



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

15 MAY 1996

Wednesday, 15 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.

DISTINGUISHED VISITORS

MR SPEAKER: Members, I am pleased to announce the presence in the gallery of a delegation from the Selangor State Legislative Assembly, Malaysia, headed by the chairman of the Public Accounts Committee, the Hon. Dato Haji Saidin bin Tamby. I bid you all a warm welcome to both the ACT and Australia.

VISITORS

MR SPEAKER: I would also like to announce the presence in the gallery of a group from the Dickson Seniors Network. You, in turn, are most welcome to your Assembly.

PETITION

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

By **Mr Hird**, from 30 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

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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.

DRUGS OF DEPENDENCE (AMENDMENT) BILL 1996

MR MOORE (10.34): I present the Drugs of Dependence (Amendment) Bill 1996.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Mr Speaker, cannabis hemp is the oldest cultivated crop in the world. Until 1870 it was the most cultivated non-food crop and its fibre was the globe's most traded commodity. Paper, textiles, oil, grain, fuel and construction material can all be made from cannabis hemp. For at least 12,000 years it has been used to supply fibre for essential goods, including clothing, paper and oil products. In fact, people used to be fined for not growing their fair share of hemp. So important was this crop that a fine of five gold sovereigns was first introduced in 1533 by Henry VIII. Queen Elizabeth I in 1563 decreed that every farm of 60 acres or more had to have at least one acre devoted to the growing of hemp.

In 1619 America's first marijuana law was enacted in Virginia. In that case the law ordered all farmers to grow cannabis hemp seed. More recently, the United States ran an encouragement campaign to grow hemp during the last war and produced, in fact, a movie entitled *Hemp for Victory*. Sails, parachutes, ropes and lubricating oil are only a few of the things that were manufactured by the United States from hemp during the war. Although the cannabis plant grown for fibre is of the same species as that which is cultivated for drug use, the varieties that I am encouraging to be grown for fibre are so low in tetrahydrocannabinol, THC, as to be totally useless for drug purposes. The varieties that would be allowed to be grown under this legislation would be grown differently from those cultivated for drug use and would give one nausea and a headache if someone tried to smoke it.

Cannabis is the strongest, most durable and longest lasting natural soft fibre on the planet. Its economic and environmental advantages must also be considered. While trees take 100 and in some cases 1,000 years to mature - even in plantations maturation can take up to 40 years - hemp plants can be harvested within three to six months of planting. Hemp produces two to three times more fibre than cotton per hectare and can be grown entirely without herbicides or insecticides. Imagine how much healthier the River Murray catchment area would be if farmers there grew hemp instead of cotton.

Hemp can produce up to four times the amount of paper that forest or plantation clearing can and up to three times more fibre than cotton, without the need for chemical treatment. Due to the extremely favourable weight to strength ratio of hemp fibre, it still is found in current manufacture. Hemp rope and hemp fibre are still widely available in hardware stores for plumbing purposes. Some of the finest linens in the world are a blend of hemp and cotton. It was hemp that gave denim its strength and durability. Irish linen is, in fact, cotton and hemp. Bibles are printed on hemp paper because of its strength, durability and lightweight character.

As I read this speech, I find myself being taken back to speeches that were delivered in this house in former times by Dennis Stevenson.

Ms McRae: Except that he had a very nice jacket on, Mr Moore.

MR MOORE: Indeed. In fact, on a number of occasions when he spoke in this chamber he did wear his hemp jacket. I am not able to match that. I do have a hemp hat at home. My daughter has a hemp hat. I actually have a hemp tie, but it did not go with what I am wearing today. This one is probably made of plastic.

Mrs Carnell: What difference does that make?

Mr De Domenico: When has that made a difference?

MR SPEAKER: Order! It beats a hairshirt, Mr Moore.

MR MOORE: Indeed, Mr Speaker; but I am sure that most members are conscious of what it feels like to wear one of those. One of the things that I remember about Mr Stevenson in this chamber is that he began one of his speeches by saying that hemp had one bad use and a thousand good uses. Indeed, we talked about the bad use being smoking. Its good uses, which he went on to talk about, included the use of paper for Bibles and so on; but he also said that hemp paper was used for making cigarette papers. I thought there was some irony in recognising that as a good use when he found only one bad use.

Many countries in Europe are realising the potential of hemp in agriculture and paper production. In fact, in France there are already 8,000 hectares under cultivation for hemp. South Australia, New South Wales and Western Australia are also experimenting with and researching the possibilities of large-scale production of hemp and hemp products. The potential for this crop to bring great relief to farmers relying on cotton and wool is enormous. It also has a potential to redeploy those in the timber industry away from logging forests and into harvesting hemp. The Dutch have collected some 200 different strains of the plant which grow between the latitudes of 28 and 58. Certain varieties of the plant thrive in the Ukraine and Holland, others in the tropics, and others in between. In the south-west of Western Australia the Government is experimenting with paper production from strains exported from the Ukraine and imported into Australia. Australia currently imports, through Australian Newsprint Mills, of the order of \$1.6 billion worth of hemp fibre a year in order to supplement wood fibre in quality paper production.

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We could easily be producing \$1.6 billion worth of hemp here for fibre blending and then some more on top of that. We could actually set up a very lucrative export market. When I say “here”, I do mean in Australia, not at that level in the ACT. We could increase our capacity to recycle paper. Each time you recycle paper, the fibres that make up the paper become shorter and the quality of the paper deteriorates. To maintain the quality, good, long fibre needs to be continually added.

Until the 1930s more than 5,000 items of commerce were produced by different parts of the hemp plant. The introduction of steam power and the lack of efficient hemp processing machinery led to a decline in its use. It was only in the light of that decline that prohibition was able to take effect. In the United States the cannabis hemp prohibition was instigated in 1938 and was driven by companies with an interest in nylon, which, of course, was a natural fibre substitute. That was instigated by cotton growers and forest concessionaires, including Randolph Hearst who owned a newspaper chain. These people were the main users of chemically treated wood pulp and were major holders of forest licences, and they undertook a campaign of disinformation against cannabis. I would expect that the crops for the next couple of years would be small and experimental. The major goal in the short term would be to find out what varieties of cannabis grow best in the ACT region and develop feasibility studies in paper production in this locality.

There will be people who will predictably claim that growers will be able to hide their high THC plants in amongst their low THC plants. It is clear that other countries and States have not experienced a problem in this regard. Although the plants are of the same species, they are quite different in many ways and the growing methods are different. For fibre production, the usual row spacing is about 15 centimetres, to force the plant to grow long, slender stalks, which is what is required for fibre. For the production of cannabis for drug use, this planting method would hamper flowering and bushy leaf growing. Growing the plants this close together would also result in cross-fertilisation, which would ultimately destroy the potency of the plants.

In the ACT we have some farmers who are keen to grow hemp for paper and also for seed. The technology required is apparently minimal to produce the sort of paper that is expensively imported for use by artists, architects and designers. The quality of paper produced from hemp is such that the texture is very fine, dense and strong. I am a bit disappointed that Mr Osborne is not here; he was certainly here yesterday looking through his Bible. I would have been able to reach across and demonstrate to you the strength of the paper there. Who knows, we may in fact actually start a thriving industry in the ACT region that may inject some sorely-needed alternatives in farming and small business. It may be a way to ensure that we have productive enterprise.

In urging members to support this Bill, I would also say to you that what I have done is introduce a specific way of dealing with cannabis. I am certainly open to amendments, should members feel it appropriate to amend the system so that they feel that it not only is a safer method but also is seen to be safer. I am happy to discuss that with members. I must say that I have been to quite a number of members to discuss this issue and have found widespread conceptual support for the legislation. I would hope that we would be able to get this legislation through the Assembly as soon as possible, by the best

possible method, so that community members can feel that we are not finding a back way to growing cannabis for drugs. It is certainly introduced not with that intention, but with the intention that we can provide a method with the least possible red tape, to ensure that people in the ACT have another choice in terms of the crop that they might grow and an industry that might be leading the country as soon as possible.

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

STATUTORY APPOINTMENTS (AMENDMENT) BILL 1996

MS FOLLETT (10.45): I present the Statutory Appointments (Amendment) Bill 1996.

Title read by Clerk.

MS FOLLETT: I move:

That this Bill be agreed to in principle.

The Statutory Appointments Bill was passed by this Assembly in 1994 in order to oblige the government of the day to consult appropriately with this Assembly, through its committees, on appointments to statutory offices which the government wished to make. The amendment to the Act that I am moving by this amendment Bill is to put that requirement to consult into a framework which I believe will be much more workable for the committees involved. What I am proposing is that the Government must allow those committees sufficient time and an appropriate amount of time for consultation to actually take place. I have proposed that the consultation period should be 30 days. If the consultation does not require 30 days and the committee is able to make a recommendation before that time has expired, then the Minister is able to proceed with the recommendations.

I am moving this amendment Bill because of some fairly unfortunate experiences which I have had in terms of having been consulted by the Government on a range of appointments. I think it is appropriate, given that the Assembly has passed this legislation, that we do make every effort to make sure that it is honoured, as was obviously the wish of the Assembly at the time. Let me just go through a couple of the areas where I think the Government has been less than scrupulous, shall we say, in its attitude towards consultation on these matters. I think probably the most important appointments where the Government has fallen down on consultation related to the appointments by Mrs Carnell to the ACT Remuneration Tribunal. In fact, Mrs Carnell had announced those appointments, if not made them, quite some time before she went to the Standing Committee on Public Accounts by way of consultation. I think that was very regrettable, because it was a matter which concerned all members of this Assembly and on which the PAC had every right to be consulted fully and, I would have said, in confidence so that the committee could express a view. Consultation is not a one-way street; you do not just send people your decision and say, "Well, what do you think? Like it or lump it". If you are genuine about consultation you do expect some feedback from the people whom you are consulting. That did not occur on this occasion because, as I say, the appointments had already been announced.

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Yesterday in the Assembly I drew attention to an omission by Mr Humphries to consult the committee at all. Mr Humphries in fact made appointments to the ACT Tenancy Tribunal and the ACT Credit Tribunal without the necessary consultation with the Legal Affairs Committee. Mr Humphries of course drew that to the attention of the committee, and quite rightly; but there is no doubt that he was in breach of the Statutory Appointments Act in not having made that consultation. Mr Humphries also drew the committee's attention to the fact that the instruments of appointment are disallowable by virtue of section 10 of the Subordinate Laws Act. However, I think the spirit of the Statutory Appointments Act requires that consultation take place before the event, not for the Assembly simply to have the power of veto via a disallowable instrument. Again, I think that was very regrettable.

In some other cases, the committee concerned has simply had insufficient time allowed by the Government to make any sort of realistic assessment of the appointments that are being proposed. In the case of another very important position, the Victims of Crime Coordinator, a position under the Victims of Crime Act 1994, I received advice of the appointment on 29 February and was asked to respond by 1 March. I do not think that is a realistic timeframe for anybody to make a genuine assessment of that proposed appointment. There is another case. Unfortunately, it is, again, from Mr Humphries. There was a range of appointments - Mr McEwan, Ms Proctor, Mr Bayliss, Ms Tonkin, Ms Mendes and so on - where the advice of the proposed appointments was received by me on 6 May. It was actually prepared in the Secretariat on 3 May, but we were asked for our opinions by noon on 7 May. That was not even 24 hours that I had available to me to make an assessment. In fact, the appointments to those particular bodies had expired anyway, on 4 May; so the whole process was taking place very much after the event.

In moving this amendment, I am concerned to give the Assembly committees a realistic and genuine opportunity for true consultation to take place; that is, for those committees to express a view, as requested by the Government and as enacted by this Assembly. I think it is unfortunate that, because there has been such a delay in the request for consultation and the request for endorsement of appointments, the committees in many ways do run the risk of being seen to be critical or being seen not to endorse the Government's recommendations. That is certainly not my intention. As far as I am concerned, the Government has the right to appoint the people that it thinks are best fitted for those statutory positions. I would exercise a veto or express some opposition only if I felt that the appointment was in some way political or was in some way quite inappropriate. Otherwise, as far as I am concerned, it is up to the Government. Nevertheless, the Assembly has asked that this consultation process occur. I would never want it to be the case that that consultation process appeared to be criticising people who have genuinely offered their services, often in a voluntary capacity, to advise the Government. I do not believe that it is appropriate for the Assembly committees to take on that role as some kind of watchdog. I genuinely admire people who make their services available in the way that so many of these statutory appointees do.

I put forward this amendment Bill - it is a simple matter - in a genuine effort to get consultation to actually occur. We have heard many times from the Government about how open and consultative they are. If that is the case - and we have reason to suspect that it is not the case - and if that is to be seen as the case, then I believe that the Government ought to support this amendment. On many occasions, when there is such a vast array of appointments which must be made, it is difficult to bring them forward in a timely fashion - I am aware of that; I have been in government myself - but I think you have to try harder and you have to try to get the bureaucrats, the public servants involved, to adopt a far better process of scheduling of appointments so that they do not lapse and there is not less than 24 hours available to make the appointments. It is a matter of good housekeeping as much as anything. I commend the amendment Bill to the Assembly.

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

UNIT TITLES (AMENDMENT) BILL 1996

Debate resumed from 17 April 1996, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.54): Mr Speaker, the Government has decided to not support this legislation. The legislation is put forward by Mr Moore in an attempt to deal with what he sees as a major problem with the continuing use by some leaseholders in the Territory of the device of unit titling as a means of providing for a variety of different options for the use of land. Those options range across a number of areas: Provision of accommodation for a relative or a person in the charge of the person occupying the land; a means of producing some rental income; a means of producing a commercial proposition for profit to provide for a person to reap some benefit from an area of land where they do not need the full area allocated in the lease.

In the context of the history of this issue of dual occupancy development in the ACT, the proposal certainly is apposite. Less than two years ago there was a very intense debate taking place in the ACT community about the extent to which dual occupancies in the Territory were springing up. Members in this place - particularly, the former Minister for the Environment, Land and Planning - were acutely aware of community concern about the number of such developments occurring. In response to that concern, the previous Government established the Lansdown inquiry to consider in what ways such development should be curtailed.

Mr Moore: It made this recommendation.

MR HUMPHRIES: And it made recommendations, indeed.

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Mr Moore: It made this recommendation.

MR HUMPHRIES: Yes, indeed. Mr Moore points out that it made recommendations, including the one that is before the house today. The then Government exercised its prerogative to accept some of the recommendations and modify or reject others. It put in place a package responding to that particular proposal, which resulted in a number of changes in the way that development occurred in the ACT. Some of those changes were not fully carried through, but certainly a number were announced by the Government and successfully carried through. Included in them was a requirement that in greenfields developments in the city dual occupancy would not be permitted until the houses concerned had been built for five years.

Whatever the nature of that package put forward by the then Government, in terms of Mr Lansdown's proposals that they were working from, the result was very clear. Unit titling of dual occupancy developments in this city has all but stopped. My advice is that in the last 18 months or so since the Lansdown rules were put in place the number of applications for dual occupancy development in the city has dwindled very significantly. Something of the order of 40 have been received in the course of the entire last 18 months, which would have to be viewed, I think, as something of a trickle.

Mr Wood: It had the desired effect.

MR HUMPHRIES: Mr Wood interjects, "It had the desired effect". I think it is clear that there has been a very significant slowing in the amount of dual occupancy development that has taken place in the ACT. As a result, the question needs to be asked: Is the proposal put by Mr Moore, which is, I would suggest, designed to kill a horse which is almost dead anyway, really necessary? Mr Moore, I understand, has put forward the argument that if economic activity in the Territory picks up markedly in the near future there is some chance that a renewed interest in dual occupancy could exist, and we would see many more applications coming forward than has been the case for the last couple of years. That may or may not be the case; I do not know.

I suppose I have a concern about elements of this proposal by Mr Moore, and the Government and I have a desire to see the issues which he has raised dealt with differently to the way in which he has put them forward in this legislation. The problems with the legislation are that, as it presently stands, a person having more than one occupancy on their property with fewer than four such units is unable to unit title at all. Mr Moore has indicated his willingness to accept an amendment which, I might indicate, the Government has actually prepared, to ease the effect of that proposal so that after a period of, in the case that we proposed here, five years - that is, five years after a certificate of fitness for occupancy had been issued in respect of the second dwelling - an applicant would be in a position to then obtain a unit title for that entire block. I think Mr Moore suggested originally that he would be interested if we were to bring forward an amendment which had a period longer than five years. As I say, this is academic perhaps because the Government, for its part, does not intend to support the legislation at this point in time.

There has also been a suggestion to me that the legislation, in fact, affects not just residential occupancies in the Territory but also commercial occupancies in the Territory. I have not put that proposition to Mr Moore to see whether he agrees, but that is the advice which I have received from the Department of Urban Services. I assume that there is at least some ambiguity in the legislation that might give rise to that suggestion.

On the basis that I do not believe that it is necessary and on the basis that I believe that there are some possible unintended consequences of the legislation, I indicate on behalf of the Government that we do not wish to support this legislation today. However, I believe that, in a sense, the issue which Mr Moore is raising is an issue which ought to be dealt with in another way, and that is through the device that the Government established last year to provide for local input into the formulation of rules that govern the way in which suburbs in Canberra look. I am, of course, referring to the local area planning advisory committees. The LAPACs are a device to ensure that people in local areas of Canberra get together and design rules for their area which are appropriate to their area and which may be rules very different to those applying or needed in other parts of the ACT. One of the intentions of the local area planning concept, I believe, is that it gives people the capacity to determine what is appropriate for their locality and for their needs. It is the Government's intention that, if the legislation today is defeated, the three local area planning advisory committees in North Canberra be asked to consider whether a concept such as that put forward in this legislation should be considered by those bodies and whether they would like to pick up that concept for their own areas or adapt it in some way for the needs of their local areas.

It is the Government's intention, as I have indicated before, to extend the concept of LAPACs to the whole of Canberra over a period of time. That, of course, will depend on the way in which the trial which is currently being undertaken in North Canberra proceeds and ends up. If that trial is successful and we, in turn, move to place this model across the whole of the ACT, then there will be an opportunity, through this device, for other areas of Canberra similarly to consider whether dual occupancy restrictions of this kind or some other kind might be appropriate for those areas of Canberra.

I emphasise again that applying this restriction in the ACT on a blanket basis at the present point in time does not appear to be sensible. It results in some legitimate needs for dual occupancy being overlooked. I believe that not all dual occupancy is unnecessary or inappropriate; there is some that is quite appropriate. There is also the question that needs to be asked: Where do we leave the many people who are already, in some sense, part way down the track towards dual occupancy? I think Mr Moore's legislation has the effect of exempting from the ban which he proposes applications which have already been lodged with the Planning Authority for a unit title. That is quite appropriate, of course, because someone has already gone to the trouble of proposing their development and is somewhere down that path and probably deserves to be exempted.

There are probably many hundreds of Canberrans who already have a property of some kind which might be capable of being converted to dual occupancy at the present point in time and who already have a lease variation approval for that to happen or who have a physical structure capable of making that happen. The question of how those people would fare under the change in the rules, I think, is a question that needs to be asked.

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I take it that Mr Moore will want to comment on that when he responds at the end of this debate. I, for one, have some unease about where we leave people in those circumstances. There would be a large number of Canberrans in various stages of movement towards the end point of a unit titling - whether they actually have that planned at this point in time or whether it is an inevitable result of a decision that they have made at some point up to this time; for example, if someone has built some structure at the rear of their home to accommodate an aged relative who subsequently dies or goes to a nursing home and the need for that particular occupancy at the back of their residence changes.

As I have said, I believe that this is a blanket proposal which may not be appropriate in all cases. A more sophisticated response needs to be developed. It may be that what Mr Moore has put forward will ultimately be an attractive proposition to the many people sitting on local area planning advisory committees who consider that these things might be a good way of retarding what, for many people in Canberra, has been an inappropriate form of development. I will indicate also to the house that the Government has consulted with members of the building industry who obviously do not support the proposal in its present form. However, to its credit, the Housing Industry Association did suggest that local area planning advisory committees could be responsible agents in considering whether this proposal goes any further. That is the Government's position. As I have indicated, we will not support the Bill in its present form today.

MS McRAE (11.06): Mr Speaker, I hope that you have the oxygen and the first aid tent ready because I am about to put the Government into deep shock. For once in my life I am going to say, "I support the Minister's position". Have you heard? This is despite the fact that I could perhaps point out, maybe a little churlishly, that I do believe that it was Liberal policy to support all the Lansdown recommendations and implement them when they came into government. I will not go into detail on this. They perhaps did not support this one.

I am supporting Mr Humphries's position for this reason: Mr Wood did move swiftly after the Lansdown report, and the changes that he put into place did have the desired effect, as Mr Humphries pointed out; there being, as we have been told, very few dual occupancies happening in the last few years in the ACT. I do agree with Mr Humphries's proposal to put the policy of dual occupancies to local area planning committees. I believe this because each of our suburbs has a quite separate ambience; not only that, so do our streets.

I live in Aranda and I could tell you, from my visual observations when walking around the streets, where a dual occupancy would never hurt a particular street or a particular end of a street because there are little houses on huge blocks in a lovely suburb that I am sure, in time, people will want to live in and, therefore, develop a dual block. Yet, at the same time, in the same street even, there are big houses, well-established houses on fairly small blocks, by comparison, that nobody would ever want to put a dual occupancy on. I do believe that a blanket ban does prevent that variation that can happen sensibly in a suburb, particularly if there is some local area input and some sensible discussion at the local level that dampens down this scaremongering that can so easily happen once the debate arises again, as it did in 1993 and as it did in regard to North Watson, because of the fear that people have of urban infill.

I think taking it back to the local level and letting local residents have a say at their own level is a very sensible approach, and I have no problem at all if we end up with different policies for different suburbs. If the residents of Reid never want to see a dual occupancy, fine; but I do think the residents of Aranda should be allowed to have a different policy. I think the local area planning policy approach does have that capacity to allow a variation to happen. I do not think there was ever going to be a huge rush on dual occupancies. The debate in 1993 just took off, out of all control. Of course the Banks process frightened everyone, but they were very tiny blocks and people did not expect that to happen. I think this approach and the debate that we have had subsequent to Lansdown have put the whole thing back into a much more practical framework. I do not think allowing dual occupancy to go ahead is going to scare the people of Canberra.

When we discussed this a few weeks back I did say to Mr Moore that I thought it was too early to be doing this. Not only are we looking at this issue but the Government is looking at, from memory, at least six reviews in relation to planning, planning decisions, planning legislation, red tape, process reviews, strategy reviews and whatnot. With all those balls still up in the air, with staff seeking new jobs, with senior appointments still to be made, with the whole process of planning and the approach to planning and land management in the ACT changing, I thought it was far too early to be going in and making this change in the context of all the other changes that are going to be made.

I think Mr Moore's Bill is a little too early in its consideration. I think the Minister's reaction to it has been very sensible and well considered and I particularly look forward to a far greater number of LAPACs being formed. I look forward to the debate on LAPACs once the review comes through because, in my opinion, they are too big to cover three suburbs. But I am just foreshadowing the input that I would like to have on that and for that issue to be discussed and looked at once the review of LAPACs happens. Once we get local area planning controls in and the people feel that they have a say at their very own level, they will feel quite comfortable about the process that we have in relation to dual occupancy.

The types of planning requirements that people have to go through already are very stringent. The discussion we had in our very own street about the dual occupancy that went in was very fierce. People have to run the gamut of emotions of their neighbours; they have to convince people that they are not going to ruin anything by putting in a dual occupancy. The expenses that people will be up for now for betterment, once that goes through, are quite high. There are already barriers that I think do not make it easy for people to randomly throw in a second unit anywhere at all. I think the changes that the Minister is proposing, foreshadowing that it be through the LAPACs, are excellent. We will not be supporting Mr Moore's Bill.

MR KAINÉ (11.12): Mr Speaker, I must say that I was rather surprised that Mr Moore brought this particular amendment forward, because it seems to me that the intent here runs against both social attitudes and what the community expects of our planning laws, on the one hand, and also is contrary to Mr Moore's public position in terms of redevelopment, on the other. It is a strange reaction to a problem.

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We know that there was a problem. If we look at the history of dual occupancy, those of us who have been around for a bit will know that the dual occupancy law came into being as a result of an inquiry of a predecessor of this Assembly some years ago. One of the recommendations of that inquiry was that dual occupancy should be permitted. It was intended to be perhaps for older people who did not want to leave their homes; who could not afford to stay where they were, with increasing rates and the like, and the only way that they could do so was to share their property with somebody else and spread the costs. There was also the requirement in some cases for older people to have a friend or relative living on the block because they were getting a little old and a little frail and did not want to leave their home; but they needed somebody handy that could assist them if they needed it. Those were the reasons why the dual occupancy law was put into place in the first instance. We know that that was later expanded and that there were some undesirable consequences. Of course, the worst case was the new suburb of Banks. The government of the day moved quickly to clamp down on that and, as Mr Humphries says, the number of applications for dual occupancies today has tapered off dramatically and, therefore, dual occupancy is probably no longer a problem.

What is Mr Moore's solution? Mr Moore's solution is to say that you can no longer have dual occupancy but that you can put four residential units on a block instead of two.

Mr Moore: You are misreading the legislation.

MR Kaine: I am not misleading anybody, Mr Moore. What you are doing is amending - I remind you; it is your own amendment, Mr Moore - the Act by deleting the word "two" and inserting "four". In other words, you can no longer put two residential units on a block but you can put four on it. That is exactly what your amendment proposes.

Mr Moore: That is not so.

MR Kaine: Mr Speaker, may I have your protection?

MR SPEAKER: Yes, certainly, Mr Kaine.

MR Kaine: I remind Mr Moore that I did not heckle him when he presented his Bill; I listened carefully to what he had to say. I think he might give me the same courtesy.

MR SPEAKER: You will have the right of reply, Mr Moore.

MR Kaine: Exactly. All I am doing is expressing my surprise that Mr Moore would put such an amendment forward, on those two grounds. What he is saying is that, if I live in a older house in Reid and in the future I want to build a second residential unit at the back and bring some people in to support me in my encroaching old age, that is not okay; but, if I invite a developer to come in, knock my house down and build four residential units on the block, that is okay. I do not see the rationality of that, particularly from someone like Mr Moore who is opposed to commercial development. He is opposed to

commercial development. I find it a little odd that what he is doing is doing away with dual occupancy, despite the reasons why it was brought in in the first place. I know that he was a supporter of it then, because he was a member of the committee that recommended it.

Mr Moore: No, I was not.

MR Kaine: I think you were, but I stand corrected if you were not. I believe that at the time you supported dual occupancy. Now he has had a change of heart. I am a bit surprised that he is the author of this amendment. Having said that, I must say that Mr Humphries has put forward what I think is a commendable suggestion. The solution to this is public consultation. Let us find out what the public wants. Mr Humphries is proposing that it go to the planning advisory committees in the suburbs. That is a good idea. I am pleased that the Labor Party has introduced an element of rationality in this debate by supporting the Minister. We will at least know, at the end of the day, what the community wants rather than perhaps what Mr Moore wants; and we will know why they want it. I must say that I am confounded that, and I cannot understand why, Mr Moore wants to do away with dual occupancy but at the same time say that it is okay to build four units on the same block. I support the Minister in his proposal to refer it for public consultation.

MS HORODNY (11.17): Mr Moore's proposal is to amend the Unit Titles Act so that the minimum number of dwelling units that can be unit titled within a single block is increased from two to four.

Mr Moore: I am glad that somebody understands the legislation.

MS HORODNY: Thank you.

MR SPEAKER: Order! Ms Horodny has the call.

MS HORODNY: This would return the Unit Titles Act to its original form, which was amended in 1993. The Unit Titles Act was originally intended to apply only to medium-density housing developments. The 1993 amendment to the Act to reduce the minimum number of units from four to two was made to facilitate the building of dual occupancies as a way of encouraging urban consolidation, as the amendment allowed for two dwellings to be owned and sold independently. Prior to this, a home owner could build a second dwelling on a block only to rent out, and both dwellings had to be sold at the same time as part of the sale of the block as a whole. This amendment prompted the expansion in the number of dual occupancies approved across Canberra. About a third, as we all know, were in Tuggeranong; and a quarter were in Central Canberra.

Ms McRae: How many, Lucy?

Mr Moore: About 600.

Ms McRae: That is what the HIA says. What a joke!

MR SPEAKER: Order! Ms Horodny has the call.

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MS HORODNY: While the number of blocks which have unit titled dual occupancies on them is relatively small - less than one per cent of the number of standard residential blocks - the ad hoc way in which dual occupancies have sprung up across Canberra and the poor design of some dual occupancies, which has impacted negatively on neighbours, have prompted significant community concern.

The Greens agree that there are legitimate concerns raised by the community about dual occupancies; for example, overlooking of neighbours' backyards, crowding of dwellings on small blocks, the need to cut down mature trees to allow the dual occupancies to be built, and an increase in street traffic. While the Greens are sympathetic to these concerns and to what Mr Moore is attempting to do, we believe that these are planning matters in need of planning control. Mr Moore's proposal is attempting to deal with planning matters through the roundabout means of controlling the ownership of dual occupancies. Mr Moore's proposal will stop a home owner's ability to sell off a second dwelling on their land, but it will not stop bad design of dual occupancies. If Mr Moore's Bill is implemented in isolation from other planning controls, we will end up with badly designed, rented out dual occupancies instead of badly designed, independently owned dual occupancies.

Mr Moore's proposal also goes further than the Lansdown report. It is true that Lansdown recommended that there be no unit titling of dual occupancies, to remove the speculative element. He recognised, however, that there was a limited community need for dual occupancies and did not say that dual occupancies should be prohibited altogether. He proposed a number of planning controls over dual occupancies, which have been adopted to a great extent by the Government in the latest draft of the guidelines for multiunit development. A significant control was that dual occupancies could be done only on blocks of at least 800 square metres, which would have stopped about 16 per cent of the unit titled dual occupancies that had already been approved.

In addition, a recent draft variation to the Territory Plan has prohibited dual occupancies on blocks where the existing house is less than five years old, as other speakers have said, thus preventing further unit titled dual occupancies in the newer parts of Tuggeranong and Gungahlin. The Stein report notes that since these guidelines were released the number of approvals of dual occupancies has dropped to nearly half that of 1993-94.

Another key issue is the amount of betterment paid on dual occupancies. At present it is only 50 per cent of the increase in land value; but, if the Stein report is implemented, as promised by the Government, this would increase to 100 per cent and would put a significant damper on speculative dual occupancies in the future. Because of the current planning controls and proposed changes to betterment rules it will be harder for speculators to make a profit from dual occupancy developments now than it was two years ago.

We believe that the number of unit titled dual occupancies is likely to decrease of its own accord to levels which match genuine community demand. The Greens believe that there should still be some flexibility in the planning system to allow unit titled dual occupancies on large blocks where it can be demonstrated that there are no adverse impacts on neighbours. These impacts can be addressed through better planning guidelines on

multiunit development and better design and siting rules. The critical issue is, therefore, to ensure that the small but legitimate community demand for dual occupancies is able to be met, but without allowing building speculators to dominate the market for their own profit and without consideration for neighbourhood amenity. Mr Moore's proposal to merely return the Unit Titles Act to its original form is a step in the right direction, but the Greens believe that this Assembly should address this issue with a bit more thought.

MR MOORE (11.23), in reply: In rising to close the debate, I must say that it does not surprise me that support for this has come from the crossbenches and that opposition has come from the Labor and Liberal parties. Labor and Liberal have made a mess of planning in this Territory since self-government, and it will most likely continue.

I would like to clarify a couple of views which a number of people have about this legislation and which simply are not true. The legislation does not stop dual occupancy. That simply is not the case. It still allows dual occupancy, but it does not allow the division of the title. In the sorts of cases that Mr Humphries gave as examples, which were reiterated by Mr Kaine, where an elderly person wants to bring a perhaps middle-aged member of their family onto the same block to look after them, that simply is not affected by this legislation. It is a matter of whether we divide the title, not whether or not another dual occupancy can go ahead.

The reason behind it is that so often dual occupancy turns neighbour against neighbour. It has had that effect across Canberra and even where a dual occupancy application has been put in and has been allowed to go ahead without, on a number of occasions certainly that I am aware of, objection from the neighbours, the neighbours are absolutely furious but are determined not to ruin their relationship with their neighbour. There is an issue here that we need to consult with the neighbours and ask, "Is it okay to go ahead?". People simply are not going to say no.

Ms McRae: They do so. Try my street.

MR MOORE: Ms McRae interjects, "They do so". Of course, some will do that; and some do do that. We see appeals before the Land and Planning Appeals Board, but there are huge numbers of people who feel the anger but decide not to appeal. Perhaps they feel that they are not capable; perhaps they do not put the time in; for a whole series of reasons they decide that, no matter what the neighbour does - even though they are affecting their environment by this kind of change, and they are still angry about it - they are actually going to keep that to themselves and not have an overt fight with their neighbour. That is a result of dual occupancies.

The most important part about dual occupancies is that they have been an unplanned method of redevelopment. In this case, I agree with Mr Humphries's analysis that dual occupancies have, at this stage, occurred across Canberra without any control mechanism as to how many are in any given suburb; what impact it is having on the suburb as a whole; and the impact on the neighbours because the developments are at random. We do not know where they are going to occur; we do not know when they are going to occur. Mr Humphries proposes a different solution for dealing with that problem. In the end, that may well achieve some of the same goals.

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There is also the notion put up that this is something done in isolation; that it is done without consultation. What absolute nonsense! Of course, it was done with consultation. Mr Wood, appropriately, appointed Mr Robert Lansdown to head an inquiry into this whole issue of dual occupancy. He came back with a package of reforms which said, "This is how you deal with the matter". This is one of the reforms. Ms Horodny said, "It does not go further than what Mr Lansdown suggested". It is exactly what Mr Lansdown suggested. It does not stop dual occupancy. The people who have the need for dual occupancy because of a frail relative, or because of a family preference, will still have the opportunity under this system. That was the system until 1993, and quite a number of dual occupancies were built under that system. That notion of lack of consultation certainly is not the case.

Mr Humphries points out that in the last 18 months about 40 applications have been received. We would probably find that those 40 applications are fairly focused on Central Canberra. I think we would find that those 40 applicants are people who are looking for redevelopment, for a whole series of reasons. But we are talking about 18 months where the housing industry has plummeted quite significantly and where there has been an oversupply of housing. Of course, they are not going to get applications at this time, and that is why it is that this is actually a quite reasonable time to introduce legislation which would have this effect.

Mr Humphries was also concerned about what is, in one sense, a retrospective effect. I said to him, in our discussions, that I was quite happy - and the Housing Industry Association is as well - to consider an amendment to this legislation, which will not be necessary now because it is not going to pass, which would have allowed the title of existing dual occupancies, or dual occupancies that had already been approved as of the date that the legislation passed, to be subdivided. It is an issue about redevelopment for greed rather than need; that was what this piece of legislation was always about. Those issues of public consultation and prohibition altogether simply are not true. There was appropriate public consultation - quite extensive public consultation - through the Lansdown report and the issue of doing this in isolation is also not true. Mr Lansdown provided a package of reforms, and this is one of those reforms that ought to have been put in with that full package.

I think Ms McRae suggested that the Liberal Party had in its policy that they would support this. Mr Speaker, when I introduced the legislation, I think I read a press release which was put out in your name, I believe, and which actually exempted this part of the Lansdown report. I had understood that this was not Liberal Party policy. However, I had hoped that I would be able to convince you of the good sense of this system of moving away from a random system of not planning to a system of ensuring that we know where things are going and why they are being redeveloped in a planning system.

I thank my colleagues on the crossbenches, the Greens. Mr Osborne had indicated his support for the legislation as well. I think this is another case where the Labor and Liberal parties have been significantly influenced by a small number of lobbyists within the community, particularly in the housing industry, and this will prove to be a bad decision. However, there is always the chance that we may well come back to the Assembly with this sort of proposal, hopefully before things start going too wrong.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 4

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

NOES, 13

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

Question so resolved in the negative.

COMMERCIAL VEHICLES - PARKING ON RESIDENTIAL LEASES

MS HORODNY (11.35): I move:

That this Assembly calls on the Government to:

- (1) amend its new rules for the parking of commercial vehicles on residential leases in the following manner:
 - (a) motor vehicles over 20 tonnes gross vehicle mass to be banned from parking overnight in a residential lease within 6 months;
 - (b) motor vehicles over 12 tonnes gross vehicle mass to be banned from parking overnight in a residential lease within 12 months;
 - (c) a new land use of "home truck parking" to be established in the Territory Plan to apply to motor vehicles over 3.5 tonnes gross vehicle mass, and below the limits in (a) and (b), parked overnight at a residence;

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- (d) the residential land use policies in the Territory Plan to be amended to only allow truck parking as a controlled activity subject to public notification and third party appeal;
 - (e) truck parking spaces must be provided behind the building line and more than 1.5 metres from side and rear boundaries;
 - (f) operating hours for trucks entering and leaving residential leases to be 6 a.m. to 10 p.m.; and
 - (g) there will be no concessions from these rules for existing operators; and
- (2) facilitate the establishment of truck parking areas in the industrial and commercial areas of Canberra so that truck operators have alternative parking options to parking their trucks at home.

Mr Speaker, the Greens have put forward this motion on the control of truck parking in residential areas because it has become quite clear to us that the Government has not been able to address this issue adequately, despite spending a year trying to do it. It is quite clear what residents want. They do not want to live next to big, noisy and smelly trucks that block their streets, rip up their footpaths, endanger their children and disturb their sleep. The issue is very simple.

We have received numerous letters and phone calls from constituents who are complaining about large trucks in their streets and who are being forced to deal with insensitive and sometimes intimidating truck drivers. For every truck parked in a residential area there are at least eight neighbours immediately affected, and many more neighbours, up and down the street, have to put up with trucks coming and going. The numbers are clearly stacked against trucks. It is commonly accepted that residents have a right to live in peace and quiet within their homes, yet the current situation favours truck drivers to the detriment of the neighbourhood.

What has the Government given to residents in their new rules on truck parking? We have very little change from the status quo. We have bans on a very limited range of trucks that are unlikely to be found in residential areas anyway. We have neighbours still being disturbed from 5.30 in the morning and up until 12 o'clock at night. We have truck operators being urged to minimise vehicle noise, with no legal backup for neighbours to object to those truck operators who act irresponsibly. We have the Registrar of Motor Vehicles being required to assess the adequacy of landscaping, fencing and garaging arrangements. These are things which the registrar is not qualified to assess, as they are, more appropriately, planning issues. Despite the much vaunted public consultation process, the outcome is a strange alliance between the Liberal Government and the Transport Workers Union. The TWU has got all that it wanted and the residents nothing.

We find this whole situation quite bizarre. In other cities there is no question that there should be controls over large trucks being kept in residential areas. In many local council areas there are planning restrictions on the parking of trucks in residential areas. Why is it that Canberra, the national capital and a city known for the quality of its environment, cannot come to grips with this issue? Why do trucks have such a high priority over residents? The Greens think it is time for this issue to be resolved once and for all. I understand that there have been studies of this issue going back to the mid-1970s. We therefore cannot claim that the points raised in our motion are original. In fact, all we are really doing is attempting to implement good ideas that have been raised many times in the past but have never been acted on because of the power of the truck lobby.

The key point in our motion, which sets it apart from the Government's approach, is that we want the largest trucks and semitrailers banned from parking overnight in our suburbs as soon as practicable. These trucks over 20 tonnes have been the major source of dispute between neighbours, and the Government's response has done little to resolve this. Trucks over 12 tonnes also cause considerable disruption to the neighbourhoods, and there needs to be a process set in place to phase them out of the suburbs. These large trucks are very difficult to manoeuvre in narrow residential streets, let alone around the side of a house. We think it is impractical to say that large trucks can be allowed on residential blocks provided they park behind the building line. Even more noise will be generated as these trucks attempt to manoeuvre down a driveway, and the parking space may end up being closer to a neighbour's bedroom than if the truck were parked out the front of the house.

The major criticism that has been levelled at our proposals is that it is too costly and inconvenient to park the trucks elsewhere. Let us examine this cost, because there is a real question of equity here. At present the neighbours of truck operators are bearing the environmental costs of trucks being parked in residential areas. This can also be translated into financial costs, as there has already been a case where a resident has had the rates valuation reduced because of the impact on the property's value from a truck parked next-door. If every resident in a similar situation across Canberra also applied for a rates reduction it would have a significant impact on government revenue. The simple fact is that truck operators are getting free parking for their vehicles when many other people have to pay to park their vehicles at work, and many businesses pay for the provision of parking for their employees and for their company vehicles. This is certainly a case for having a level playing field, or perhaps I should say a level car park, for all businesses.

The Government tells us that it is going to cost millions to build truck parking areas in the industrial areas, but that is not what we are asking for. We think that the Government should think a bit laterally about finding parking spaces for these trucks. There are already acres of car parks around the city in the industrial and commercial areas which are away from residential areas and which are empty at night. The Government should first be looking at how these areas could be utilised for truck parking, before any consideration is given to building new truck parks. Even if this becomes necessary, and we doubt that it would be, we believe that such truck parks should be run on a commercial basis, just like many other car parks around Canberra. The Government should not be subsidising truck businesses.

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Under the Government's new rules, the onus is really on the neighbours to complain about a truck if it is not conforming with the rules; but this puts a lot of pressure on neighbours to confront a truck driver. For a lot of people this would be very stressful. Many people are putting up with the nuisance caused by neighbouring trucks because of the fear of causing a scene.

Mr De Domenico: Nonsense!

MS HORODNY: It is not nonsense, Mr De Domenico. It cannot be said that just because there have not been many complaints there is not a problem. We believe that it is better for trucks to be moved out of residential areas via legislative means rather than relying on neighbours to lodge complaints. In summary, we find it hard to believe that the proposed rules will work in practice.

Mr Hird: Lucy, who is going to pay for this?

MS HORODNY: If you had been listening, Mr Hird, you would have heard what I said about that. The rules are biased against the rights of residents to enjoy the peace and quiet of their neighbourhoods. Truck drivers have been getting away with being able to park wherever they like for too long. There are many other places where trucks can be parked. Trucks do not belong in our suburbs.

MR DE DOMENICO (Minister for Urban Services) (11.43): Mr Speaker, I move:

That the debate be adjourned.

Ms Horodny might have waited until the Government makes its statement in the house tomorrow before saying what she said today.

Question resolved in the affirmative.

PUBLIC WORKS PROGRAM

MR WOOD (11.43): Mr Speaker, I move:

That as a positive measure to encourage growth and encourage employment in the ACT this Assembly urges the Government to:

- (1) accelerate the current public works program so that projects advance rapidly and no funds remain unspent; and
- (2) expand the program by the construction of such projects as:
 - (a) the Cultural Centre;
 - (b) the Government office block at Gungahlin;

- (c) the Belconnen Indoor Pool;
- (d) the visual arts access facility;
- (e) the extension of Ginninderra Drive to Northbourne Avenue;
- (f) the duplication of Drakeford Drive north of Isabella Drive;
- (g) the extension of the cycle path network;
- (h) the expansion of the Landcare, Parkcare programs, especially for weed control;
- (j) the refurbishment of run-down local shopping centres; and
- (k) the renewal of outdated playground equipment.

Mr Speaker, in this Assembly in recent days we have heard the Government, and particularly the Chief Minister and her deputy, going on at great length about the need for optimism in this Territory. They want optimism in the face of very destructive policies for Canberra on the part of the Federal Government. It is the Opposition's view that simply talking about optimism is not enough. The Government has to do something to tell the ACT community, and in particular the private sector, that it is going to give a lead; that there is reason to be optimistic.

The current budget was not framed in the circumstances we have today. At the time that that budget was brought in last year, the Opposition disapproved of it. It voted against it. But the circumstances have changed rapidly, markedly, since that time.

Mr De Domenico: You would approve it now, would you?

MR WOOD: No. Indeed, that budget is even less appropriate now than it was when it was introduced. The significant change is that we now have a Federal Liberal Government whose policies are even more restrictive and recessionary than this Government's. It is simply not appropriate for the ACT economy today to have two governments each bringing very severe and negative impacts to the Territory. It was unfortunate that we had the one government, the ACT Government, doing that. Now that we have the Howard Government promising all sorts of dire outcomes for the Territory, the problem gets to a critical point. We cannot have two governments doing great damage to this Territory.

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It is not enough for Mr De Domenico and the Chief Minister to say, "Let us be optimistic". It is not enough to say those words. We have to see a demonstration that you will back up your words with some action. It is no good trying to talk it up alone. This Territory Government has embarked on a program of damping down the public works program. It wants to stall that program - - -

Mr Moore: Losing 300 or more jobs.

MR WOOD: At least, Mr Moore. I think it is more than that. It wants to damp down that program. It wants to reduce the number of its own public servants. At the same time the Federal Government is announcing, or is about to announce, drastic reductions in the work force in Canberra, as elsewhere. This Government now has to take up the challenge that the Howard Government has put upon it and actually do some work. It has to review its own policies and immediately, I believe, but certainly in the next budget, announce an expanded public works program - a public works program that will show to this community that the ACT Government does have the optimism and the confidence that it is always talking about. It is a role of government to lead, and this Government is simply not doing that. All this Government can do is talk, and it can do no more than that, so it has to review those policies. It has to see that the bureaucracy, our important public servants, are not drastically slashed, as Howard is doing to his public servants.

More than that, I have called on the Government to expand its public works program. Mr Osborne was talking yesterday about the impact of the stalling of the public works program. Let us get that back on track. Let us see that the public works program as outlined in last year's budget is fully committed, that every dollar in that budget is actually spent and does not go into a black hole in the health budget.

Mr De Domenico: We agree.

MR WOOD: Well, let us see that it is done. Let us accelerate something. Stop sitting on your hands. Get out there and do something, and see that that money is spent. As well as accelerating that program, it has to be expanded, preferably now. Put plans in place now to expand it; but, if not, certainly in this year's budget let us see that that program is expanded so that the community out there, that you claim to represent and that you are always talking to, or talking down to, can see that you have a measure of confidence and you are not using mere words.

Mr De Domenico: You will support Kingston foreshore redevelopment?

MR WOOD: That is a good question.

Mr De Domenico: Will you? I am asking you. Will you?

MR WOOD: I will answer you specifically. I would spend that amount of money on gainful projects that are not going to finish up as a white elephant.

Mr De Domenico: Seven hundred thousand dollars.

MR WOOD: More than that, Mr De Domenico. Let us get some buildings up. Let us get an office block up at Gungahlin. We have an urgent need for that. That is where it should be. Let us put it there. Let us do that. You want to develop on the Kingston foreshore residential areas and commercial space that under your policies will sit empty for a very long time. Let us get the Cultural Centre up. It was ready to go. Why have you not started?

Mr De Domenico: You did not do it for four years. Why didn't you put it up? You were a Minister for five years.

Mr Kaine: You said that you could not get proper costings.

Mr De Domenico: Five years. You sat on your hands, Bill, and left it there flat.

MR SPEAKER: Order! Stop provoking them, Mr Wood.

MR WOOD: Mr Speaker, the Government has been in office now for nearly a year-and-a-half and there has not been one forward step towards getting that Cultural Centre up and running in that time.

Mr De Domenico: Yes, there has.

MR WOOD: I do not see machinery over the road, Mr De Domenico - Let us go to an area that is dear to the heart of Mr De Domenico, or I thought it was. Let us go to Drakeford Drive. Let us get that extra bit of duplication in there.

Mr Kaine: Why didn't you do it?

MR WOOD: We were working towards it, Mr Kaine. If Mr Kaine gets that far into Tuggeranong, and I do not know that he does, he would know of that duplicated section south of Isabella Drive - he would be aware of that - which was financed and begun in the time of the Labor Government. Then we were ready to do the next stage that I am talking about.

Let us look now at the extension of Ginninderra Drive. That should be looked at very seriously. The Federal parliamentarians who were substantially responsible for wiping that off the agenda have now recanted. That blockage to the proposed development can now be examined in very considerable detail, and I think that process ought to commence. Mr Moore's committee has recommended that there be no money spent on the Mouat Street option, and I think that makes sense. Let us look at that.

Mr Moore: We are examining the extension of Ginninderra Drive.

MR WOOD: Yes. Mr Moore is moving on it. I hope that he can convince the Government, if it turns out that it is a proposal, to move rapidly on it, because there are certainly blockages of traffic in that area. Let us look at the Belconnen enclosed pool, or the Belconnen-cum-Gungahlin enclosed pool.

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Mr Moore: The Liberal Party promises.

MR WOOD: We know what those promises are, Mr Moore. They come to nothing. Mr Speaker, a further point which arouses considerable debate in this town is the future of local shopping centres. One of the steps the Government could take to encourage employment is to look to the refurbishment of these local centres. I have always been disappointed that the owners of the buildings in those centres, the leaseholders, have not fully carried out their duty, I believe, in keeping their centres modern and attractive looking. Certainly, in respect of O'Connor, Ainslie and Lynham, the former Government was active in paving and landscaping works to improve those areas. There is a host of local shopping centres around Canberra not doing too well at the moment. The Government could step in and do that important landscaping and paving work. That would generate, again, quite considerable employment.

Let us look at the bikepaths around Canberra. Some of them are in a pretty poor state, and the network is yet to be extended. Let the Government put some more money into those. This sort of activity would do a great deal to generate employment and confidence in the ACT. That would be very important and it would tell the business sector that this Government is leading the way. It is no good just telling the business sector to get out there and do something.

I would hope that the business sector would do a great deal towards its own refurbishment. There is a large number of commercial buildings in this city that need refurbishment, that need a thorough going over, to bring them up to the desired standards of office accommodation. I see that as an important project. But why would the private sector do that work when the Government is not doing anything very much itself? There is no lead being given. Let them see that. As I said, I would like to see the owners of the premises in the local shopping areas do a great deal more to refurbish their buildings. If this Government gives a lead we might find that the private sector will follow, and between the Government and the private sector there might be some grounds for optimism in this Territory - the optimism that the Government talks about, but does nothing about.

Finally, Mr Speaker, I want to comment on one of the severe misrepresentations that continue to come from the Government benches. We heard it again yesterday - this statistic of 18,000 Commonwealth public servants being sacked in the term of the former Labor Government from 1983.

Mr Hird: That is across Australia, Bill.

MR WOOD: Yes. But when your spokesmen get up - - -

Mr Hird: Do not say that it is just the ACT, Bill.

MR WOOD: When the Chief Minister and her deputy get up they do not say “across Australia”. They infer that it is within the ACT; to such an extent that on commercial radio 2CC a month ago, or thereabouts, the statement came through, although not in the Ministers’ words, that 18,000 Commonwealth public servants have disappeared from Canberra in that time. That is the intention of the words that you two use to try to confuse the issue. Not only that; when you use that 18,000 statistic, the 18,000 separations, you - - -

MR SPEAKER: Order! Relevance, Mr Wood.

MR WOOD: Read the motion, if you please.

MR SPEAKER: I have just read it. That is why I am calling your attention to it.

MR WOOD: We are talking about generating employment, Mr Speaker. I know that they do not want me to get onto this line. When you use that 18,000 figure you do not then put the other side of it, the employment, the new positions and the growth that has occurred at the same time. Of course large numbers of people leave any organisation, but what is the net figure? That would be the significant figure. The net figure for Canberra in the last four years shows that public sector employment by the Commonwealth increased. It did not decrease; it increased. If you wanted to be honest, and I know that you do not, that is the figure you would use.

MR MOORE (11.58): Mr Speaker, it gives me great pleasure to welcome Billy-come-lately to this process. I guess that one of the great disappointments is that Mr Wood did not join our committee when we did the capital works hearings. We would welcome him. Let me once again extend the invitation for whenever we have a hearing.

That having been said, Mr Speaker, I could not agree more with the motion that Mr Wood has put up. It is an excellent motion. It reiterates the recommendations of the Planning and Environment Committee in terms of capital works, although not quite so specifically. Mr Wood has drawn some specifics, some of which we had recommended and some of which we had not. The third recommendation of the committee, as set out in paragraph 3.18 of its report, reads:

the Government endorse a broad range of capital works projects for the preparation of forward designs, in order to quickly substitute a lower priority project for one that is on the final Program but which encounters unforeseen difficulties in its implementation.

In other words, when we set aside \$100m-plus each year for capital works, we should be ensuring that \$100m-plus continues on to the capital works. Why, Mr Speaker? Because we know, amongst other things at this particular time, as far as jobs go, that 15 jobs per \$1m appears to be about the right order for the amount of works. I use Mr Osborne's figure. It is the same figure, by the way, that our committee used in previous years. We know that capital works are labour intensive, Mr Speaker.

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We had interjections previously from the Chief Minister and the Deputy Chief Minister saying that the 15 per \$1m applies particularly to buildings but not necessarily to roadworks, so we might get a lower figure. Even if we use an average of, say, 12 per \$1m, or even 10, with \$100m we are still talking about 1,000 jobs in Canberra. We are talking about a huge number of jobs. We heard very sensible questions asked by Mr Osborne yesterday about \$14m coming out of the capital works vote to fill a hole in the recurrent budget. He asked sensible questions about jobs, not questions that need to be dismissed with "Nope", or "No", or "We do not care", or "So what!". These are real issues. That is the very sensible motivation behind Mr Wood's motion.

Mr Speaker, I find very interesting some of the specific issues that Mr Wood has taken on. He talks about the Cultural Centre. That is something that our committee has tried to move on as well, Mr Speaker, by making a statement here and suggesting that it ought to be a part of the redevelopment of the Civic Square. We are interested in ensuring coordination between the development of the Playhouse, the Cultural Centre, and the redevelopment of the Civic Square - projects worth, I think, off the top of my head, \$5m, \$1m and \$7m, or something in that order, with no coordinating body.

At the last committee meeting we discussed approaching the Minister to get further ideas about whether the Link area can be used for the Cultural Centre. That is a very sensible idea. I can indicate that, whilst the committee has not come to a final conclusion about it, we are very open-minded about that concept and would like to discuss the matter with the Minister and/or appropriate officials from the Government. A government office block in Gungahlin is something that our committee, in a number of its reports, has called on the Government to provide. The Belconnen indoor pool was discussed at length during the capital works hearings. It is an issue that, I would think, would be very dear to Mr Hird's heart. Mr Hird has put many years of voluntary effort into swimming in this Territory. I would have thought that, as a member from Belconnen, he would be using his influence to ensure that that pool in Belconnen would be built.

Another example is the extension of Ginninderra Drive to Northbourne Avenue. I was very interested to hear Mr Wood say that some of the members of the Federal committee who said that that should not go ahead have now recanted on that. I will be asking Mr Wood to explain that to me more thoroughly, because that issue is currently before our committee. Anybody I talk to who looks at Ginninderra Drive, or who looks at it on a map, or who has driven down it, says, "Why did it stop?". Blind Freddy can see that it ought to proceed straight down to Northbourne Avenue. I believe that that is still the case, even with the development of Southwell Park and the sewage reuse area there. I believe that there is still room for Ginninderra Drive to get to Northbourne Avenue and free up that traffic without causing problems. In fact, only yesterday I tabled a petition to that effect from, I think, 880 residents from that area.

Mr Wood: Reid and Langmore wrote saying that it needed to be reviewed.

MR SPEAKER: Order!

MR MOORE: I hear a very useful interjection from Mr Wood, Mr Speaker, saying that a - - -

MR SPEAKER: It was still an interjection. I would not acknowledge it if I were you.

MR MOORE: It was a very useful interjection, Mr Speaker, that I have to acknowledge - that Mr Langmore and Senator Reid have put in writing that perhaps this should be reconsidered. I look forward to getting a copy of that letter from Mr Wood, or at least an indication as to where we can find it.

Mr Speaker, those are the sorts of issues that are before us. I welcome Mr Wood's motion in the sense that it supports what the Planning and Environment Committee has been arguing all the way along. We are waiting for the Government's response to the Planning and Environment Committee. I hope that Mr De Domenico will be able to inform us that it is coming, perhaps even this afternoon - who knows? - and that the Government's attitude will be not to use capital works as a way of plugging the hole from blow-outs in the recurrent budget but rather to recognise how important they are for Canberra. Do not just pay lip-service to the need for jobs in Canberra when you have in your hand the wherewithal to do something about increasing the number of jobs.

Mr Osborne has accounted for some 200-odd jobs. Yesterday I asked a question about the gap in the City Services Group budget and whether it also will be funded by bringing money across from the Department of Urban Services. Mrs Carnell's response yesterday was that the urban services budget will come in on target. Of course it can come in on target if capital works is going to be used as a way of filtering money across. If that is how it is going to be used, you have a \$100m cushioning effect there. As far as the \$1.4 billion is concerned, we give the Chief Minister flexibility to the tune of \$12m when we give her the Treasurer's Advance. That is the thinking of the Assembly.

You have to understand that when you are using the capital works budget to fill the hole it is costing Canberra jobs. You cannot, on the one hand, get out there and say, "We want jobs, we want construction; this is what we are on about; we are all after jobs", while at the same time you are effectively cutting down your own construction, cutting down the amount of money going into capital works. That would be what is known as hypocrisy. As Mr Wood has suggested, let us get this capital works budget moving. Let us make sure in future capital works budgets that, if one project is stymied for some reason or other, lower priority works can be brought in. As stated in the committee's report, the suggestion that this process be undertaken was put to our committee by the Master Builders Association. You will find that at paragraph 2.9 of the report members were unanimous in saying that this is a very sensible suggestion. I know that the Chief Minister has publicly stated that she supports it. I would hope that that support would be reiterated here today and that Mr Wood's motion would be agreed to at least in principle.

I draw attention to the fact that Mr Wood has listed programs. He has said "expand the program by the construction of such projects as", so he has left enough room to move. This is not a definitive list. It is not a list that you must adopt. I think that was a very sensible way to word the motion.

Mr Wood: I urge the Government.

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MR MOORE: He has urged the Government to do it. It is a motion that I do not think any of us should have trouble with. It is something we should be supporting in principle. It is a good time to slap the Government over the wrists and say, "Hey, if you are going to be on about jobs, capital works is where a lot of them are".

MR DE DOMENICO (Minister for Urban Services) (12.09): Mr Speaker, the Government supports especially that part of Mr Wood's motion that encourages growth and employment in the ACT by accelerating the current capital works program and ensuring that projects advance rapidly. Mr Wood would be aware that every effort is being made to accelerate expenditure on the current capital works program by encouraging, whenever possible and appropriate, faster progress on construction in the field.

Soon after coming to office the Government introduced a number of reforms aimed at improving the capital works process. The preparation of the draft 1996-97 program, for example, was brought forward six months in advance of the upcoming budget to assist in having projects ready for commitment to construction at the beginning of the financial year. Action has also been taken, Mr Speaker, to commence design on projects from next year's draft capital works program. In fact 12 projects from next year's draft program have had design work commenced, and a further 21 are about to be issued.

Mr Wood: That is routine.

MR DE DOMENICO: This will enable the Government to commit to construction. It is not routine, Mr Wood. It should be. You were there for four years, Mr Wood, and it was not routine for the four years that you were there. It has become routine in the 18 months that we have been here. They are the facts, Mr Wood. This will enable the Government to commit projects to construction earlier than originally scheduled and assist in encouraging growth and employment.

I think, Mr Speaker, we need to look at the projects that Mr Wood used as an example. He talked about the Canberra cultural and heritage centre. The project is in both the 1995-96 and 1996-97 capital works programs at \$7m. The centre was to be located in the North Building.

Mr Wood: There is no sign of starting it.

MR DE DOMENICO: Mr Wood, you just do not start things without having the proper inquiries, as you would know.

Mr Wood: We did it all.

MR DE DOMENICO: No, you did not do it all, Mr Wood. The costs associated with relocating or otherwise managing the current North Building tenants come to from \$2.5m to \$5.6m. I know that \$5.6m did not seem to be much money when you were in government; but when this Government took office, Mr Wood, we needed to consider all those things that you did not put in your forward estimates, for example.

Mr Wood: That is an excuse.

MR DE DOMENICO: No, it is not an excuse. It is commercial reality, Mr Wood. If you can tell us where we can find \$5.6m just like that, please let us know. We would be delighted to hear your point of view. It took you four years not to find the \$5.6m. We have not been able to find it in 18 months. Give us a bit more time, Mr Wood. The costs associated with relocating or otherwise managing the current North Building tenants - we have to think of the people currently there, Mr Wood - come to up to \$5.6m and are not allowed for in the project's budget. You would know that, Mr Wood, because it was not allowed for in the \$7m when you were in government. Therefore, the North Building, as Mr Moore said, may not be suitable. We are looking currently at other sites, for example, the Link. The Link is another area that we are looking at. That takes time, Mr Wood, but let me assure you that the Government has that in mind.

Mr Wood also talks about government accommodation in Gungahlin. Had he read the newspapers or had he come upstairs and asked some people some questions, he would know that the Department of Urban Services, in conjunction with the Department of Health, is currently examining the feasibility of co-locating central health functions in the Gungahlin Town Centre. It is unlikely that any capital works funding will be required this financial year. Why not? Because we cannot stick a building in the middle of a paddock with no infrastructure around it. Mr Wood would know that. However, this Government is looking at the feasibility of co-locating office accommodation in the Gungahlin Town Centre. If it is feasible to do so, we will do it, Mr Wood. We will probably do it before our term expires - in other words, within a period of three years, Mr Wood, unlike you. You did nothing in a period of four years.

Mr Wood once again talks about the Belconnen indoor pool. He would know that it was nominated as a potential project in 1999-2000 by the Bureau of Sport, Recreation and Racing in their forward estimates. Mr Wood, before we go spending money like that willy-nilly we need to have a look at the necessities of the community, and we have to have a look at the broad section of needs throughout the entire length and breadth of the ACT. Once again, Mr Wood, let me assure you that the Government has not handpassed that one across.

Mr Wood also talks about a visual arts facility. This project was a late inclusion in the 1994-95 forward design program at \$2.8m. One wonders why it was a late inclusion. It happened to be just before an election. That is why it was a late inclusion. No studies were done on it, mind you; you just stuck it into the books and hoped for the best. You said, "If we win, we do not have to build it anyway; we can always pull it out". That is why it was included in the 1994-95 forward design program. Once again, Mr Wood, we will look and see whether there is a necessity for that first. We will have a look at the feasibility and where to put it, before we go spending money willy-nilly.

Mr Wood talked about the extension of Ginninderra Drive to Northbourne Avenue. To his credit, he did say that that is a matter that places other than this have a say in. I am delighted if people from the Federal House have changed their minds about that. I would be very anxious to hear from them as well. Mr Wood also talks about the duplication of Drakeford Drive north of Isabella Drive. I live just north of Isabella Drive.

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It would be fantastic, Mr Wood, for me to spend five minutes less than I do now on the road to get to work. However, the financial reality of the matter is that, when possible, that will be done as well. Mr Wood, had you driven over Isabella Drive recently, you would know that there is a new Conder development there and the developer is sticking in a road which will be ready very shortly. Once again, if the Government can - - -

Mr Wood: We told them to do that. There is nothing new in that.

MR DE DOMENICO: Well done, and that is the way it should be. If we can save some money by utilising money from the private sector, Mr Wood, for some of the works that need to happen, we will do that as well.

Mr Wood: He paid less for his land to do that.

MR DE DOMENICO: That is right, and he is building the road. That is the way it works. Mr Wood talked about the expansion of the cyclepath network. Once again, Mr Wood would know that studies to identify deficiencies in the network are currently in progress. Before going and expanding things willy-nilly, let us have a look at real areas of need, Mr Wood, perhaps like Gungahlin and other areas. Let us make sure that we spend money to provide services to people in the community who really need them.

Mr Wood also talked about the expansion of the Landcare and Parkcare programs, especially for weed control. I am advised that this process is difficult to accelerate because the current program is still not fully committed. If we can accelerate that one too, Mr Wood - it is not my area - we will. Mr Wood also talked about the refurbishment of run-down local shopping centres. Two or three weeks ago we opened the refurbished O'Connor area, which is fantastic. Mr Wood should also know that Hughes, I think, is next in line, in about two or three months. Progressively, as we see the need - - -

Mr Wood: No; rapidly, not progressively.

MR DE DOMENICO: Progressively or rapidly, Mr Wood; they are the same thing. It has to be intelligent progress. Mr Wood also talked about the renewal of outdated playground equipment. Once again, acceleration of playground equipment upgrading is possible and will be done, Mr Wood.

Let us look at some of the things raised by the committee that Mr Moore chairs. I must make the point that Mr Wood should wait until the Government responds to Mr Moore's committee. I think the Government will support wholeheartedly a lot of the things that that committee recommends. No doubt some of the recommendations are fantastic. We will do that. Mr Moore also said - - -

Mr Moore: I would hate to have to send it back again.

MR DE DOMENICO: Mr Moore interjects and says that if he does not think it is right he will send it back.

Mr Moore: No; I said - - -

MR DE DOMENICO: Did you say that? I am sorry; I misunderstood you.

Mr Moore: That would save us sending it back again.

MR DE DOMENICO: Okay. I am sorry, Mr Moore; I apologise for misquoting you there. You interjected so softly that I did not hear you properly.

I think we need to look also at some of those projects that the Government has been asked by Mr Moore's committee to defer, for example. Mr Moore's committee suggested that we should be deferring the \$2.8m expenditure on the Erindale refurbishment. We would be delighted to go ahead with the Erindale refurbishment because it was an election promise and, most importantly, it needs to be done; but Mr Moore's committee suggests that we should hold off on that and not do it, and that is to cost \$2.8m, Mr Speaker. A further thing we have been asked to defer is the AMTECH estate. That is \$3m. Another one, the Mouat Street forward design, is \$300,000. The most important one, the Acton Peninsula, involves about \$8.125m. When you add up the cost of projects that we, as a government, have been asked by this Assembly to defer in one way, shape or form, you will find - surprise, surprise! - that it adds up to \$14.3m. What a surprise that is!

Mr Berry: You misled us then. Acton Peninsula was not to cost \$8m this year. Do not mislead us.

MR DE DOMENICO: Not this year, but altogether it is, Mr Berry. I have not misled anybody. Every time Mr Berry tends to disagree with someone, up go the ears - "Mislead, mislead. Wow! I want to be back in government". If you get back into government you will be his deputy, Mr Berry. You have to wait until you can take over the leadership. Then you can start making noises.

Mr Berry: You mob are fast and loose, and the truth is always a casualty.

MR DE DOMENICO: Do not walk in three-quarters of the way through a debate and try to take over.

MR SPEAKER: Order! Mr De Domenico has the floor.

MR DE DOMENICO: Thank you, Mr Speaker. If we are really fair dinkum about this, I think those people in this place who have some say in development projects ought to put their money where their mouth is and ought to say, "Okay, Government, let us go ahead, for example, with the Kingston foreshore redevelopment. Let us go ahead with the Erindale refurbishment. Let us go ahead with the AMTECH estate stage 2". This Government, Mr Wood, will take on board the recommendations of the committee. When we give the Government response you will find that we will be fast-tracking as many projects as possible to make sure that we do increase the employment structure in the ACT.

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MR BERRY (12.20): Mr Speaker, I would like to make a short contribution to this debate because I think it is important to draw attention to the failures of the Government on this matter. I interjected a moment ago, Mr Speaker, and drew attention to the fact that Mr De Domenico had tried to impute that \$8m out of this year's expenditure had been lost because of the Acton Peninsula matter. Of course, that is not true. He knows it. I am now happy that he has admitted that he was wrong.

Mr De Domenico: I did not say anything of the sort.

Mrs Carnell: What happened to the Cultural Centre?

MR BERRY: The trouble with the Liberals opposite, Mr Speaker, is that they are fast and loose, and truth is nearly always a casualty. That is the approach that has been taken by this lot in most debates. Have a look at the list of issues which have been abandoned by the Liberals this year. The Cultural Centre - with breathtaking arrogance, shoved aside and forgotten about. The government office block at Gungahlin - these are people who offer themselves to represent the people of Gungahlin and they will not go ahead with something as important as an office block in Gungahlin, which was promised and planned by the previous Government. This Government backed off on that issue. This was mentioned in the report by Mr Moore's committee.

The people of Belconnen are entitled to be extremely disappointed with this mob opposite. Let us not forget the gaggle of them who were out at Belconnen Mall, I think it was, or Westfield Belconnen as it is now called, surveying the community about a pool and, as a result, they promised them one. In this term they promised them a pool at Belconnen.

Mr De Domenico: We did not say "in this term", Mr Berry.

MR BERRY: A little qualifier - "Not this term; maybe next term, or the one after". Mr Stefaniak was a little clearer than that. "As good or better", Mr Stefaniak said. "Yes, you will get your pool", Mr Stefaniak said. Well, they will, when Labor comes back to office. It is as simple as that. The party with the good record on the provision of indoor swimming facilities is Labor. Let us not forget who built the one at Tuggeranong for your constituents, Mr De Domenico. The people you claim to represent in Belconnen are now extremely disappointed; and they have a right to be, because they were misled.

The visual arts access facility is off the agenda. As for the extension of Ginninderra Drive, there has been some debate about that here today. That is before Mr Moore's committee now. That would be an area of expenditure which would be of use to the community. The duplication of Drakeford Avenue north of Isabella Drive - - -

Mr De Domenico: Drakeford Drive.

MR BERRY: I take your advice on that. The extension of the cyclepath network is a very important and environmentally sound move. It is something that the Liberals do not seem that interested in. There is the expansion of the Landcare and Parkcare programs, especially for weed control, and I would say especially so in relation to woody weeds; and there is the refurbishment of run-down local shopping centres.

I pause for a moment. We have a couple of Liberals who say that they represent the people of Belconnen. When Labor was in office a community consultation process started with the Kippax Task Force to develop a plan for Kippax. What is going to happen now? It will be September this year before anything is done by this Government opposite, despite all of the promises.

Mr De Domenico: What did you do at Kippax in five years?

MR BERRY: Labor got the runs on the board. We got the community consultation program going and the community involved. The Liberals took office shortly thereafter and did nothing. They have had to have their arms screwed up their backs all the way along to ensure that they would do something.

My attention is drawn to the fact that they have cleaned up a couple of things out there in the electorate. They closed down a health centre and bulldozed it. That was really good stuff! Did you promise that one as well? The pile of rubble that was left behind is another example of the gift to the community from the Liberal Party.

Mrs Carnell: Do you know where it is?

MR BERRY: What a joke! Mrs Carnell said, "Do you know where it is?". I know where it is not. It is not at Melba, where it was before you came to office, and it is not a health centre anymore. Let us stop kidding ourselves.

Mr Hird: What happened to Charnwood? You said that that was going to get knocked over too.

MR BERRY: I am glad that Mr Hird raises the issue of Charnwood High School. This is the fellow who stood on a policy of, "We will not close a school unless the community agrees". The community said no and they closed it.

MR SPEAKER: Order! Relevance to the motion.

MR BERRY: Abandonment of promises is something that they are well skilled at. Mr Speaker, this range of initiatives which could proceed would assist this Government in addressing the unemployment problem which it has created. For the whole period of the Carnell Government we have seen spiralling unemployment. It has been on its way up for the whole period. There are 2,300 extra people unemployed in the ACT since Mrs Carnell came to office. What an outrageous position to sit over there and smugly smile about! What a joke - 2,300 extra people on the unemployment list in the ACT!

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They cannot even keep up with the growth in the ACT. There is spiralling unemployment and all of those extra people on the unemployment list. These are the signs of success from the Carnell Government - wreckage of health centres, broken promises, and a trail of fast and loose statements where truth is the casualty.

Mr Speaker, we have to ensure that the Government moves on projects which have as an emphasis the provision of employment out there in the work force. This is a government that continually claims that it has some commitment to doing something about the private sector yet continually bashes it up. The private sector have shown the extent of their confidence in this Government. None of them are advertising. They are climbing down - - -

Mr De Domenico: Mr Business.

MR BERRY: Mr De Domenico interjects and says, "Mr Business", mocking me as Mr Business. Have a look at yourself. You are the bloke who came out and said that job losses in the public sector do not affect the private sector. What a joke!

Mr De Domenico: I did not say that at all.

MR BERRY: He said, "So what! Job losses in the public sector, so what!". It was in your speech, mate.

Mr De Domenico: Ha, ha! Were you there?

MR BERRY: Well, who said it? If you wanted to pick somebody from amongst the Liberals to lead the push when it comes to business, you could pick anybody but Mr De Domenico. Some of his public comments have been extremely outrageous. I do not need to say any more about Mr De Domenico's performance. It is well known. Mr Speaker, these projects are worth while and should be proceeded with as a matter of urgency.

MR KAINE (12.28): Mr Speaker, I move:

That this matter be adjourned for cognate debate with the pending Government response to the Planning Committee's report on public works.

Mr Wood: Mr Speaker, I wish to exercise the right of reply, very briefly.

MR SPEAKER: Just a moment. I have a motion before the Chair to adjourn the debate. The question is: That the motion be agreed to.

A vote having been called for and the bells having been rung -

MR SPEAKER: The question is: That the debate on Mr Wood's motion be adjourned and incorporated in a cognate debate on public works.

Members interjected.

MR SPEAKER: What is the motion, Mr Kaine?

Mr Kaine: A cognate debate with the Government's response to the Planning Committee's report on public works.

Mr Berry: I thought it was just a motion to adjourn it.

Mr De Domenico: You did not listen.

Mr Berry: It was not circulated.

Mr Kaine: Now you can vote yes.

Mr Berry: We are not going to vote yes to that either. We want to deal with it.

Ms Horodny: I take a point of order, Mr Speaker. Could we have that motion circulated?

Mrs Carnell: It is just to adjourn it.

Ms McRae: No, it is not. The Speaker said something quite different.

Mrs Carnell: It is to adjourn it and to have the thing debated cognately with our response to the capital works report.

Mr Berry: Mr Speaker, I think the motion is out of order because it seeks to have something debated cognately with something that is not even on the notice paper.

MR SPEAKER: I have taken advice from the Clerk to the effect that, whilst leave is not required to adjourn the debate, if you wish to add something to the motion you need leave. That is the current situation.

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

That the debate be adjourned.

MR SPEAKER: That clears it up. We can now continue with the vote, and the question is: That the debate be adjourned.

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Question put:

That the debate be adjourned.

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

MR SPEAKER: It being 12.30 pm, the debate is interrupted in accordance with standing order 77.

Mr Berry: Mr Speaker, I seek leave to extend so much of this sitting as is required to bring the debate to a conclusion.

Leave not granted.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Employment Statistics

MR WHITECROSS: Mr Speaker, my question without notice is to Mr De Domenico in his capacity as the Minister for Business and also as the Minister for Industrial Relations.

Mr Humphries: He is this week, is he? He was not last time we sat.

MR WHITECROSS: Maybe he is. I do not know. You tell me.

Minister, I would like you to clarify for the record something that you said yesterday. Yesterday you said that 2,300 jobs had been created in just one year of the Government's present term; but, on 23 November last year, you said that 6,700 jobs had been created. Does this mean that 4,400 jobs have been lost since November last year?

MR DE DOMENICO: Mr Speaker, I thank the honourable - is he honourable? I do not know whether he is honourable or not - - -

MR SPEAKER: No, not in this chamber. That is not a criticism of the member.

MR DE DOMENICO: Mr Speaker, the short answer to the member's question is: Of course not. What I was saying was that there were 2,300 jobs created during the 12 months since the election of the Carnell Liberal Government.

Mr Berry: No. There are 2,300 more on the unemployment list.

MR DE DOMENICO: I am answering Mr Whitecross's question, by the way, Mr Speaker. The would-be Leader of the Opposition, I know, always interjects.

MR SPEAKER: Just continue answering Mr Whitecross.

MR DE DOMENICO: By way of comparison, Mr Speaker, I think, under the same circumstances and under the same criteria, 700 jobs were created in the last year of the Follett Government. I think three times as many is not a bad record.

MR WHITECROSS: I would like to ask a supplementary question. I would not exactly call that an answer to the question, Mr Speaker. Mr De Domenico, is it not true that, in fact, in the last 12 months, according to the ABS, 1,000 extra jobs have been created but 2,100 extra people are unemployed; that, since November last year, 4,300 fewer people are employed than were employed at that time; and that 2,000 fewer people have full-time jobs than in November last year?

MR DE DOMENICO: Mr Speaker, I have not seen the figures that Mr Whitecross is referring to; but, whether Mr Whitecross likes it or not, since the election of the Carnell Liberal Government, the figure is 2,300 for the first 12 months. In the previous 12 months, under the Follett Labor Government, there were 700 jobs created. So, that is about three times as many, Mr Speaker - not a bad record after being in government for only 12 months.

Tourism Industry

MR KAINE: Mr Speaker, through you, I put a question to Mr De Domenico, who is, amongst other things, the Minister for Tourism. Minister, the question that we have just heard is yet another in a whole series of questions through which the Opposition talks down the ACT and presents nothing but a picture of doom and gloom. It is my understanding that that is not totally the case. Could you enlighten the members of the Assembly, particularly the Opposition, on the current state of ACT tourism, for example?

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MR DE DOMENICO: Thank you, Mr Kaine. Mr Speaker, I regret to inform those opposite that there is more good news for the ACT economy. I hate to tell them this, but there is more good news. The latest figures, from a survey recently carried out by Canberra Tourism, prove that Canberra continues to be one of the country's most desired tourist destinations. Figures for the September quarter 1995 show that Canberra played host to 422,000 visitors - up by 3.7 per cent from the same period in 1994. Other figures show that spending by visitors in the ACT has increased by almost 6 per cent, to \$196 per visit.

Mr Speaker, this is a most encouraging result for both the tourism industry and the wider Canberra community, because, as we know, every dollar earned by the industry flows back into the local economy through jobs and associated businesses. In fact, more than 60 per cent of all visitor dollars goes into our retail sector, and that is almost \$200m a year. Mr Speaker, tourism really is about good business, and these figures show that everyone from the local shopkeeper to the local service station operator benefits from tourism.

Mr Speaker, it is no secret that Canberra is currently hurting from the damaging speculation over proposed cutbacks in the Commonwealth Public Service. Tourism is just one way to arrest this fall in confidence. While public sector jobs may not be as certain as they once were, Ansett, for example, with its office in Deakin, is proving that the private sector is still capable of jobs growth. I was there last week when they employed some more young people. These new recruits are in addition to the 230 existing staff that Ansett has based in the ACT - a figure that the airline expects will increase throughout the year. So, Mr Speaker, it is companies like Ansett that are talking up the economy, unlike those who are wishing to talk it down. It just shows that tourism is alive and well in Canberra and is more than capable of strengthening the ACT economy.

Capital Works Budget

MR OSBORNE: Mr Speaker, I ask my question today of Mr Moore in his capacity as chair of the committee which looks at the capital works budget. Mr Moore, you will recall that yesterday I asked Mr De Domenico how many jobs would be lost because of the cuts to the capital works budget announced by his Government, and he said, "None". Could you tell me just how many jobs will be lost because of the \$14.2m that has been moved out of Urban Services?

MR MOORE: Mr Speaker, I thank Mr Osborne for the question, and particularly for giving me some notice that he would ask that question. It allowed me to ensure that I had the report on capital works from the Planning and Environment Committee. I think, in the first place, when we are talking about a reduction of \$14m in the capital works program, we are talking about in the order of 15 jobs per \$1m when we are talking about the building industry, but that may be a little less if we are talking about roadworks and things like that. So, even if you were to bring the normal figure that we use, of 15 jobs per \$1m, down to 12, it would still be in the order of 200 jobs that would be lost in terms of that \$14m.

Mr Kaine: On a point of order, Mr Speaker: I understand that our standing orders allow questions to be asked of a committee chairman in connection with a matter that is before that committee. I know of no such reference to the Planning Committee as this one. I ask you to rule on whether it is a legitimate question. He is not speaking for anybody but himself. He is certainly not speaking for me as a member of that committee.

MR MOORE: On the point of order, Mr Speaker: The Planning and Environment Committee was responsible for capital works. The report is currently before the Assembly. We are still waiting for the response from the Government. The matter is on the notice paper, and I have responsibility for the carriage of that.

Mr Berry: Mr Speaker, may I join the debate on the point of order. Standing order 116 is pretty clear. It states:

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

MR SPEAKER: Mr Berry, I was about to quote the same standing order. Standing order 116 relates to questions to other members. Let me read it again:

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

that is a very broad interpretation; perhaps deliberately so -

of which the Member has charge.

It seems to me that, if you are the chairman of a committee that is looking, or has looked, at something, it comes under the term "of which the Member has charge". We are, therefore, looking at the question of a "public matter connected with the business of the Assembly". It clearly falls into that category, it would seem to me.

Mr Kaine: But he does not have charge of it. In what connection does he have charge of public works?

Mrs Carnell: Mr Speaker, in the notice paper, quite categorically, under the Planning and Environment Committee, the current inquiries are listed. I do not see any reference to capital works in the current inquiries.

Mr Berry: A further matter which may be of help, Mr Speaker, is that standing order 118, which deals with answers to questions without notice, says that they "shall be concise and confined to the subject matter of the question". Mr Moore is adhering to that standing order without failure in the answer to this question. That is something for which the Government could never claim any credit. I think that the standing orders are clear, and Mr Moore ought to be allowed to answer the question.

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MR MOORE: Mr Speaker, on a point of clarification: The Chief Minister has said that this matter is not on the notice paper, or she implied that that is the case. If she were to look at today's notice paper, on page 565, item 5, under Assembly Business, she would see "Planning and Environment - Standing Committee - Report No. 10 - 1996-97 Draft Capital Works Program - motion that report be noted". It is a motion, of course, that I moved.

Mr Kaine: On the same point of order, Mr Speaker: I think the last words of that standing order which you quoted are the relevant ones - "of which the Member has charge". A member or chairman of a planning committee does not have charge of anything unless it happens to be before the committee at the time. This matter is not currently before the committee; it is before the Assembly.

MR MOORE: No. It is my motion on the notice paper. "That the report be noted" is my motion.

Mr Kaine: Yes; and it is now a matter for the Assembly, not for the committee. It is in the charge of the Assembly.

MR MOORE: It is my motion. Read standing order 116.

Mr Kaine: He is still expressing a view only on his own behalf, not as chairman of the committee, and he is out of order, Mr Speaker.

MR MOORE: I can understand why you are embarrassed.

MR SPEAKER: Mr Moore, as chairman of that committee, has charge of the introduction of the reports.

Mr Kaine: You are stretching a longbow.

MR SPEAKER: I will allow the question on that basis - as chairman of the committee - and that was the context in which the question was asked.

MR MOORE: Thank you, Mr Speaker. I appreciate your taking time to think about that ruling. I can understand why the Government would be embarrassed by having a question answered sensibly, instead of being answered in the perfunctory sort of way we have been used to.

MR SPEAKER: Let us just answer the question.

MR MOORE: Indeed, Mr Speaker; that is exactly what I am doing. That \$14.2m having come out of the capital works program means roughly 200 fewer jobs. The Chief Minister was kind enough this morning to give to us a list of the capital works projects from which she is going to take money and move it across to the hole in her health budget. She lists there Page/Weetangera stormwater augmentation; Acton Peninsula, project on hold, \$3m; slippages for Holder High School modifications, \$1.4m - a series of them, coming to a total of \$14m. It will be her contention that, because these capital works projects were delayed, we have not lost jobs.

I would suggest that that is not a particularly good interpretation. What we have is \$14m set aside for capital works; and, when we do not spend \$14m on capital works, it is \$14m worth of jobs - not to mention the work that is not completed. So, we are certainly looking at in the order of 200 jobs lost, Mr Osborne - through you, Mr Speaker.

The issue of jobs also came up in an answer from the Chief Minister yesterday to a question from me about the urban services budget. I had suggested a budget blow-out in one section of \$5m. The Chief Minister came into this house later and said that the urban services budget would come in on target. But that did not preclude the possibility, Mr Osborne, of money being taken from the capital works budget in order to fill that hole as well. So, there is a possibility of even more than 200 jobs being lost in Canberra, from a government that says again and again that it is on about jobs. If you are on about jobs, then the best thing to do is to make sure that the capital works are completed.

There is good news on this, Mr Osborne. The committee I chaired recommended that the Government change its approach - on the suggestion, I must say, of the Master Builders Association. We suggested that the Government change its approach and make sure that, when a capital works item cannot be completed, a second priority is given first priority. The good news is that the Government has already publicly indicated that it will support that. So, Mr Osborne, yes, there are significant job losses - and that is unlike the sort of answer you received yesterday.

MR OSBORNE: I have a supplementary question, Mr Speaker. I want to thank Mr Moore for ensuring - for perhaps the first time in my time here - that I received a full and sincere answer, which is what I have been looking for. Mr Moore, you were in this house yesterday when I asked that very same question of Mr De Domenico. I will just quickly read the last part of it:

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?

His answer was no. My question to you is: Whom do I believe?

MR MOORE: Mr Speaker, we had an interjection a short while ago.

MR SPEAKER: Order! No, that question is out of order. I am sorry; that is totally out of order.

MR MOORE: It will be a very quick answer, Mr Speaker.

MR SPEAKER: No; it will not be an answer at all. It is out of order. You cannot ask that sort of question.

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Truck Parking - Residential Areas

MR MOORE: Mr Speaker, since I am on my feet, I seek to ask a question.

MR SPEAKER: Do you wish to ask a question?

MR MOORE: Thank you, Mr Speaker; yes.

MR SPEAKER: Very well; you may.

Ms McRae: But it is our turn.

Mr Berry: Come on! You did not even sit down when you were ordered to.

MR SPEAKER: Sit down, Mr Berry. You will get the call next.

MR MOORE: I believe, Mr Speaker, that the standing orders require you to call the person who is on their feet first, and I appreciate that. Mr Berry, of course, does not understand that. My question is to Ms Horodny. The reason my question is to Ms Horodny, Mr Speaker, is that it is regarding her motion on the notice paper on trucks. Under your previous ruling on standing order 116, that would be in order. Ms Horodny, I am hoping that you will give a full answer, unlike the ones I have become used to and expect from the Government. Why was it necessary for you to put a motion on trucks onto the notice paper, and what did you hope to achieve in terms of protecting residents from this industrial activity?

MS HORODNY: I thank the member very much for his question. We have put forward this motion because we have rejected the Government's proposed rules for the parking of trucks in residential areas and we have put forward our own plan. Clearly, the Government's rules are not going to solve anything, and it is up to the Greens to take the lead. The residents' concerns also are not being addressed. Our proposal covers some very key issues and includes existing trucks over 20 tonnes being banned in residential areas within six months; trucks over 12 tonnes being banned within a year; operating hours of trucks being reduced to between 6.00 am and 10.00 pm for all trucks; and home truck parking becoming a controlled activity under the Territory Plan, requiring truck operators to seek formal permission of neighbours to operate their trucks from home. We will also be putting forward amendments to the Noise Control Act to cover vehicles entering and leaving private land.

Mr De Domenico: You cannot do that. Federal legislation covers it already.

MS HORODNY: Our proposal will meet residents' amenities and will still provide truck operators with flexibility and time to adjust to the new controls.

Mr De Domenico: You are still away with the fairies, Lucy. You have a couple under your hat, probably.

MR MOORE: I ask a supplementary question, Mr Speaker. During that answer I heard an interjection from the Minister saying, "You do not even know what we have said, what rules there are". I wonder whether Ms Horodny - - -

Mr Kaine: On a point of order, Mr Speaker: If this is a supplementary question, we can do without the preamble.

MR SPEAKER: We can indeed. We can also trust that the supplementary question will not be based upon an interjection.

MR MOORE: No, certainly not, Mr Speaker. I was just giving a little background. My brief supplementary question to Ms Horodny is: The Government claims that they have not tabled the rules. Are you aware of the rules the Government is going to table?

MS HORODNY: Yes. We had a briefing from the bureaucrats this morning and, again, nothing has changed. It has not solved the problem, and the proposal we are putting up would solve the problem.

Employment Policies

MR SPEAKER: I call Mr Berry.

MR BERRY: Mr Speaker, I would be perfectly happy if they got all this nonsense out of the way. We will come back to the serious stuff in a minute, if some of the other members on the crossbenches have questions.

MR SPEAKER: You have the call.

MR BERRY: I am perfectly willing to give it up, so that we can get back to the serious business.

Mr Moore: Here we go - Wayne the Serious.

Mr Humphries: We want a serious question. Come on!

MR SPEAKER: Order! Mr Berry has the floor.

MR BERRY: There is a cat amongst the pigeons down that end of the corridor.

Mr Moore: I raise a point of order, Mr Speaker. I cannot find the standing order on hypocrisy.

MR SPEAKER: There is no point of order. Mr Berry, you have the undivided attention of the house.

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MR BERRY: It is good to see who is in charge here. Thank you, Mr Speaker. My question is to the Chief Minister, Mrs Carnell. I could call Mrs Carnell Mrs Twenty-Three-Hundred, which stands for the 2,300 unemployed; but I would not, because it would be out of order.

MR SPEAKER: You will call her "Chief Minister" and ask your question.

MR BERRY: I could call her Mrs Twenty Million, for the wasted money in her health budget and the \$5m lost in the recently mismanaged industrial dispute; but I will not, because it would be contrary to the standing orders.

MR SPEAKER: You will also get on with your question.

Mr Hird: On a point of order, Mr Speaker: I would like to be enlightened, as would the Chief Minister, as to what the question is. We have seen the shenanigans from the crossbenches earlier, which turned this place into a joke, sir. I refer you to standing order 37, which relates to taking control of this house.

MR SPEAKER: You sit down and we will get on with the question. I uphold the point of order, nevertheless. Continue with your question, Mr Berry.

MR BERRY: I note that the person who has been described as the guru of corporate shrinkage, Stephen S. Roach, has now declared:

If you compete by building, you have a future. If you compete by cutting, you don't.

He has also said:

Tactics of open-ended down-sizing and real wage compression are ultimately recipes for industrial extinction.

I refer members to an article that appeared in the *Canberra Times* the other day and was headed "Down-sizing's Wall Street guru admits that he got it all wrong". Noting that much of the Liberals' small government philosophy is built on the philosophy now apparently abandoned by this leading guru, and noting that unemployment has been spiralling upwards since you came to office and that 2,300 more people are on the unemployment list and the ACT business sector is in shock, will the Chief Minister now accept that her own policies of downsizing here in the ACT and John Howard's fixation with small government policy have seriously damaged the ACT economy and sent it into shock? Will the Chief Minister at least agree that these small business-small government philosophies they are so wedded to have blown up in her face?

MRS CARNELL: I am extremely happy to answer that question. First and foremost, the philosophy of this Government is nothing to do with small government; it is to do with living within our means and not spending money that the ACT taxpayer cannot afford. I have heard no indication and I have read no articles in the *Canberra Times* to suggest that governments should spend money they do not have, incur debt they cannot repay, and give that sort of debt over to their children or to future administrations.

That is something we will not do. We certainly have not gone down the path of mass redundancies or mass downsizing, for all of the reasons I have said in the past. I do accept, and so does this Government, that the public sector and the private sector - - -

Mr Berry: So John Howard's policies are helping the ACT?

MRS CARNELL: We are talking about our administration, about this house.

MR SPEAKER: Order! The Chief Minister is not responsible for the Prime Minister.

MRS CARNELL: I understand that it would be out of order for me to make comments in this house about what happens in another place, Mr Speaker.

MR SPEAKER: It would indeed.

MRS CARNELL: The amount of money this Government put aside for redundancies this year was \$12m. Those who attended the Estimates Committee - the Estimates Committee that those opposite did not like having to ask questions at - would realise that we have not spent all of that \$12m on redundancies at all. What is interesting, though, is that in previous years quite substantially more than that, in fact up to \$17m, had been put aside by the previous Government for exactly that - redundancies. We have here a situation where we have put aside \$12m; the previous Government put aside \$17m in just one year - - -

Mr Berry: Mr Speaker, on a point of order: Mrs Carnell does not seem to have understood the question. I might rephrase it. Will Mrs Carnell - - -

Mr De Domenico: No, there is no point of order, Mr Speaker.

MRS CARNELL: That is not a point of order.

Mr Berry: Will Mrs Carnell accept that John Howard's policies are damaging the ACT and that she has done nothing about it?

MR SPEAKER: Order! There is no point of order. I am sure that the Chief Minister understands the question quite well and she is answering it as she sees fit.

MRS CARNELL: I am answering exactly the point.

MR SPEAKER: In painstaking detail, in fact.

MRS CARNELL: That is spot on, Mr Speaker. I thought the question was to do with redundancies, to do with small government, and to do with jobs and downsizing. I am now addressing the first issue, which is, of course - - -

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Mr Berry: I will explain it to her.

MR SPEAKER: You will do nothing of the sort. The Chief Minister is in the middle of answering a question.

MRS CARNELL: On the first issue, which is redundancies and small government and downsizing, we will not spend money that we do not have. We will have the most efficient government we can; we will not spend money that we do not have. We have put less money into redundancies than the previous Government did because we believe strongly that we should be using redeployment wherever possible, that we should use natural attrition wherever possible - all of the approaches that I think are about good management.

Mr Berry also made some comments with regard to jobs in this city. It is very interesting that in October last year, when we had been in power for quite a number of months, we had a peak of the employment number recorded. We had a peak not just in employment but also in participation rates. There is no doubt that since then, and this Government has said it time and time again, there have been problems; but we still have a situation where we have more jobs than we had when we took over. In fact, one of the very interesting statistics - Mr Berry does not like numbers because he cannot understand them - is that if the participation rate now was the same as it was last March, when we came to power, the unemployment rate now would be 7.3 per cent, the lowest in Australia.

Mr Berry: Mr Speaker, I will put it plainly. Will Mrs Carnell accept that her and John Howard's policies have damaged the ACT?

MR SPEAKER: Mrs Carnell cannot speak for the Prime Minister. Continue, Chief Minister.

Mr Berry: Mr Speaker, I would like to disagree with you on that point. The fact of the matter is that Mrs Carnell is responsible for the wreckage that is going to be left behind here and she should be able to answer to her constituency on whether or not it is going to damage the ACT.

MR SPEAKER: You can disagree if you like, but the fact is that she is not in a position to speak for the Prime Minister. Continue, Chief Minister.

MRS CARNELL: Mr Speaker, I would suggest that, with Mr Berry's constant interjections and disagreement with you, he must be very close to being named. I am extremely happy to answer the part of the question that I am responsible for, and that is our policies and how they have affected the ACT economy.

I will pick one particular area, and that is our business incentive scheme. Since we came to office about 15 months ago, that scheme has meant that a number of businesses have decided to relocate into the ACT, AOFR and ADC being a major one which will provide some 300 to 400 extra jobs on a straight basis of ACT Government policy. We also have another eight proposals that are in various stages of the assessment and approval process.

Those eight proposals, again, are directly associated with ACT Government policies and involve some \$4m worth of investment, over 100 direct and indirect jobs in the first year, 250 direct and indirect jobs within four years, six local firms, one interstate firm, one branch office of a major firm, four manufacturing, three servicing, one sporting association.

Ms McRae: How many jobs? None.

MRS CARNELL: As I said, I am very happy to run that by you again. Just in one particular policy, from these eight firms, not including AOFR, which is 300 to 400 jobs, we are talking about 100 direct and indirect jobs in the first year. It is those sorts of policies that can produce real jobs in this city. It is those sorts of jobs that can get the economy moving. The other things that get the economy moving and can get real jobs into this city are such projects as the Kingston foreshore proposal, the very fast rail link, and a sensible approach to our airport - all of the things this Assembly continues to cause problems with or slow down or stop or do all the rest of the things we see time and time again.

Mr Speaker, if this Assembly is going to bellyache about unemployment and not get on and do something about it, then I believe that the people of the ACT have a right to be pretty unhappy with what comes out of this Assembly. What should be coming out is a can-do approach, an approach that says, "Yes, we will give the okay to proposals that seriously produce jobs in this city", not approaches that time and time again stop development and stop proposals from business, with others in this Assembly doing everything in their power to stop things happening. This Government will not be taking that approach. Our approach will be to get whatever we can on the table - the Kingston foreshore proposal, other proposals - to get real jobs for people in Canberra.

Violence in Schools

MS HORODNY: Mr Speaker, my question is to Ms Tucker, and I have given notice of this question to her. In light of all the discussion and concern about violence in our community, when will the Social Policy Committee report on the inquiry into the prevention of violence in schools be tabled in this Assembly?

MS TUCKER: Thank you for the question, Ms Horodny. I would be delighted to answer this question. It is an important issue. I would also be delighted to answer it without any sarcasm, put-downs or patronising comments. The issue of violence is of extreme concern to people in the community, and the Social Policy Committee has been looking at this issue for nearly a year. I am happy to report that we will be able to table the report of the committee next week.

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Magazines - Offensive Material

MS TUCKER: While I am on my feet I would like to ask a question of Mr Osborne. Mr Osborne, according - - -

Mr Kaine: Have you recognised her for a question, Mr Speaker? She is making an awful assumption.

MR SPEAKER: Nobody else is standing.

MS TUCKER: I ask this question of Mr Osborne because I believe that, under standing order 116, he is a member in charge of a public matter connected with the business of the Assembly.

MR SPEAKER: I will be the judge of that, but go on.

MS TUCKER: Thank you. My question, Mr Osborne, is to do with publicity recently about your proposal to put blinders on magazines which have offensive material open to public display. Could you please clarify exactly what it is that you are proposing?

MR OSBORNE: Thank you, Ms Tucker, for your question. I am very lucky today, Mr Speaker, to have in front of me some material which enables me to answer that question. Ms Tucker, I too shall attempt to be as open and as straightforward with my answer as you were with your answer to Ms Horodny's question. It is very simple. What I hope to achieve with my legislation is, firstly, to make a shopowner place any type of publication that depicts on the cover nudity, sex, violence, cruelty or other revolting material in a special display rack, what we have called a blinder rack.

The main reason behind my wanting to do this, Ms Tucker, is very simple. I am trying to protect the rights of people who find this type of material offensive. It is one thing to allow businesses to sell this type of material, but it is not acceptable to force people who find this type of material offensive to have to deal with it. There has been a fair bit of publicity about my proposal over the last couple of weeks, and I would like to stress that it is not about censorship. As I have said, it is about protecting the rights of people who find it offensive not to have to deal with it. It is also about - - -

Mr Moore: Controlled availability.

MR OSBORNE: Mr Moore interjects that it is about controlled availability. I am loath to agree with him there. Secondly and more importantly, Ms Tucker, to me it is about protecting young people from having to view this type of material. It is an unfortunate fact that Australia is one of the few Western countries that allow the public display of material like this, especially pornography. In fact, in the United States a person can spend their whole life and not see any pornography at all if they choose not to. The sad thing in Canberra is that even our young people can see this type of material by walking into a supermarket, a petrol station or a newsagent. Basically, what I am trying to do here, Ms Tucker, is to protect the rights of people who choose not to have to view this type of material.

MS TUCKER: I ask a supplementary question, Mr Speaker. Thank you very much for that direct, clear and concise answer, Mr Osborne.

MR SPEAKER: No preamble.

MS TUCKER: In the newspaper this morning I noticed some concern that you were focusing more on sexually explicit material. Is it the case that you are in fact equally concerned about violent material?

MR OSBORNE: I thank Ms Tucker for that very pertinent question. I have to admit, Ms Tucker, that my initial reason behind this was the sexual side of it, but I am more than open to some input from people about the violence. The letter in the paper was about gun magazines and the violence depicted on their front pages, and I am more than happy to accommodate people's concerns about violence in the magazines. It is a very relevant issue at the moment.

ACTTAB - Employment Contracts

MR WOOD: My question is to Mr De Domenico, since he is responsible for the TAB. Has the Government accepted the policies of the H.R. Nicholls Society and is it now moving to require all ACT Government workers to sign individual contracts? If this is not the case, why is it that after the close of business tonight ACTTAB may be demanding that some of its employees sign individual contracts? I think there has been some media publicity about this today, and I am sure that the Minister will want the workers in the TAB to be treated the same as workers elsewhere in the ACT.

MR DE DOMENICO: I thank Mr Wood for his question. It is true that an enterprise bargaining agreement has been negotiated over the past two months. I am also advised that broad agreement has been reached between the parties, except for two minor issues relating only to casual staff. Those two issues are an increase for Sundays and public holidays above the \$29.64 per hour, which ACTTAB wished to have quarantined, and the introduction of a skill-based banding structure for new employees only, and I stress that. It should be noted that this will apply only to existing staff, who will be paid at the highest rate in the structure. ACTTAB hopes to have these minor issues resolved in the near future. I am aware that Prime, I think it is, has a story. I also point out that the Industrial Relations Commission has been advised and, obviously, if those two minor points cannot be settled by the two parties the umpire will decide.

MR WOOD: I ask a supplementary question, Mr Speaker. I thank the Minister for his answer. I am pleased with his assurance that there is not a cut-off point and a total demand tonight. I am concerned that he said "only casual staff". I think casual staff are no less important than anybody else. Will he give me that assurance?

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MR DE DOMENICO: Yes. As I said, Mr Wood, only casual staff are affected, and only new ones. The existing staff will be paid under the existing circumstances. Those two minor issues, I believe, will be resolved very shortly and, if not resolved by the two parties concerned, will be resolved by the umpire in the Industrial Relations Commission.

Mr Wood: And ACTTAB will not arbitrarily decide tonight?

MR DE DOMENICO: No.

Community Premises - Rent Increases

MS REILLY: Mr Speaker, my question is to the Chief Minister. A number of community organisations are concerned about the increase in rent they are going to be forced to pay for community premises. Will the Chief Minister state whether these organisations are expected to fund this increase from current grant funds, with the inevitable consequence that they will have to reduce services? Will she give the Assembly a guarantee that the rent increases for community premises will be funded, or are these organisations, which provide such vital community services, expected to cut their services to the people of Canberra?

MRS CARNELL: The Government has, I think, a very reasonable policy in terms of rent of ACT Government premises to community organisations. We have a figure of \$95 per square metre, which is well below commercial rates. I think that is a very appropriate approach from the Government. It means that community associations know very well what sort of rent they will be up for. In terms of any increases on top of \$95 per square metre, obviously those would be in line with CPI or on the basis of negotiation. We certainly have no ambition to put the figure up above \$95, except in line with the actual cost increases.

MS REILLY: I am quite sure that at \$95 per square metre they are below commercial rents, but some of them are below commercial standards as well. Chief Minister, do you expect the many self-funded voluntary organisations that provide recreation activities and enjoyment for large numbers of people in Canberra to pay these higher rents for premises which many of them have occupied for many years?

MRS CARNELL: The move to have, shall we say, a set-rate rent for community associations was actually started under the previous Government. The appropriate approach was, rather than to have some real inequity in the system where some community organisations were paying very little and some substantially more, to set a figure. It is very unfortunate that comments were made that this space is somehow substandard because, in almost all circumstances, that is simply not the case. A figure of \$95 per square metre is what we are aiming at. Certainly, in regard to space that is substandard, we are always willing to negotiate and have rents below that. For space that is up to scratch, and that is by far most of it, \$95 a square metre is, again, a long way below commercial rents or what associations would have to pay out in the market.

Capital Works Budget

MS FOLLETT: I have a question for Mr Moore in his capacity as chair of the Planning and Environment Committee. You have to be on your toes when you start these little stunts. My question relates to Mr Moore's earlier answer to a question in regard to the Government's failure to spend \$14.2m of its capital works budget, and I share Mr Moore's regret as to the jobs that that has lost the Territory. My question to Mr Moore is: Given your concern, why then do you agree with Mrs Carnell's proposal to use that \$14.2m to prop up her disastrous health budget? Is this not a position of gross hypocrisy?

MR MOORE: Thank you, Ms Follett, for that question; and a very good question it is. Ms Follett, unfortunately, it has been the practice of Chief Ministers in this place to use capital works budgets to cover losses made in other parts of the budget. The point the Planning and Environment Committee was trying to make in its Report No. 10 on capital works - there has even been another report since then; so a report, on average, almost once a month - was that this is an inappropriate way to act. What it means, effectively, is loss of jobs, and the practice ought to stop.

The choice for me, if I look at it, is whether I should change from one government to another government that has done the same thing or whether we should try to change the practice. What we have come down to, and it was a unanimous decision of the Planning and Environment Committee, is that we should change the practice. We recommend to governments that they use an appropriate method of ensuring that the moneys allocated to the capital works budget continue to go into capital works and do not wind up being used, as they have been used so many times, to cover up blow-outs in the recurrent budget.

MS FOLLETT: I ask a supplementary question, on a point of clarification, Mr Speaker. I ask Mr Moore: Was the answer to the second part of my question yes?

MR MOORE: No, there is no hypocrisy at all associated with that. As I tried to explain to you, the choice I have is between a government that got this wrong previously, of which you were Chief Minister, and a government that has got it wrong this time. This Government has at least said, "Okay, we recognise what your report has recommended and we will do something about it". Indeed, I presume that we would get exactly the same response now from the Opposition if they were in government, because I know that Mr Berry - who knows, he may well be the next Leader of the Opposition or the next Chief Minister; I would certainly be happy to vote for him at the appropriate time - will be keen to see that implemented, since he was a member of that committee.

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Service Stations - Closure

MR HIRD: Mr Speaker, my question is to the Minister for the Environment, Land and Planning and Minister for Consumer Affairs, Mr Humphries. Lately, there has been a lot of community concern, from both the small business fraternity and consumers in Belconnen, about oil companies' proposals to close down service stations and convert them to other uses.

Mr Berry: Who started that, Harold?

MR HIRD: I heard Mr Berry interrupt my question. As a matter of fact, he did not start it. Indeed, the Liberal Party did in 1991, so do not interrupt. Do not shoot the messenger, because it will upset you. The change of purpose is for new usage as shops, offices or housing. What is the Government doing to ensure that local communities retain access to the service stations in our neighbourhood? I further say, as Mr Berry interrupted, that he is always on about doom and gloom, but he never talks about what he is going to do for the small business person.

MR HUMPHRIES: I thank Mr Hird for his question, and I acknowledge his longstanding interest in the future of those service station owners in the Territory, particularly in his own electorate of Ginninderra, who have expressed their concerns about the trends in ownership and use of petrol station sites in the Territory. The Government has two aims in its approach on this question. One is to ensure that we have the most competitive petrol market we can possibly organise. The second is that we should ensure that people have reasonable access to petrol in their local community. That is why I would say, Mr Speaker, that - - -

Mr Berry: Mr Speaker, this question, I think, is out of order on two grounds. First of all, it anticipates debate, because there is a matter in relation to service stations on the notice paper, which I placed there. It also asks the Government to announce policy in relation to the matter, and I think that puts it out.

MR SPEAKER: Could you tell me where it is on the notice paper, Mr Berry?

Mr Berry: It anticipates debate clearly, Mr Speaker.

Mr Hird: On the point of order, Mr Speaker: I would draw your attention to standing orders 61 and 37; and, if you really want to go to the bottom of the barrel and take action, use standing order 202.

MR SPEAKER: There is no point of order. Mr Humphries, I would refer you to page 560 of the notice paper, motion No. 19.

Mr Berry: You can bring that on for debate and agree with it. That would sort the matter out.

MR HUMPHRIES: We already are.

MR SPEAKER: All I can ask is that you be aware of that, Mr Humphries.

MR HUMPHRIES: Mr Speaker, I am aware of it. My answer will not anticipate the debate, except that Mr Hird has asked about the policy of the Government that already operates in this area. With respect, I think it is important to be able to put it on the table. Mr Speaker, we have two aims. One is to ensure that people have access to a competitive petrol price market. The other is that people have access to places to buy petrol in their local community. So we share the concern Mr Hird has expressed to ensure that local service stations are not closed down. Other members have raised this concern with me, including Mr Berry.

I have met a number of operators in recent days and I am concerned about the position they are faced with. The fact is that petrol companies in a number of instances in this Territory are seeking to close the stations that those people operate and, it appears, move towards the redevelopment of some of those sites for other purposes. Mr Speaker, let me make it quite clear both to members of this Assembly and to the petrol companies themselves that the Government's policy is this: If the service stations have been issued with leases which require them to pump petrol and do ancillary things on those sites, the Government will ensure, unless there are very good reasons not to, that that is exactly what occurs with respect to those leases. We are not in the business, for the most part, of converting petrol stations into housing or shops or anything else if there is a viable petrol enterprise capable of being conducted from that site.

Those petrol companies which are seeking across this city to cash in their investment in those sites ought to be very well aware of one thing. If they wish to take steps down that path, they can evict their tenants if they want to; but, if they think we are going to smile sweetly and hand over a variation of their lease and give them something else on the site, they are very sorely mistaken. This Government believes that those businesses are viable, certainly the people who operate them believe that they are viable; and, in those circumstances, we intend to make sure that those sites continue to operate.

We have introduced legislation to prevent multisite franchising. What has happened with some of these sites, or is attempting to happen with some of these sites, is that effectively multisite franchising comes in via the back door. Instead of having one person operating several sites, you get direct control of the sites by the petrol companies evicting their present franchisees, giving you the capacity in the future to deal with that problem in some alternative way. Mr Speaker, if this Government can possibly avoid it, those companies will not get away with that tactic, and they should be on notice of that fact from today.

Kingston Foreshore

MS McRAE: Mr Speaker, I will attempt not to vex you or the Chief Minister too much in case she calls for your removal from the chamber. Yesterday the Chief Minister provided evidence that in May 1995 the Commonwealth was being approached to undertake the clean-up of the AGPS site on the contaminated land at Kingston which forms part of the Kingston foreshore site that she has swapped for Acton. That was the memo we received yesterday. But in March, when the land swap was being made public,

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the contamination of the entire Kingston foreshore site was already well known and was being discussed by public officials. Can the Chief Minister confirm that the discussion about the clean-up at the AGPS site - the memo she gave me yesterday - is what she was referring to in her press release of 7 May this year, which I also quoted from yesterday? It says:

We can no longer afford to sit on our hands and do nothing in the face of a major economic challenge. We have already commissioned a study to find if there is contamination on the Kingston site and it has been clear from the start that any cleanup would be a matter for further negotiation with the Commonwealth.

Can the Chief Minister confirm that it is this memo she is referring to when she talks about discussions from the start?

MRS CARNELL: Mr Speaker, discussions obviously have been under way on all sorts of aspects of the Acton-Kingston swap. I might, for Ms McRae's edification, quote from the self-government Act, the ACT (Planning and Management) Act 1988, to help her just a little with this whole discussion issue. It says in section 51:

- (1) The Commonwealth shall indemnify the Territory, and keep the Territory indemnified, against any action, claim or demand brought or made against the Territory in respect to any act done or omitted to be done by or on behalf of the Commonwealth, being an action, claim or demand that, apart from this Act, could be brought or made against the Commonwealth.
- (2) The indemnity extends to damages, expenses and costs arising from, connected with or consequential upon such an action, claim or demand.

As that self-government Act makes it quite clear that the Commonwealth does have to indemnify the Territory for any toxic wastes, for any contamination that they have caused or put there or that might have been there while the Commonwealth was in charge, it is clear that negotiations are obviously going on with regard to that issue. I think it makes it very clear. It is actually in legislation, Mr Speaker.

MS McRAE: Mr Speaker, I am sorry; I want the first question answered. The question I asked was: What discussions were there?

Mr Hird: Preamble, Mr Speaker.

MR SPEAKER: Order!

MS McRAE: Mr Speaker, it is quite unfair to be lectured at. I want an answer.

Mr Hird: Preamble, Mr Speaker. You are running the place, not she.

MR SPEAKER: Order, Mr Hird!

Mr Hird: Well, she is running the place, or makes out that she is.

MR SPEAKER: Would you mind asking that question again, Ms McRae? I did not hear it.

MS McRAE: Mr Speaker, I did promise not to be vexing, but there is a very clear intent in my asking this question. I will ask my supplementary question and perhaps it will be made clearer. The answer has still not been provided. Does the Chief Minister believe that this policy is one to be followed by all her Ministers, that is, that statements making clear implications which are not verifiable by any evidence are an acceptable form of public comment? That is at the heart of what I am asking.

MRS CARNELL: Mr Speaker, I still do not quite understand the question. Quite clearly, yesterday I tabled the minute, which made it very clear that discussions had been going on since last May with regard to the AGPS site. To my knowledge, the only area where any work has been done to assess contamination is that site, which makes it clear that that is the only one we can be negotiating at this stage. We also made it clear that we wanted to go ahead with a full look at what contamination might be on the site. We fully accept that there may be some contamination on the ACTEW site, and I can promise you that that is going to be our responsibility because it is our site now. The areas that are of contention here are the ones that belong to the Commonwealth, not the ones that belong to the ACT.

The legislation makes it quite clear that the Commonwealth has a responsibility to indemnify the ACT for any contamination that may be there or become involved. I will make it quite clear. It means that the Act really shows that any contamination would need to be the subject of negotiation between the Commonwealth and the ACT.

Mr Moore: I raise a point of order, Mr Speaker. Standing order 117(c)(iii) suggests that questions shall not ask for a legal opinion. In this case, when the Chief Minister is talking about ACTEW not coming under the self-government Act, one has to wonder whether ACTEW was indeed part of the Commonwealth.

MR SPEAKER: No, the Chief Minister did not say that. The Chief Minister did not indicate that ACTEW was not under the Act; far from it. There is no point of order.

MRS CARNELL: Thank you very much, Mr Speaker. In fact, I made that very clear. The ACTEW site would be a responsibility of the ACT Government, as we see it. The AGPS site and others would be the responsibility of negotiations with the Commonwealth. We will also be interested in negotiating with the Commonwealth the whole issue of contamination on the site, it is quite clear. It seems that those opposite yet again want to stop anything that is likely to create jobs in this place. I find it fascinating that comments continue to be made about redundancies and about all the rest of these issues that would and do cause very real problems in this place. It may be seen that this Assembly is not in the business of creating jobs, that this Assembly does not want to get on with programs that can be so important to this city. The Kingston foreshore swap is one of those.

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

ACTON-KINGSTON LAND SWAP

MR BERRY: Mr Speaker, I seek leave to move a motion in relation to a debate over the Kingston-Acton land swap which was held yesterday and, furthermore, in relation to letters which were discussed in the course of that debate.

Leave not granted.

Suspension of Standing Orders

MR BERRY (3.29): Mr Speaker, I move:

That so much of the standing orders be suspended as would prevent Mr Berry from moving a motion in relation to the Kingston/Acton land swap and in particular letters referred to yesterday by Mrs Carnell (Chief Minister).

Mr Speaker, I have sought to suspend standing orders on this matter because it has become an issue so serious as to warrant further disclosure. Yesterday we called on the Chief Minister to provide letters which had changed hands - with the Commonwealth, one presumes - last year. Mrs Carnell made a point of saying:

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.

Now, Mr Speaker, we do have *Hansard* in front of us, and it is very clear that Mrs Carnell referred to letters that changed hands. I seek to move a motion to require Mrs Carnell to provide those letters.

MR HUMPHRIES (Attorney-General) (3.31): Mr Speaker, the issue here, once again, is not so much whether or not letters ought to be tabled as whether motions of this kind should be moved from the floor without notice when notice could easily have been provided. I can well recall Mr Berry being extremely indignant - in fact, refusing leave - on previous occasions when motions have been moved, papers have been presented or leave has been sought to make ministerial statements in circumstances when notice had not been given. Mr Berry raised this issue yesterday. It would have been perfectly easy for him to have indicated to Mrs Carnell today, either in a question or otherwise, "I require this information in a certain form".

Ms McRae: She did not answer my question, for heaven's sake.

MR HUMPHRIES: That is your opinion, Ms McRae.

Ms McRae: The question was asked.

MR HUMPHRIES: I know that it was asked, but the fact is that if you do not like the way the answer was given - - -

Ms McRae: The question asked for the letters.

MR HUMPHRIES: Mr Speaker, if those opposite do not like the way in which these things are done, they should give proper notice and have the debate conducted within the light of a motion we can all see. We have not seen Mr Berry's motion. Presumably, he has it there in front of him. Presumably, it was drafted some time ago.

Mr Berry: No, I have not even - - -

MR HUMPHRIES: What? You have not drafted it yet?

Mr Berry: I moved to suspend so much of standing orders as would prevent me from moving a motion in relation to this matter.

MR HUMPHRIES: That is right. Where is the motion?

Mr Berry: You will hear it as soon as we suspend standing orders.

MR HUMPHRIES: That is it, Mr Berry. Again we have been told that you want to suspend standing orders in order to move a motion that we are not allowed to see yet. As a matter of principle, I object to that. We should be able to see this motion before we go to the stage of this sort of debate.

MR BERRY (3.33), in reply: The motion is extremely simple, and I am sure that Mr Humphries's intelligence is quite capable of grasping it. The motion that I intend to read is: That Mrs Carnell be required to table the letters which she referred to in her response in question time yesterday. I think even you understand that, Mr Humphries. Mr Speaker, this is an issue which has been afoot at question time for the last couple of days in this Assembly. It is something which has been the subject of an inquiry in which certain answers have been given about which certain impressions have been created by the Government. It is time that all the facts came out so that we fully understand exactly what is going on. That is why I sought leave to move this motion in the first place, and that is why I am forced now to move a motion to suspend so much of standing orders as would prevent me from moving the motion. I urge members to support the motion.

Mrs Carnell: Now I have *Hansard*.

Mr De Domenico: The uncorrected proof *Hansard*, for heaven's sake.

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Ms McRae: Big deal! Big deal!

Mr De Domenico: Big deal? It is disgusting that you as an ex-Speaker should say that.

MR SPEAKER: Order! Mr De Domenico, the same question has been exercising my mind.

Mr De Domenico: It is based on the uncorrected proof *Hansard*, which we did not have, for heaven's sake.

Mr Wood: We all get them at the same time.

MR SPEAKER: We do, but they are uncorrected proofs.

Ms McRae: For heaven's sake! The Chief Minister herself said it yesterday. If she cannot remember what she said, come on!

Mr Kaine: On a point of order, Mr Speaker: I submit to you that if the member opposite wishes to address you she should get to her feet to do so, not sit there and snarl at you.

MR SPEAKER: I am concerned about this question of it being an uncorrected proof.

Mrs Carnell: Mr Speaker, I am happy to table, because I believe that it would - - -

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

Mrs Carnell: I am sorry. I am on my feet.

Mr Berry: There is a question before the house. It should either be ruled out of order or be voted on. The Chief Minister is not running this chamber. You are, sir, and there is a set of standing orders.

MR SPEAKER: I am examining this question.

Mr Stefaniak: I raise a point of order, Mr Speaker. The Chief Minister got about five words in. She was saying something about tabling a letter when Mr Berry got up and interrupted her. I ask that the Chief Minister be allowed to finish what she is saying.

MR SPEAKER: I am concerned about the fact that what is being used here is an uncorrected proof copy. If the Chief Minister - - -

Mr Berry: I raise a point of order, Mr Speaker. That is of no relevance. There is a question before the house, and it ought to be ruled on and it ought to be voted on.

Mrs Carnell: Mr Speaker, I rise on a point of order. I table the letter I referred to yesterday.

Mr Berry: Mr Speaker, that is not a point of order.

MR SPEAKER: You do not need leave to do that.

Mr Berry: Mr Speaker, the motion should be put, and if Mrs Carnell then wants to table the letters it will be a matter of record.

Mr De Domenico: Play politics again. Go on, play politics. How petty can you get?

Mr Berry: No; I want the motion put.

MR SPEAKER: I will put the motion. The question is: That the motion for the suspension of standing orders be agreed to.

A vote having been called for and the bells having been rung -

Mr Moore: Mr Speaker, I seek clarification. Has the Chief Minister tabled a letter or has she not tabled a letter?

Mrs Carnell: I think I have.

Mr Moore: I am not asking you; I am asking the Speaker.

MR SPEAKER: I am advised by the Clerk that, whilst the Chief Minister wants to table, she has not had the opportunity yet because we have to get this motion out of the way first. Is that clear?

Mr Moore: Thank you, Mr Speaker. That does make a difference.

Question put:

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

The Assembly voted -

AYES, 10

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

NOES, 7

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

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

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Papers

MRS CARNELL (Chief Minister): Mr Speaker, I table the letter that was referred to yesterday.

Mr Berry: Mr Speaker, on the basis that Mrs Carnell has tabled letters - - -

MR SPEAKER: Is this a point of order, Mr Berry?

Mr Berry: I will speak in support of the motion. I will speak to my motion, Mr Speaker. I am the only person who can really speak.

MR SPEAKER: You will have to move the motion. So far, all we have voted on is the suspension of standing orders.

Motion

MR BERRY (3.41): Mr Speaker, I move:

That Mrs Carnell (Chief Minister) be required to table letters she referred to at page 61 of the proof *Hansard* yesterday.

Mr Kaine: Mr Speaker, surely since the Minister has already performed the action that the member is seeking, his motion is out of order.

MR BERRY: Mr Speaker, if I may speak to the point of order, the fact of the matter is that standing orders have been suspended to allow a certain course of action in this chamber, and that is all that can happen. I have moved the motion. I am prepared to withdraw it on the basis that the documents Mrs Carnell claims to be the letters she referred to yesterday have been tabled.

Motion, by leave, withdrawn.

MINISTERIAL ARRANGEMENTS

Paper

MR HUMPHRIES (Attorney-General): For the information of members, I present the *Gazette* notice dated 12 April 1996, relating to the allocation of a new ministry in the First Carnell Ministry, which was published in *Gazette* S70 of 17 April 1996.

LAND (PLANNING AND ENVIRONMENT) ACT LEASES

Papers and Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): I present the schedule of lease variations and betterment payments for the period 1 January 1996 to 31 March 1996, which includes, pursuant to the Land (Planning and Environment) Act 1991, the schedule of leases granted in the quarter ending March 1996, and I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: I thank members - not that there are many here. Mr Speaker, the Land (Planning and Environment) Act 1991 requires that there be tabled in the Assembly a schedule of leases that were issued by direct grant during the quarter. The schedule I now table covers leases granted for the period 1 January 1996 to 31 March 1996. I am also tabling two other schedules in relation to variations approved and betterment payments for the same period. Mr Speaker, I would ask for a little bit of order in the house. I do not believe that those opposite are listening.

MR SPEAKER: Order! I remind members that the lobbies, not the chamber, are available for lobbying.

Ms Follett: Try to be more interesting, Gary.

MR HUMPHRIES: I will remove items of clothing to attract some attention in future. Mr Speaker, when I tabled these documents on the last occasion, at the end of the last quarter, the point was made, I think by Mr Wood and by Ms McRae, that this was not in fact a new initiative with respect to the tabling of betterment payments but rather a hangover from the previous Government. I would like to inform members that in fact previous schedules which have been tabled in the Assembly consisted of a schedule of leases granted by direct grant and a schedule of variations to leases approved during any given quarter. The schedule which I have tabled this quarter and that which I tabled last quarter refer to the amount of betterment payment. A schedule in this form was tabled for the first time on 27 February 1996. Mr Speaker, this is new information not previously available to the Assembly in this form. A record of new leases and applications to vary crown leases is available for public inspection at my department's shopfront at John Overall Offices in Braddon.

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ENERGY MINISTERS MEETING
Ministerial Statement

MR DE DOMENICO (Minister for Urban Services): I ask for leave of the Assembly to make a ministerial statement on the Energy Ministers meeting of 9 May 1996.

Leave granted.

MR DE DOMENICO: Mr Speaker, reform of the energy sector is fundamental to the economic wellbeing of Australia and of the ACT. Estimations are that the benefits of reform in the energy sector are more than double those expected from national telecommunications reform and four times those expected from the reform of Australia's rail industry.

Mr Speaker, reforming the electricity industry is a crucial part of energy sector reform for all Australian governments. Members will be aware that there have been a series of agreements made by the heads of Australian governments on the development and implementation of a competitive national electricity market as part of national micro-economic reforms. The importance of electricity reforms for Australia's economic growth and international competitiveness is recognised. As a consequence, the National Grid Management Council was established to guide the reforms in the electricity industry. The National Grid Management Council has pursued the complex task of developing a framework for a competitive national market and of developing a national electricity code to govern the market.

It is appropriate here for me to repeat the objectives of the national electricity market: The market should be competitive; customers should be able to choose which supplier - (including generators, retailers and traders) - they will trade with; there should be non-discriminatory access to the transmission and distribution wires; there should be no discriminatory legislative or regulatory barriers to entry for new participants in generation or retail supply; and there should be no discriminatory legislative or regulatory barriers to the interstate and/or intrastate trade of electricity.

Parallel to the national market process, and to give effect to the market objectives, jurisdictions have pursued major structural reforms within their electricity supply industries. Members will be aware of the massive changes that have occurred in Victoria. In New South Wales we have seen the break-up of Pacific Power's generation capacity and the creation of new electricity distribution and retail business across the State. Also highly relevant for the ACT have been moves towards corporatisation of the Snowy Mountains hydro-electric scheme.

Structural reform around Australia has already produced marked efficiencies and has already delivered competitive electricity prices. The ACT has responded to these trends by the corporatisation of ACTEW, achieved in July 1995. Corporatisation has allowed the Government to put ACTEW in a position to participate successfully in a competitive market. Our corporatisation policy provides a fine example of the structural and micro-economic reforms that should and will be undertaken in other areas of government activity - reforms that will benefit Canberra's consumers, reforms that will underline the Government's customer commitment programs.

Mr Speaker, the Government firmly believes that the electricity market, together with the success of our corporatisation of ACTEW, will deliver even more competitive electricity prices to Canberra consumers, both residential and business. There is no doubt that, even in the very short term, the efficiencies that corporatisation is delivering to ACTEW will put the corporation in a position to keep electricity price increases to an absolute minimum and to offset the impact of the corporatisation of the Snowy scheme. There have been some comments from parts of the community that the pace of the reforms has been too slow. I would comment, however, that the structural changes I have already mentioned are in themselves quite substantial.

In addition to these changes, however, I am very pleased with the outcomes of the Energy Ministers meeting held in Adelaide last week. The ACT, along with New South Wales, Victoria, South Australia and Queensland, is now on track for the introduction of the national electricity market. At the meeting, Ministers agreed to sign an intergovernmental agreement that commits our governments to introducing legislation to support the application of the national electricity framework. We agreed that this legislation would aim to ensure uniform legislative controls to the maximum extent possible. If we are to have the benefit of trade across borders - allowing ACTEW, for example, to source its power from Victoria if the price is right there - this legislation is essential. A Bill will be introduced into the South Australian Parliament shortly. Complementary legislation for the ACT should be ready for introduction by early spring.

At our meeting, Mr Speaker, we also signed the documents necessary to establish two companies crucial to the operation of the competitive market - namely, the National Electricity Market Management Co., NEMMCO, and the National Electricity Code Administrator, NECA. NEMMCO will be charged with managing the market on a commercial basis. It will, among other things, match buyers and sellers of electricity. NECA will administer the code of conduct for the industry. Its functions will include dispute resolution and arrangements for facilitating changes to the code when these are found to be necessary. Mr Speaker, the two companies provide a framework for the electricity industry to operate at arm's length from government control. The national code is now being finalised, following an extensive public consultation process undertaken by the National Grid Management Council. Consultations were held in the ACT in April this year. It will then be submitted to the Australian Competition and Consumer Commission for authorisation as a market conduct framework and for the commission's acceptance of access undertakings.

As I have already noted, Mr Speaker, the ACT, Victoria and New South Wales are now poised to achieve an early start for interstate trade in electricity. The Ministers decided that we wished to achieve the benefits of interstate competition at the earliest possible date. We were conscious that the full range of systems for the national electricity market would not be ready until some time next year and that implementation of the national electricity code must await approval by the Competition and Consumer Commission.

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What we have decided, however, is that the jurisdictions will work together to harmonise current systems and the existing State codes used for the electricity industry. New South Wales has very recently achieved a State electricity market. By agreement with the New South Wales Government, ACTEW is a participant in that market. An early start for interstate electricity trading, in which ACTEW will be able to buy at the best possible price instead of being tied to its traditional suppliers, is an exciting step forward for the ACT. We hope to announce an actual start-up date soon.

One crucial feature of the national electricity market approach is that customers will be able to choose which supplier they will trade with. Members will be aware that the retail market in Victoria, at least for large customers, has already been opened up. The New South Wales Government is proposing to make its program for deregulation known soon. For the ACT, what we are moving towards is a situation in which ACT customers, both large and small, will have the opportunity to buy their electricity from ACTEW, from another retail company or even from a generator direct. Conversely, ACTEW will be able to operate as a retailer in other participating jurisdictions. Given community concerns with telecommunications deregulation, I want to make it clear that the framework for the national electricity market involves access to ACTEW's wires for other retailers at a fair, regulated price. It will not involve duplication of wiring.

Our aim, Mr Speaker, and that of other governments, is for all customers to eventually have a choice. We are required to move to a deregulated market by the year 2001, and we will do it in an orderly and managed way to ensure that all potential participants are comfortable with the new arrangements. In the meantime, however, the interests of smaller domestic and business users will be well protected by the implementation of independent pricing oversight in the ACT. Mr Speaker, major changes are afoot in Australia's electricity supply industry, and the time for implementation of a competitive national electricity market is now approaching. I am very pleased with what we have been able to achieve in the last 12 months in moving towards a better electricity industry. I am confident that the pro-competitive reforms will be of benefit to all Canberrans. I present the following paper:

Energy Ministers Meeting of 9 May 1996 - ministerial statement,
15 May 1996.

I move:

That the Assembly takes note of the paper.

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

COMMONWEALTH GOVERNMENT'S INDUSTRIAL RELATIONS REFORMS Ministerial Statement and Paper

MR DE DOMENICO (Minister for Urban Services and Minister for Industrial Relations): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on the Commonwealth Government's industrial relations reforms.

Leave granted.

MR DE DOMENICO: Mr Speaker, I should like to report to the Assembly on the special meeting of the Labour Ministers Council which was held in Melbourne on 29 March. I represented the ACT Government at the meeting. The meeting was dedicated to consideration of the workplace relations legislation package being developed by the Federal Government following its election in March. The focus of the meeting was on those elements of the Federal Government's package where harmonisation with State industrial relations arrangements is required. Thus the matters discussed included unfair dismissal, coverage of State public sector employees, the relationship between workplace agreements in areas of Commonwealth power and those covered by State law, measures to promote freedom of association, and administrative arrangements for efficient service delivery.

Assembly members will be aware that there is no State-type system of industrial awards and agreements in the ACT. The Federal Industrial Relations Act applies directly in the ACT. To give effect to its legislative reforms, it is the intention of the Commonwealth to draw on the Territories power in the Constitution as well as other powers. Thus no complementary action is required in this jurisdiction to ensure that all employers and workers are covered by the new arrangements for handling unfair dismissals or for negotiating workplace agreements. The Carnell Government has no problem with this. Application of the Commonwealth system of industrial relations in the ACT means that the legislative framework, and the rights and duties of workers and employers here, are the same as for the rest of Australian industry, and for the Australian work force, where Federal law and Federal awards apply.

It is not in the interests of the ACT to establish our own separate industrial relations system and to duplicate industrial relations tribunals. Rather, as a matter of principle, there could be benefits in the national interest in seeking to move to a single industrial relations system for Australia. Assembly members will recall that this proposal was recently raised by Jeff Kennett, the Premier of Victoria. The Victorian Labour Minister did not attend the special meeting of the Labour Ministers Council, because the Victorian Government was then in caretaker mode pending the State election. I note, Mr Speaker, that the Kennett Liberal Government was handsomely re-endorsed at that election.

I raised at the council meeting the desirability in principle of looking at the potential for working towards a unitary system. I have to say that a number of my State colleagues were not very enthusiastic. However, the Commonwealth Minister, Peter Reith, readily accepted that a big step towards a single system for Australia would be a nationally consistent and more user-friendly system. Progress towards achieving harmonisation between the Commonwealth and State systems would mean a significant advance towards more rational industrial relations arrangements in Australia.

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The various reforms now being proposed by the Commonwealth are all consistent with the ACT Liberal Party's policy on labour relations. Some aspects of that policy which will be given effect through the new Federal legislation are: Devolving responsibility for resolving local industrial problems to the workplace - in the first instance it will be the responsibility of employers and employees to resolve their own disputes if possible; encouraging a more flexible and less centralised industrial relations system; creating an industrial relations system based on voluntary agreements that will sit side by side with the system of industrial awards; and enshrining in legislation the individual freedom to associate and not to associate, while fully accepting that, as voluntary associations, trade unions and employer organisations have an important and legitimate role in the ACT economy.

Mr Speaker, there is no doubt also that the reforms proposed will have the support of industry. Business, particularly small business, should find the new system for handling unfair dismissals much less threatening. The present disincentive on taking on new employees will be greatly reduced, to the benefit of ACT job seekers. Similarly, the system of Australian workplace agreements is designed to be much more user friendly than the current requirements for enterprise flexibility agreements. These requirements were designed more to protect union power and influence than to encourage workplace reform and innovation.

The broad agreement on the way forward which was reached in the special meeting of the Labour Ministers Council is reflected in the communique which was issued at its conclusion. I table a copy of the communique, for the information of members. As indicated in the communique, there have been further meetings between officials to develop further the areas on which Ministers reached broad agreement. I commend the new Commonwealth Minister, Mr Reith, on his readiness to consult on the details of his proposed new legislation. I also commend all my State and Northern Territory colleagues, including my colleague from New South Wales, on the strong cooperative spirit they have shown and the collective endeavour to create, across Australia, industrial relations arrangements which are consistent and provide a fair go all round.

As I said earlier, Mr Speaker, the Federal Industrial Relations Act applies directly to employers and workers in the ACT. I have kept the Industrial Relations Advisory Council informed of the Labour Ministers Council discussions. There are a number of other aspects of the Commonwealth's proposed legislative package, beyond the areas I mentioned that require cooperation by the States, which could affect the conduct of industrial relations in the ACT. Mr Speaker, the ACT Government, as an employer, has learnt only too well over the past months the difficulties and impediments in relation to the limited range of responses available to employers, in the context of protected action associated with enterprise bargaining, in the Act as it was drafted by former Minister Brereton at the dictation of the ACTU. We have already put the new Commonwealth Minister on notice about the deficiencies and will be pursuing desirable reforms as the legislation is developed.

Mr Speaker, the Commonwealth Minister has made a commitment to provide the States and Territories with an exposure draft of the proposed Bill in advance of it being introduced into the Commonwealth Parliament. He is on the public record as wishing to introduce the legislation in this parliamentary session. I should like to tell Assembly members how pleased I am with the emerging spirit of cooperation in industrial relations following the election of the Federal coalition Government. Greater cooperation, consistency and clarity between Commonwealth and State industrial relations jurisdictions will make a significant contribution to improving the efficiency and productivity of Australian business. (*Quorum formed*) Making the negotiation and completion of workplace agreements between employers and their direct employees easier will encourage reform and innovation to maximise competitiveness, while giving full regard to the needs and aspirations of workers. Mr Speaker, I present the following paper:

Commonwealth Government's Industrial Relations Reforms - ministerial statement, 15 May 1996.

I move:

That the Assembly takes note of the papers.

MR BERRY (4.00): Mr Speaker, amidst all the rhetoric, read "less wages and conditions for workers", "a weaker negotiating position" and all the stuff and nonsense that comes from the H.R. Nicholls Society. Read also "the CRA approach to industrial relations". They and the H.R. Nicholls Society see unions as not being part of the picture. They believe that unions should not be part of a management-employee relationship. That is the position that the Liberals are coming from. Do not deny it. You are not fooling anybody.

Mr De Domenico firstly talked about unfair dismissal. He would make it more sensible, more flexible, easier for small business. Read "Workers will find it harder to prove that they have been wrongfully dismissed". Mr Speaker, we are in an age when jobs are the most important issue. I must refer to the dismal performance here in the ACT by the Carnell Government on jobs. I feel compelled to mention it because of the 2,300 extra people on the unemployment list under the Liberal Government. Since Mrs Carnell came to office more and more people have been unemployed, and rates showing the percentage of the population unemployed have been spiralling upwards. Let us not deny those facts. Mr Speaker, in this sort of a climate, strong unfair dismissal laws are extremely important. How else can a person of non-English-speaking background defend themselves if you do not have the strongest unfair dismissal laws? This is the H.R. Nicholls Society and CRA at work. Is it any wonder that CRA got an \$11m handout from this Government?

The rhetoric on freedom of association means less union power, which means weaker workers, because they are not able to organise as efficiently. This Government and all of their Liberal colleagues around this country are on the H.R. Nicholls band wagon. Let us not deny that. Mr Speaker, what the Liberals argue is that they now have a mandate to weaken the position of workers. They do not. Level-headed people around this country believe in the - - -

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Mr De Domenico: You are in a league of your own called the loony Left. That is what Graham Richardson says - "the loony Left".

MR BERRY: There are level-headed people around this place. Mr Speaker, I think that interjections like "loony Left" in this place are unparliamentary. I do not mind my political position being established, but I do not like being referred to as a lunatic. One's mental state is not up for debate.

MR SPEAKER: Mr De Domenico was not referring to an individual. He was referring collectively.

MR BERRY: I ought to expect that from you, Mr Speaker.

MR SPEAKER: Now, now!

Mr Humphries: I rise on a point of order, Mr Speaker. Mr Berry knows that he must resume his seat, because he always plays by the rules, remember. If Mr Berry wishes to cast aspersions of that kind on the Speakership, then obviously he erodes the position of leadership which you enjoy in this house. I would ask, therefore, that he withdraw that quite uncalled for and unparliamentary comment.

MR BERRY: I said that I would expect that from the Speaker.

MR SPEAKER: Would you withdraw the imputation, Mr Berry?

MR BERRY: If you think there is an imputation, Mr Speaker, I withdraw it.

MR SPEAKER: Thank you.

MR BERRY: But I would also say, Mr Speaker, that it was a grossly unfair ruling from you that people in this place should be able to refer to the mental state of one of the other members.

Mr De Domenico: On that point of order, Mr Speaker: I just repeat what I said. I said what ALP Senator Graham Richardson said. For the edification of Mr Berry, I quote what Senator Graham Richardson said. He said, "Castro is still spoken of in heroic terms by people known and feared throughout Australia as the loony Left". They were the words of Senator Graham Richardson.

MR SPEAKER: Mr Berry, Mr De Domenico referred to the loony Left. He did not refer to any individual. Had he done so, that would have been unparliamentary and I would have called upon him to withdraw. We all know that words such as "hypocrites" and all sorts of other terms are thrown across this chamber. If applied to an individual, they must be withdrawn, but not if they are applied collectively.

MR BERRY: We can do without the narrative.

MR SPEAKER: Order! Was that a reflection on me? If that is the case, you will withdraw it immediately.

MR BERRY: I withdraw it.

MR SPEAKER: Thank you.

Mrs Carnell: Mr Speaker, you may have solved the problem; but, referring to a ruling of yours, Mr Berry made a comment which I suggest would be regarded as grossly disruptive in this place and would be actually a basis for being evicted.

MR BERRY: I withdraw it, whatever it was.

MR SPEAKER: Mr Berry, did you make any reference against my ruling?

MR BERRY: I accept your rulings. I always do, Mr Speaker - sometimes through gritted teeth, but I do accept them. I do not have to agree with them, Mr Speaker, but I accept them.

MR SPEAKER: That is perfectly in order.

MR BERRY: I withdraw any imputation. Mr Speaker, the Goebbels-speak that comes from the mouths of those people who support the policies of the H.R. Nicholls Society is more than most people can bear, but for it to be echoed in this place is unforgivable. The people of the ACT did not elect a majority of people in this place to take the approach that you are taking in relation to industrial relations for the ACT. Michael Moore, the Greens, Paul Osborne and the Labor Party were not elected on the basis of what they would do to unions. If you few people think that you will get away with riding roughshod over trade unions and workers in the ACT, you have another think coming. Mr De Domenico talks about a more rational system of industrial relations. Read "rational" as "weaker workers' position". That is what Mr De Domenico means.

I refer again to an article which I referred to in question time today. Mr Stephen S. Roach from Morgan Stanley has admitted that he was wrong on the - - -

Mr De Domenico: On a point of order, Mr Speaker: I suggest that under standing order 58 members shall not digress from the subject under question. What Mr Morgan Stanley, or whatever his name is, from the United States said in the *Canberra Times* today or yesterday, I respectfully suggest, has nothing to do with the Labour Ministers conference held in Melbourne in March.

MR SPEAKER: I uphold that point of order.

MR BERRY: Mr Speaker, I wish you would let me read what Morgan Stanley said first, before you make the ruling. It is in relation to this very matter, Mr Speaker.

Mr De Domenico: What - in relation to the Labour Ministers conference?

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MR BERRY: It is in relation to workers' wages and conditions. Workers' wages and conditions have a lot to do with industrial relations policy in this country, Mr Speaker. This was a meeting of Industrial Relations Ministers. I think that what Mr Roach said in relation to wages and conditions is entirely relevant.

MR SPEAKER: I will listen to you, but - - -

MR BERRY: Yes, please do, Mr Speaker. Mr Roach said that the days of cutting should be over; that what we should be aiming for is growth rather than cutting the guts out of wages and working conditions. He said:

Tactics of open-ended down-sizing and real wage compression are ultimately recipes for industrial extinction.

That is the point that I make in relation to the Liberals' policy on industrial relations. They are about weakening the position of working people in this country to a point where they can bring wages down so that they can improve the bottom line. I think experts throughout the world are coming to the realisation that that is not the way forward. These troglodytes opposite, of course, would not - - -

Mr De Domenico: On a point of order, Mr Speaker: I suggest that, if you were to rule that the word "loony" was unparliamentary, perhaps you might want to rule that the word "troglodyte" is the same.

MR SPEAKER: I did not rule that the term "loony Left" used collectively was out of order. I will not rule that "troglodytes" used collectively is either. Continue, Mr Berry, but be careful.

MR BERRY: These relics of a bygone era opposite are clearly out of touch and are more interested in the confrontation with the workers movement than they are about sensible management in this country. I think Mr De Domenico's diatribe which he gave by way of a ministerial statement today should worry most working people out there. Mr De Domenico has automatically endorsed an approach to industrial relations in this country which will be about weakening the position of workers and cutting their wages and working conditions in real terms.

Mr Speaker, nobody can sit idly by and allow that to happen without comment. Nobody can be less than passionate about the issue. If Australia is about anything, it has been about fair play in the workplace and a balance of power in the workplace so that wages and working conditions, particularly the social wage, are maintained in this country. Indeed, wages, working conditions and social justice are an important feature of this country's history. Mr Speaker, I heard you say on radio the other day that social justice was not one of your strong points or was not something that you particularly supported, but I say to those Liberals opposite that social justice is something that has developed in this country. It has developed, in many ways, with the support of the workers movement.

Whether companies such as CRA like it or not, the union movement has performed an important part in that process. Whether the Liberal Party likes it or not, the union movement will continue to do that. When they come out with a whole diatribe on the issue of unfair dismissal, claiming that, if they weaken the unfair dismissal laws, more people will employ workers, that is a whole host of rubbish. Are you saying to us that they will take on workers because they are easier to sack? What a stupid suggestion!

The fact of the matter is that the unfair dismissal laws in this country have become necessary because of the growing importance of job security, whatever you say about the rhetoric. For people from a non-English-speaking background particularly, strong unfair dismissal laws are important. They are also important in those areas where there is unskilled labour or transient labour, and it is most important that they be maintained. The nonsense about the cause of unemployment having something to do with unfair dismissal laws was a fairy tale. Those who try to continue with that argument, Mr Speaker, earn no respect, because it has no basis in logic. It is merely a fairy tale.

Mr Speaker, what we have heard from this Minister opposite is his fascination with the H.R. Nicholls style of industrial relations, the style that CRA has adopted - the same CRA that was given a \$11m handout by this Government opposite. Mr Speaker, nobody can afford to sit idly by and allow these sorts of things to occur without some sort of comment. I suspect that we are heading into a period of industrial relations which we will not welcome, if Mr Howard has his way. Let us not forget that Mr Howard has not changed. He is still the same person as he was in the days of Malcolm Fraser. There has not been a single change.

Mr De Domenico: Have a look at what the Australian people thought of him.

MR BERRY: The Australian people were hoodwinked. Mr Speaker, I think these policies of the Federal Liberal Government which have been endorsed, I suspect, by the Government opposite will begin a period of great difficulty for workers in this country, and they must be resisted.

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

MR HUMPHRIES (Attorney-General) (4.15): Mr Berry used the word "troglodyte". "Troglodyte" implies to me someone who lived a long time ago, in an age when people dwelt in caves. If ever that description was apposite to the man using it, that man has to be Mr Berry. A man who goes to Cuba for his holidays is here lecturing us about being up with the real world, about living in an age when we can deal with modern problems. Mr Speaker, Mr Berry and his colleagues - Mr Berry is running away now, as he always does when he gets attacked - are the only people in Australia, and let us be clear about this, who believe the rhetoric we have just heard. When I say "the only people", I do not mean compared with just other governments. Even Labor oppositions around the country do not believe that rhetoric anymore.

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Listen to what Mr Berry had to say. He spoke about the workers' industrial organisations, the right to organise and to conduct industrial action, the need to maintain strong unfair dismissal laws, and so on. It has all been passed by, Mr Speaker. The people of Australia indicated in recent elections, elections that produced eight non-Labor governments out of nine in this country, that they see the world changing very rapidly; but, putting that to one side, on 2 March, in the most recent election, they indicated with resounding clarity that the Federal industrial relations policy which had been characteristic of the previous Government of 13 years was not the way that they wanted industrial relations to be conducted in the future. Mr Berry's profound wisdom concludes that, of course, the Australian people made a mistake on 2 March; they got the wrong answer. Perhaps we can have an electronic voting system such as they have in the United States, and if you press the wrong button you can get an electric shock and a message saying, "No, sorry, that is the wrong answer. You have to vote Labor to get the right answer".

Mr Speaker, Mr Berry made reference to Mr John Howard, the Prime Minister, saying that he has not changed much since the days of the Fraser Government. I will tell you how he has changed. Today he enjoys the highest level of popularity of any Prime Minister since opinion polling began. The reason he does is that he has told the Australian people the truth. He will get support for having indicated real solutions to Australia's problems. Among those solutions, Mr Speaker, is winding back Australia's archaic industrial relations laws - laws that even his predecessor, Mr Keating, in the last Federal election was prepared to reconsider. Do you remember the second debate? In that debate Mr Keating was asked, "Mr Keating, there is a lot of concern out there by employers that some of Australia's very high unemployment rate is contributed to by our archaic industrial relations laws, particularly by the unfair dismissal laws. What do you think about that, Mr Keating? Will you do anything about these unfair laws?". In fact, it was not in the second debate. It was John Laws who asked him this question. In response to John Laws, Mr Keating said, "Yes. If re-elected, we promise to have another look at those unfair dismissal laws".

They are the same laws that Mr Berry says must be maintained, with no change. He is saying, "They are to be protected. Put up the iron barriers. Get the army of workers to protect the bastion to make sure that they are not attacked". Mr Speaker, anybody with a modicum of commonsense can see that those industrial relations laws have contributed to a decline in Australia's competitiveness, to archaic industrial relations applications in this country and to high levels of unemployment. They, like everything else that went with the previous Government, need to change. That is what John Howard has an unequivocal mandate to do.

I wonder whether Mr Berry could tell me how many seats a government needs to win in the House of Representatives to entitle them to the right to implement the mandate on which they are elected.

Ms McRae: By a majority in the Senate.

MR HUMPHRIES: Of course, the Keating Government never had a majority in the Senate and therefore presumably, on Ms McRae's test, never had the right to implement any of its mandate. That is a rather difficult proposition to accept. Mr Speaker, I know, and everybody else in Australia - even the New South Wales Labor Government, which supported the package that was taken to that conference the other day - knows that we have to move with the times. Australia's industrial relations laws, particularly the unfair dismissal laws, do not serve this nation well.

We can hear all the rhetoric you like from people who believe that Fidel Castro is pretty cool and that industrial relations are pretty strong when you have a militant industrial organisation smashing through doorways and creating chaos. That is a pretty good idea of industrial relations! We can all think that that is very nice, but it is not the real world. It is not what Australians today expect in an industrial system. They expect flexibility. They expect that, if a person wants to negotiate with their boss to make a better deal for their living conditions, they should be able to do so, and they should not have to use a union in the process of doing that if they do not wish to.

Mr Speaker, the most resounding evidence of the failure of the point of view Mr Berry has put in this place is the fact that, for the last 10 years at least, union membership in this country has been declining steadily and markedly. It is about half of what it was 15 years ago. That, Mr Speaker, is a powerful indictment of the philosophy that is still Mr Berry's creed but that was rejected, among others, by the Australian people on 2 March this year.

MRS CARNELL (Chief Minister) (4.22): Mr Speaker, I would like to add very briefly to what Mr Humphries has said. I think that the issue of industrial relations laws is very important to this country. These laws can be very negative if they are implemented the wrong way.

Ms McRae: We have noticed.

MRS CARNELL: That is exactly the point I was going to make. If there is anything which shows that industrial laws need to be changed, it is such things as the section 170s that exist under our current industrial legislation. Section 170 was first explained to me last year after a couple of unions decided to file under section 170, which basically meant that the Government could no longer take those unions to the industrial relations tribunal, to the umpire, which I thought was the whole basis of the system. We actually have legislation that gives unions the capacity to say, "No, we do not want to have an umpire any longer". As it was explained to me, under the Act both the employer and the employee have to go out the back and thrash it out until there is only one left standing. That is an extremely unusual piece of legislation, to say the least.

An employer can be placed in a position where the only course that they have open to them is to lock out their employees. They cannot take them to arbitration. There is very little they can do, except lock them out. What great legislation and what horribly unfair legislation, both from the employees' perspective and from the employers' perspective!

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I am confident that during the ACT industrial action earlier this year there were lots of ACT Government employees who simply did not want to be part of it; but were they given a choice, Mr Speaker? Was choice an option for those people when their particular union told them, "You will go out and do these sorts of things."?

The Liberal Party and the Howard Government believe very strongly in choice in industrial relations and everywhere else in our community. As Mr Humphries says, we believe very strongly in flexibility, in giving employees the opportunity to enter into an arrangement with their employer themselves or via a union. We believe that unions have a very important place for those employees who choose to use them. We just do not believe that employees who do not choose to use them should be forced to do so. Those opposite often talk about choice, but it is interesting that the people of Australia were very determined earlier this year that choice was the appropriate way to go.

It was interesting to see some of the surveys that were done on the unfair dismissal legislation by people who actually employ people - small business people, people whom Mr Business over the other side often claims that he has an understanding or a oneness with. We are not talking about BHP. We are talking about people who run shops, service businesses, and so on. When asked what the one significant issue or policy that stopped them employing was, what did they come up with? They came up with the unfair dismissal legislation, or the unfair dismissal requirements.

What is happening? What is the basis of the industrial relations legislation that the Deputy Chief Minister spoke about in the ministerial statement? It is about choice and it is about encouraging business, particularly small business, to employ in this country. It is fascinating, and I am sure - - -

Mr Berry: Why has it not worked here for you?

MRS CARNELL: Because we operate under Federal industrial legislation, Mr Berry. That is exactly the point we are making. What is small business in the ACT saying is a problem? They are saying that it is unfair dismissal legislation. They are very up front about it. I suspect that this is the only government in Australia still facing people like those opposite who seriously believe that everybody should be forced to go down one single path; to be part of a union; to do exactly what that union says; to endure unfair dismissal legislation, lack of choice and lack of flexibility. All of these things make regular employment in our work force very difficult for women. They lack flexibility and the capacity to enter into an agreement with their employer that suits them and their families. The people of Australia made very clear earlier this year what they wanted.

Last year in the ACT government election the people showed that they simply are not interested in the loony Left philosophy, the philosophy of those among whom, as Graham Richardson said, Castro is still spoken about in heroic terms. Flexibility, choice, the rights of the workers and the rights of employers are not taken on board at all by those people. They are a party that, though it may still exist in the 1990s, is really operating in the 1950s when it comes to political philosophy and the rights of individuals.

MR WHITECROSS (Leader of the Opposition) (4.28): Mr Speaker, the Government seem determined to talk Mr Moore's wonderful report on Acton-Kingston into oblivion by all jumping to speak in this debate. After three speakers from the Government, I think I should jump as well.

It is interesting that Mrs Carnell is so worried about the failure of employers to take on new workers and blames the unfair dismissal laws for that. Of course, as we all know, Mrs Carnell has shown great leadership on this issue by having an employment freeze of her own! Far from being in the business of encouraging employers to take people on, Mrs Carnell, by putting on a wage freeze, is leading the charge not to take people on and in the process is reducing the size of the ACT work force and contributing to the overall lack of activity in the ACT economy, which is why small businesses do not feel very enthusiastic about employing people in the ACT. Mrs Carnell also campaigned for the election of the Howard Government, a government which has also been threatening to reduce the work force in the ACT, giving small business yet further reasons not to employ people. If I were Mrs Carnell, I would not be crowing about what a great job the Liberal Government is doing in making it attractive for people to employ extra workers. The Liberal Government is doing everything possible to make it less attractive for people in this town to employ people.

Mrs Carnell's speech, Mr Humphries's speech and Mr De Domenico's speech make it clear who the ideologues are in the industrial relations debate. This is something that everybody in the community knows: The ideologues in the industrial relations debate are the conservatives. The ideologues in the industrial relations debate are the Liberal Party. The pragmatists in this debate are the Labor Party. They are the ones who understand the practical realities of industrial relations; the Liberals are the ones who take the ideological position. It is the Liberals who are complaining all the time that it costs too much to employ people. It is the Liberals who are complaining all the time that you should be able to sack people whenever you want and that workers should not have any rights in this respect. It is the Liberals who, when they are negotiating with their own work force, want them to trade off all their hard-earned conditions for a bit of a pay rise. These are the agendas of the Liberal Party.

It is the Liberal Party that wants the Industrial Relations Commission taken out of the equation so that workers cannot appeal to the umpire and say, "We want an award increase but they will not give us one", and have the Industrial Relations Commission say, "You have a reasonable case. We will give you one". The Liberals want to turn it into an argument between the employer and the employees, because they are confident that in that argument the employer will have more power than the employees and the employees will end up with lower rates of pay. That is the Liberals' agenda, and that is why the Liberals want to take the umpire out of the equation. It is quite ironic that Mrs Carnell should be complaining - - -

Mrs Carnell: Mr Speaker, I raise a point of order. I think it is important that the Leader of the Opposition make it clear to this Assembly where he got the information about the Industrial Relations Commission being taken out of the equation. It would be unfortunate if he were misleading this place, Mr Speaker.

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MR WHITECROSS: That is not a point of order, Mr Speaker. Mrs Carnell is just debating the matter.

MR SPEAKER: The point of order is about where you obtained the information.

MR WHITECROSS: That is not a point of order. That is just contributing to the debate. She has already had a turn.

Mrs Carnell: I am suggesting very definitely that you should make it clear where you get information that you are willing to speak about.

MR WHITECROSS: Mr Speaker, I know that you are scared of her, but she is just debating the matter. She is not actually making a point of order.

MR SPEAKER: Go on. Continue, with care.

MR WHITECROSS: Mr Speaker, the reality of the matter is that it is the Liberals who are the ideologues in this matter. They are absolutely ideologically driven by an agenda of forcing down labour costs. Mr Speaker, absolutely bizarre economics underpin this. Of course, when you drive down the wages of people, they have less money to spend, and we all know that the end result of that is a smaller economy, not a bigger economy. That is their agenda. It is an ideological agenda. They do not understand the practical realities of industrial relations, which are that there are people who need to protect their interests, who have limited economic power, who depend on their wages for income, who defend their position by collectively bargaining, by joining together into unions.

It has never been the position that it should be compulsory to join a union. It is not compulsory to join a union, but the benefits to workers of joining unions and operating collectively are clear. It is the Liberals who want everybody lining up individually before their bosses and saying, "I earn \$20,000 a year and you are a big multinational. Can I have a pay rise?". That is the Liberals' agenda. That is not our agenda. It is the Liberals who want to do that sort of thing. It is the Liberals who in their own industrial relations negotiations insisted that if their workers wanted a pay rise bigger than 1.3 per cent they had to trade off their conditions. That has been Mrs Carnell's position.

Mr Speaker, the reality of the industrial dispute we have just had, which is a classic example of how the Liberals go about the business of industrial relations, is that Mrs Carnell was able to protract the dispute with no compunction because, unlike normal businesses that have to worry about the bottom line, Mrs Carnell was happy to run up a tab against the taxpayers' expense account. It is the taxpayers who are going to have to pay for Mrs Carnell's mismanagement of industrial relations in this Territory. Mrs Carnell is determined to keep managing it that way in the course of pursuing her industrial relations agenda. She does not understand the notion of working cooperatively with a work force.

Mrs Carnell: We have agreement with 15 out of 16 unions.

MR WHITECROSS: How many of them have been paid, Mrs Carnell? Not many. She does not understand that if you want to get real reform you have to work cooperatively with your work force and take them along. You do not get it by asking them to trade off their conditions. You do not get it by saying, "You will do it this way because it is the way we have decided". That is the agenda of the Liberal Party. It is not an agenda which respects workers. It is not an agenda which is concerned about the interests of workers. It is an ideologically driven agenda, and that is why the Labor Party is so intractably opposed to the industrial relations approach of the Government.

MR STEFANIAK (Minister for Education and Training) (4.36): Mr Speaker, I think "intransigent" might be a better word. Mr Whitecross, in answer to Mrs Carnell, said that the Liberals do not want arbitration; that we want to take away the workers' rights to arbitration. We have been trying to get to arbitration in the teachers dispute for about four or five weeks. At least we now have our toe in the door. What an absolutely ludicrous thing for Mr Whitecross to say!

Mr Speaker, our approach is all about flexibility. It is about fairness. What Mr De Domenico has read out is eminently fair. In the first instance, it should be the responsibility of employers and employees to resolve their own disputes if possible. For local industrial problems, what could be more sensible than that? I think that is an approach which even the previous Federal Government endorsed. Mr De Domenico said that the Federal Government is "encouraging a more flexible and less centralised industrial relations system; creating an industrial relations system based on voluntary agreements that sit side by side with a system of industrial awards; and enshrining in legislation individual freedom to associate or not to associate". What could be fairer than that? It is a free country; it is a democracy.

Mr Whitecross and Mr Berry, I do not think anyone on this side of the house would dispute the excellent work unions have done over many years and continue to do. I do not think anyone in this house would suggest that we should not have unions. They are an essential part of the industrial relations system. In the past they have done some excellent things on behalf of their members. They have a role and obviously will have a continuing role. No-one is disputing that. Nor is anyone on this side of the house disputing the rights of individuals to associate or not to associate and to run their own race should they so desire. Mr Speaker, flexibility is important. The Chief Minister indicated that a totally inflexible set of guidelines have certainly restricted the Territory and restricted workers and employers - namely, the Government - alike during the current protracted industrial disputes. That is something that should be very fresh in all our minds.

Mr Speaker, I can remember a couple of instances in recent enterprise bargaining here and elsewhere in Australia which produced actually excellent results for employees in the long term. One case that comes to mind is the desperate SPC case. I understand that SPC, which had about 500 employees, had significant difficulties. I think the union wanted a pay rise for workers, and it looked as if about 50 workers would lose their jobs.

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The workers in that enterprise got together and said, "We do not want our mates to lose their jobs. We will do something else". In fact, I understand that they even took a pay reduction so that their mates would keep their jobs, and within about 18 months to two years the firm had got out of its difficulties and was trading exceptionally well and everyone got a very nice big pay rise. A lot of flexibility and a lot of basic commonsense were shown in the workplace. It shows what can be done if people are prepared to work cooperatively. Mr Speaker, the Opposition have shown how totally inflexible they are. As my colleague Mr Humphries says, they have not moved out of the 1950s, unlike their colleagues in many other States.

MS FOLLETT (4.40): I have a very brief comment. I heard a couple of Government members speaking in the fairly disparaging terms of former Senator Graham Richardson. I want to make two comments to set the record straight. The first of those is that I have never yet seen Graham Richardson, as a senator or as anything else, in attendance at a Left meeting of any description. I am equally confident that Graham Richardson would speak in heroic terms of anyone who was paying him enough, probably including Castro.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE **Interim Report on the Acton-Kingston Land Swap**

MR MOORE (4.40): Mr Speaker, I present Report No. 11 of the Standing Committee on Planning and Environment entitled "Interim Report on the Acton/Kingston Land Swap", together with extracts of the minutes of proceedings. I move:

That the report be noted.

Pursuant to the resolution of the Assembly of 24 August 1995, the report was circulated when the Assembly was not sitting, on 7 May 1996.

I would like to begin my speech today by thanking the other members of the committee. It is always difficult, when we have a four-member committee that is in one sense a microcosm of the Assembly, to prepare a report, because any two members moving dissent from the chair's draft can negate that draft. It is, therefore, sometimes an interesting process to get committee reports; but I must say that, through the whole time the committee has operated, I believe, there has been goodwill on the part of all members to ensure that we do have positive results and deal with issues as quickly as possible. I would also particularly like to thank the secretary. That sort of circumstance makes his job that much more difficult. Rod Power is always efficient and willing to listen to members and to work with me, and I believe that it is appropriate to acknowledge that.

We nominated this as an interim report because we believed that it was appropriate for us to continue to monitor what goes on in relation to the Acton-Kingston land swap. It is not an interim report in the sense that the Government ought not proceed and do things because they are waiting for a final report. I wanted to make it very clear,

to the Chief Minister in particular, that, whilst we did identify it as an interim report, it was not with the intention of saying, "Everything is blocked; you cannot go ahead". In fact, a close reading of the report will show that that is not what we set out to do at all; rather we say, "If this deal is to go ahead, then there are some other things that need to be done".

As an overall concept, when I look at the deal that was done on the Acton-Kingston land swap, I stand by what I wrote in the preface. I do not think it was a good deal. In fact, I would say that it was a bad deal. The reason I say that is that I believe that there were too many loose ends; not enough had been tied up. When the Chief Minister announced the deal in the first instance, it was always associated with a Gallery of Aboriginal Australia on Acton Peninsula. I went back and looked at the reports in the *Canberra Times*, and the whole tenor of the argument was, "This is a reasonable land swap because, associated with this land swap, is a Gallery of Aboriginal Australia to go on Acton Peninsula". It had a key purpose upon which we could rely.

With that in mind, and having listened to many community groups about the Acton Peninsula and many community groups about the Kingston site, the committee prepared a draft and were in the process of considering that draft when it became clearer and clearer that the Federal election was likely to bring about a result that could have a major impact on that decision. Therefore, we determined late last year that it was inappropriate for us to bring down a committee report at that time, until we could determine whether the Gallery of Aboriginal Australia was likely to go ahead in that way.

There were a number of occasions on which the Government made approaches and asked whether we could do certain things about the development of Kingston. The establishment of the Kingston Foreshore Development Authority was one of those things. The committee had no objection to that. My recollection is that the matter was actually brought to this Assembly, but I can be corrected on that.

We tried to ensure that the Government would have enough room to move, but there were certain issues upon which we had great concerns. One of those issues was the contamination of the site. In fact, three weeks prior to the report coming down, the Chief Minister wrote to us and said, "I want to get an assessment of the contamination of that site". That was just three weeks before we were ready to report. At that point, I actually held that letter. I made other members of the committee aware of it, and we determined that it would be appropriate for the report to come down so that that issue would be clarified as part of the report. That was a delay of three weeks.

When the committee report came out, we had a response from the Chief Minister that went something like this - and I must say that it was in quite intemperate language: First of all, the land swap report was a cop-out. Her press release stated:

Chief Minister Kate Carnell has slammed an Assembly Committee report on the Acton/Kingston land swap as a "cop out" and a pathetic response to the serious economic challenge facing the ACT.

What was making her angry was that we had identified that what she had completed was a bad deal; it was a bad deal for Canberra.

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Mrs Carnell: It was not.

MR MOORE: You can listen this time. This time you can just sit there and listen. The press release continued:

“This committee has wasted a whole year and still hasn’t been able to come up with a final report,” Mrs Carnell said.

The committee had taken a year, for very good reasons. There had been a change of government. The press release went on later:

“We need jobs in Canberra, not endless committee inquiries that come up with nothing”.

She was referring to a committee which, over the year, had basically brought down 11 reports. This is the eleventh report that we have brought down, in spite of having four members on it from different groups within the Assembly. Those four members have worked particularly hard to ensure that we bring down a report about once every five weeks. Very rarely are they minor reports. To suggest that we have endless committee inquiries that come up with nothing is absolute nonsense and was misleading the people of Canberra. In the press release, the Chief Minister went on:

We can no longer afford to sit on our hands and do nothing in the face of major economic challenge. We have already commissioned a study to find if there is contamination on the Kingston site and it has been clear from the start ...

According to her press release, she did not have to wait anyway because she had already commissioned the study independent of what the committee was going to do. That kind of intemperate language does absolutely nothing to make us believe that the Government, particularly the Chief Minister, is going to take this Assembly and its committees seriously.

In fact, what the committee recommended was that the land swap agreement between the ACT and Commonwealth governments not proceed unless a series of conditions were met. It is a double negative. It can proceed, if you like, provided this series of conditions are met. They were important conditions to try to correct what had been a bad deal. The contamination was an important issue. The other issues included relocating tenants from Acton Peninsula and the future use of Acton Peninsula. There was a question about the amount of land - about 13 hectares on Acton, as against about 11 hectares at Kingston. For some reason, the Chief Minister seems to have pinned her whole Government's ability to work the economy of the Territory on Kingston. What a silly idea! We heard it today in question time. We have heard it again and again. The Chief Minister stands up and says, “You are just trying to stop everything; you are trying to delay our economy; you are trying to get rid of jobs”. It is all because we have delayed the development of Kingston. It is simply not true.

Even if it were true, it would have been a perfectly reasonable thing to do. The notion of the Government pinning its whole jobs program, its whole development, on a particular land development is ludicrous. All it does is put us in the situation where we go from boom to bust. It is time that this Government looked at productive enterprises that can actually do something in terms of bringing jobs to this Territory and that are not just - - -

Mrs Carnell: Based on buildings?

MR MOORE: Yes, that are not just in construction; that should follow rather than lead.

Mrs Carnell: What were you talking about in question time, then?

Ms McRae: Mr Speaker, on a point of order: Earlier Mr Kaine did ask for protection from interjections. I would just like to remind you of that.

MR SPEAKER: I hope that Mr Moore - and all other members - has the protection of the house from both sides.

MR MOORE: Thank you, Mr Speaker; I have always appreciated your protection. The Chief Minister interjected something about question time. Even at question time we pointed out, "You threw away 200 jobs or more". We have not quite worked out how many it will be. That was a matter that we drew to your attention in another one of our reports that come down about every five weeks or so, on average.

It was intemperate language. I responded with equally intemperate language, with the sorts of points that I have been making today. My release started:

Independent MLA, Michael Moore, today launched a scathing attack on the Chief Minister over her response to the Report of the Planning and Environment Committee.

In it I said:

The Chief Minister has the mistaken notion that land development should lead to a jobs-recovery. Such an approach can only lead to slumps and troughs in economic and job growth.

The slumps and troughs are going all the way down. I continued:

Sustainable economic growth can only be gained when productive enterprise is facilitated in the ACT.

I think back to a good example of the Chief Minister's efforts with regard to the electronics industry at Symonston, which I think was a reasonable effort at getting jobs. That is the sort of thing that we should be able to look forward to in Canberra. It did not end there. The Chief Minister wrote to me about the issue and started:

I refer to your colourful media release issued earlier today ...

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She then pointed out that some of the reports that were in the media were not necessarily completely accurate; but, in fact, my response was specifically to her press release.

I think that what we have brought down is a very sensible report which really hangs on two things; it hangs on two fundamental issues. The first one is getting Kingston cleaned up and, once that has been done, then being prepared to move. Secondly, as far as Acton Peninsula goes, we should determine its future use before we start bulldozing the buildings. At this stage we do not have a use. I do not mind putting on the public record a personal opinion - not a committee opinion, but a personal opinion - that, had the Gallery of Aboriginal Australia been going on Acton Peninsula, even should it now be the Federal Government's decision, then the current buildings on Acton Peninsula are inconsistent with that use and would have to go.

I think there would be very good community health reasons why, as part of a process of reconciliation, as part of a process of helping some of the weakest parts of our society, some of those most badly done by in the past should be given an appropriate site. I think there are good community health reasons, population health reasons, why one would certainly say that if, indeed, the indigenous people of Australia do want to establish a Gallery of Aboriginal Australia on Acton Peninsula they should be able to proceed. That is an issue that is pending, and that is why we have an interim report. Those are the sorts of issues that are pending - the contamination at Kingston and what possible use could we have for the site at Kingston. I think we are also concerned about the lack of control, on the completion of a land swap, that the people of the ACT would have over Acton Peninsula. Whilst that area is of national significance, it also is of particular concern to the people of the ACT who are that much closer to the planning issues associated with Canberra.

Having said that and having made the point about a Gallery of Aboriginal Australia going on Acton Peninsula, I should draw attention to recommendation 8 of the committee, which states:

... the ACT Assembly affirm their preference for the establishment of the National Museum ... at Yarramundi Reach ...

We also state that the Gallery of Aboriginal Australia should be a part of that National Museum. In some ways, I think the rocky road that this report travelled initially, which in some ways continues with my speech today, is actually unnecessary. I think there was a misreading of the report in the first place, and I think that was unnecessary.

Mrs Carnell: Read the preface.

MR MOORE: I do hear an interjection from the Chief Minister, "Read the preface". I will avail myself of that opportunity. Better still, I urge members to read it. (*Extension of time granted*) I shall be brief. Certainly, I think it is important to understand that, in writing a preface, the preface is the preface of the chair. Although other members of the committee were aware of the preface, it certainly was my role. My summary of the way that I perceived things was to tie the preface back to the committee's terms of reference for this inquiry. The preface states:

in relation to planning controls over both sites, the committee considers these are inadequate and demonstrate the serious difficulties inherent in the current planning arrangements between the ACT and Commonwealth Governments;

in relation to the value of the land swap to the ACT, the committee concludes that the land swap agreement as it is presently structured is a poor deal for the ACT;

That is why we have suggested some different structures. The preface continues:

in relation to environmental and heritage issues, the committee concludes that these are inadequately dealt with in the land swap agreement to date;

That is particularly so with reference to contamination. The preface continues:

in relation to current and future usage of the sites, the committee concludes that these are very much up in the air at this time;

I think that is correct; I cannot see how anybody can argue with it. The preface continues:

in relation to other related matters, the committee has dealt with these in the text of the report.

As far as that goes, it seems to me that at this point the Acton-Kingston deal is still a poor deal for the ACT but that it can wind up to be a quite sensible deal for the ACT provided some of these conditions are met and provided we know what Acton Peninsula is going to be used for and can have an input into the way that it is being used. That is why it is an interim report.

I would say one final thing. The Chief Minister at question time today quoted the self-government Act and talked about the indemnity of the Territory. I was particularly concerned - and I think I raised the issue at the time about the way one reads that part of the Act - as to what was Commonwealth property at the time of self-government and what is ACT property now. Certainly, there is the issue of ACTEW. ACTEW was part of the Commonwealth Government, as I perceived it, at the time of self-government. If a Commonwealth government ACTEW polluted prior to self-government, then indemnity - even though it was ACTEW - may well still be the responsibility of the Commonwealth Government. Part of this deal is that it is not good enough to say, "Yes, we have legislation that says that we can be indemnified", because nobody will ever be indemnified unless they use the legislation to challenge the Commonwealth. That is going to be the tricky bit. What we have to do now is ensure that this contamination is recognised and that, with a bit of luck, the polluter-pays principle applies.

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

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ADJOURNMENT

Motion (by **Mr De Domenico**) proposed:

That the Assembly do now adjourn.

Kingston Foreshore

MS McRAE (5.00): Mr Speaker, I would like to talk about the saga of the great clean-up at the Kingston site. I do not think we can let the events of the last two days go by without comment. The Chief Minister is trying to put a spin on events that is built around her view of the world and nobody else's. May I remind members of what was wanted from the Chief Minister. In the press release of 7 May 1996 Mrs Carnell said, as I have quoted several times and will quote again accurately:

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

This is at odds with public information about the land swap. The land swap was announced, may I remind members, on 6 April 1995. The Chief Minister wrote to the Prime Minister on 10 April, and then press releases with details of the swap were made available on 11 April 1995. A committee of inquiry was announced in the chamber on 21 April, and the first public hearings were held on 28 April, a week later.

On 10 April, 11 April, 21 April and 28 April no mention was made of the Commonwealth picking up the tab for cleaning up any contamination. In fact, all the evidence was to the contrary. I refer to the *Hansard* of the committee hearings of 28 April, answers from the Chief Minister to questions put in the house on 3 May and the agreement of 10 April. The agreement itself had nothing in it about clearing the site.

Mrs Carnell: Not until 5 May; is that what you are saying?

MS McRAE: That is the back referral by someone else - and, Chief Minister, you will get your turn, as usual. I have referred to the *Hansard* of 28 April. If members want, I can quote from there where it is made quite clear - in fact, it is extremely clear - what the attitude was then to the contamination on the entire AGPS site. Mrs Carnell, I will get to 5 May; I am aware of that and I will get to that.

Questions were put specifically to the bureaucrats, and Ms Webb spoke at length about the known contamination at the Kingston site - the entire site. She referred to the fact that it had been used for a long time and the quantum range of contamination was known. Mr Kaine then asked whether the Commonwealth would pick up the cost for cleaning. He asked, "Does the Commonwealth have any responsibility for assisting us to pay the cost?". The answer was no. That was on 28 April. On 3 May, in the house, I asked a question and was told quite firmly that the private sector would pick up the tab.

In the letter that Mrs Carnell gave us - it was not a letter yesterday; it was a memo - Mr Townsend refers to negotiations beginning with the Commonwealth on 5 May for the clean-up of the contamination at the AGPS site. Today I asked the Chief Minister to explain whether, when she referred to the negotiations with the Commonwealth, she was in fact talking about the AGPS site. What did I get? I got some gratuitous advice about the self-government Act, but I did not get an answer. We asked for further letters today. Therein lies the nub of what I want to bring to the house's attention. We were told "letters". "Letters" is a gross exaggeration of what we received today. We received one letter referring to a draft agreement, which was not ratified and which talked about the AGPS site and gross contamination on the AGPS site. We were told "letters" - plural. Without wanting to pun unnecessarily, the air is no clearer; the soil is no clearer; the issue is no clearer. The Chief Minister said clearly and categorically that from the very beginning the Commonwealth had been entering negotiations about the cleaning up of the Kingston site.

I have been pursuing evidence of this for a couple of days and will continue to do so tomorrow. I do believe that, if the house is told that they are going to get letters, that means letters - plural. We have been given a new standard for public comment today. We are being told in public comment one story and, when it comes to assessing it against the evidence that has been clearly put before committees and to this house in answers to questions - not only did I ask a question on 3 May 1995 but Ms Tucker did as well - it does not stack up. I think this house ought to be concerned and be forewarned that we will be asking further questions tomorrow.

Chief Minister

MR WHITECROSS (Leader of the Opposition) (5.05): Mr Speaker, I also want to rise on the question of Mrs Carnell's new - well, not new for her but new for this house - low standard of honesty and forthrightness in relation to keeping the Assembly informed about what is going on. Ms McRae has raised a very serious matter which relates to the chopping and changing by the Chief Minister on exactly what is going on in relation to the Kingston foreshore, what the level of contamination is, what the compensation is what the processes are.

Earlier we had a big debate - we had a fracas - about suspending standing orders to force Mrs Carnell to table papers. We had a similar fracas yesterday. But we have had similar fracas in the past. These fracas occur because of the Government's pathological unwillingness to part with documents that they are only too happy to cite as authority for their statements but are not willing to share with the rest of the Assembly.

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Mrs Carnell yesterday referred to "letters". Yet, when she was asked to table the letters, she denied that she had ever referred to them; and instead produced a minute from Mr Townsend as her only evidence, and produced that minute only after debate about her producing the papers. Today we had to get to the stage of suspending standing orders to get Mrs Carnell to part with what she said were the letters but which turned out, instead, to be a single letter about a draft agreement. It was certainly not what Mrs Carnell had talked about in her answer to the question the day before, where she talked about letters confirming that it had always been the case that negotiations were going on about a clean-up.

This ought to be a source of concern to all members, particularly given the fact that this Assembly has prided itself on the very highest standards of disclosure by governments to the Assembly - a function, I might suggest, of minority government. Nevertheless, a few years ago, we recall, a member of the Labor Party was censured; a no-confidence motion was passed on the basis that he had misled the Assembly by failing to disclose information which he knew might be relevant but which no-one had ever asked for.

Yet this Government, which was only too happy to hand out the treatment then, and its supporters seem to be rather sanguine about an approach by this Chief Minister where you do not answer questions when they are asked; you repeatedly do not answer questions when they are asked in question time; when you refer to documents you refuse to table them; you say that you are going to table them and then table something which is not what you referred to. This is the very lowest standard of behaviour by this Government.

This is the consistent pattern of this Government: They talk big, but they deliver small. This Acton-Kingston swap is a classic example of the Government talking big and delivering small. Mrs Carnell argues that this Kingston foreshore development is going to be the solution to the unemployment problems being created at the moment by the Howard Government. Yet we have a situation where Mrs Carnell cannot even give us a simple and open disclosure in relation to the question of who is paying to clean up the contamination. She ventures legal opinions about the self-government Act; she refers to letters which she will not table; she tables draft agreements in lieu of that; and we are expected to believe, and the Canberra community is expected to be reassured, that somehow or other this Kingston development is going to be the panacea for the evils being visited on the ACT community by the Howard Government at the moment and is going to create a boom in employment for us.

The consistent theme is this: It is always somebody else's fault; it is always someone else's problem. We know one thing for sure about this contamination. There is a lot of it, and it is either the developer's problem or the Commonwealth Government's problem; but it is never Mrs Carnell's problem. Well, the community out there know that, notwithstanding what Mrs Carnell says, it is their problem. She has done a dud deal for this Territory, and they are the ones who are going to be paying for the clean-up of the contamination.

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They are not going to be getting to see too many jobs coming out of that Kingston site for a long time to come, apart from people writing learned pieces on the extent of the contamination and writing briefs for Mrs Carnell on why someone else has to pay for it, not her.

Question resolved in the affirmative.

Assembly adjourned at 5.10 pm