effect on the private sector. The fact in this city is that, although we have 52 per cent of people employed in the private sector, a lot of those people are employed in jobs which are directly related to the public sector. There is a great need to ensure that the Federal Government does not target Canberra unfairly.

**Mr Berry:** Two thousand, three hundred people have lost their jobs.

**MRS CARNELL:** I am interested that Mr Berry is doing exactly what you suggested to him earlier, Mr Speaker, was not a good idea. He is stimulating debate. Mr Berry would be aware, as we are, that unemployment has gone up. But, even with the problems that occur with a Federal election and all of the other things that have happened, we still have 1,500 more jobs in this city than we had when we took over government.

14 May 1996

### Capital Works Budget

**MR OSBORNE:** Mr Speaker, my question is to the Deputy Chief Minister, Mr De Domenico. Mr De Domenico, you will recall that this morning Mrs Carnell announced that your Government was transferring \$14.2m out of the urban services budget, with the majority, if not all, coming out of capital works. Considering this, what you had to say a few minutes ago and the fact that you have put a huge emphasis on jobs in the past few weeks, can you tell me and this Assembly how many jobs will be lost because you have not proceeded with the work promised in the last budget for capital works?

**MR DE DOMENICO:** I thank Mr Osborne for his question. I think once again Mr Osborne takes the negative stance on things of life. Perhaps it is catching from the Opposition.

**Mr Berry:** Go for him, Tony.

**MR DE DOMENICO:** No, I do not need to go for him, Mr Berry. He accepts constructive criticism, Mr Berry, unlike others on the other side of the house. Mr Osborne would be aware of the fact that the Geological Survey Organisation building that is going ahead will create about 300 jobs. Mr Osborne would be aware that the \$225m worth of redevelopment at Russell Offices will create more jobs. Mr Osborne would also be aware that there is a redevelopment going on at Stromlo which will create more jobs. Nicholls High School, which is one of ours, Mr Wood - - -

**Mr Moore:** I raise a point of order, Mr Speaker. Mr Speaker, Mr Osborne has asked a specific question about our capital works budget. You indicated in your statement earlier that you expect Ministers to be relevant. The question was about our capital works budget. We want to hear the answer to a very good question from Mr Osborne about how many jobs are associated with the \$14m that has been taken out of capital works.

**MR SPEAKER:** I am not in a position to judge what the Minister is saying in terms of capital works, whether they are in our budget or not. I would simply ask Mr De Domenico to be aware of the point.

**MR DE DOMENICO:** I am fully aware. Mr Speaker, I am sure that members in this house would not care where the jobs were coming from, whether they were from Federal areas or local areas or international areas. The bottom line is that the more jobs that are going in this Territory, the better it is for the people of the Territory.

If Mr Moore wants to be pedantic, as he usually is, and wants me to confine my comments to those wonderful things that are happening in our local area, I shall say, Mr Speaker, that the Stromlo redevelopment will create more jobs in the ACT. The development of Nicholls High School, which is one of ours, will create more jobs.

The possible relocation of Health to Gungahlin will create more jobs. The Kingston foreshore redevelopment, when it finally goes ahead, will create more jobs. The redevelopment at Woden Shopping Square will create more jobs. The building of the Gungahlin Town Centre will create more jobs. It is true that not all the millions of dollars allocated to public works have been spent so far. That is not to say that this sort of money will not be spent in the future, though.

**MR OSBORNE:** What was that crap, Mr Speaker? I have the answer, Mr Speaker. I was informed today by the MBA - and I am talking about the \$14.2m that was taken out of capital works - that about 15 jobs are created per million dollars spent on capital works. Try very hard to answer this, Minister: Do you agree that this decision of yours to take that money out of capital works could cost the Territory in excess of 200 jobs? Do you want me to read it again?

**MR DE DOMENICO:** No, but I will answer the question. The answer to your question, Mr Osborne, is no.

### **National Capital Investment Centre**

**MR HIRD:** Talking about jobs, Mr Speaker, I direct my question to the Chief Minister. Mrs Carnell will recall that exactly 12 months ago every single Labor MLA stood up in this place and criticised the Government - the usual doom and gloom - for failing to attract operations of the Australian Stock Exchange to Canberra. Can the Chief Minister silence these critics and outline details of the agreement that has led to the opening in recent weeks of the National Capital Investment Centre in London Circuit, Canberra City?

**MRS CARNELL:** Yes, Mr Hird, I can. Mr Speaker, 12 months ago I told the Assembly that the ACT Government was negotiating with the Australian Stock Exchange to establish a presence right here in Canberra, and 12 months ago I was attacked and attacked. Those opposite protested loud and long that it would never happen, that we had missed the boat, and that we had no idea about business in this town. These comments, mind you, were from the same people whose biggest contribution to business growth over the previous four years was to send ACTTAB broke and donate \$3.3m to some sort of offshore operation. I had to laugh because, as I was walking down London Circuit the other day, whom did I see standing on the pavement next to the State Bank building looking at the electronic display board but a Labor MLA. I do not know what he was doing there, Mr Speaker. I do not know whether he was saying, "Heavens, what is this board here? What do these flashing lights actually do?". That board just happened to be showing the latest prices on the share market, courtesy of - you guessed it, Mr Speaker - the Australian Stock Exchange. I presume that the reason for the MLA's interest was that he was curious to know exactly how that board had got there. Mr Speaker, if a week is a long time in politics, then 12 months must be enough time for those people opposite to have developed a very acute memory loss.

14 May 1996

I was delighted last month to join with Commonwealth Funds Management and the Stock Exchange to open the National Capital Investment Centre right in the heart of Civic. The centre will be leased and managed by CFM staff and will provide a new investment service to Canberrans. They will also conduct superannuation and general investment seminars, together with specific information sessions for ACT and Commonwealth public servants. Through this investment centre, the Australian Stock Exchange will be able to provide information on equities investments and referrals to stockbrokers and will also have a wide variety of investment publications for sale; and, of course, there is the electronic share market board which provides regular share price updates to passers-by and keen investors such as obviously at least one of those opposite from the Labor Party.

How did the National Capital Investment Centre come about, Mr Speaker? It came about for two reasons: First, because there are 42,000 private shareholders in the ACT, making the setting-up of the centre a smart business move for both the ASX and CFM; and, secondly, because this Government got off its bottom and pursued an investment opportunity instead of sitting around and telling everyone how wonderful we were, in the vain hope that they would come to us and set up a new business opportunity in Canberra if we did nothing. The reality is that we do not do nothing. We get out there and we make it happen.

The National Capital Investment Centre is but one example of this new Government's drive to breathe life into the ACT economy, to reduce our reliance on the public sector and to provide new job and investment opportunities in Canberra. I think this outstrips anything that the Labor MLAs opposite were able to produce during their years in government. I will continue to take that sort of can-do approach to government because we on this side of the house believe that our city has a wonderful future, and there is absolutely no point in talking it down the whole time. We can make this city work. Yes, it will be difficult for the next little while, but there is no point in just knock, knock, knock, whinge, whinge, whinge, which is what we hear from those opposite.

### **Domestic Violence**

**MS TUCKER:** My question to the Attorney-General relates to domestic violence. I have given the Minister some notice of this question. Ms Follett has recently introduced a Bill to make stalking a criminal offence in the ACT. This Bill was based on recommendations from one section of the Community Law Reform Committee report on domestic violence. There are many other very important recommendations made in this report which require urgent attention, and it is by implementing this report in full that we can address all the issues raised in this very comprehensive study. My question is: Is this a priority area of the Government, and can the Minister provide a guarantee that the Government will implement the recommendations of the report in full?

**MR HUMPHRIES:** Mr Speaker, I thank Ms Tucker for this question. The report she is referring to, of course, is the Community Law Reform Committee's report on domestic violence, which was tabled by me in this place late last year. It is a very significant report. It contains 110 recommendations and constitutes one of the most comprehensive analyses of domestic violence law and related issues in the ACT. The short answer to Ms Tucker's question is that yes, the Government takes this report extremely seriously, and implementation of these recommendations is a matter of concern and priority to the Government, to the extent that we adopt these recommendations.

Since the report has been tabled the Government has been assessing the extent to which the recommendations are appropriate and has been proceeding through a process of public consultation on the recommendations to make sure that those things we choose to do have the support of the community. There are some quite controversial and quite significant changes proposed in the report, as Ms Tucker would know. For example, it is suggested that the Government or the Assembly should revoke the right to bail that people have when they are charged with breaching a domestic violence or protection order. It is a very significant winding back of a particular privilege or right we have granted in the community, and I think it is very important that we carefully assess the community support for those measures before we announce that we will implement them.

The Government has just concluded internal consultation and is presently receiving consultation and submissions from the general public on recommendations made in this report. We have also invited a number of community organisations with an interest in the area to give us considered responses. They include the Victims of Crime Assistance League, the Domestic Violence Crisis Service and the Victims of Crime Coordinator. Those responses are, I think, still in the process of coming in. There are some areas in which we are moving, however, at this stage, Mr Speaker. The recommendation concerning the non-right to bail is being dealt with at the moment. Legislation on that subject is, I understand, imminent.

Ms Tucker made reference to the stalking legislation introduced by Ms Follett. The Government has made it very clear that we see a need for stalking legislation, and we are quite prepared to ensure that legislation of that kind gets on the books straightaway. But I must say that I think there are certain problems that arise when a proposal from a publicly funded committee like this is put on the public table, so to speak - not just the table of the Government but a public table - and members decide to take things out of it and implement them on their own initiative rather than through a coordinated approach. The problem is best illustrated with respect to the stalking legislation. We have been involved in discussions with the community on what form the stalking legislation should take.

**Mr Berry:** Oh, yes! I'll bet!

**MR HUMPHRIES:** If Mr Berry doubts me, I can make available to him the information we have about that that we have already provided for. Mr Speaker, having done that, we have come up with a number of differences in the approach that we ought to take. They are reflected in the amendments that we have now put on the table to Ms Follett's Bill, which was tabled about a month ago. In other words - - -

14 May 1996

**Mr Moore:** It is really a very effective process, an excellent process.

**MR HUMPHRIES:** The point is that we have had to bring that forward to respond to a member picking up the particular issue. It is my recollection that in the past members have allowed reports of this kind to go through a process of public consultation before they start to pick bits out and implement them. That is certainly what we intend to do, and I think that is generally the preferable way to go. Members here might feel that they do not need public consultation on these issues. I personally believe that they do.

**Ms Follett:** You had two years of it to get to the report.

**MR HUMPHRIES:** The recommendations have now been placed on the table after discussion with the community, but they announce specific proposals. People have concerns about them and they have expressed those concerns. The Government has prepared legislation, for example, on the subject of revoking the right to bail. On that subject the Criminal Law Consultative Committee, which consists of various members in the community who are involved with criminal law, has suggested further changes. I am not going to charge in and produce those changes unless I am reasonably sure that they are the right ones. Mr Speaker, I believe that it is important for us to adopt that process. If members wish to pick up things and run with them early, that is fine; but the consequence in the case of the stalking laws is that we have to make major changes to those laws.

**MS TUCKER:** I ask a supplementary question. I do not think any member here would disagree with community consultation, although it is my understanding that there was extensive consultation in the preparation of this report. As I understand you, you said that generally you are committed to implementing the general thrust of this report. I guess that my next question would be: What is your timeframe?

**MR HUMPHRIES:** Mr Speaker, on the first point Ms Tucker asked me about, it is true that there was public consultation when a general reference on domestic violence was given to this committee, I think by Mr Collaery, years ago. People were asked to comment on domestic violence generally, and people made submissions about domestic violence; but the community as a whole did not have the chance to see any specific proposals come forward from particular organisations or groups or individuals as part of that process. Now there are specifics on the table. They take the debate much further in a short space of time, and I believe that it is appropriate to have some discussion about those specific proposals. As you will know, there are 110 recommendations, some of which propose quite significant changes to ACT law. I, for one, think we should see what the community thinks about them before we actually implement them all.

In terms of timeframe, Mr Speaker, I hope that before we rise for the break in the middle of this year or very soon thereafter we will be able to table some kind of Government response and indicate that there are areas in which we will be moving quickly to implement legislation. If at that point members wish to pick up certain proposals and run with them themselves, I would not have any great objection to that; but I again say that it is important for us to use the processes we have established with all of these reports - this is the ninth report in this series - before we actually implement the things that are recommended.



### Speedrail Project

**MR WOOD:** Mr Speaker, my question is to the Chief Minister. Chief Minister, after your brief and apparently barren meeting with the Prime Minister, you said that the question of Speedrail was discussed. Bearing in mind the importance which we all have attached to the project for the ACT, first, what specifically did you ask the Prime Minister to do to accelerate this program? What funding proposal did you put to him? Secondly, given that you came out of the meeting assuring the world that the meeting had been a success, what assurances did you receive from the Prime Minister - not just platitudes, but assurances of assistance from the Commonwealth - to advance that important project?

**MRS CARNELL:** Thank you very much. It is a great question. It was a major issue for the discussions that we had with the Prime Minister. What we needed from the Prime Minister was an undertaking that he actually supported the project and that he was willing to put together direct discussions between Bob Carr and me and him. We also needed the Prime Minister to appoint a high-profile member to the feasibility study committee. In other words, what we needed from the Prime Minister was not just a statement that yes, it is a nice program, but a statement that he supported the feasibility study going ahead - and not just that he supported it, but that he would appoint a high-profile person to head up the feasibility study.

What we have to do with the Speedrail proposal - the very fast train proposal, the high-speed rail proposal or whatever we are calling it this week - is determine once and for all whether this thing is a goer or not. We certainly believe that it is, but it has to be perceived to be such by all three governments that are involved. We have had significant problems in the past. We had an enormous amount of trouble getting Laurie Brereton to say anything positive about the high-speed rail proposal. Trying to get any sort of positive statement from the previous Government, let alone getting the previous Government to put anybody except some fairly middle management people on the feasibility study, was extraordinarily difficult.

What we needed - and we got it - was the Prime Minister not only to support, as he did, the high-speed rail link with Sydney but also to undertake to appoint an additional high-profile person to the feasibility study committee to get the thing going, and also, as I said, to convene a meeting between Bob Carr, me and the Prime Minister to show that they are very dedicated to this proposal. Hopefully, the feasibility study will suggest - we believe that it will - that the rail link is a goer. At that stage it will go out to first-stage tender. Mr Speaker, we are very hopeful that that can be achieved this year.

**MR WOOD:** I ask a supplementary question, Mr Speaker. Given that the greatest change occurred when the Carr Labor Government was elected in New South Wales and they became involved in the project, and bearing in mind that the former Federal Labor Government had committed \$50,000, does the Chief Minister understand our disappointment now that her empty words have indicated no progress at all?

14 May 1996

**MRS CARNELL:** What we have, Mr Speaker, is the best progress that we have had. In fact, we were never able to get the previous Prime Minister to say that this is a good idea. In fact, at this stage, Mr Speaker, we have not got Bob Carr to say that it is a good idea either. If those opposite are so keen on this project - certainly we are - why do they not get Bob Carr to say publicly that he supports a high-speed rail link between Canberra and Sydney? We certainly do. The Prime Minister certainly says that he does. So let us get this project running. To do that we need - - -

**Mr Wood:** Empty words will not do it.

**MRS CARNELL:** Those “empty words” are about the Prime Minister saying that he supports it, that he will appoint an additional high-profile person to actually lead the feasibility study and that he will be holding discussions with both me and Bob Carr to show support. That is more than we have seen before. It is a mile more than we have seen before. If those opposite believe that this is not enough, get Bob Carr to say that he personally supports a high-speed rail link between Canberra and Sydney and that he will be doing everything in his power to get this thing up.

### **Kingston Foreshore**

**MS McRAE:** My question is to the Chief Minister. Mr Speaker, in answer to a question on 3 May 1995 the Chief Minister said that the full cost of the clean-up of the Kingston site would be carried by the private sector. She said:

It seems that Ms McRae does not understand what a joint venture is. A joint venture partnership is exactly that. The ACT Government will bring the land to the joint venture partnership. The private sector will do the building, will do the levelling of buildings that we do not need, and will do the decontamination of sites. Certainly, that comes with a cost; but whoever does it, under whatever circumstances, that is a cost to this development but not a cost to the ACT Government ... the cost of decontaminating ... is not a budget item.

In a press release last week, on 7 May, the Chief Minister said:

... it has been clear from the start that any cleanup would be a matter for further negotiation with the Commonwealth.

My question, Mr Speaker, is this: When did the Commonwealth indicate its commitment to cleaning up Kingston and what was the offer made?

**MRS CARNELL:** I said in the press release exactly what I will say now. That has always been on the agenda as an issue for negotiation, obviously as it was in letters that changed hands last year. But the issue is again - and I make the point “again” for about the umpteenth time - that you do not know what contamination clean-up might cost until you know what you are going to put on the site. If you put a playground on the site, it is going to cost a lot if there is contamination.

**Ms McRae:** Mrs Carnell, that was not my question. Answer the question.

**MRS CARNELL:** I am sorry. It is exactly what I am answering, Ms McRae.

**Ms McRae:** No. Mr Speaker, may I repeat the question? She is not answering my question. I asked a very specific question. I want in writing a copy of what offer was made from the Commonwealth. Not only is this answer in *Hansard* here but a similar answer is in the *Hansard* of Mr Townsend's evidence when he appeared before Mr Moore's committee, when he said categorically that the Commonwealth was not involved in the Kingston clean-up. There is a very specific question. I want her to answer it.

**Mr Humphries:** I raise a point of order, Mr Speaker. This is a speech; it is not a question.

**MR SPEAKER:** I uphold the point of order. Continue to answer the question, Chief Minister.

**MRS CARNELL:** Mr Speaker, I was explaining to Ms McRae why there is no way that offers could be made either way at this stage, simply because if you do not know, No. 1, what the contamination is - - -

**Mr Berry:** Mr Speaker, I raise a point of order. The question is very clear. It said:

When did the Commonwealth indicate its commitment to cleaning up Kingston and what was the offer made?

That is what we want. We want to know when and what.

**MR SPEAKER:** And the Chief Minister is answering the question.

**Mr Berry:** Would Mrs Carnell provide copies of the letters?

**MRS CARNELL:** Ms McRae just quoted my press release which said that decontamination was part of further negotiations.

**Ms McRae:** And then I quoted a second press release, Mrs Carnell.

**MRS CARNELL:** That is very much the case, as it has always been. The reality of contamination is - - -

**Mr Kaine:** I raise a point of order, Mr Speaker. I am not clear at the moment whether it is Ms McRae who is asking these questions or whether it is Mr Berry. Is this a free-for-all where everybody gets to ask the question?

**MR SPEAKER:** Mrs Carnell is answering them.

14 May 1996

**MRS CARNELL:** Mr Speaker, the issue of contamination on Kingston obviously is an issue that takes an awful lot of the time and effort of those opposite. The reality is that we have wanted to get on with it, with a survey of contamination on Kingston, for 12 months. Who has delayed it, Mr Speaker? We have wanted to go ahead and get some real knowledge of what the contamination is, but what happened? We could not go ahead because the committee that was going to report quickly got an undertaking from me, an appropriate undertaking from me - - -

**Ms McRae:** I raise a point of order, Mr Speaker. This is completely irrelevant. We are not talking about anything except: What offer did the Commonwealth make? I will table both *Hansards* if Mrs Carnell would like. I have asked a specific question. Please ask her to answer it.

**Mr Kaine:** I take a point of order, Mr Speaker. What is Ms McRae doing? How many times is she going to jump up and ask a question? I suggest that you should call her to order and tell her to sit down.

**MR SPEAKER:** Do you want to table those statements?

**Ms McRae:** Yes, sir. There is my press release, *Hansard* of 1 May - - -

**Mr De Domenico:** Your press release! It did not get a run in the newspaper.

**MR SPEAKER:** If you want to table the papers, it is a matter of asking for leave; that is all. Apart from that, the Chief Minister is answering the question - or have you finished, Chief Minister?

**Ms McRae:** Mr Speaker, the point of order had nothing to do with my tabling bits of paper. My point of order was purely and simply that you have come in today and said, "Answers shall be relevant and answers shall be given". Neither is being done.

**MR SPEAKER:** I said that they should be concise. I must admit that some of the answers are not concise, but at the same time Ministers have a great number of interjections to deal with simultaneously.

**MRS CARNELL:** Mr Speaker, as I have just been saying, we are very keen to get on with a survey of what contamination actually exists on Kingston.

**Mr Berry:** I raise a point of order, Mr Speaker. The question clearly was: When did the Commonwealth indicate its commitment and what offer was made? That is the question. Why do we not get an answer?

**MR SPEAKER:** The Chief Minister is trying to explain at least my understanding of the second part of the question - that what is not being conducted is a site contamination examination. Is that correct, Chief Minister? Therefore, I fail to see how a costing can be placed on it. That is my understanding - - -

**Mr Berry:** Mr Speaker, I raise a point of order. The standing orders are clear in relation to this. Standing order 118 says that it shall be a concise answer. We have thrown that one out the window. It should be confined to the subject matter of the question. The subject matter of the question was: When did the Commonwealth indicate its commitment to cleaning up Kingston and when was this offer made? What was the offer? Table it.

**Mr De Domenico:** Mr Speaker, on the point of order: If Mr Berry wants to quote points of order, he should also be referred to standing order 39, which says that no member may make any noise or disturbance to interrupt a member who is speaking, and also standing order 61, which says that a member shall not interrupt another member. If Mrs Carnell were given an opportunity to answer the question that was asked of her, she might be able to provide Ms McRae with the answer - an answer that Ms McRae might not like, by the way, but one that the Chief Minister is going to give anyway.

**MR SPEAKER:** I call the Chief Minister to conclude the answer.

**MRS CARNELL:** Mr Speaker, I will conclude by making a statement again. Of course the costs of decontamination on the site at Kingston ultimately will be borne by the developers of the site. There is no doubt about that. If it costs more to prepare the land, then - by the very nature of that - it must be passed on to the private sector. It just stands to reason. I understand that that was one of the quotes that Mr Berry - I am sorry, Ms McRae - I forgot who actually asked the question - - -

**Mr Kaine:** It takes three of them to ask the question these days.

**MRS CARNELL:** The reality is that it costs more to get the site in a state such that you can develop the site as a result of the competition that I hope that we will actually be able to get on to, so that we can actually create some jobs, so that we can actually get this economy going.

**Ms Follett:** I raise a point of order, Mr Speaker. I think you have had the question read out to you several times. It seems to me that all of the response Mrs Carnell is making is totally irrelevant to the question asked. I ask you to abide by your own rulings and sit her down unless she is answering the question as asked.

**Mr Humphries:** Mr Speaker, I rise on the same point or order. In her preamble to this question, Ms McRae touched on the very things the Chief Minister is now referring to in her answer. She talked about the cost of remediation; she talked about who would be paying for the remediation; she talked about how large the cost would be. She touched on all those things in asking the question and now says that Mrs Carnell cannot touch on those things when she gives the answer. It is those opposite who are being inconsistent.

**MS McRAE:** I would like to ask a supplementary question, Mr Speaker. There is definitely a point of order, and I wish you would reconsider all of this, perhaps in a quiet moment, Mr Speaker. The supplementary question goes right back to ask: What offer has been made by the Commonwealth? Mrs Carnell's press release said:

14 May 1996

... it has been clear from the start that any cleanup would be a matter for further negotiation with the Commonwealth.

**Mrs Carnell:** Yes. Spot on.

**MS McRAE:** Right. My supplementary question is: Give us a copy of where that was made clear.

**MRS CARNELL:** Mr Speaker, in discussions that have happened at the Kingston Foreshore Authority and discussions that have happened with various government authorities and so on, it has been clear that the costs - - -

**Ms McRae:** I raise a point of order, Mr Speaker. The Kingston Foreshore Authority was not established in April. This comment was made on 3 May; it was similarly made on 28 April beforehand by Mr Townsend.

**MR SPEAKER:** There is no point of order, I am afraid. There is no point of order. Sit down.

**Mr Humphries:** Mr Speaker, I rise on a point of order as well.

**Ms Follett:** There is not one. You heard him. Sit down.

**MR SPEAKER:** I am listening to Mr Humphries.

**Mr Humphries:** There have been at least seven interjections on the Chief Minister in her attempt to answer this question. I would ask you to warn the Opposition that, if they insist on continuing to take points of order when you have already ruled on the point of order, they run the risk of being named.

**MR SPEAKER:** I shall bear that in mind. Give a concise response, Chief Minister.

**MRS CARNELL:** I am trying. I am really trying hard to come up with a concise response.

**MR SPEAKER:** Yes, I know. It is trying, is it not?

**MRS CARNELL:** Yes, Mr Speaker, you are right. The issue of contamination on Kingston obviously is an issue; there is no doubt about that. In fact, I wrote to the chairman of the committee over a month ago, saying, "Please let us go ahead with a proper look at what contamination is actually on the Kingston foreshore". Thank you, Assembly. It is wonderful that we can now get on with the job of having a look at what the issue is here, getting on with the competition and getting on with something that matters for this city - that is, a proper development, with jobs and the things that really matter.

## Acton Peninsula

**MS REILLY:** Mr Speaker, my question is to the Chief Minister. Maybe I will have more luck. Chief Minister, during your meeting with the Prime Minister, at which it is becoming increasingly clear that you achieved absolutely nothing, and given that you have already had the report from the Planning Committee on the Kingston-Acton land swap, what explanation and assurances did you receive from the Prime Minister as to what the Commonwealth intends to do with Acton Peninsula now that it is clear that the Federal Liberal Government intends to co-locate the Gallery of Aboriginal Australia with the National Museum somewhere else?

**MRS CARNELL:** My understanding of the Federal Liberal policy is that they are planning to do a feasibility study or to have a study to ensure that Yarramundi is the best site for the whole museum. In fact, I think they have put aside about \$2m for that study to make sure that Yarramundi is the appropriate site. As we in this place would be aware, Yarramundi has been the preferred site of this Assembly, but the Federal Government is now to spend a not insignificant amount of money ensuring that that is the case. What the Prime Minister did undertake at the meeting was to set some definite timeframes for phase one of the museum complex - something we could never get out of the previous Government at all. I think that was a very definite step in the right direction. What the Prime Minister, I think rightly, said was that he believed that Acton was a site of national significance and should be perceived as such.

**MS REILLY:** I ask a supplementary question. What is now the purpose of the Kingston-Acton land swap if we do not know what the Commonwealth intends to do with the Acton site?

**MRS CARNELL:** The reality is that I am interested in that question because this side of the Assembly has always believed that the Acton site should be a site of national significance. We are at one with the new Federal Government along those lines, which means that contrary to the proposal - - -

**Mr Berry:** With just a big sign on it, "Site of national significance"?

**Mr Hird:** Mr Speaker, I raise a point of order. I draw your attention to standing orders 39 and 37. If Mr Berry continues to do what he is doing, sir, use standing order 202. You will be applauded from this side of the house.

**MRS CARNELL:** Mr Speaker, we are at one with the Federal Government on this. We believe that the Acton site should be for something of national significance. One of the things I can tell you, Mr Speaker, is that we do not support what the previous Government supported - that is, public housing on Acton Peninsula. In fact, I seem to remember that Ms Follett made the point that the site was worth \$45m. It was worth \$45m if you did what with the site? It was worth that if you put housing and commercial space on it. We will not be doing that. Our very strong approach is that it should be a site of national significance and that Kingston foreshore should go ahead to provide jobs, to provide investment and to provide a space that will be very exciting for the people of Canberra.

14 May 1996

### Statutory Appointments

**MS FOLLETT:** My question is directed to Mr Humphries as Attorney-General. Mr Humphries, in your Liberal Party policy statement on justice and the courts for the 1995 ACT election you made the statement:

It is almost impossible to say with certainty what the law is in any one area,  
at any given time ...

I ask you, Minister: Was it because you were unaware of the law as passed by this Assembly that you actually broke that law as Attorney-General by failing to consult over the appointments to the ACT Tenancy Tribunal and the ACT Credit Tribunal?

**MR HUMPHRIES:** I assume that Ms Follett is referring to the appointment of magistrates as alternative members of the tribunals. I have not personally engaged myself in organising the letters that flow from the Statutory Appointments Act. I am well aware of the Act, of course. I supported its passage in this place a couple of years ago. I take it that my staff will always ensure that, if an appointment is required to be run past a committee pursuant to the Statutory Appointments Act, that will occur. If Ms Follett assures me that an appointment was made and the reference to the committee did not occur, then I will certainly take that up with my staff and my department and see whether there is something that needs to be remedied. Mr Speaker, as I understand it, it is the requirement of that Act that those things occur, and it is the Government's intention to comply with the Act, because we supported the Act.

Might I also say, Mr Speaker, that this Government goes one step further, however, and it consults - and in its previous incarnation in the time of the Alliance Government it also consulted - with the Opposition about appointments to government bodies, a courtesy which was never extended to those in the rest of the chamber when Ms Follett herself was leader of the government in this place on two occasions. I think we have a very good record of consultation with members about statutory appointments, and we will continue to uphold that record. If there has been a glitch here - and I will take Ms Follett's word for that fact - then it will be remedied.

**MS FOLLETT:** By way of supplementary question, Mr Speaker, I would seek to table a letter from Mr Humphries to me dated 1 March, which says in part:

Section 4 of the Statutory Appointments Act 1994 requires that I consult with the relevant standing committee of the Legislative Assembly prior to making such re-appointments. I regret that, inadvertently, the required consultation did not take place ...

Mr Humphries does not need to take my word for this matter. He wrote to me about it himself. I seek leave to table that.

Leave granted.



**MR HUMPHRIES:** I have already indicated in my letter that I regretted the fact that we overlooked the operation of the legislation.

**Ms McRae:** But you are the Attorney-General.

**MR HUMPHRIES:** I did. Ms Follett just quoted it. Clean your ears out, Ms McRae. The fact is that I did indicate my regret. Perhaps I did not grovel enough when I wrote the letter. Perhaps I should have put the letter in my mouth and walked into Ms Follett's office on my hands and knees and said, "Please take the letter from my mouth, Ms Follett". I abase myself before Ms Follett in apology for my error. I will organise the whips upstairs, and I will flagellate myself to make atonement for my egregious error. I am sorry.

### **O'Connor Ridge**

**MS HORODNY:** My question is directed to the Minister for the Environment, Mr Humphries. I would like to ask you a further question about the fire trails that were bulldozed along O'Connor Ridge in the Canberra Nature Park.

**Mr Wood:** The freeways?

**MS HORODNY:** Indeed, it is a freeway. I asked you about them in the previous sitting period. Do you think it was good park management to proceed with the creation of these roads without any prior environmental assessment when, according to some local residents, this type of work was not routine maintenance because it had never been done to such an extent in the 15 years that those residents have lived in those areas, and given that part of the trails were bulldozed over the top of an old rubbish dump - which would surely be listed on the ACT contaminated sites register, if we had one - and cut along the edge of a patch of remnant native grassland which you recently declared to be an endangered ecological community under the Nature Conservation Act, and that this was done without consultation with the O'Connor Ridge Parkcare group, a group of volunteers you expect to help in the management of the nature park? The question is: Do you think that was good management, given all those details that were not attended to?

**MR HUMPHRIES:** Mr Speaker, frankly, yes, I do think it was good management. The fact is that that decision was based on an ongoing rolling program of maintenance of fire trails around the Territory which has been used for a long period of time by both this Government and the previous Government without controversy. Mr Speaker, I do not think that Ms Horodny has made any good case for us not doing things the way in which they were done. I personally have not been involved in talking to the O'Connor Parkcare group. If they have a concern, they have not - as far as I am aware - written to me about it as yet, so I take her word for the fact that there is some problem with it. They have not told me about it if there is.

14 May 1996

The fact that the trails have not been widened in a quite long period of time is a matter which I think should be the subject of criticism of those who have neglected doing that task for a long period of time, not those who are now doing it. The fact is that we do need to make sure that fire trails are maintained. This Government has made a point of the fact that under previous administrations that has not occurred. A significant report, the McBeth report, was tabled by the then Opposition at the end of 1994. It pointed out that there was a serious problem with neglect of fire retarding issues in the ACT, which the then Follett Government had not attended to and which I think, in the words of Mr McBeth, resulted in the ACT being liable to be rendered a tinderbox at some point in the future.

Mr Speaker, I make no apologies in this place for acting on that issue. I make no apologies for widening that fire trail. It needed to be widened. With great respect, if there are people who did not like it being widened, I do not think that is really a matter for public consultation. The thing has to be maintained to protect public safety. I can assure members that we would all have been subject to a bombardment of complaints from the community had the trails not been widened and had there been a major fire sweeping over O'Connor Ridge and destroying a number of houses, as was almost the case a few years ago.

Let me make one final point, Mr Speaker. Ms Horodny seems to be suggesting that because some trails have been widened, thereby cutting up or removing some grass on either side of the trails, somehow we are abrogating our responsibilities towards the endangered habitat of native grasslands which we declared in the last sitting period. Mr Speaker, that is so stupid as to not warrant comment. The fact is that we do occasionally have to cut grass and remove bits of grass for various purposes - public safety in this case. I make no apologies for doing that - that is in the public interest - and we will continue to do so. If we can have officers of the Parks and Conservation Service warn people about it, we will try to do so; but, with respect, I do not believe that keeping fire trails open is a matter for public negotiation.

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

### **Urban Services Budget**

**MRS CARNELL:** Mr Speaker, could I give some more information with regard to Mr Moore's question at question time today? I am advised by the Office of Financial Management today that the Department of Urban Services is projecting that the expenditure side of the budget of City Services will come in on track in 1995-96; therefore, there is no budget blow-out. Mr Moore may have ended up with information that was not quite right because, as I have already said in this place on a number of occasions - I have actually identified the areas - there will be a shortfall on the revenue side of the budget due to non-collection of various fees, charges and so on during the recent dispute.

### **P and C Associations - Fundraising Information**

**MR STEFANIAK:** I wish to reply to a question Ms McRae asked me on 18 April 1996. The question related to funds raised by P and C associations. Ms McRae suggested that I had misled the Assembly by not providing figures she sought on the amount of funds collected by P and C associations. She was under the impression - the mistaken impression, Mr Speaker - that such figures were made available to the Public Accounts Committee but not to her. I responded to her question by saying that I suspected that she was making comparisons between apples and oranges. Nevertheless, I undertook to investigate the situation and report on my findings.

The department's submission to the Public Accounts Committee inquiry into voluntary parental contributions pointed out that it dealt only with voluntary contributions collected directly by schools. Page 3 of that submission states that voluntary contributions collected by P and C associations on behalf of schools are specifically excluded. My answer to question on notice No. 164 about money collected by P and C associations is correct. P and C associations are separate legal entities and maintain separate financial records. Such funds do not become public moneys until they are passed to the schools as either donations or equipment. Contrary to Ms McRae's assertion in the debate of 18 April 1996, I did not mislead the Assembly.

Mr Speaker, I must take this opportunity to say that some of those on the opposite benches seem to have developed a rather nasty little habit of making reckless and unsubstantiated claims that Government members have misled the Assembly. Really, that is a habit that undermines the dignity and credibility of this place, and it should stop. Ms McRae's ill-informed accusation was compounded by some exposure she got in the local paper on 29 April. I think that also affects the dignity of this place. I suggest to the Leader of the Opposition that he bring some discipline to bear on his party colleagues in relation to this, in the interest of preserving their own dignity and of maintaining this Assembly as a serious place of important business. I request that my answer to the question in issue here be incorporated in *Hansard*, Mr Speaker.

Leave granted.

*Document incorporated at Appendix 1.*

### **PERSONAL EXPLANATION**

**MS FOLLETT:** Mr Speaker, under standing order 46 I seek your leave to make a brief statement.

**MR SPEAKER:** Proceed.

**MS FOLLETT:** Mr Speaker, I refer to your ordering of the withdrawal of certain parts of a question I had placed on the notice paper. I accept without question that you had the authority to order that withdrawal. I do not accept, however, the reasons that you have so ordered. In your justification for your actions you mentioned the sub judice convention. You mentioned, for instance, that matters which may come up for debate in

14 May 1996

the Assembly ought to await the outcome of any such sub judice action. The question that I asked was a request for factual information. There was no question that it was a matter coming up for debate. I believe that any reading of those parts of the question would support my assertion. It was a simple request for factual information.

Mr Speaker, you also made the assertion that the sub judice rule should apply where, in your words, the matter would be subject to adjudication in a court of law. I do not agree that a coronial inquest is a matter for adjudication in a court of law. It is a matter for inquiry and investigation; but at this stage at least there is no question of adjudication in a court of law, so I disagree with your ruling on those grounds as well.

Finally, Mr Speaker, I would say to you that it was entirely open to the Attorney-General to respond to those parts of my question in terms of a delay in the response or by saying that it was his belief that it was inappropriate to answer at this time. I would, of course, have accepted that answer being put forward by the Attorney-General. I would say that your ordering of the withdrawal of those parts of my question was quite unnecessary. I respect your right to make such a ruling. I disagree with it. I think it forms a very unfortunate precedent for these kinds of questions.

### **KINGSTON FORESHORE**

**MR BERRY** (3.51): Mr Speaker, I seek leave to move a motion in relation to certain correspondence referred to in Mrs Carnell's answer to Ms McRae's question during question time.

Leave granted.

**MR BERRY**: Mr Speaker, the motion is self-explanatory. I move:

That the Chief Minister be required to table correspondence with the Commonwealth referred to in her answer to Ms McRae's question concerning the clean-up of the Kingston site.

**Mrs Carnell**: I said "discussion".

**MR BERRY**: You said "correspondence". This is an important issue where certain statements have been made in relation to the clean-up of the Kingston site and the responsibilities of the Commonwealth versus the Territory for the funding of that clean-up. Mrs Carnell clearly referred to correspondence, or letters, with the Commonwealth in the course of her answer to Ms McRae. Members will recall that Ms McRae asked this question:

My question, Mr Speaker, is this: When did the Commonwealth indicate its commitment to cleaning up Kingston and what was the offer made?

The Chief Minister's response to that certainly included reference to correspondence, or letters, or words to that effect, and I ask that the Assembly adopt this motion in order that we can see the correspondence and immediately clarify the matter forevermore.

**MRS CARNELL** (Chief Minister) (3.53): Mr Speaker, it is very hard to debate these issues without *Hansard* in front of us; but certainly I said in question time that various correspondence went between me and the Prime Minister and the department, and that discussions occurred at various times in the last 12 months with regard to negotiations that would occur once we knew what we might be dealing with. For the life of me, I do not think it is appropriate for this Assembly to be asking for non-specific pieces of correspondence. We will also want run-downs of memos of discussions that may or may not have occurred between various officials and so on - not on an offer, because we have never said that there was an offer; there was just an undertaking to negotiate when we knew what we were dealing with. I do not believe that that is an appropriate approach, Mr Speaker. Once you get to a stage in question time where you want correspondence and discussions that happen at an intergovernment level on statements that may or may not have been made, when we do not have *Hansard* in front of us, it is simply ridiculous.

I have made it quite clear that negotiations will occur with the Commonwealth with regard to contamination when we know what we are dealing with. We are currently in the business of going down the path of a survey of contaminated sites, finally, because we have not been able to do that for the last 12 months, to determine what it is we are dealing with. I had a discussion with the Prime Minister and also with Warwick Smith with regard to those ongoing discussions and the fact that we would enter into negotiations when we knew what we were dealing with. I think I have made very clear to the Assembly what we are talking about here. The reality is that you cannot have negotiations until you know what you are dealing with. We are having the contaminated sites survey now, in line with what the committee suggested we do. I have also made it quite clear to this Assembly, and I think anybody who knows anything about business will know this, that the cost of cleaning up the site will add to the value of the land. It is that simple. There is also an issue for the Commonwealth, of course, in what happens with the Government Printing Office - a decision that is yet to be made at the Commonwealth level.

It is interesting to realise with regard to this contaminated site issue that all those opposite are really doing here is ensuring that nothing ever happens in this city, that we get to a stage where a government simply cannot even enter into correspondence at an intergovernment level. Some of these sorts of pieces of correspondence are quite able to be tabled and some of them obviously are not. It is simply unacceptable to be asked to table documents that were not read from in this place, that were not here in this place, and where I have made it very clear to this Assembly that we will have negotiations with the Commonwealth - I have made that clear to the new Government - when we know what we are dealing with. At this stage we do not, simply because this Assembly stopped us going ahead with a contaminated site survey until very recently. I think that is fairly cut and dried. I do not think it is appropriate - - -

14 May 1996

**Mr Berry:** You are running for cover, Mrs Carnell.

**MRS CARNELL:** I am not running for cover at all, Mr Berry. What we are saying categorically is that we want to get on with the job. We want to create jobs, we want to get Kingston up and running, and all those opposite want to do is nitpick on this whole issue. How can there be for one moment an offer from the Commonwealth when the offer is to negotiate when we know what we are dealing with? What a ridiculous situation! Yes, there have been discussions. There have been letters that have gone between the two parties. Obviously, all those things have happened, but at this stage it is quite clear that you cannot have a decision on who pays for what when you do not know what you are paying for.

**MS McRAE (3.57):** What Mrs Carnell fails to realise is that we are quoting from her own press release. The press release said:

... it has been clear from the start that any cleanup would be a matter for further negotiation with the Commonwealth.

How has it been clear and with whom? May I now quote from the uncorrected proof *Hansards* that I was talking about before. There was extensive discussion with the committee, on which Mr Kaine was sitting - on which Mr Kaine is still sitting - and where Ms Horodny and Mr Moore questioned the officials. The question was put very specifically:

Does the Commonwealth have any responsibility for assisting us to pay the cost -

that is the cost of cleaning up the Kingston site. The answer was, "No". Now we are finding out that it was clear from the start that any clean-up would be a matter for further negotiation. What was under further negotiation? What was the Commonwealth going to offer? You are giving us the impression today that things have been discussed, that things have been part of correspondence, and you are obfuscating every time by moving onto issues which are much more current. I am going right back to your comment in your press release, which said:

... it has been clear from the start that any cleanup would be a matter for further negotiation with the Commonwealth.

It was not clear, if you choose to read through the *Hansard* - and you may do that - of Friday, 28 April 1995. It has never been clear. What the Assembly is asking for is pure and simple: Give us a piece of evidence that shows that any clean-up would be a matter for further negotiation.

**Mrs Carnell:** What difference does it make?

**MS McRAE:** The difference, Mrs Carnell, which again you refused to listen to during question time, although you were asked repeatedly, is that on 3 May 1995 you made it absolutely and totally clear that only the private sector would do the decontamination of the site. There is a clear difference of impression of what is going on, of what the

Commonwealth's involvement is and potentially could be and what the private sector involvement is and potentially could be. That is the point of concern. It would help if you listened, Mrs Carnell. It has nothing to do with the price of the land. It has to do with this Assembly being absolutely clear on what the Commonwealth offered - offered, past tense - in April and March and from the very beginning, and what the Commonwealth is offering now. That is the point of contention.

You referred to correspondence. You referred to matters which had been discussed. I think it is only courteous of you to provide the Assembly with whatever you choose - I did not ask for a whole bucketload of paper - to affirm your statement that it has been clear from the start that any clean-up would be a matter for further negotiation with the Commonwealth. A statement in your most recent press release of 7 May is at clear odds with what was said to Mr Moore's committee on 28 April and what was said to me in answer to the question on 3 May. That is why this motion is being run. You can obfuscate it with whatever you like, but that is exactly what the question in hand is, and that is why we are putting forward a motion.

**Mrs Carnell:** What has it to do with anything?

**MS McRAE:** It has everything to do with the right of the Assembly to be given clear and accurate information. This press statement of yours said:

... it has been clear from the start that any cleanup would be a matter for further negotiation with the Commonwealth.

Okay, that is your contention. The Assembly is now asking for clear, unequivocal proof of that. That statement of yours on 7 May flies in opposition to statements you made on 3 May 1995 and on 28 April to the committee.

**Mrs Carnell:** No, it did not. It is exactly the same statement.

**Mr Berry:** Yes and no are exactly the same? Come on!

**MS McRAE:** This is what we are being asked to believe today, Mr Berry. That is why we are moving this motion.

**MR DE DOMENICO** (Minister for Urban Services) (4.02): Mr Speaker, I suggest that what Ms McRae just said to us was that she does not believe what the Chief Minister has said.

**Mr Berry:** It is probably a bet. That is round about right.

**MR DE DOMENICO:** Hold on; wait a minute. If Ms McRae really believes that, there are processes involved in the standing orders for her to test that out in this place.

**Mr Berry:** This is one of them.

14 May 1996

**MR DE DOMENICO:** You had your chance. Now it is my chance. You were uninterrupted, too, by the way. What Mrs Carnell did say, and I heard her, was, "Yes, there have been discussions". What documentation specifically does Mr Berry require? Does he know? The answer is no, of course he does not know what he wants. What Mr Berry is trying to do once again is score another political point personally against Mrs Carnell. That makes you look pretty good in one of your branches there in Ginninderra, but what the hell has it to do with the price of fish and what we are doing here today? The answer is nothing. Either you lot over there are going to say, "Yes, we believe that the Kingston foreshore development is good for the people of the ACT", or you are going to say, "No, it is not". How the hell could anybody tell you what the cost of cleaning up the site is going to be when we do not even know whether the site has to be cleaned up or not? No answer. What Mrs Carnell has said all the way through is that discussions will be held once we know whether anything is contaminated or not and what part of the site is contaminated.

As far as I am concerned, if Ms McRae and Mr Berry from now on want every single piece of documentation that goes backwards and forwards between Ministers and individuals around the Public Service, between the Commonwealth and the ACT, what are we here for? Who is going to be prepared to put anything on paper? Certainly not someone who thinks Mr Berry might come here and use it in this place. What I am saying to the Opposition is: Get real. Let us get on with the business of this place. Let us not waste time just to score political points that might make you look good in your local electorate.

**MR BERRY** (4.04), in reply: The question here clearly is that there was a marathon of obfuscation during question time, when Ms McRae asked a clear question about the Commonwealth's commitment to the clearing of the Kingston site.

**Mrs Carnell:** No, to negotiate.

**MR BERRY:** Mrs Carnell interjects, "No, to negotiate". Mrs Carnell had a question put to her which went like this: When did the Commonwealth indicate its commitment to cleaning up Kingston and what was the offer made? That is clear. There is nothing about negotiations. In the course of her obfuscation during the course of answering, or trying to give the appearance of answering, Ms McRae's question, Mrs Carnell, on my recollection, clearly referred to letters or correspondence with the Commonwealth - - -

**Mrs Carnell:** Where is the *Hansard*?

**Mr De Domenico:** Where is the *Hansard*?

**MR BERRY:** Mrs Carnell and Mr De Domenico just interjected, "Where is the *Hansard*?". If they were so interested in going back and having a look at the *Hansard* and then coming back to this Assembly, they would have moved to adjourn this debate and we could have come back to it tomorrow. No, they are not going to get caught there, because they know very well that it was mentioned in the *Hansard* and there is no avoiding it.



What this motion does is require Mrs Carnell to produce the correspondence she referred to in relation to this matter, for this chamber to see, and then we will be able to test Mrs Carnell's veracity in relation to this issue. There are conflicting views about the Commonwealth's responsibility. There is one about Mrs Carnell - - -

**Mr De Domenico:** It is all about getting Kate Carnell, is it not? Play the man, not the ball. We know.

**MR BERRY:** Mr De Domenico, perhaps you have not noticed, but one of the requirements of this place is that you try to give accurate information to the Assembly. What this motion seeks to do is to require Mrs Carnell to table the correspondence. If there is no correspondence, she can come back here and say, "There is no correspondence. I may have inadvertently misled you, and I am sorry". You could do it that way. Otherwise, Mr Speaker, we would like to see the correspondence which confirms the arrangement Mrs Carnell has trumpeted across the Assembly. I will leave it at that.

**MR MOORE:** Mr Speaker, I seek leave to say a few words on this matter.

Leave granted.

**MR MOORE:** I have been concerned about the way the debate has gone because I really have not had time to think through the precedent in what is happening, and I am sure that other members feel somewhat nervous. In the last few minutes, while Mr Berry was speaking, the Chief Minister has shown me a copy of a piece of correspondence which I think probably meets the concerns. Ms McRae indicates that it does not. I believe that it would be appropriate to have a little more time to think over the issue of the precedent in this matter. Although it would be quite unusual, especially having been granted leave to speak, I would suggest that the matter be adjourned.

**Mr Berry:** It is a bit late now. I have closed the debate.

**MR MOORE:** Indeed, it is correct that Mr Berry has effectively closed the debate. Members kindly granted me leave to speak before the vote. There is an issue of the precedent that I am concerned about, rather than whether or not such information should be available to the Assembly when it is requested. I think that, as a general point, it ought to be made available. Mr Speaker, they are the issues I have in front of me. If we are forced to a vote, I will cast my vote accordingly; but I think members should at least take that issue of the precedent into account.

**MR BERRY:** Mr Speaker, as the mover of the motion, I seek leave to speak again in response to that.

Leave granted.

**MR BERRY:** Mr Moore referred to the precedent this might set. It is a simple matter. It is an issue where, in this case, the Chief Minister referred to certain correspondence in the course of debate. If, on reflection and on examination of the *Hansard*, it is shown that she did not refer to correspondence, we will just have to cop that; but my clear

14 May 1996

memory is that Mrs Carnell referred to correspondence or letters between her and the Commonwealth, and it is about the confirmation of an arrangement between the Commonwealth and the Territory in relation to the clean-up of the Kingston site. Either Mrs Carnell can produce the correspondence and the confirmation or she cannot. It is as simple as that.

As far as I am concerned, this motion is about having Mrs Carnell confirm that with other members of the Assembly. That was a clear impression that she tried to create during the course of question time. I do not think there is any doubt about that in anybody's mind. Mrs Carnell has the job in front of her now to convince us that that deal in fact exists. There is, on the face of it, no evidence; only a press statement from Mrs Carnell. The question is really whether the Chief Minister can refer to correspondence. I do not know why there is such resistance. If pieces of paper are available, I do not know why there is such resistance to this motion. Why is the Government not supporting it? There is no precedent in this. If Ministers in this place refer to certain correspondence, they can be obliged to table it at any time. If it is of such a commercial nature as to be sensitive, I am sure that all of us would be happy to receive the correspondence in confidence. Stop trying to kid us.

**MR HUMPHRIES** (Attorney-General): Mr Speaker, I also seek leave to speak.

**Mr Berry**: No. I will have to speak again because I closed the debate, Gary.

**MR HUMPHRIES**: We have given Mr Moore leave to speak and you leave to speak.

**MR SPEAKER**: I am sorry, but you have already sought leave Mr Berry, and so has Mr Moore. You have closed the debate, effectively.

**Mr Berry**: I will close it again, too.

**MR HUMPHRIES**: But I have sought leave to speak.

**MR SPEAKER**: Mr Humphries is seeking leave to speak.

Leave granted.

**Mr Berry**: I will close it again after you have finished.

**MR HUMPHRIES**: Mr Berry, if you want the last word, you are very welcome to it. Mr Speaker, I think Mr Moore's suggestion is a sensible one. The fact is that the Government is not in the business of trying to keep things secret. I know that those opposite will laugh derisively at the suggestion, but we are not in the business of trying to keep things secret. The question is how these things should be done. Members opposite, despite the way they have portrayed it in this debate, never asked the Chief Minister to table the correspondence. They never asked her in the course of question time to do that. Mr Berry did in the course of interjection; but, as we know, that is not appropriate behaviour, as you have made clear, Mr Speaker.

**Ms McRae:** We were working on getting an answer to a question, never mind getting correspondence, for heaven's sake.

**MR HUMPHRIES:** If Mr Berry or Ms McRae or anybody else wishes, they should ask for the information. To rise at the end of question time, because they did not like the way they got an answer, and force the Chief Minister to table correspondence which she has not seen for some time, presumably - she may have signed it off, I do not know; but the point is that every Minister in this Government - - -

**Mr Berry:** She had seen enough of it to quote it, to refer to it.

**MR HUMPHRIES:** She did not quote it. If she had quoted it, you would have been able to require her to table it; but she did not quote it, did she? That is the point. She did not quote it; she referred to it. If every piece of correspondence like that can be called up in this way, I have a feeling that this is going to make it very difficult to operate government on a reasonable basis. The issue ought to be dealt with by way of a request to the Minister to table it, not a motion at the end of question time forcing her to do so without knowing what it is, without having the chance to look at it before she brings it back to this chamber.

**MR BERRY:** Mr Speaker, I seek leave to speak, to close the debate.

Leave granted.

**MR BERRY:** Mr Speaker, as the mover of this motion, I am not going to accept a few letters waved under my nose as being a resolution of the problem. What happened in this place is that Mrs Carnell clearly referred to correspondence which confirmed the impression she was attempting to create in relation to the Commonwealth's responsibility for the clean-up of the Kingston site. That was the clear impression Mrs Carnell was trying to create. This puts on the public record - I would like the Independent members to listen to this part because it is particularly significant - a motion requiring the Chief Minister to provide certain items - - -

**Mr De Domenico:** Which items?

**MR BERRY:** - - - certain items of correspondence which confirm the impression she was attempting to create in question time that the Commonwealth had some responsibility for the clean-up of the Kingston site - that piece of correspondence, Mr De Domenico. For Mrs Carnell to come and wave a couple of pieces of correspondence under our noses here is not enough to stop this motion from being carried. It ought to be carried. Mrs Carnell ought to accept the obligation of providing the correspondence she referred to. It is as simple as that.

**Mr Kaine:** On a point of order, Mr Speaker, before you put the motion: Mr Berry has moved a motion that the Chief Minister should table certain documents. We have a convention and a practice in this house that members can seek to have documents that have been quoted from tabled. The Minister has made the point that in this case it is not alleged that she quoted from them; it is alleged that she referred to them. I submit, Mr Speaker, that you should rule the motion out of order.

14 May 1996

**MR SPEAKER:** The motion does say “referred to in her answer”, not quoted. Nevertheless, the Assembly did give leave to Mr Berry to move this motion, so I cannot rule - - -

**Mr Kaine:** He has moved it, but I am suggesting that it should be ruled out of order.

**MR SPEAKER:** The Assembly has agreed to the motion being moved. I cannot now rule it out of order.

**MRS CARNELL (Chief Minister):** Mr Speaker, I know that we have had too many people who have had leave on this already and it will mean that Mr Berry will have to close it again, but I seek leave to speak and to table a minute paper that may overcome the whole problem.

**Mr Berry:** No, it will not.

Leave granted.

**MRS CARNELL:** It is interesting that Mr Berry says, “No, it will not”, when he has not actually seen the minute paper. The minute paper says:

The draft land swap agreement which was forwarded to the National Capital Planning Authority in May 1995 indicates that the Commonwealth will provide advice on any contamination associated with the AGPS operations.

Of course, at this stage that is the only site that we know potentially has some contamination. It continues:

If major contamination is identified, the Commonwealth and the Territory will negotiate responsibility for any costs of eradication. I will keep you informed of any additional information about the extent of contamination on the AGPS site.

... ..

#### RECOMMENDATION

That you note that the draft land swap agreement between the Territory and the Commonwealth currently indicates that if major contamination is identified on the AGPS site that the Commonwealth and the Territory will negotiate responsibility for any costs of eradication.

I am happy to table that, Mr Speaker, which I think probably puts the issue beyond doubt.

**MR BERRY:** Mr Speaker, I seek leave to speak again.

Leave granted.

**Mr Moore:** We have been very tolerant of you. We have given you lots of chances.

**MR BERRY:** Have you ever seen the standing orders stretched? The issue here, of course, is reference by Mrs Carnell to correspondence between her and the Commonwealth. That was a minute paper, which I assume was an internal one.

**Mrs Carnell:** It quotes the draft agreement that went to the NCPA.

**MR BERRY:** If there is no correspondence between you and the Commonwealth, just tell us so.

**Mrs Carnell:** It quotes the draft agreement that was sent.

**MR BERRY:** Just tell us that there is no correspondence.

Question put:

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

The Assembly voted -

*AYES, 7*

Mr Berry  
Ms Follett  
Ms McRae  
Mr Osborne  
Ms Reilly  
Mr Whitecross  
Mr Wood

*NOES, 10*

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

Question so resolved in the negative.

### **QUESTIONS WITHOUT NOTICE** **Belconnen Remand Centre**

**MR HUMPHRIES:** Mr Speaker, on a previous day - I forget which - Ms Follett asked me a question about the loss of jobs by detainees in the Belconnen Remand Centre and how many detainees had lost their jobs who were also reliant on the now cancelled free issue. I table the answer to that question and ask that it be incorporated in *Hansard*.

Leave granted.

*Answer incorporated at Appendix 2.*

14 May 1996

## ANSWERS TO QUESTIONS ON NOTICE

**MR DE DOMENICO:** Mr Speaker, question No. 191, asked of me by Mr Berry on notice, is overdue by, I think, 24 hours. I want to apologise to Mr Berry for not having the answer in on time. I will try to hand it over to the Secretariat by the close of business today.

**MS McRAE:** Mr Speaker, I have two questions that are similarly outstanding. Could I ask about the state of questions Nos 181 and 182 to Mr Stefaniak.

**MR STEFANIAK:** They are sport and recreation ones. I think I signed those off today, Ms McRae. You should have them.

## FIREARMS CONTROL SCHEME - AUSTRALASIAN POLICE MINISTERS COUNCIL MEETING Ministerial Statement

**MR HUMPHRIES** (Attorney-General and Minister for Police): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the Australasian Police Ministers Council meeting on gun control.

Leave granted.

**MR HUMPHRIES:** As members will be aware, on Friday last week I represented the ACT Government at the special meeting of the Australasian Police Ministers Council. That meeting was called at the personal instigation of the Prime Minister to attempt to reach agreement among all States and Territories on a nationally uniform firearms control scheme. I am pleased to report to members that the meeting was successful. After some considerable discussion among State and Territory Ministers, a substantial package was agreed to and will be enacted quickly by all jurisdictions. In respect of one item of agreement - a ban on semiautomatic weapons - I shall be introducing legislation immediately following this ministerial statement to give support to it, and I trust that it will gain the support of all members of this Assembly.

To put the meeting in context, it is necessary to remind members of the tragedy which befell the small community of Port Arthur in Tasmania. As my letter to the editor in the *Canberra Times* shortly after that massacre read, it took one gunman to wound 18 million Australians. This meeting was a responsible reaction to grave community concern at the lax position of firearms laws in some States and Territories. The meeting of Ministers was addressed by the Prime Minister and by the Premier of Tasmania. They both spoke of the national tragedy which, unfortunately, brought about this meeting. The Prime Minister accurately summed up the views of all Australians when, on the question of States and Territories reaching agreement on tough gun laws, he told the meeting that the people of Australia demand it and the national interest requires it.

He openly admitted that his philosophical position was to deregulate whenever possible, rather than regulate. That is a view shared by many, including most of the Ministers at the meeting; but it is clear that firearms must be tightly regulated. Tighter regulations may not prevent a recurrence of the Port Arthur tragedy; but, if those regulations make it more difficult for such an incident to happen, and even if they save just one life, then the Australian people will rightly say that they were a justifiable necessity. That is the position the ACT Government has adopted on the question of firearms control and, I think it is fair to say, a position both sides of politics in this place have adhered to over a long period of time. To his great credit, the Prime Minister's approach was one of a genuine attempt to resolve the issues. He did not bully the States; he said that his aim was to work towards a cooperative approach.

The Premier of Tasmania argued a strong case for the need to tighten gun laws. It is well known that Tasmania has had the weakest of all Australian gun laws and, following the Port Arthur massacre, it was clear that Tasmanians expected their Government to change that. The Tasmanian Government is one like our own, Mr Speaker. It is a minority government, and they quickly recognised the need to keep all the parties together on this issue. Perhaps one of the most chilling and yet telling events of the day was to hear from the Tasmanian Commissioner of Police, John Johnson. Mr Johnson is a former Canberra police officer. It was in this city that he worked for many years until only relatively recently. I think many Australians recognise the enormity of the task performed by Mr Johnson and his colleagues in recent weeks. That recognition extends to well beyond the police. It includes ambulance officers, doctors, nurses, and the many who assisted in the Port Arthur incident.

My purpose is not to dwell on what happened at Port Arthur. Members have already had their chance to comment on that this morning. My purpose is to tell the Assembly where the nation goes from here. The recent Australian history of gun control is like a man who has taken two or three steps down a path and then last Friday sprinted 100 metres. The Commonwealth last Friday put up a detailed 11-point plan, which was adopted with relatively minor changes. I should point out that some of the changes actually strengthened what the Commonwealth proposed, while only one could be said to weaken it.

I wish to address each of the points, for the information of members. First of all, bans on specific types of firearms were agreed. All jurisdictions will move as quickly as possible to ban the sale, resale, transfer, ownership, possession, manufacture and use of firearms which are banned from import. That is the following types of weapons: Semiautomatic centre-fire rifles designed or adapted for military purposes, or a firearm which substantially duplicates those rifles in design, function or appearance; non-military-style self-loading centre-fire rifles with either an integral or detachable magazine; self-loading shotguns with either an integral or detachable magazine and pump-action shotguns with a capacity of more than five rounds; self-loading rim-fire rifles with a capacity greater than 10 rounds. The only exemptions for such weapons are military use, police use or other authorised government use.

14 May 1996

In addition, the following weapons will be subject to a ban on their sale, resale, transfer, ownership, possession, manufacture and use: Semiautomatic rim-fire rifles with a magazine capacity no greater than 10 rounds; semiautomatic shotguns with a magazine capacity of no greater than five rounds; and pump-action shotguns with a magazine capacity no greater than five rounds. However, in the case of these weapons, it is intended that exemptions be granted by the Chief Police Officer for occupational categories of shooters who have been licensed for a specific purpose. The test of such a weapon will be an assessment of why it is required in the context of why a weapon not prohibited could not be used instead. In any case, the maximum number of weapons permitted will be one semiautomatic rifle and one semiautomatic shotgun. Each individual case will be assessed on its merits by the Chief Police Officer, not his or her delegate, and his or her approval will be required. A very early assessment provided to me by the Australian Federal Police indicates that in the ACT very few exemptions would be required. The Council of Ministers will be required to approve uniform guidelines to cover such cases.

Mr Speaker, the exact nature of legislative amendments to give effect to the exemption scheme will be brought forward in an amendment to the Weapons Act in the near future. Until that amendment is enacted, I will have the power to issue an exemption by way of a disallowable instrument, which I will sign only on a recommendation of the Chief Police Officer. I would envisage these amendments being ready for introduction in the June sittings. The Commonwealth will immediately ban the importation of all semiautomatic self-loading and pump-action longarms and all parts, including magazines, for those banned firearms. The importation of those firearms, and their parts, for which exemptions may be sought will be tightly controlled. The Commonwealth agreed to a request from some States for an exemption classification for primary producers in particular, which is based on the details I have outlined here; but, in doing so, they toughened the ability they first proposed to own semiautomatic centre-fire weapons, which are generally regarded as high-powered, high-velocity weapons.

The second issue is effective nationwide registration of all firearms. The Ministers resolved that New South Wales, Queensland and Tasmania would immediately establish an integrated licensing and firearms registration system and that all jurisdictions examine their systems to ensure compatibility. Following this, all jurisdictions' systems will be linked through the national exchange of police information, NEPI, to ensure nationwide registration of all firearms. This is a significant step forward for Australia. For many years, New South Wales, Tasmania and Queensland have held out against registration of firearms, and they are to be congratulated for accepting the national interest over their own State political interests. It is clear that without uniform registration it is very difficult for one State with tight controls to keep a strong control over weapons entering their territory.

The third issue is a genuine reason for owning, possessing or using a firearm. The States and Territories have agreed to a uniform system of classifications to define a genuine reason for the need to own, possess or use a firearm. This applies particularly to those weapons not affected by the ban to which I referred earlier, including bolt-action rifles and shotguns. Those reasons are as follows: Sporting shooters with valid membership of an approved club, defined as participants in shooting events recognised in the charters of



such major sporting events as the Commonwealth Games, Olympic Games or world championships; recreational shooters or hunters who produce proof of permission from a landowner; persons with an occupational requirement, for example, primary producers, other rural purposes, security employees and professional shooters for nominated purposes; bona fide collectors of lawful firearms; and persons having other limited purposes approved under legislation by ministerial approval, for example, film production. Personal protection will not be a valid reason for having a firearms licence.

In the case of collections, the following minimum standards were agreed upon for determining the bona fides of collectors: The firearms should be of, or above, a defined age; firearms manufactured since 1 January 1946 - post-Second World War - must be rendered inoperable; collectors will be prohibited from possessing ammunition for a collection firearm; no prohibited firearm can be included in a collection; any attempt to restore firearms to useable condition will be a serious criminal offence; and any operating firearm, that is, pre-1946, will be required to be kept under the same conditions as any other similar operating firearm with respect to storage and safety, for example. All States and Territories will establish a uniform system of testing applicants to determine a genuine need for that particular firearm. In that respect, the ACT has much to contribute in determining the uniform criteria. Such a system has been operating here for some time.

The fourth matter is basic licence requirements. In addition to the genuine need criteria about which I just spoke, applicants for a licence will need to demonstrate some key criteria: Be aged 18 or over; be a fit and proper person; be able to prove identity using the 100-point identification system, similar to that used by banks for the opening of new accounts; and undertake adequate safety training. It was also agreed that all jurisdictions will move to photographic licences, which will be valid for not more than five years, be endorsed with the category of firearm for which the licence is issued, and be issued after a minimum waiting period of 28 days. I remind members that only last month the ACT Assembly passed amendments to the Weapons Act to facilitate photographic licences. My department, the Australian Federal Police and the Department of Urban Services are seeking to expedite the issuing of such licences.

The meeting also agreed on certain conditions upon which licences may be withdrawn, such as failure to comply with adequate storage requirements. Some limited mutual recognition of licences will be permitted, but such periods will be limited to three months for people who move to another State or Territory, and seven days if they have a licence for the use of a semiautomatic weapon or handgun. Within this scheme, there will be recognition for visiting shooters.

A new licensing category system will be enacted across all jurisdictions. There are five types of weapons categories. They are category A, air rifles, rim-fire rifles, excluding self-loading, single- and double-barrel shotguns; category B, muzzle-loading firearms, single-shot, double-barrel and repeating centre-fire rifles, and break-action shotguns and rifle combinations; category C - this is the category which is prohibited except for occupational purposes - semiautomatic rim-fire rifles with a magazine capacity no greater than 10 rounds, semiautomatic shotguns with a magazine capacity no greater than five rounds, and pump-action shotguns with a magazine capacity no greater than five rounds; category D, prohibited except for official purposes, which is self-loading centre-fire rifles designed or adapted for military purposes or a firearm which substantially

*14 May 1996*

duplicates those rifles in design, function or appearance, non-military style self-loading centre-fire rifles with either an integral or detachable magazine, self-loading shotguns with either an integral or detachable magazine, and pump-action shotguns with a capacity of more than five rounds, self-loading rim-fire rifles with a magazine capacity greater than 10 rounds; and finally, category H, restricted, which is all handguns, including air pistols.

I am also heartened to convey the Commonwealth's intention to repeal the Australian Rifle Club Regulations, which currently provide immunity to military rifle club members from State and Territory legislation. This move will ensure that all shooters in Australia must comply with the relevant standards of their jurisdiction, especially in respect of licensing and registration. It will ensure that such exemptions cannot be used to facilitate the mail order purchase of firearms and ammunition effectively banned in a person's State or Territory of residence.

The fifth issue is training as a prerequisite for licensing. All jurisdictions will require the completion of an accredited course in safety training for firearms for all first-time licence applicants. This course will be accredited by the Australian National Training Authority, be comprehensive and standard across Australia, and be outlined in a Firearms Safety Code to emphasise both safety and storage issues. The Commonwealth will chair a working party consisting of firearms interest groups to develop an accredited training course.

The sixth issue is the grounds for refusal or cancellation of licences or seizure of firearms. All jurisdictions will be required to implement a uniform standard of circumstances in which licences may be cancelled or refused. Those standards shall be, at a minimum, as far as general reasons are concerned: Not being of good character; having a conviction for an offence involving violence over a period of not less than five years - in the ACT's case, it is already eight years, and will remain so; contravention of a firearms law; no longer having a genuine reason; failure to notify change of address; and licences being obtained by deception. Specific reasons include where an applicant has been the subject of an apprehended violence order, domestic violence order, restraining order or conviction for assault with a weapon. The third category - mental or physical fitness - is reliable evidence of a mental or physical condition which would render the applicant unsuitable for owning, possessing or using a firearm. Decisions will be subject to appeal, as is appropriate for any decision made by a public servant. To develop specific criteria for the three categories for refusal or cancellation of a licence or seizure of weapons, all governments will establish a working party, to include health officials, police and the medical profession.

The seventh issue is a permit to acquire a firearm. A separate permit will be required to obtain each and every firearm. The permits will be subject to a cooling-off period of at least 28 days for each firearm purchased, so that checks can be made on the applicant's need for a firearm.

The eighth issue is a uniform standard for the storage and security of firearms. Governments have also decided that all firearms and ammunition need to be stored in secure conditions. Conditions must be met upon application and renewal that the proposed storage and security arrangements be satisfactory. It will be an offence to fail to store firearms in the manner required, and it will lead to the cancellation of a licence

if those conditions are not met. Licence category A and B weapons will need to be stored in a minimum locked container made of either hardwood or steel, with a thickness designed to ensure that it is not easily penetrable. If the container weighs under 150 kilograms, it will have to be fixed to the frame of the wall or floor of the building. Category C, D and H weapons must be stored in a locked steel safe bolted to the structure of the building. Ammunition must be stored in locked containers separate from the firearms. Some measures will be applicable for temporary storage commensurate with the circumstances of the temporary use. It is intended that a safety booklet will be distributed to all firearms licence applicants, detailing precise information about security and storage. In addition, police will be required to approve security and storage at gun dealers and for special events, such as film production.

The ninth issue is recording of sales. All future resales of firearms will need to be conducted through licensed firearms dealers. Private sales of weapons will be made unlawful. Firearms dealers will be obliged to ensure that all purchasers of weapons are appropriately licensed. Dealers will also be required to record and maintain details of all transactions, including weapon type, make, calibre and serial number, against a name, address and licence number record for all sellers and purchasers. Those records will have to be provided to the police for the information of the National Register of Weapons. Police will be given the right to inspect records without notice in the case of investigation of an offence. Licence holders purchasing ammunition will have to produce their licence, and only ammunition for the class of weapon for which the purchaser has a licence will be available. Jurisdictions will have the ability to set limits on the amount of ammunition purchased in a period, given the ability to maintain such records.

The tenth issue is mail order sales control. That is an area about which I have been particularly concerned. I have found it unacceptable that people can so easily purchase semiautomatic weapons with just a credit card and a 1800 telephone number. Having said that, I acknowledge the need for some rural producers and farmers in remote areas to have access to a convenient sales method for the purchase of their firearms and ammunition; but the controls in some States, frankly, are just too lax. In future, under our agreement, mail orders will be permitted only between licensed gun dealers. Advertisements for the sale of weapons will be prohibited unless conducted through a licensed gun dealer. Transport of ammunition with firearms will be strictly prohibited.

The eleventh issue is compensation and incentive issues. All governments recognised the need to institute a basis for fair and proper compensation for weapons now banned. There will be continuing discussions between the Commonwealth and the States and Territories in an effort to reach a satisfactory agreement on financing the buyback scheme. The Commonwealth will make "a healthy and substantial contribution" to the buyback scheme. In addition, they will contribute to a public education campaign. One hopes that all those costs will be picked up by the Commonwealth. A 12-month amnesty will be established, during which the public education campaign will promote compliance with the new laws as well as warn of severe penalties where banned firearms are not surrendered. Penalties shall, to the greatest extent possible, be uniform for failure to comply with the new laws. Some details will need to be worked out before the buyback scheme is finalised. The Federal Treasurer has proposed a one-off levy - a concept which

*14 May 1996*

I understand is supported by the Federal Opposition. Obviously, no Commonwealth amnesty will commence until the buyback scheme is finalised, but the ACT will be encouraging owners of weapons to be banned to start surrendering them immediately. In all cases, police will issue receipts and process compensation claims when the scheme is finalised.

That leads to a question about the effect of the proposed new Territory laws banning the weapons. I will make a further statement upon commencement of the new laws, when passed by this Assembly and gazetted by the Chief Minister. It is my intention to effectively commence an amnesty quickly by enabling those firearms now legal but about to be banned to be turned in to the police with immediate effect. Police will issue receipts for the weapons and process compensation payments when the buyback scheme is finalised. I see no reason to delay the commencement of a ban simply on the basis of waiting for details to be finalised on the buyback scheme, and I hope that all members will join me in that sentiment.

In conclusion, the meeting of Police Ministers last Friday was one of the most significant gatherings of States and Territories since Federation. It was certainly the most significant ministerial meeting I have ever attended. It developed, in about eight hours, what had been unsuccessfully attempted for at least four years previously. It is a matter of great sadness to me, and I am sure to all Assembly members, that it took an event of the magnitude of Port Arthur to achieve that outcome.

In most respects, the ACT laws comply already with the Commonwealth's proposals which were adopted by the meeting. However, I have foreshadowed the need to make some amendments to the Weapons Act to bring our package of laws into complete agreement with this announcement. I have already indicated to members, in discussions I had with the parties prior to the meeting, that we would not water down our own ACT laws. Where our provisions already exceed the Commonwealth's proposals, we see no reason to change. Where our laws do not meet the minimum standard set on Friday, we will move expeditiously to bring those laws up to the standard required of us. I hope to be able to bring forward legislation to this effect next month. It is possible, therefore, Mr Speaker, that in the coming year the Government will bring before this Assembly several amendments to the Weapons Act. In all cases, we will move as quickly as the national interest requires, even if it means bringing forward several Bills rather than one big one at the conclusion of the process of developing uniformity.

Mr Speaker, I would like to indicate my heartfelt congratulations to several States, including Western Australia, Queensland and the Northern Territory, for moving so quickly and so far, and despite enormous pressure from their very powerful gun lobbies, to achieve the objectives that the people of Australia demanded of us. I would also like to thank members of this Assembly for giving me guidance on what measures the ACT Assembly would support on this question. In a minority government, the views of others in this place are as important as the Government's own position. I have attempted on this occasion, and on all occasions, to make this issue as bipartisan, or multipartisan, as possible, and I thank members for their support on the crucial elements of this package. By moving quickly, we will continue to set a benchmark for the rest of the nation on gun control.

The tragedy which has struck this nation in recent weeks sends all politicians a clear message - the national interest and the voice of the Australian people supported change to our gun laws. We owe it to the many people touched by the events at Port Arthur, as well as to the many who feel that we have failed them in the past, to get these laws right on this occasion. I commend this statement - a copy of which I now table - to the Assembly and I move:

That the Assembly takes note of the paper.

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

### **WEAPONS (AMENDMENT) BILL (NO. 2) 1996**

**MR HUMPHRIES** (Attorney-General) (4.48): Mr Speaker, I seek leave to present the Weapons (Amendment) Bill (No. 2) 1996.

Leave granted.

**MR HUMPHRIES:** I present the Weapons (Amendment) Bill (No. 2) 1996 and its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

Mr Speaker, this morning members of the Assembly expressed their condolences to the victims of the Port Arthur massacre. This afternoon I invite members to join me in doing something positive to ensure that an event such as occurred at Port Arthur two weeks ago does not recur.

This Bill introduces amendments to the Weapons Act 1991 arising from a resolution of the Australasian Police Ministers Council to prohibit the possession, manufacture, sale, resale and transfer of fully automatic and semiautomatic weapons. As my Assembly colleagues will be aware, this resolution was proposed by the Commonwealth Government in response to the shootings at Port Arthur. I believe, Mr Speaker, that it has wide community support. This amendment has the effect of adding to the prohibited weapons schedule all semiautomatic rim-fire and centre-fire rifles, together with self-loading and pump-action shotguns. Any weapons which substantially duplicate these weapons and which are capable of firing a projectile will also be prohibited.

14 May 1996

The Assembly will be aware that existing provisions ban the sale and exchange of military-style automatic weapons. Consistent with the APMC resolutions, these amendments will go further, to ban the possession of all such weapons. It is this Government's intention to introduce as soon as possible a regulation, consistent with the agreed national position, which will provide for the limited exemptions from these provisions which were agreed at the APMC meeting. The Government will also introduce a comprehensive Bill to give effect to the range of other matters agreed at the national level.

I have indicated to members that I will be seeking to bring this Bill on for debate by no later than Thursday of this week, to ensure that the very large changes introduced by this legislation are clear and are in place as soon as possible. I commend the amendments to the Assembly.

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

## PAPERS

**MR SPEAKER:** For the information of members, I present a report of a study trip undertaken by Ms McRae, MLA, to Brisbane on 12 April 1996, and also a letter from the Chief Minister, Mrs Carnell, MLA, relating to the resolution of the Assembly on 17 April 1996 concerning an inquiry into the treatment of animals at Woden Valley Hospital.

**Ms McRae:** On a point of order, Mr Speaker: What is the reason for the Chief Minister giving you a letter to table? I understood that normally you tabled Auditor-General's reports and travel reports. I ask just for clarification, Mr Speaker.

**MR SPEAKER:** It is a letter.

**Ms McRae:** Yes; but the Chief Minister could write to you at any time.

**Mrs Carnell:** It was the letter that the Assembly asked me to - - -

**Mr Moore:** Because the Assembly ordered an inquiry.

**Ms McRae:** All right; that is what I am asking you to tell me. I did not know.

**MR SPEAKER:** A resolution was carried by this Assembly, and the Chief Minister is advising me, on behalf of the Assembly, that she has written to the Commissioner for Health Complaints requesting that he conduct an investigation.

**Ms McRae:** Thank you. Mr Speaker, as a further point of order: The Assembly is sitting; so, why could the Chief Minister not have simply given us a copy? But never mind.

**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Review of Auditor-General's Report No. 7 of 1994 -**  
**Government Response**

**MRS CARNELL** (Chief Minister and Treasurer) (4.52): Mr Speaker, for the information of members, I present the Government's response to Report No. 2 of the Standing Committee on Public Accounts on the Review of Auditor-General's Report No. 7, 1994 - Various Agencies - Overseas Travel Executives and Others, and Implementation of Major IT Projects - which was presented to the Assembly on 4 May 1995. I move:

That the Assembly takes note of the paper.

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

**COMPETITION POLICY REFORM - SELECT COMMITTEE**  
**Report on Inquiry into Competition Policy Reform Bill 1995 -**  
**Government Response**

**MR DE DOMENICO** (Minister for Urban Services and Minister for Business, Employment and Tourism) (4.53): For the information of members, I present the Government's response to the report of the Select Committee on Competition Policy Reform, which was presented to the Assembly on 16 April 1996. I move:

That the Assembly takes note of the paper.

Mr Speaker, in presenting the Government's response to the report of the Select Committee on Competition Policy Reform on the inquiry into the Competition Policy Reform Bill 1995, I would like to thank the select committee for its work. The Government appreciates the assistance of the select committee in completing its inquiry within a relatively short timeframe - a timeframe that needed to be met if the ACT is to continue to participate fully in the national competition policy reforms.

In presenting the Government's response to the report, I note that, although the committee was established to inquire into and report on the Competition Policy Reform Bill 1995 and to examine a range of issues in the context of the Bill, many of the submissions it received addressed concerns relating to the broader issue of national competition policy and its implementation, including related reforms in the utilities and transport industries. This extension into these related areas is reflected in the committee's report and recommendations; but let me stress that I am not being critical of the committee. The Government recognised that such a flexible approach was likely to be taken, and in its own submission and briefing for the committee the Government sought to provide the committee with a range of material on national competition policy by way of background and so as to present the Bill in context.

14 May 1996

The Competition Policy Reform Bill was developed by the Government to give effect to its commitments under the national conduct code agreement, which aims for consistent and complementary competition laws and policies to apply to all businesses in Australia, regardless of whether they are publicly or privately owned or whether they are incorporated bodies or individual persons. Mr Speaker, the Bill provides for the application of the conduct rules of Part IV of the Trade Practices Act to persons and government business activity in the ACT. These rules establish the conditions for fair trade regardless of individual bargaining power. Similar legislation is to be, or has been, introduced in every other State and the Northern Territory. Under the national competition policy agreements, States and Territories are required to put this legislation in place by 20 July 1996 to remain eligible for competition payments from the Commonwealth.

Nine recommendations were made by the committee, including the recommendation that the Assembly enact the Bill. That recommendation has, of course, the Government's full support. Many of the remaining recommendations relate to processes for enabling the Assembly and the community to scrutinise or comment upon the implementation of competition policy reforms and the development and delivery of community service obligations. However, as a result of the Government's initiatives such as the financial management reforms, annual reporting by agencies and the customer commitment program, and because of specific reporting commitments in the competition policy agreements, community service obligations and competition policy reforms will already be subject to an unprecedented level of public and Assembly scrutiny. The Government believes that the combination of these mechanisms, together with established consultative forums and advisory groups, provides sufficient opportunity for public scrutiny and input.

Finally, I would like to take this opportunity to forewarn the Assembly that, when debate is resumed on the Bill, the Government proposes to put forward a minor amendment which is necessary to clarify the definition of "calendar month". This is a technical matter which has been brought to our attention by New South Wales Parliamentary Counsel, and it is being implemented in each of the States and Territories. The necessity for this minor change was advised to the select committee. I again thank the committee - and Ms Follett in particular - for its report, and I commend the Government response to the Assembly.

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

## **SUBORDINATE LEGISLATION**

### **Papers**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations, instruments of appointment, a management standard and a regulation.



*The schedule read as follows:*

Adoption Act - Determination of fees - No. 58 of 1996 (S83, dated 8 May 1996).

Agents Act - Instrument of appointment to the Agents Board of the ACT - No. 34 of 1996 (S73, dated 24 April 1996).

Betting (Totalizator Administration) Act - Instrument of appointment to the ACT Totalizator Administration Board - No. 53 of 1996 (S82, dated 3 May 1996).

Bookmakers Act - Determinations of -

Location of a sports betting venue - No. 32 of 1996 (S72, dated 19 April 1996).

Directions for the operation of a sports betting venue - No. 33 of 1996 (S72, dated 19 April 1996).

Boxing Control Act - Boxing Control Regulations (Amendment) - No. 6 of 1996 (S68, dated 26 April 1996).

Canberra Theatre Trust Act -

Instruments of appointment to the Canberra Theatre Trust -

No. 55 of 1996 (No. 18, dated 8 May 1996).

No. 56 of 1996 (No. 18, dated 8 May 1996).

Revocation of appointment to the Canberra Theatre Trust -

No. 54 of 1996 (No. 18, dated 8 May 1996).

Credit Act - Instruments of appointment to the Australian Capital Territory Credit Tribunal -

No. 48 of 1996 (S81, dated 3 May 1996).

No. 49 of 1996 (S81, dated 3 May 1996).

No. 50 of 1996 (S81, dated 3 May 1996).

No. 51 of 1996 (S81, dated 3 May 1996).

No. 52 of 1996 (S81, dated 3 May 1996).

14 May 1996

Land (Planning and Environment) Act - Instruments of appointment to the Australian Capital Territory Heritage Council -

No. 35 of 1996 (S75, dated 26 April 1996).

No. 36 of 1996 (S75, dated 26 April 1996).

No. 37 of 1996 (S75, dated 26 April 1996).

No. 38 of 1996 (S75, dated 26 April 1996).

No. 39 of 1996 (S75, dated 26 April 1996).

No. 40 of 1996 (S75, dated 26 April 1996).

No. 41 of 1996 (S75, dated 26 April 1996).

No. 42 of 1996 (S75, dated 26 April 1996).

Occupational Health and Safety Act - Instruments of appointment to the Occupational Health and Safety Council -

No. 43 of 1996 (S76, dated 24 April 1996).

No. 44 of 1996 (S76, dated 24 April 1996).

No. 45 of 1996 (S76, dated 24 April 1996).

No. 46 of 1996 (S76, dated 24 April 1996).

Public Sector Management Act - Management Standard -

No. 1 of 1996 (S80, dated 2 May 1996).

Tenancy Tribunal Act - Instrument of appointment to the Australian Capital Territory Tenancy Tribunal - No. 47 of 1996 (S81, dated 3 May 1996).

Vocational Education and Training Act - Determination of fees - No. 57 of 1996 (S83 of 1996, dated 8 May 1996).

## **MINISTERIAL TRAVEL SCHEDULE - JANUARY-MARCH 1996 Paper**

**MR HUMPHRIES** (Attorney-General): For the information of members, I present the ministerial travel schedule for the period 1 January to 31 March 1996.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -  
STANDING COMMITTEE  
Report and Statement**

**MS FOLLETT:** Mr Speaker, I present Report No. 4 of 1996 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

**MS FOLLETT:** Mr Speaker, Report No. 4 of 1996, which I have just presented, was circulated when the Assembly was not sitting, on 24 April 1996, pursuant to the resolution of appointment of 9 March 1995.

There are just a couple of matters in the report, Mr Speaker, which I might draw to attention. Although the vast body of legislation and subordinate legislation which is the subject of the report did not attract much comment, there are a couple of matters to note. In the Electricity (Miscellaneous Provisions) Bill 1996 there are two elements of retrospectivity. Whilst the committee has made no judgment about those elements of retrospectivity, it is the practice of the committee to draw any retrospectivity to the attention of the Assembly. In subordinate law No. 3, which relates to the Building Regulations (Amendment), there is, I believe, an inaccurate piece of numbering. That ought to be corrected. Also, in the regulations under the Weapons Act, there does appear to be an inconsistency between the explanatory memorandum and the new regulation 8A, which ought to perhaps be corrected as well. I commend the report to the Assembly.

**ADJOURNMENT**

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

That the Assembly do now adjourn.

**Debate on Leasehold Administration - *Hansard* Report**

**MR WOOD (4.59):** Mr Speaker, I want to take the opportunity to read into the *Hansard* a portion of the *Daily Hansard* that was not subsequently printed in the *Weekly Hansard*. On inquiry, I understand that that was done because I had not been careful enough when I was speaking to acknowledge an interjection, in this case from Mr Moore. So, just for completeness of the record and because I did not acknowledge it then, I will read it in now.

14 May 1996

I am referring to the bottom of page 830 of the *Weekly Hansard* in the debate on the Stein report. I was speaking about the commissioners who were appointed. I was claiming, and Mr Moore corrected me - I think he was careful to do so - that the commissioners who were appointed were certainly known to some of us. Mr Moore interjected, "I do not think Justice Stein is anybody's man, in any way, in any perception". According to the *Daily Hansard*, I answered:

No question about that. But you knew what his perceptions, what his approaches were, there is no question about that.

Mr Moore replied:

No, I did not.

I said:

I think while we now express some satisfaction of the outcome - - -

In the *Daily Hansard* Mr Moore is quoted as having interjected:

I did know what Professor Troy thought certainly but I had no idea - - -

Then I went on to refer to an element in the report about revenge of the old guard. That, I think, applies a completeness to that particular part of the debate.

Question resolved in the affirmative.

**Assembly adjourned at 5.01 pm**