



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 MAY 1996

Thursday, 23 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.

PETITION

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

By **Mr Hird**, from 24 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

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

National Soccer Centre

The petition read as follows:

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

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

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

Petition received.

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**FINANCIAL MANAGEMENT AND AUDIT
(CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1996**

MRS CARNELL (Chief Minister and Treasurer) (10.32): Mr Speaker, I present the Financial Management and Audit (Consequential and Transitional Provisions) Bill 1996, together with the explanatory memorandum.

Title read by Clerk.

MRS CARNELL: I move:

That this Bill be agreed to in principle.

This Bill introduces transitional and consequential provisions as a result of the Financial Management Bill 1996 and the Auditor-General Bill 1996. The Bill's transitional provisions are: The continued appointment of the current Auditor-General; and the preparation, audit and tabling of financial statements concerning the 1995-96 financial year. The Bill reconciles certain funds and accounts under existing ACT law with the new bank account structure within the proposed Financial Management Act.

The Financial Management Act 1996 will automatically apply to Territory authorities. The Bill will remove the mechanism in Territory authorities' enabling legislation that previously triggered the application of the Audit Act 1989. The Bill makes consequential amendments to other ACT laws to remove references to the Audit Act 1989. It also removes references to the Consolidated Fund and Trust Fund in accordance with the Government's financial management reforms. I commend the Bill to the Assembly.

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

**BETTING (CORPORATISATION)
(CONSEQUENTIAL PROVISIONS) BILL 1996**

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.34): Mr Speaker, I present the Betting (Corporatisation) (Consequential Provisions) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

The Betting (Corporatisation) (Consequential Provisions) Bill 1996 and the Betting (Corporatisation) (Consequential Amendments) Bill 1996 are a significant step towards achieving a dynamic, commercially viable and enterprising ACTTAB. I am pleased to be able to present these two Bills at this time, as they are another example of the

positive reforms this Government is committed to. The Bills provide for ACTTAB to be corporatised on 1 July 1996. In presenting the Betting (Corporatisation) (Consequential Provisions) Bill 1995, I will also be foreshadowing the contents of the second Bill, the Betting (Corporatisation) (Consequential Amendments) Bill 1996.

ACTTAB Ltd was established as the first Territory-owned corporation under the Territory Owned Corporations Act 1990, on 1 January 1991, by the previous Alliance Government. Prior to this, totalisator functions were provided under the auspices of the Gaming and Liquor Authority, which was abolished when the function was transferred under the TOC Act. ACTTAB was incorporated under the Companies Act 1981, on 13 December 1990, and was subject to that Act, other companies law, the TOC Act, and the Betting (Totalizator Administration) Act 1964.

On 1 July 1993, ACTTAB reverted to a statutory authority, a move which was opposed by us as the Opposition in the Assembly at the time. All assets, liabilities and staff of ACTTAB Ltd were transferred to the board as at that date. I should add that the reason for our opposition to ACTTAB becoming a statutory authority was that it would not lead to the best commercial outcome in the best interests of the ACT community. That is precisely the outcome we got as a consequence of VITAB.

Under the Betting (Totalizator Administration) Act 1964, ACTTAB had the exclusive rights to provide totalisator betting services for races and other sporting events held within or outside the Territory. The functions of ACTTAB were to provide totalisator betting facilities in the ACT, conduct lotteries, act as an agent of the person conducting a lottery sale, promote pool betting schemes and provide other services relating to gaming and betting.

Implementation of these Bills will do more than just change the corporate entity of ACTTAB. It will position it financially and commercially to compete with other forms of gambling, allow it to become involved in sports betting, provide an ongoing revenue base to revitalise its operations and allow it to enter into the modern age of interactive gambling and other forms of wagering or gaming activities, subject to relevant ACT legislation.

The Government indicated as part of its election policy that it would seek to corporatise ACTTAB. Consistent with the Betting (Totalizator Administration) Act 1964, the Government's principal objective for corporatisation is to achieve an independent and commercially viable organisation to maximise sustainable returns to the Territory from totalisator betting services and to ensure the efficient and cost-effective operation of ACTTAB. However, corporatisation by itself will not guarantee ACTTAB's financial success. The corporatisation of ACTTAB provides us with a timely opportunity to establish its operation on a sound commercial footing and allow it to compete in terms of marketing, personnel, investment and products.

ACTTAB, as a commercial enterprise, is in competition with other gambling ventures for the gambling dollar; that is, the casino, licensed clubs, bookmakers, et cetera. This competitive situation has intensified, with telephone betting to bookmakers on course and competition with other TABs. In order to remain an effective service provider

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and generator of revenue in such a competitive environment, there is a need for ACTTAB to perform on a commercial basis and become proactive in the marketplace. There are financial and administrative changes to its operation which are needed to allow it to do this, and some of these changes are reflected in these Bills.

To give effect to the corporatisation of ACTTAB, two Bills have been prepared. They are the Betting (Corporatisation) (Consequential Provisions) Bill 1996, hereafter referred to as the provisions Bill, and the Betting (Corporatisation) (Consequential Amendments) Bill 1996, hereafter referred to as the amendments Bill. The contents of these two Bills provide for the board to be corporatised by transferring rights and liabilities from the board to the new corporation; for the transfer of various regulatory functions from the board to the Territory; for transitional matters; and for the consequential amendment of a number of Territory enactments.

The provisions Bill facilitates the corporatisation of the board by providing, amongst other things, for the following matters: The transfer of rights and liabilities from the board to the new company known as ACTTAB Ltd - the company - or, in certain circumstances, to the Territory; the substitution of the company or the Territory for the board in certain contracts, agreements or arrangements; the continuation of proceedings by or against the board which had arisen before 1 July 1996 but had not been instituted or had been instituted before that day but had not been completed; the amendment of relevant registers by the Registrar-General to reflect changes in title to an interest in land which has become vested in the company or the Territory; the terms and conditions of employment for ACTTAB staff will be preserved upon corporatisation.

The step of corporatisation is not intended to be an exercise in changing these conditions. This is consistent with the Australian Industrial Relations Act 1988, to the extent that the relevant industrial awards, including the current certified agreement, are binding on the new corporation as an employer. The relevant awards and the certified agreement will apply to existing and new employees. ACTTAB, like other organisations, can negotiate changes to awards and agreements within the industrial relations framework and can implement such changes after corporatisation. A further feature of the provisions Bill is a provision which enables regulations to be made during a 12-month period to modify any other enactment or subordinate law necessary as a consequence of the corporatisation. This modification power expires on 1 July 1997.

The amendments Bill amends the following Territory enactments as a consequence of the corporatisation of the board: The Betting (Totalizator Administration) Act 1964; the Public Interest Disclosure Act 1994; and the Territory Owned Corporations Act 1990. This Bill also contains transitional provisions to ensure that after 1 July 1996 certain actions taken prior to that date continue to have effect. This will facilitate an orderly administrative change and negate the need for such actions to be commenced anew.

The Bill eliminates the direct funding linkages between ACTTAB, the race clubs and the ACT Racecourse Development Fund. These arrangements have previously been a legislative encumbrance to ACTTAB's operations and not a situation generally experienced by commercial ventures. The Bills vary the purposes of the former

Racecourse Development Fund and consequentially establish a Racing Development Fund. The establishment of the new fund will allow broader racing development projects to be funded from the reconstituted Racecourse Development Fund. The new Racing Development Fund will be the mechanism through which the racing industry will receive its distribution from ACTTAB turnover. The previous distribution arrangement, where ACTTAB paid the racing industry directly, has been replaced by a process where ACTTAB pays the Government and the Government pays the racing industry. This change is mechanical only.

The Bills ensure that the racing industry will continue to receive funding based on a percentage of ACTTAB racing turnover in the same timeframes. This arrangement is also consistent with the general approach by the ACT Government in respect of the financial management reforms. The Bills also provide for a wider function for ACTTAB, in that they allow it to undertake sports betting.

There are no direct costs associated with either Bill, and corporatisation should result in significant efficiency gains to the Government. I commend the Bills to the Assembly, as they will ensure a long-term future for ACTTAB, the racing industry and the ACT community.

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

**BETTING (CORPORATISATION)
(CONSEQUENTIAL AMENDMENTS) BILL 1996**

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (10.42): Mr Speaker, I present the Betting (Corporatisation) (Consequential Amendments) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR DE DOMENICO: I move:

That this Bill be agreed to in principle.

I have just presented the Betting (Corporatisation) (Consequential Amendments) Bill 1996, the purpose of which I discussed when presenting the Betting (Corporatisation) (Consequential Provisions) Bill 1996.

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

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HOUSING ASSISTANCE (AMENDMENT) BILL 1996

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (10.43): Mr Speaker, I seek leave to present the Housing Assistance (Amendment) Bill 1996.

Leave granted.

MR STEFANIAK: I present the Housing Assistance (Amendment) Bill 1996 and its explanatory memorandum.

Title read by Clerk.

MR STEFANIAK: I move:

That this Bill be agreed to in principle.

In December 1995, State Housing Ministers and the then Commonwealth Minister agreed to the introduction of a new transitional Commonwealth-State Housing Agreement. The new Commonwealth Government has indicated its intention to proceed with the introduction of an interim agreement. This interim agreement is scheduled to commence on 1 July 1996. It is proposed that the interim Commonwealth-State Housing Agreement be in place for one to three years, pending long-term and more substantial reforms for housing assistance arrangements.

The Bill that I am introducing today is framed to enable housing assistance in the ACT to be administered under the interim agreement. The existing prescriptive agreement is replaced with a more flexible arrangement that will allow the Government more scope in the provision of housing to low and middle income earners in the ACT. The principal amendments proposed in this Bill to amend the Housing Assistance Act 1987 are: The insertion of a list of objects for the provision of housing assistance in the ACT; the removal of the current Commonwealth-State Housing Agreement as a schedule; and changes to the financial administration requirements. The other amendments are of a technical nature or for the purpose of achieving consistency with other legislation. Including the objectives in the Act gives a clear indication to all concerned of the Government's intent and purpose in the delivery of housing assistance in the ACT. These objectives are the framework of the provision of a range of affordable quality housing options to those in most need in the most flexible and cost-efficient manner possible.

The objects, which are consistent with the provisions of the interim Commonwealth-State Housing Agreement, are summarised as follows: To maximise the opportunities for access to housing which is affordable, secure and appropriate to needs; to facilitate the provision of housing assistance to those most in need; to maximise value for money in the provision of housing assistance; to promote choice in forms of assistance and providers; to facilitate the provision of rental housing of adequate amenity, adequate size and appropriate location; to facilitate the provision of an adequate supply of affordable home finance for low to moderate income earners; to promote the development of flexible and innovative financial arrangements to facilitate access to home ownership for

low to moderate income earners; to promote growth in the community housing sector; and to promote input to housing policy by consumers and representative non-government agencies. Inclusion of the Commonwealth-State Housing Agreement in the principal Act dates from before self-government and was the means of application of the agreement to the ACT. Because the ACT would be a signatory to any new agreement there is no further need for it to be included in legislation. Provision is made for tabling new agreements in the Assembly and for public inspection.

The other significant amendments relate to the financial administration of housing in the ACT. The prescriptive financial arrangements imposed by the Commonwealth in the current agreement are removed. This will allow the financial aspects of housing delivery to be administered in line with the ACT Government financial management reforms. I commend this Bill to the Assembly.

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

COMMENTS ON ABC RADIO Suspension of Standing Orders

MR BERRY (10.47): Mr Speaker, I seek leave to move a motion to suspend standing orders.

Leave granted.

MR BERRY: I move:

That so much of the standing orders be suspended as would prevent Ms Horodny from producing evidence she mentioned in a statement on ABC radio yesterday or apologising to Members.

Question resolved in the affirmative.

Statements by Members

MR BERRY: I seek leave to make a short statement.

Leave granted.

MR BERRY: Yesterday on ABC radio an announcer stated:

Green MLA Lucy Horodny has implied electorate donations and heavy lobbying from major commercial property owners has contributed to the defeat of her motion to place a moratorium on retail development in the ACT ... Ms Horodny says she's disappointed, but not surprised, the Labor and Liberal Parties have rejected the motion.

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Ms Horodny then said:

You wonder why the Labor and Liberal Governments, both Labor and Liberal Parties, buckle at the knees when big business is involved. You have to think about election funding and all that sort of thing.

Mr Speaker, I would ask Ms Horodny to table the evidence that she has in relation to this matter or, alternatively, unreservedly apologise to members who have been impugned by this remark.

MS HORODNY: Mr Speaker, if Mr Berry is offended by my comments, then I am quite happy to apologise.

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

Debate resumed from 15 May 1996, on motion by **Mr Moore:**

That the report be noted.

MR KAINE (10.50): Mr Speaker, this report has generated some debate already because, of course, the subject matter is a very contentious issue and one which requires very careful consideration on the part of both the committee and this house. The land that we are talking about - the two areas, Kingston foreshore and Acton Peninsula - are quite crucial to the future of Canberra. Acton, of course, is crucial because it has almost become a sacred site in the eyes of the community. Therefore, it is very important that it be preserved and used for something of national significance or, alternatively, some purpose which the ACT community finds to have value. It is a very sensitive issue and, therefore, one that requires detailed and careful consideration. On the other hand, the Kingston foreshore is a large area of land which is lying unused, is unsightly, returns no revenue whatsoever to the Territory and yet has the potential to generate very significant revenues for the community and, in its redevelopment, to generate many jobs and give a lift to the currently dormant ACT economy. It is important that we get on with the job, but it is important that we get it right.

I think the Chief Minister may have been a little disappointed that the committee did not come back with a report that unreservedly supported her proposal. It would have been great had we been able to do that; but, as I said, this is a sensitive issue and one that needs to be thought through properly. The committee gave a lot of time and attention to this matter, took a lot of evidence, weighed that evidence carefully and came back with a report that said to the Government, "It is a good idea, and we agree; but there are two or three things that need to be negotiated a little further in the interests of this community".

The first of those, of course, is the clearing up of the contamination of that site. There has been plenty of evidence put forward to suggest that there could be widespread contamination on the Kingston foreshore site. We do not know the nature of it, because there has never been a review carried out to determine how it is contaminated, where it is contaminated and how bad that contamination is. It is the view of the committee, and I think it is a view that the community would accept, that that land, to the extent that it is contaminated, was contaminated while it was under the control of the Commonwealth. It would be a thoughtless buyer who simply bought it without consideration of that fact. I believe, and the committee believes, that the Commonwealth has a responsibility to at least participate in the clearing up of the contamination on that site. It needs to be stated up front to the Commonwealth that this swap of land takes place only on the condition that the Commonwealth accepts its fair share of responsibility. I do not believe that that is unreasonable. I believe that the committee would not have done its job properly had we not drawn attention to that fact.

The second matter that we draw attention to in this report is the fact that there is a Commonwealth tenant there, the Government Printer. It is a quite large operation. At the present time there is no limit - and the agreement, as we understand it, prescribes no limit, no termination time - on that lease. In other words, the Government Printer can stay there forever if they wish, as we see it. Since that constitutes a very large piece of the Kingston foreshore and we want to redevelop that in the local interest, it stands to reason that it cannot be done comprehensively until the Government Printer goes. All we are saying is that there ought to be a time limit set on the tenancy of the Government Printer. We expect the Government Printer to relocate if that land is to pass to our control for redevelopment. Only then can we comprehensively redevelop it and do it properly in the public interest and in the interests of the Territory.

The third matter that we draw attention to flows from statements made by officers of ACTEW. There has been some attempt to denigrate this, as though the committee fabricated it; but, in fact, officers of ACTEW told us - and their own words are reflected in this report - that the relocation of their facilities on that site could be expected to cost many tens of millions of dollars. They are not our words; they are the words of ACTEW officials. Since ACTEW themselves could hardly put a value on it - their words were quite imprecise - we have to assume that the Government itself is no better informed and cannot put a value on it either. If we are talking about something that is going to cost tens of millions of dollars, then we had better know before we go into the deal what that entails. Is it \$10m, \$20m, \$30m or \$50m? Unless the Government sorts that out beforehand, we think it would be remiss to proceed. Those are the three qualifications that we put on proceeding with the transaction.

The Chief Minister has since told us in debates in the house that, in fact, the Commonwealth does have an obligation to assist with the clearing up of the contamination. That gets rid of one of the three problems.

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Mr Wood: We will wait and see.

MR Kaine: We will wait and see; but we are told, and we are assured, that the Commonwealth does have an obligation. That satisfies my concern. The Commonwealth has acknowledged that it has an obligation. Now we can negotiate to determine the amount, the quantum, of the Commonwealth's responsibility.

I submit that the second of our reservations is equally as easily clarified. It must be quite simple for us to say to the Commonwealth, "We accept this transaction; but one of the conditions will be that the Government Printer moves within five years or 10 years", or whatever period is deemed a reasonable time. Simply put a time limit on it. Otherwise, the Government Printer has no motivation, no incentive, to do anything except sit there.

In relation to the final one, about ACTEW costs, it is entirely in the hands of this Government to do a proper review of what those facilities are and to come up with a reasonable assessment of what it is going to cost. Once they know that, they can build that into the formula. They can then say that, whatever the arrangements are for redevelopment, the developers, whoever they are, are going to have to cover that cost as part of the transaction. It need not cost the ACT taxpayers a cent, but I think the Government needs to know what it is going to cost and make provision for it in the agreement up front.

If the Government can negotiate those three things and come back and tell us what the answers are, I believe that the transaction should go ahead. It should go ahead as long as it is clear what Acton is going to be used for, as long as it is clear that we have free, unfettered title to redevelop Kingston, and as long as the high cost factors, if there are any, are provided for by assistance either from the Commonwealth or by the developer, whoever that may be, having to carry the burden. Then at least the developer will know what the costs are going to include.

Having said that, I must say that I believe that the benefits to the ACT community of having these two matters resolved and of the ACT Government having the ability to get on with redeveloping the Kingston area are inestimable. There is no doubt in my mind that the redevelopment of Kingston will bring employment, will restore a large neglected area to useful purposes and will generate, in the future, quite considerable revenues for the ACT Government. It should go ahead, and it should go ahead quickly. I do not believe that any one of the matters that the committee has raised is such that it is incapable of resolution or is incapable of early resolution.

I have only one other comment. I have reread the report thoroughly, from paragraph 1 right through to the end, paragraph 7.54, and nowhere in there has the committee included a section called "conclusions". I therefore take exception to the chairman putting in a foreword which says:

In relation to the committee's terms of reference ... the committee's conclusions may be summarised as follows ...

Then he lists a series of conclusions. They are not conclusions of the committee; otherwise, they would have been included in the body of the report. They are conclusions of the chairman. I must say that I am quite disappointed that the chairman chooses to put in the committee's report a foreword which purports to be the view of the committee but which is not, and which ascribes to me, as a member of that committee, certain conclusions that I never came to and that I do not agree with.

Mr Speaker, you will be aware that I have asked that this matter of the inclusion of prefaces in committee reports by chairpersons be referred to the Administration and Procedure Committee of this Assembly to determine whether it is a proper thing to do and whether the Assembly ought to accept it. I do not believe so, because that foreword gives a twist, a spin, to this report that was never agreed to by the committee members; it expresses nothing but the view of the chairperson. It just so happens that I do agree with the first conclusion. There need to be some changes to our planning arrangements. I have expressed my opinion about that by moving a motion in this Assembly, in private members time, which was adopted, which called upon the Government to negotiate with the Commonwealth to establish a single planning authority instead of two. It just so happens that that particular "conclusion" is something that I agree with. But I do not agree with the second one - that the proposal is a poor deal for the ACT. That is not my view. It is the view of the chairperson, perhaps. I dissociate myself from that preface and from most of its conclusions.

MS HORODNY (11.02): I am very pleased that the interim report has confirmed that this land swap deal, as it currently stands, is indeed a very poor deal for the ACT. It is something that the Chief Minister, as Treasurer, should be very concerned about. There appears to be general agreement across the community and certainly within the committee, and I think within the Assembly as a whole, that the Kingston industrial site certainly needs to be assessed for contamination. This assessment needs to be made public, and then the site needs to be remediated and developed. There is no argument on that score.

In recommendation No. 6, the committee agreed very strongly that the design competition does not need to be an international competition. In fact, it makes very much more sense to have an Australian design competition and for it to proceed in three stages. Stage one would be the competition for ideas about the uses that the site might be put to, including the transport options from Kingston to the rest of Canberra. Stage two would be the community consultation process where these ideas are put to the community for comment and, hopefully, for improvements and other alterations. In stage three, the Kingston Foreshore Development Authority would administer the implementation of the final design.

I am particularly happy that the committee is in agreement that the existing buildings on Acton be investigated for renovation and reuse. I think it is absolutely ridiculous that we consider a 30- or 40-year-old building to be past its use-by date. In other parts of the world and even in other parts of Australia, there is a much stronger commitment to renovating and reusing existing buildings, rather than just knocking them down. I am not saying that we should necessarily keep each and every building on Acton at the moment.

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By the same token, neither should it be just a holus-bolus knocking down of everything. We need to assess those buildings to determine what the actual costs are in renovating versus rebuilding. In the interests of public accountability, I believe that we must be absolutely certain that we are getting the best value for our dollar in this regard.

MS McRAE (11.05): If ever there were justification for the committee's inquiry and the whole process of review of this matter, it seemed to me that it was more than apparent in the Chief Minister's response to this report. She was a little put out, may I say, by the fact that the report seemed to further delay her wondrous vision for the Kingston foreshore. It was a most unfortunate and intemperate response, because what this committee did find was a range of questions that did need to be asked and a high level of community concern about the land swap in the first place. The range of questions that were asked were highly sensible and highly logical and pointed out the map of detail that had to be followed through before a successful outcome could be found.

As I came to the inquiry I constantly had to ask myself: Why this obsession with the Kingston foreshore? There are plenty of other beautiful places in Canberra that could do with an injection of development and a bit of energy and time: The Griffin Centre, which was on the books years and years ago and which nobody has ever looked at again; the Yarralumla Brickworks which, again, was on the books years and years ago, and never happened; North Watson, may I say, which, if that development had gone ahead, would have been beneficial to the Territory. There is a range of possible places where exciting developments of this kind could have taken place. I just wonder what the obsession with Kingston foreshore is.

I cannot help but feel that the Commonwealth are rubbing their hands with glee at getting rid of this dirty place that they no longer want, have any use for nor have any attraction to. The Commonwealth know full well that it is riddled with difficulties that they do not want to deal with. This report further highlighted all those concerns that were apparent in the community and among people who had any sense about what was actually on Kingston and, what is worse, what we are losing on Acton. What we saw in the run of this report was that, particularly when the new Government came in, there was no firm plan for Acton Peninsula; there was no real consideration about what needed to go there. There had been a minimum of discussion with the Canberra community. What we heard and saw throughout the committee's inquiry was a range of people desperately concerned about what would happen to what they saw as the most beautiful piece of land in the ACT.

This report highlights that those concerns are still there and that so many more people are even more concerned, now that the new Federal Government will not make a categorical statement about what is to go on Acton Peninsula. We saw last week, throughout question time, a great deal of handwringing, accusation, general finger pointing and carrying on about my fairly legitimate process of asking questions about exactly what the Commonwealth's contribution was going to be to the clean-up of Kingston. Well, we soon found out.

The Commonwealth's contribution was, in the mind of somebody a year later, in the form of some generalised discussion. There was nothing on the table - no contract, no exchange of letters, no bottom line. Someone just happened to remember it a year later. I have nothing at all against him; I am sure that his recollections are perfectly correct. All of us know full well that what happens in discussions in Ministers' offices is not always what appears on the dotted bottom line of public contractual agreements. There are plenty of things that are canvassed in the comfort zone of "Well, mate, yes", "Maybe", "Of course", "We are terribly responsible", and "Yes, we will follow all that through". Do we not all know that and, what is more, do we not all know that to our own cost?

In the second reading speech on the Bill granting self-government, we were promised quite a few things, particularly in relation to this building and a State parliament for the ACT. Was that ever delivered? No. Things that are talked about in Ministers' offices are not necessarily things that are delivered in cold, hard cash. What this Assembly has every right to know is this: Where is the dollar amount that the Commonwealth is willing to pay, is able to pay and will pay for the clean-up of Kingston? We have yet to see that. It is perfectly proper for this committee to ask for those details before it wholeheartedly recommends a very strange, lopsided deal which will be a cost to the Territory rather than a gain to the Territory.

Of course we would all like to see development at Kingston, and we would like to see it fairly quickly. I saw absolutely nothing in this report which would lead the Chief Minister to be as upset as she was on 7 May. All this report asked was that some fairly sensible questions be asked and answered. I see no reason why letters could not have been written on the day that this report was put down, responded to within a week and the go-ahead given.

It has taken the committee a year of inquiry and a lot of talk to bring some people to head and to bring them to face the very serious, logical and important questions that have to be answered before anything can proceed at a great rate. I cannot see why those questions were not answered by now. I see no impediment whatsoever to the Kingston foreshore development, particularly when these questions before us are answered, because they offer guidance on the sorts of things that bother the people of Canberra, the Opposition and other members of this Assembly. They are questions that can be answered, as we have been assured by the Chief Minister. I hope that they are in the process of being answered. They will serve to make the development better once they are dealt with.

I commend the report to the Assembly. I think it has offered good guidance for the future of Kingston. It has raised some very major concerns about the future of Acton, which have to be addressed. It has raised some very major concerns about the duality of planning in the ACT and the imposition of the Commonwealth's will on the people of Canberra, when they are very often not in accord with it. It raises some criticism of the way that the NCPA treats us and has always treated the future of Acton. I think that, the sooner the Chief Minister and her Government act on these recommendations, act on these suggestions and answer these questions, the better we will all be.

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MR WOOD (11.12): I believe that the Chief Minister should thank this Assembly and the committee for taking time to allow sense to come into the debate. She will not and certainly has not publicly, but I think perhaps frequently privately she heaves a sigh of relief and says, "Thank heavens they are doing that". The Chief Minister, I believe, early in government wanted a symbol of how dynamic her new Government was. She scouted around, looking for something that would act as a benchmark for what this Government was going to do in the future. There it was. Suddenly the idea emerged - Acton-Kingston land swap; get something going down there at Kingston. It was done in haste, and it is a good thing that a hold has been put on it so that some sense can be brought into the debate.

I want to make some comment because I was the Minister. I was once in a position, if I had taken it to the Government, to have initiated some action on this site. I have to say that I gave a little thought to it, but I was careful not to proceed beyond that. Let me point out the problems that occurred to me. There were the ordinary two - cost and what was going to go there. Let me deal with what would happen on this site. This would have been my thinking three or four years ago. At that time - and it is even worse now - there was no demand for retail space; we would not want to be putting shops there. Given the lead time that is needed before something might start to be built on that site - say, a three- to five-year period - and looking ahead at that period of time, we were not going to need any more retail space, in that area especially and in Canberra generally.

We were not going to need any more housing. The housing market was comfortable at that time, and we had predicted that it was going to slow down. We did not want any houses on that site. We would not need any office space. We have a plan that requires office space to be located in certain areas, and that is not one of the areas. Maybe a hotel could have been put there. Maybe some eatery could have been put there. The whole problem that emerged was: What would you put on that site? It all sounds wonderful. In time, it will be a great facility, a better version of Darling Harbour or something with a great mix of residential, office, recreation and retail - all those things; but in the period that we are looking at there was going to be no demand for it, no demand at all. We were well and truly covered across Canberra as it was then and as it is now.

Then I looked at the cost. It was going to be a very expensive operation. The Chief Minister has changed her tack, as she often does, from her original statements. The cost was considerable. In earlier statements in this Assembly, she said, "There is no cost to the ACT community. The developer will pay for it". In a sense, that is right. The developer would pay for it. Part of the conditions after the auction, the tender or whatever process was used would be that the person who acquired the site would do all the clean-up, all the renovations, et cetera. But, of course, what the Chief Minister - I think genuinely - did not know was that that cost would come off the price that was paid for it. The ACT taxpayers, who have to pay for it, did not know that either. No matter what, in the end the ACT taxpayers have to pay for it.

Mrs Carnell: What do they have now?

MR WOOD: Well, they do not have a big debt around their ears or a big white elephant in a few years' time. The Chief Minister absolutely avoided that issue of cost. Let me state it again clearly: It is now acknowledged, but it was not then, by the Chief Minister that, if the cost of doing the work was handed over to the developer, the developer would pay much less for the site; so, we pay for it. In fact, I would not have been surprised at that time if we would have had to pay a developer to do the work. Let me comment on the toxicity on the site and the clean-up that was known at the time. There were vague reports about it. There have been some specific reports, but it was the expectation all along that there was going to be an area that had to be cleaned up. It was never clearly defined and still has not been clearly defined.

There is something that has been overlooked in this debate, and that is the powerhouse. It is heritage listed; it is a great building; and we are going to keep it. I have not heard anybody yet mention what it is going to cost to turn that into a serviceable building. Again, the developer would pay for it.

Mr Humphries: That is right; so what does it matter what it costs?

MR WOOD: But he is going to take the value of paying for it off what he offers for that site. By the time you add up the cost of clearing the site of contamination and the cost of doing up the Kingston powerhouse, you will be hard pressed to get someone to give you any money at all for the site, especially in the current economic circumstances.

These are the problems that I briefly faced at that time. I quite sensibly said, "Well, that time will come". That time will come when Canberra's population is a good deal larger than it was then and larger than it is now. When there is some pressure building up for retail space, housing and the like, that is the time for it to happen. We did not need the Chief Minister clicking her fingers with a wonderful idea and saying, "Let us take this up now; let us do this; let us get it going".

I have not mentioned the negative aspects - the poor deal; the additional component in negotiating the give-away of the Acton site, which was part of the poor deal; and the poor outcome there, which was reported on by the committee. It is clear that the Chief Minister is catching up with these things as time goes by. If we move through, if there were no obstacles, I believe that the Government would not now put that out to tender. If everything had been clear, would you put that out to tender today?

Mrs Carnell: For the competition, yes.

MR WOOD: No, for building on the site.

Mrs Carnell: But we have to do the competition first, Bill.

MR WOOD: Great! Have a competition for what? You are trying to present a symbol that might express what your Government wants to do.

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Mr De Domenico: An exciting plan for the future.

MR WOOD: That is a nice change of tune by Mr De Domenico - an exciting plan for the future - but the future is some time into the next century, which is certainly not what you had in mind at the time. The fact is that this Assembly and the committee of this Assembly have done the Government and the ACT a good turn by bringing some sense into this debate.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.21): Mr Speaker, I suppose that we on this side of the chamber should have realised that, when we announced the Kingston foreshore proposal and put it up in lights before the last election as a major project that we were interested in to get development, investment and new opportunities going in the ACT, it would, at the same time, become a target for those opposite to make sure that what we had set ourselves as a major goal of the Government would not be achieved. We have seen, in the report handed down, an attempt to do just that. I think it is hard to imagine a proposal holding more possibility for the ACT than the one we have here. It is an exciting proposal, no matter from which angle you look at it.

I have looked through the report of this committee very carefully. I have tried, with the best will in the world, to work out a single strong argument for opposing this deal. I honestly cannot find one. Other debates in this chamber tend to revolve around an assessment of different arguments. There are arguments for a proposal; there are arguments against a proposal; and we balance them up. Different members give different weight to different arguments. Therefore, some say that we should say aye, and some say that we should say no. That is the way debates go. On this issue, I am at a loss to discover why we should not proceed with this proposal. From every angle from which you look at it, it stacks up as a very good deal for the ACT.

Let us assume, for the sake of argument, that Mr Wood is right and that every cent of the cost of the clean-up that has to take place on the Kingston foreshore site has to be borne by the ACT taxpayer. That is a highly hypothetical proposition, because I do not believe, in my wildest dreams, that the ACT will ever be in that position; neither, in his heart of hearts, does Mr Wood. But let us say, for argument's sake, that that is the case. We still have a proposal which is going to reap millions of dollars for the Territory and create hundreds of jobs, whichever way you look at it.

Mr Berry: It is a long way away.

MR HUMPHRIES: It has to happen that way. It might be a long way away. It certainly will be if reports like this keep coming down in the Assembly; it certainly will be a long way away if stalling in this Assembly keeps taking place. At the end of the day, it is an idea that stacks up very well, and it will produce a lot of money for the Territory.

This Government makes no bones about it: We are chasing every wagon which passes through this town and which has a bit of money on it, because we want to provide investment opportunities and jobs. When we came to office we said that we were serious about making a real difference to the economy of this town and generating development which provided jobs. We have not changed one iota from that position. We will pursue

proposals like the Acton-Kingston land swap because it has that potential. That potential does not exist if we retain effective control and possession of Acton Peninsula. We know that we will not, because there was never any possibility, from this time onwards, that that land would be used for other than major national purposes. That is the great flaw in the throwaway line that Mr Berry and Mr Wood are peddling out in the community: "We are swapping a magnificent site for a dump". I agree that Acton is magnificent, and I agree that there are contamination issues at Kingston. But the point is that Acton has no potential for ACT development of a kind that Kingston has. That is the difference. We simply cannot put our wonderful ACT project on Acton Peninsula. The Commonwealth wants it. The Commonwealth will have it.

Even those opposite were prepared to accept the Commonwealth taking control of Acton Peninsula and doing as it wished with it, sight unseen, when the project was a Gallery of Aboriginal Australia. There were no plans on the table then for the Gallery of Aboriginal Australia. We did not know how big it was going to be; we did not know whether it was going to include the other two components of the National Museum of Australia; we did not know when it was going to start. It has been promised for four years and has not been delivered. We had all those promises on the table, with nothing specific, and those opposite were prepared to say, "Yes, sure; you want it for that purpose; it is yours; take it; we do not mind". But when it comes down to this Government actually accepting the consequence of that, which is that ACT control of those buildings is of no value to the Territory, and, instead, trying to arrange a swap to get buildings and land which are of value to the Territory, we find them bleating, "No, you cannot do it".

I hope that most citizens of the Territory realise what a shallow and self-serving argument it is that those opposite have pursued in this matter, because there is simply no comparison between Kingston and any other site in the Territory. Ms McRae compared the Kingston foreshore with North Watson. Dear, oh dear! North Watson! She compared the Kingston foreshore with the Griffin Centre. The angels of logic certainly flew out of this building when that comparison was made. Honestly, does she really believe that there is any comparison between the Griffin Centre and the Kingston foreshore? Dear, oh dear! The Yarralumla Brickworks certainly is a proposal with some potential, but that is not a proposal which depends on any deal with the Commonwealth. That has the go-ahead, more or less, straightaway. In fact, the Government, I can tell you, is looking at that proposal at this very minute. We want to get moving a proposal which stalled under the previous Government. As I said, we are about getting things happening; generating the opportunities; generating the investment; and generating the jobs. Those people opposite do not realise how important those things are. That is why they presided over the highest rate of youth unemployment in this country.

I make no secret of the fact that we want to pursue this option. We are prepared to let the Commonwealth take over Acton Peninsula because we know that it is the rightful administering authority for that peninsula. I have to say, on a personal level, that I think it would be a planning tragedy of unparalleled proportions if somehow the result of this debate, or other debates flowing from this, was that Acton Peninsula remained as it was,

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with those buildings as they are now, for some time to come. Those buildings, in my personal opinion, are ugly, inappropriate and no longer useful, and deserve to be used in a different way. In fact, it would be more appropriate if they were knocked down and something else was done there.

I do not think the Territory should stand in the way of that happening, and I hope that those opposite will consider whether they are doing themselves and the future of the Territory any good by chaining themselves to that building, metaphorically speaking, and committing themselves and their future to that building.

Mr Berry: How many little Australians were born in that building?

MR HUMPHRIES: How many little Australians were born in that building? I have a great sentimental attachment to some buildings as well, but I am not going to tell people that hundreds of millions of dollars worth of investment in this town cannot go ahead because Mr Berry and a handful of other people - and I emphasise the word "handful" - happen to believe that it is important to keep those particular buildings in place on Acton Peninsula. I think they stand in the way of a very good deal for the Territory. I am more than prepared to support the deal that we made with the Keating Labor Government and get that development up and running; get those buildings knocked down at the earliest opportunity.

Mrs Carnell: At their instigation.

Mr De Domenico: At their instigation.

MR HUMPHRIES: At their instigation, I am reminded by my colleagues. I am prepared to honour that deal made with the Federal Labor Government and get that proposal moving. Everybody in this chamber knows, in their heart of hearts, that, without the Acton-Kingston land swap, the potential of both of those sites simply cannot be realised, in the short term at least. If we are serious about wanting to create jobs in this Territory, if we are serious about taking that beyond rhetoric in this chamber - bouncing figures across this chamber and talking about how much we care about young people without jobs - then our job in this place is to get those sorts of projects moving. I, for one, would vote for that every day.

MR BERRY (11.30): I was a member of this committee for a good part of the inquiry and I have to say that the recommendations which have turned up as a result of its complete deliberations are welcome. As I think somebody else said earlier in the debate, the recommendations contain all of the information that should have been canvassed before this deal was done. Over the years, there has been a core of people, both in the public sector - the Commonwealth and the ACT - and in the private sector, who have had their eye on the Acton site. There is no question about that. They have been waiting for somebody to come along to wrest it from the ACT's control and, of course, they saw Mrs Carnell coming a mile away. You can always recognise a mug and a sucker, and that is what happened with this. This is one of the lousiest deals ever imposed on the Territory. Let us have a look at - - -

Mr Humphries: But Paul Keating wanted it. He is your idol, is he not? You worship the ground he walks on, do you not?

MR BERRY: That is a bit of an overstatement. Mr Humphries said that he could not see a clear argument which would convince him that the deal was not a good one. I will give you a little sample. Have a look at recommendation No. 2. It goes on to say:

- the existing land swap gives the Commonwealth Government a completely cleared site of about 13 hectares at Acton while the ACT Government ...

Mrs Carnell: Yes, that you can do nothing with.

MR BERRY: That is not true, and you know it. It is useful to us.

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

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

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

MR BERRY: This recommendation says:

- the existing land swap gives the Commonwealth Government a completely cleared site of about 13 hectares at Acton while the ACT Government gets about 11 hectares of land at Kingston, half of which is occupied indefinitely by a Commonwealth Government body ...

We give away to the Commonwealth 13 hectares of the best land in the Territory for around five hectares of something like the worst. We have heard all this nonsense about the Kingston foreshore. It has nothing to do with the foreshore. It is a street and a park to the foreshore from what is essentially industrial land. It is not a proper description of the site to call it the Kingston foreshore, because it is not the Kingston foreshore. Mrs Carnell came along and stitched up an early deal. As my colleague Mr Wood said, she was keen to look as though she was doing something early in the piece and agreed to this deal which the ACT will be paying for for a long time.

There has been a lot said about lost jobs. If I were Mrs Carnell I would not talk too much about lost jobs because over the period that she has been Chief Minister we have added about 2,300 people to the unemployed list here in the Territory. We have all heard of the recent situation as a result of the Commonwealth's position on top of the havoc that she has created here, and the Territory is not in for a good time, on the face of it. That is the regrettable situation which has come about, but it is one that we will have to deal with.

You can sing all the praises you like about the Kingston site, but where is the demand going to be for the quality buildings that one would want to put on such a site? Of course, there would be a few developers around who are quite smart and who would like to take it off our hands at the right price when things are at the bottom and sit on

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it for years. There are all these issues about what we do with the ACTEW arrangements that are out there now, the power grid and all those sorts of things which will cost millions and millions of dollars to relocate. At the end of the day the ACT gets the job of doing all the hard work and it will be a long time into the future before there are many jobs created. I tell you what, a lot of us will have long departed this place by the time much happens on the Kingston site.

Mr Speaker, for Mrs Carnell to harp about the loss of jobs in the immediate sense is a bit of a joke. With her record, I would not mention jobs. In fact, I would drop the word right out of my vocabulary because of the poor record. Under Labor we had unemployment going down. Under the Liberals we now have a situation where 2,300 extra people are on the unemployed list since Mrs Carnell became Chief Minister. There is no way of avoiding it.

Mr Humphries: It went up, Wayne.

MR BERRY: Yes, of course it went up under Mrs Carnell. I agree with you, Mr Humphries. It went up by 2,300 people.

Mr Speaker, I think this report is to be commended. The Government should follow it to the letter and should congratulate the committee, as my colleague said, for providing it with a good set of terms of reference upon which it should operate in dealing with both of those sites. The community now recognises that this deal was a bad deal and that much more could have been achieved if we had had a good negotiator who knew something about these matters dealing with Commonwealth officials. As I said earlier, you can always see a sucker when they are coming. I am afraid that we have been suckered into a deal on this issue which the ACT will long pay for, but I think the committee report provides something of a solution to many of the problems Mrs Carnell has brought to us.

MRS CARNELL (Chief Minister) (11.38): Mr Speaker, I think I have to start my speech by quoting a piece from Michael Lee's press release. For those who have some memory of this deal, they might remember that it was conducted between a Federal Labor government and my Government, at their instigation, interestingly. The deal was announced by Michael Lee, the Minister responsible at that time. Towards the bottom of that press release Michael Lee said that the deal that was being negotiated by the previous Government had now been completed by the new Carnell Government. That tends to fly in the face of all of the comments we have heard from those opposite, Mr Speaker. Michael Lee, the then Labor Minister, indicated that negotiations for the land swap had been going on under the previous Government.

To some extent, Mr Wood made some comments along those lines. He said that three to four years ago he had been thinking about it and he thought that there might be a few problems. Maybe negotiations started three to four years ago, but what actually happened, Mr Speaker? Mr Berry has indicated that Michael Lee, the Labor Minister involved at that stage, may not have been totally accurate. That is interesting, because I did not mention that at the time, and the press release was a quite public document.

In fact, I think I tabled it in this place, so it is very interesting, Mr Speaker. It appears that what really happened here is that those opposite, probably deep down, knew that this was what the ACT needed to do; that the ACT desperately needed to get the Kingston foreshore dump redeveloped up to something that the people of Canberra and tourists could enjoy; but, because it required a decision, it was all too hard. So, although negotiations were, to quote Michael Lee, "continuing under the previous Government", actually deciding to go ahead was something that could not happen until we came to power. At that stage we did decide that a swap between Acton and Kingston was an appropriate approach.

Why did we decide that it was an appropriate approach, Mr Speaker? We decided for some of the reasons that Mr Humphries has already spoken about. The Acton site can be used for nothing other than a site of national significance, or, alternatively, for the purposes that it is now being used for. I found it very interesting to hear Mr Berry's statements. I would like to quote here Mr Berry from 17 February 1994 in the *Canberra Weekly*. He said:

I don't think anyone has a particular love of the tower ... or any of the rubble around it, and Sylvia Curley House would have to be one of the ugliest buildings I've ever seen.

Mr De Domenico: Is that the same Wayne Berry?

MRS CARNELL: That is Wayne Berry. It seems that Mr Berry, not all that long ago, thought that the tower and all of the rubble around it, and that horribly ugly building next to it, were not up to much.

Mr De Domenico: Perhaps his tastes have changed.

MRS CARNELL: I think it is probably that he is simply no longer in government. What this shows, Mr Speaker, is that Mr Berry, at that stage anyway, did support the redevelopment of Acton Peninsula as a site of national significance, but now that he is in opposition he just cannot bring himself to agree with anything that this Government does. So it must now be a wonderful site; these buildings, all of a sudden, have a new lease of life, and they are not rubble or the ugliest buildings he has ever seen any longer. I think it is a very interesting change of heart from Mr Berry.

Mr Speaker, we have in front of us a report that took over 12 months to put together but that really does not enlighten us at all as to in what direction the Assembly wants us to go. Since the report was brought down we have had Ms McRae say on the record that she thinks that the Kingston redevelopment should go ahead. We have even had the Greens on the record saying that they think the Kingston redevelopment should go ahead. We have Mr Moore on the record saying that the Kingston redevelopment should go ahead. On that basis, it would appear that everyone thinks the Kingston foreshore redevelopment should go ahead. We are very pleased to have that support, and the Kingston foreshore redevelopment will go ahead. I can guarantee to this Assembly that that will happen.

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I can also guarantee to this Assembly that we are having a total look at the contamination on the site. We were always going to, Mr Speaker. Unfortunately, when this Assembly passed that wonderful resolution from the Greens saying that we could not spend any money during the 12 months that it took this committee to report, it somewhat curtailed the capacity to go ahead with an investigation that will cost, I understand, somewhere in the vicinity of \$100,000 to look at the contamination on the site. Mind you, Mr Speaker, a report has been put in place or has been done by the Australian Government Printer on their site, which was one of the sites that were regarded as having, or potentially having, some contamination. It has been found that the contamination on that site is really quite minimal.

Mr Wood made some comments about the powerhouse and asked how we could ever possibly afford to redevelop it.

Mr Wood: No, I did not say that. I said that it is going to cost a lot of money.

MRS CARNELL: Well, you said that it was far too expensive. Mr Speaker, I know that those opposite are a tiny bit behind the times, but I think that even in Russia now they would probably get the private sector to redevelop those sorts of sites. It seems that the only people on this planet now who perceive that the Government has to do absolutely everything are those opposite, and possibly those across there as well.

Mr Speaker, the only sensible approach with the Kingston foreshore site is to go ahead with a competition, as we announced right from the beginning; to go ahead with a competition to get some exciting, innovative and visionary approaches to what is a very large site. I think it is something like 32 hectares. Once we have those competition results - something that I believe will give a vision to that whole area for the future - we will then be able to determine just how we go ahead with that site, which bits we might determine to go with first, and so on. I personally would like to see the powerhouse as the centrepiece for the redevelopment generally, and I would like to see that part go ahead first; but it may or may not, depending on what the plan is.

Mr Speaker, on one side of this deal we have the Kingston foreshore development, a 30-plus hectare site and the capacity to start really using the lake and really enjoying the lake for the first time, getting people down there to this absolutely wonderful facility that we have in Lake Burley Griffin. On the other side of the deal we have the Acton Peninsula with, as Mr Berry said, rubble and the ugliest buildings he has ever seen on it and that really must be used as a site of national significance. The NCPA recognised that when they put a value of \$1 on Acton Peninsula. Why did they put a value of \$1 on the site? They put a value of \$1 on the site because it could never be sold for any purpose other than a site of national significance. On the basis that you cannot sell it and you cannot use it for anything other than a site of national significance, which means that the Commonwealth Government will own it, then, obviously, it does not come with a sale value. They put a value of \$1 on the site because I think they agreed with all of us here - well, at least most of us here - that it should not be used for other purposes. Kingston foreshore, though, can be used for all sorts of purposes, whether it be residential, commercial, recreational or leisure. Really, the sky is the limit, or imagination is the limit, Mr Speaker.

For the life of me, I cannot see why swapping a site worth \$1 for a site that has a quite large value, in terms of not just the amount of money we can get from selling the land on the site but the number of jobs that we can create in the building phase and in the longer term through facilities on the site, is a bad deal. Obviously, the contamination issue has to be addressed. Mr Speaker, I find this whole contamination issue fascinating. You would think we were arguing about a development that was going to cause contamination. (*Extension of time granted*) Mr Speaker, you would think that we were discussing here - shock, horror! - a redevelopment of Kingston foreshore that had the potential to cause contamination on a pristine site, but this whole debate has been about cleaning up supposed contamination already there. You would not think you would argue that at all. You would assume that everyone would say, "If there is any contamination there we should clean it up. We should not leave contamination there with the potential to leach into the lake, or any of the other things that could be the case if there is any there".

For the life of me, I do not understand why the Greens, particularly, have such a bee in their bonnet about a proposal that would clean up a site that may have contamination associated with it; why the Greens, or, for that matter, those in this Assembly, would have a problem with looking at a plan that would allow the people of the ACT, tourists and others to enjoy the natural facilities and the natural aspects of our beautiful city by using the lake foreshore in a way that is, obviously, environmentally sustainable and appropriate.

I find it extraordinary that we would be having an argument about a proposal to fix up contamination, to clean up a dump, to use an area of Canberra that is beautiful but that very few people can enjoy at this stage simply because of the physical layout of the place, and a proposal that can produce significant jobs in a city that desperately needs significant jobs. That is what we seem to be arguing about - but, when I say "arguing", we have everybody saying that Kingston should go ahead. Well, Kingston cannot go ahead unless the land swap goes ahead, Mr Speaker. The land swap will not go ahead until we sort out the issues of contamination, so nobody should have a problem. We all should say, "Fine, let us go for it and let us get this show on the road". Mr Speaker, before I finish, I would like to table the press release from Michael Lee. I will quote again the particular part of that press release. It said:

Negotiations on the land swap had been progressing with the Follett Government since last October and were finalised with the current Government this week.

Mr Speaker, what is this all about, except the Opposition just not being able to agree with this Government even if this whole approach started under them?

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MR WOOD: Mr Speaker, I would like to raise an issue of misrepresentation under the standing orders.

MR SPEAKER: Under standing order 47?

MR WOOD: Yes, thank you. The Chief Minister says that we could not come to a conclusion in dealing with the Commonwealth Government. The fact is that the then Chief Minister, Rosemary Follett, would not do a deal that was not in the interests of the ACT. She would not allow herself to be conned.

MR MOORE (11.52), in reply: I rose slowly, Mr Speaker, because I will be closing the debate and I wanted to ascertain whether any other members wanted to speak. I think the nub of Mrs Carnell's argument is that the Acton Peninsula is worth \$1 and Kingston is worth a lot of money, and therefore we should get on with Kingston; that it took us 12 months to realise that this is the case and that is all that we are doing. What absolute nonsense! The Chief Minister has concentrated entirely on what we could be doing on the Kingston foreshore, as though that is the only part of the issue that the committee considered.

Mrs Carnell: We have control over Kingston. We do not have control over Acton.

MR MOORE: I hear her bleating about control. She clearly does not understand where controls lie, where leases lie, and how things are affected. Indeed, Chief Minister, control over the Government Printing Office is one of the issues that we raised with you and that you had not thought about when you made the stupid deal. You say that Acton is worth \$1. What absolute nonsense! That actually identifies dry Liberal economics. This Chief Minister tried to convince the electorate that she was not on about dry economics, that she was actually a wet Liberal; but we certainly see it coming through here. If we used the same logic that she is using in terms of this deal, it would be appropriate to nominate \$1 as the value of Namadgi National Park because it does not have a dollar value. For purely administrative reasons the Commonwealth Government put a \$1 value on it. Anybody who suggests that the Acton Peninsula is effectively valueless would have to have their head read. Indeed, that is what the Chief Minister has said.

The issue that is before us, Mr Speaker, is whether this was a sensible deal. No, it was not a sensible deal. I must say that over the 12 months the committee did not just suddenly come out and say, "We want to do this" or "We want to do that". There was a whole series of recommendations that deal with the failure of the Government to sort out details on this deal, such as their failure to sort out the contamination, their failure to sort out the costs associated with ACTEW's removal, their failure to establish the level of contamination, their failure to deal with the Government Printer, and their failure to get an agreement as to what was going to go on Acton Peninsula, and that is an important part of this issue.

It is not just one sided, Chief Minister. It is not just about suddenly getting Kingston going. It is also about what is going to go on Acton Peninsula and how we are going to develop it. Had the issues been resolved, had her Federal colleagues said prior to the election, "We will go ahead with the Gallery of Aboriginal Australia on Acton Peninsula as part of our policy after election", we would have had this report down last year. Instead, we were sensible enough to say, "Perhaps there is going to be a change of government and we do have to hold onto this issue".

Furthermore, the Chief Minister stood up here, Mr Speaker, and certainly pushed the barrier in terms of whether she was reporting accurately to the Assembly when she talked about the motion that the Greens put preventing her from addressing contamination. I am looking at the minutes of 4 May 1995, and the amendment moved by Ms Horodny was:

After the words "money be spent" insert the words "other than assessment of environmental costs and factors including contamination".

I think it is fair to say, Mr Speaker, that, although albeit unintentionally perhaps, the Chief Minister has misled this Assembly in presenting that she could not spend a dollar. I do not suggest that that was intentional, Mr Speaker, but her misunderstanding has clearly put her in strife over this issue. After the report came down she has half read it, she has half understood the motion, and she has half understood the deal. It is all this half-baked business that has got her into the mire which she is in at the moment and which the Assembly committee has tried to extract her from. We have said, "Yes, you can go ahead with Kingston, but subject to this series of things that you should have done first". I do not know who your negotiators were; but if you are going to negotiate a deal and then say, "We will sort out the details later", I think you can expect to find yourself in the sort of strife that you have found yourself in with this issue.

Mr Speaker, I would like to add that there was a whole series of other issues that the committee also dealt with and that the Chief Minister was unable to deal with in a satisfactory way. One of those was whether or not the ACT Aboriginal groups or the Ngunawal Aboriginal groups, some of whom are in the ACT, should have their own cultural centre as part of the Gallery of Aboriginal Australia.

Mrs Carnell: Michael, you could not sort that out either.

MR MOORE: Mr Speaker, they were, indeed, difficult issues. The Chief Minister correctly interjects, "Michael, you did not sort that out either". That is true, Mr Speaker; but we did take it yet a step further, and I think the Chief Minister would have to agree. We have taken it yet a step further and, Mr Speaker, it is a difficult issue. To say that we should have had a quick look at this, reported back in a couple of weeks and all would have been well is just absolute nonsense. We are able to do that, Chief Minister, and we have done that on a number of issues where the work has been done and the details have been sorted out. Next time you go into negotiations, do not go signing off a great deal in principle and then have the details to sort out later.

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Mr Humphries: Why not?

Mrs Carnell: Why not?

MR MOORE: Because that is how you - - -

Mr Humphries: That is how most deals get done, Michael.

MR SPEAKER: Order!

MR MOORE: Because that is how you get caught out. If that is how you intend to continue, you can also expect to find this Assembly saying, "We do not like the details and the deal cannot go ahead if the details are not sorted out in a specific way". If you are going to sort out the details later, then the negotiation is clearly subject to those details. Do not forget that we have already had the Federal Government change their mind, effectively, about what is going to go on Acton Peninsula. They are talking about the Gallery of Aboriginal Australia - - -

Mr Humphries: So what?

MR MOORE: "So what?", says Mr Humphries. That summarises his attitude to the whole thing - that we must have development on Kingston, no matter what else goes on. No matter what else happens, we must have development on Kingston. Why? Because we have a Liberal government in the ACT and a Liberal government federally. They are cutting Canberra to the bone at the moment and they want to pretend that they are going to provide some jobs in some way. They see the Kingston foreshore as a big beacon to say that they are doing something. Well, bully for you! There is a lot more to it than that.

Mr Humphries is now saying "So what?" about what goes on on Acton Peninsula. "We will just leave that to the Federal Government because we are not concerned", he says. Well, I have news for you, Mr Humphries. Lots of people in Canberra, the vast majority of people in Canberra, are interested in having a say as to what goes on on Acton Peninsula.

Mrs Carnell: They will.

Mr Humphries: They will get their say. A competition will take place.

MR MOORE: You bet they will, because this Assembly is going to continue monitoring what goes on on Acton Peninsula. We are not just going to give you carte blanche to go and do this sort of thing. It was a poor deal. The crunch is that it was a poor deal. I have made my personal view public before this. Had it been to allow a Gallery of Aboriginal Australia to go on the Acton Peninsula, and that is what the Federal Government was going to pursue, then it was a poor deal that I would have been effectively prepared to wear. I think you have some problems with the deal now.

The committee has made some suggestions to you as to how you can get through and resolve some of those details, particularly the one with regard to the Government Printing Office. Instead of your initial reaction to reject this report out of hand, when we do see the Government's response to it I hope that it will be a rational response instead of the sort of rubbish we have had so far.

Question resolved in the affirmative.

SOCIAL POLICY - STANDING COMMITTEE
Report on Inquiry into Prevention of Violence in Schools

MS TUCKER (12.01): I present Report No. 2 of the Standing Committee on Social Policy entitled "Report on the Inquiry into Prevention of Violence in Schools", together with extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, firstly, I would like to thank the other members of the committee - Ms McRae, Ms Reilly, who replaced Ms McRae, and Mr Hird - for their energy and interest in this inquiry. I would also like to thank Judith Henderson, who was the secretary and who worked extremely hard in the whole area. I would like to express also my thanks to all the people who gave their time to talk to the committee and to share their knowledge and experiences with us.

This committee confirmed that extreme violence is a problem in schools even though only a small percentage - one per cent of students - are actually involved in it. That is about 400 students in the ACT, and it is an issue that we do have to address seriously. Of equal concern is the wider spread occurrence of more subtle forms of violence which is sometimes called bullying, and subtle harassment of various kinds, including verbal sexual harassment, racism, homophobia and so on.

In Australia the problem of bullying in our schools has been identified as a major concern by State education authorities and the Federal Government. Research shows that one in seven children are subject to serious bullying at some point in their school life. Kids have always known that bullying and violence is horrible, but now it is better understood by educators and policy-makers as well that bullying is physically harmful, psychologically damaging and socially isolating. Effects can last beyond school into adult life. It is recognised that bullying is a damaging aspect also to the adult Australian work force.

If members of this place look at the artwork which will be on display in the gallery next week, I believe that they will understand how painful the school experience can be. There are some drawings included in the report which members will be able to look at, but I urge all members to go to this exhibition because I believe that it is a very powerful statement of the experience of some young people in our school system. I was personally very affected by some of this work and I believe that it is as good and as strong

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a statement as any submission that has come to this committee. The project presented students with an opportunity to represent their feelings through various mediums - sculpture, lino printing and drawing - in a couple of schools in the ACT. I was interested to hear the teachers explain that allowing the students to express their feelings in this way brought about an opportunity for broader discussion of the issues. In the PEACE Pack, a document submitted to the committee inquiry from South Australia, Professor Slee, who is leading research in this area, mentions the importance of arts of all kinds - visual arts, performing arts - in helping students articulate their feelings and find solutions to the issues of violence, bullying, personal relationships, the school system, the whole lot.

I will summarise the recommendations of the committee in three broad areas. What was very clear to the committee, from all the submissions, is that violence is a broad community problem. We have had various discussions in this place recently about violence. We had the Federal inquiry into violence referred to at length by Mr Moore on one occasion. We have had discussions about paintball. We have had discussions about Port Arthur. We have had discussions about violence. It is, indeed, a community problem and this has to be recognised when you are looking at the question of violence in schools. We cannot say that the schools can deal with the problem alone. There has to be recognition that broader support is necessary, for the whole community to deal with the issue of violence.

We have had mandatory reporting introduced into this Assembly recently. That is crisis management, once again. This committee makes recommendations, as all committees have which have looked at this topic in any detail, which refer to early intervention and to preventative measures. This committee, like the other committees on behavioural disturbance and the Federal inquiry into violence, has stressed the need for early intervention and for the provision of family support services. This will include parent teaching; parent advice; support in terms of child care, if parents need assistance with that; support in conflict resolution for whole families; and involvement of families in the schools. It is interesting that research shows quite clearly that, the more the community is involved with a school, the more likely solutions are to be found. So schools need to be encouraged and supported in this outreach sort of work.

Our recommendations ask the Government to produce a strategy for the provision of family support services. We do not see that this exists. We also ask for a publicity campaign. Once these services are in place and we have a clear picture of what the Government strategy is, there should be a real effort to let the people in the community know that the Government does want to help and that there are services available. That was the issue of community support and violence being broader than the schools.

The second really obvious issue that came up was that while there is a problem of violence in schools, for students and for teachers, some schools are more successful than others in dealing with the issue. That is not always just about resources; sometimes it is about an individual teacher. You will find in the text of the report that the committee had interesting discussions around the question, "Where do these people who have particular skills in dealing with these particularly troubled kids and difficult situations come from?"

Does the system foster their development?”. What we found in one school particularly was the off-line program. That is a program that is really offering an option for students who are having difficulty in the mainstream classes. They can go to this off-line program where there is a different kind of teaching occurring. It is extremely successful and apparently most of its success, or a large part of its success, is due to the nature of the man who is running it. Equally, the girls program had a very skilled person running it. We could see the need to get more encouragement for teachers who have skills in this area, more reward status and recognition for their very important work.

The committee generally felt that we needed to further resource schools in order for them to address the issues of violence. We asked that there be further resourcing of off-line programs or similar flexible approaches in schools to the one that I just described. We asked that there be careful examination and further resourcing of intervention programs for students on suspension. We have a situation now where many students are suspended from schools in the ACT and, while they are suspended, who knows where they are. Their parents are probably at work and the kids are on the streets. It is not really going to help them change their attitude. They need to have some kind of support if they are not able to work within the school system.

We also ask that there be more help for primary school students. There were alarming figures or reports that there is a more frequent occurrence of violence in primary schools, involving much younger children, than used to be the case. We do not see that that has been recognised enough in resourcing. There are waiting lists of children who need help and are not getting it, which means that the teachers are left in a very difficult situation, having to handle children who really do have special needs. The committee also wants to see alternative education and life-skill programs being provided for students who cannot reintegrate into schools. For some kids it is just not going to work, and, if it is not, at least try to give them something to go back out into the community with, not just say, “Well, that one fell off”.

Of course, we have the issue of resourcing teacher training. When we talked to the Canberra University about the training of teachers there was concern that there was not a big enough focus in training; that behaviour management is actually an extremely big part of the teacher's work, and that they do need to be skilled. This does not mean just training before they start teaching. This is about providing the support while they are practising teachers, through courses, refresher courses, and an opportunity to deal with these issues as a group so that they can deal with them in a skilful way.

Another big area of concern for a lot of people was the issue of equity and access in our public school system, and what do we actually value in this society. It was interesting that in the *Weekend Australian*, in the Review section, there was an article headed “The Me Society” which was based on what is happening in the United States. If any members here read that article, I am sure that they would have been equally alarmed by the approach that has been taken in the United States. People in the United States, more and more, as the gap between rich and poor increases - a phenomenon that is happening also in Australia - are becoming less concerned about caring and much more concerned about looking after themselves, to the point where in some States they are banning any new welfare agencies, even private, because they would be a magnet for the needy and they do not want the needy in their towns.

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This is about a society that has egalitarian principles. It is a question about what we say in Australia about the widening gap between the rich and the poor, and how our government services are put in place to try, at least within the school system, to give an equal ground for young people's experience, because you can bet your bottom dollar that it is not going to happen once they leave, if things continue the way they are.

What we heard in the committee from many people was concerns about issues such as school-based management, sponsorship of schools and voluntary contributions. We are getting more and more likelihood of good schools and bad schools, poor schools and rich schools, and what kids are going to end up in the poor schools? The more upwardly mobile parents move their kids upwards, always out. So who gets left in the poor schools? It is the kids who need the most support, and they will not find it. That is what has happened in the UK and New Zealand. One of the recommendations of this report is that we have asked the Government to provide to the Social Policy Committee a clear assessment of any negative implications of school-based management on equity and on the abilities of schools to deliver services to kids at risk, special needs kids, and basically to take on the task of trying to instil a sense of cooperation and non-violent resolution of conflict.

The committee also made similar recommendations to those of the Public Accounts Committee on voluntary contributions because we received similar evidence expressing grave concern about the effect that it has in our community when some schools are collecting 80 per cent of their voluntary contributions and some are able to collect only about 10 per cent. It is clear from what the schools say that these contributions are not for frivolous extra things. They are essential for the basic running of the school. The school that can collect only 10 per cent of the voluntary contributions is probably the school that needs the resources most, because some of the kids in those schools cannot even afford a basic book, let alone go off and pay for an expensive school excursion.

We heard about some children living in an outer area of Canberra who, until they went on a school excursion, did not know that there was such a place as Lake Burley Griffin; they had never been to the city. There were children who had had a lot of trouble expressing things in school. They had a very limited experience of life in Canberra. There was an excursion to Sydney undertaken by that school and it was really interesting to hear what the teacher said about the way the work of those children was so exciting after that experience. School excursions may be just recreational, but they may not be. They may be extremely important for the experience of children, and this is more likely to be the case in the poorer socioeconomic areas. So this committee has made similar recommendations to those of the Public Accounts Committee, and we know that the Assembly sent the Government's response to it back for reconsideration. This committee is also saying to the Government, "We do urge you to reconsider your response to these sorts of concerns". Surely we do not want to go down the path of the United States.

In conclusion, are we going to tackle this issue, or is this just another report which will bite the dust? Will we hear, "No, no, we do not have any more money", or will we hear a recognition from this Government that it makes sense to take a long-term view that this is a priority; that we do value our young people and our teachers; that we do recognise that life is harder for some than for others, and that these people need support and are not to be blamed?

I was appalled to hear a member of the Liberal Party on the radio recently talking about child development and punishment, and discipline for those bad parents who have bad children who graffiti our walls and mess up our tidy town. These statements reflect a total ignorance of informed thought on the topic and also show a lack of compassion. If members who hold these views looked in detail at the lives of some of these kids, they might be surprised that they behave so well. They might see that their families do not need blame, but need support in finding ways to resolve very difficult life situations. If they spent a week in a classroom, they might also realise the difficulties that some of our teachers have to work with. Their task is much more than teaching. It is often more like social work, and they must be supported in it.

I repeat that this is one of a number of reports which have come out on the issue of violence or behavioural disturbance and there are common recommendations or conclusions in them all. (*Extension of time granted*) Thank you, members. There are common recommendations or conclusions in all these reports. They are that early intervention and preventative measures are the most effective solutions. A long-term strategy has to be adopted. Now it is up to this Government to respond positively to this report and show that they do value what most Canberrans value in our society.

MS REILLY (12.18): Mr Speaker, although I came late to this inquiry, I was very pleased to be part of the deliberations in its last months. It was also a very enjoyable experience to work with my two colleagues Mr Hird and Ms Tucker, and it was very interesting to get to know them better. I would like to express thanks for all the work done by the secretary of the committee, Judith Henderson. She did a marvellous job and I think she should be commended.

I also had the opportunity to take part in a couple of school visits to Richardson school and Malkara school, and they were impressive. From talking to the principals of these schools, I recognise the time and energy that these people have contributed to their school communities, to ensure that they are safe and happy places for the students and for the teachers and to provide an open learning environment within those schools. I am sure that this is typical of schools in the ACT. They are trying, often under difficult circumstances, to provide the best environment for the children of the ACT; but, of course, it all comes back to resources and support.

We are all concerned about the development of our children here in the ACT, but we cannot take the attitude that it is the responsibility of only the schools. It is not. The whole community has a role to play in ensuring that children have the best opportunities to develop in a safe, non-threatening environment where their abilities have the best chance to develop. This means that we must support schools and we must support families, to ensure that when there are difficulties, when things do not go as smoothly as would be hoped, there is help available.

In considering this topic, violence in schools, it was of concern that there was possibly more violence in the ACT than anywhere else. I suggest that there probably is no difference; but this issue, I understand, was raised in the early considerations of the committee, and I think it is a good example of early intervention. This was a concern - it was not seen as a major concern - but we were looking at violence in schools and finding ways of addressing that, and I think this is a very important point as well.

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A number of other studies previously had already highlighted various issues, but the sad thing was to find so little action being taken on them. There was little action on early intervention for students with behavioural problems; the provision of family support programs; aspects of the withdrawal unit for primary students with behavioural problems; alternative education programs for young people who have not completed high school or who are at risk of not completing high school; the establishment of a child development unit; and training and support for teachers. These were all issues, as raised by Kerrie, that we were looking at. We need to make sure that we keep these in the forefront of our minds.

Violence in schools is an old problem, a continuing problem, and we need to make a concerted effort to resolve the issues. If we do not address this, if we do not provide essential assistance to schools and families and work towards making the ACT a non-violent community, it will be a loss for all of us, and a loss for our future. Children who cannot get an education, who are out of the system because of expulsion or the lack of relevance of the school curriculum to them at that time, or who have low esteem, will not be able to grow into active and useful members of the community. That will cause additional health costs and additional costs for income support.

The report lists many forms of violence. There is no need to discuss each of those now, but we took a very broad view of violence. We were looking at a whole range of behaviours within schools. We noted that boys tended to be more physical in the expression of violence, while girls are more likely to use verbal abuse; but the outcomes are the same. It affects both the perpetrator and the victim. It also partly affects the community as a whole if we allow such things to go on without notice, without taking some care to address them.

If children are not able to feel comfortable and safe, they are less likely to learn and to stay connected to the school community and the community as a whole. Fear of violence will also affect other children in the school. Violence also affects teachers and their ability to teach effectively, and that, as I said before, will lead to additional costs in the future. It was also noted by the committee that it was unfortunate that for some children schools are safer places than their own homes. We need to recognise this and to address this problem as well in a holistic way of looking at violence in the community.

A number of other studies show that many factors influence the development of violent behaviour. The report mentioned last week, *Violence - Directions for Australia*, was prepared by the National Committee on Violence in 1990. This report raised a number of factors that influence the development of violent behaviour, and it talked about the influence of the family, cultural influences, personality, substance abuse, biological factors, media influences and peers and schooling. It particularly emphasised the role of the family in the development of aggressive behaviour and I think that is something we must remember. We cannot just concentrate on school; we have to look at families and at the whole community and get it working in an integrated way.

It was noted that children who are violent at school or who are bullying other children may be acting out behaviour learnt at home, or it may be the result of low self-esteem and this is the only opportunity they have to have any power over other people. We need to recognise this. We need to look at children at school and recognise that other influences also affect their behaviour. There is nothing to be gained by blaming the child at school. It has to be looked at in terms of the family and the community as well.

I cannot stress enough the need to help families and schools to find ways to deal with violence and aggression. It is too late, when the child has grown up and has learnt no ways of dealing with anger and other emotions except by hitting out and hurting others, to then try to address the problem. There is no point in looking after a violent event and saying, "Well, what could we have done?". We need to intervene early and we need to try to resolve these problems. We must consider the services and support which are provided here in this community, and many of the recommendations of this report focus on these aspects of changing violent behaviour in our community.

We looked particularly at schools, and it should be noted and recognised that schools work hard for whole-of-school behaviour management and, in most cases, are successful. But these things do not happen just out of thin air; they do not happen without support and without resources. Schools need our support. They are not all equal; they are not all the same. As Kerrie Tucker mentioned, there are differences in what moneys they can raise within the community. There are differences in the way kids come to school. Teachers need our support. Teachers need support through training and recognition of the job they do. I think at times we do not always give teachers due respect. They perform an important role in our community in looking after our children and developing our children, and we need to continue to provide that support to teachers. Children come to school with different levels of socialisation and different types of behaviour, and there must be some mechanisms to recognise this and to work in different ways with children. It is not a case of one size fits all when dealing with children, so we need to ensure that there are off-line approaches and flexible approaches to deal with kids who are not fitting in. Expulsion, at times, is not the way to go; nor is suspension.

As has been mentioned previously, where do these children go who are out of the school system? In a community where two parents work, often there is no-one at home. Are they running around the streets? Are they getting into problems? And are they going to come back into the school system? I think kids that end up disconnected from the school system have a lot of problems. They find it very difficult to fit back in. We need to recognise that and find ways of dealing with it. We need as well to look at off-line programs of primary schools that are localised, so that children are not expected to travel across Canberra; programs that are flexible enough to respond to the needs of those children and that are timely. There should not be waiting lists of six months. We should be able to provide the assistance when it is needed, early, when problems arise. We need to look at alternative approaches to schooling, so that we do not lose children who find that this current curriculum is not relevant. There are positive programs now and they are doing an excellent job, but those who are involved need to know that they have community support and that there will be adequate and continuing funds.

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As I said previously, we must continue to support families because they are an important part of the community and at times they need support. As the report in 1990 stated, families are the training ground for learning aggressive behaviours. Here in the ACT we have the opportunity to strongly support families, so that families who have problems can get help and feel comfortable in asking for that help. The help should be non-judgmental and available at the time it is needed. It must be very difficult for families to be told, "If you wait six months you will get some assistance".

We need to ensure that there are sufficient resources for early intervention and that there are programs to help families to meet the needs of children with severe disruptive behaviours and emotional disturbance. I think we need to recognise that and continue to support them and not reduce services, which appears to be happening. There need to be more resources, not fewer resources, and more counselling services for families. We need to promote equity in schools and to value also non-competitive activities within schools, be it sport or other recreation activities. There is the opportunity in school to learn a whole range of things and to find alternative activities that you can carry off into adult life. It is hoped that if there are alternatives available there will be little attraction for games that simulate violence, there will be little attraction for videos which depict violence, and there will be a whole range of other activities for the community to participate in. As a community, we in the ACT must support and nurture our children and their families through community activities and through our schools. This report, which I hope that you will all read, sets out many ways of doing this. I wait eagerly to see the Government take up the recommendations and implement them.

MR HIRD (12.30): Mr Speaker, in commending this report to the parliament I would like, first, as a mere male, to congratulate Ms McRae, Ms Reilly, and the chair, Kerrie Tucker, and certainly the committee secretary, Judith Henderson, with whom I served on this committee, on the professional way in which they dealt with this very vexed issue. Ms McRae, who was on the committee earlier in its deliberations, Ms Reilly and Ms Henderson are all former teachers who understood the problems which confronted the committee. Ms Tucker, the chair, is a former nurse, which meant that she also had an appreciation of the problems which were before the committee.

Mr Speaker, it is of crucial importance to the successful outcome of this extensive inquiry into the prevention of violence in schools by the standing committee that the report and the recommendations therein be treated as an apolitical issue in the wider interests of the community, as they were by all members of the committee. This is a report which has far-reaching effects, not just in our schools but throughout the ACT community.

The committee has made it clear in its report that it does not believe that violence in schools is out of control or that schools are not coping. For some students, school is indeed safer than home. The committee recognises that violence is a community problem and that schools alone cannot be expected to solve it. It is a matter of deep concern, however, that data available to the committee showed that there has been an increase in the incidence of serious violence in public schools over the past few years.

Violence is a community problem and prevention must be a joint effort. It is not just a school problem. Violence does not necessarily start in schools. Parents cannot abrogate their responsibilities. Violence in the home transposes into the classroom. The committee heard evidence that schools and young people see domestic violence as a major issue in behavioural influence, and related experiences with violence at home and in the wider community to violence at school. The committee heard reports of increasing violence among very young students, even as young as kindergarten and preschool age. Early intervention is essential. Prevention must begin at primary school level. It is too late when children get to secondary school. There also was evidence that children's behaviour is closely related to the assistance they receive, or do not receive, at home from their parents with their homework. It follows, therefore, that influences outside school have a role to play in the social development of young people.

Mr Speaker, it is worrying that some schools would not participate in the committee's inquiry because they were afraid that they would be seen as schools with violence problems. That could be misconstrued as a cop-out, an admission that they in fact do have a problem. On the other hand, if they do not have a problem, taking part in the inquiry would have given them a chance to demonstrate to others the measures that they had adopted to control violence within their precincts. We might all have learnt something.

The committee was impressed by the role police played in easing the problem in some areas. Community policing, as it has been introduced in areas like Belconnen and Ainslie, and the Tuggeranong approach, which involves policing in the schools, convey the message that police are not the enemy; that in fact they are the friends of children. Children can relate to police on cycles wearing bike helmets, and this has led to a greater response to police school programs by children and teachers. Both of these programs are commendable and should be continued, with proper provision for funding through the police budget.

The education system has to get involved too, Mr Speaker. Teachers have to be trained to come to terms with the amount of violence they encounter in their day-to-day duties. They need effective training and support in behaviour management techniques. Evidence before the committee suggests that for far too long training programs have been set by bureaucrats. What is needed is a joint consultative approach, with teachers, affected parents and responsible students participating.

One of the biggest problems facing schools is bullying, which combines all the worst aspects of violence - physical violence, verbal abuse and harassment. It is seen as being closely related to sexual harassment. How to resolve this problem was one of the major concerns of the inquiry, just as it is within the school system.

It is significant, Mr Speaker, that, in all of the survey results available to the committee, verbal violence was the most prevalent form of violence reported in school. Perhaps this reflects the basic cause of violence - the influence that today's outspoken society inflicts on young people in our community. Perhaps this is where we should be looking for a solution. We have seen reference recently by the Prime Minister, Mr John Howard, to the influence television and videos have on violence in the community.

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It was disturbing to the committee to hear that fighting among schoolgirls was becoming more prevalent, and at least one high school principal put that down to what was described as a gladiator mentality promoted by television. The widespread prevalence of sexual harassment in our high schools may also be related to the increase in explicit sex in many of the television programs that the students watch. They are screened at teenage viewing times. What young people see on television often becomes an accepted way of life.

Where our education systems falls down is in the area of discrimination. Somehow we have to find the resources to ensure that all children at all schools have the same opportunity to receive non-discriminatory and equal levels of education. There is ample evidence that that is not happening at the moment. It is obvious that there are disadvantaged school communities out there, and that is a real problem that has to be addressed by this parliament.

The worst thing we can do, Mr Speaker, is sweep violence under the school carpet. Violence in our schools is a reality. What we have to do is develop appropriate measures to combat its prevalence, because of the effects it is having on our education system and its cost to the community in general. Young people need role models, and in today's society that frequently comes from outside the school and the home. Perhaps that is the trend we have to change. The solution is in providing a non-violent and non-discriminatory environment inside and outside our schools. Mr Speaker, I commend to members of this parliament the report presented by the standing committee on prevention of violence in schools and the recommendations contained therein.

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

WODEN VALLEY HOSPITAL - TREATMENT OF NECK INJURY Paper and Statement

MR OSBORNE (12.38): Mr Speaker, I seek leave to table a letter I received and to make a very brief statement on that letter.

Leave granted.

MR OSBORNE: The letter I wish to table here today, Mr Speaker, is one that was delivered to me by Dr David McNicol, an orthopaedic surgeon at Woden Valley Hospital. The letter basically has been written in defence and in response to an incident which was reported in the *Canberra Times*. A young rugby league player by the name of Michael Cole, whilst playing rugby league a few weeks ago, on 27 April, injured himself and broke his neck. He was referred, firstly, to Queanbeyan Hospital and then on to Woden Valley Hospital.

Mr Speaker, on Tuesday I had a very lengthy and at times heated discussion with Dr McNicol about this incident. I said to Dr McNicol that I would be prepared to table a letter from him in response to what happened with Michael Cole at the hospital. Mr Speaker, I respect the fact that Dr McNicol is an expert in the field, if not the expert in this field in Canberra, and I do not intend to dispute what he has had to say.

However, I would like to add that I took the liberty of speaking to the injured boy, Michael Cole, this week and he stands by what was written in the *Canberra Times* article. I am very pleased that Dr McNicol has gone to these lengths to reassure not just the sporting community.

I first became aware of this story when I was approached by Keith Meskell, the chief executive of the local rugby league competition. He got the story second-hand and he was very concerned because this type of injury is probably the most serious you can get from rugby league. It is one that I would imagine any player who participates in this type of sport has a great fear of because, unfortunately, it is one injury that, if it goes too far, can cause death, or can cause you to be in a wheelchair for the rest of your life. So I am very pleased that Dr McNicol has gone to the lengths that he has gone to to reassure us. He says in his last paragraph:

The ACT community and the rugby community, in particular, can be reassured that people with neck injuries are carefully assessed and treated appropriately at all times.

I felt that, in this case, when I did have the discussion with Dr McNicol and he had gone to the lengths that he had, I would table this letter. I am not going to stand here and pass judgment on who was right and who was wrong. Dr McNicol believes what he said and Mr Cole stands by the incident as it was reported in the paper. I believe that it will be investigated and I hope that both parties will be satisfied. In summary, Mr Speaker, I am thankful that Dr McNicol took the time to come and see me and to go to the lengths that he did to express his side of the story. I seek leave to table Dr McNicol's letter.

Leave granted.

Sitting suspended from 12.42 to 2.30 pm

QUESTIONS WITHOUT NOTICE

School-based Management

MR WHITECROSS: Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Education. Mr Stefaniak, last week you sacked school boards and effectively disenfranchised the parent community. Through this action you have stripped parents of their hard-won right to be consulted and take part in the decision-making processes of their children's schools. Given that January 1997 is the date for the introduction of school-based management, how are school boards going to be able to take over these new responsibilities while being denied access to consultation and training during the lead-up time?

Mr Humphries: Why do you not ask the teachers? Ask the teachers.

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MR STEFANIAK: I thank the member for the question. Indeed, asking the teachers would not be a very bad start. Firstly, let us just get a couple of points straight. School boards have not been sacked. The school boards themselves wanted this course of action so that they could continue in their legal role. Some school boards, Mr Whitecross, are in fact still operating. If they can meet during the day and the teacher representative can be there, they can operate. I am advised that some others are operating because teachers are still attending; but, of course, there are some that are not because of the bans.

The Government is doing all it can to ensure that the bans are lifted. We have gone to the arbitration commission. We are progressing through that course. These bans have been imposed by the Australian Education Union. They affect a large number of areas in our government schooling system, one of them being the school boards. The school boards have recognised that themselves and have asked for action to be taken, and action has been taken. Mr Whitecross, I think the best way of ensuring that there are no further delays in any aspect of education is for the bans that affect the proper operation of our school system, including this one, to be lifted. The ball is very much in the court of the AEU.

MR WHITECROSS: Under the circumstances of not getting my question answered, I ask a supplementary question. Minister, what mechanism is being provided to ensure that parents and teachers are provided with extensive and ongoing professional development to ensure that school-based management, which is what the question was about actually, is effective? Unless this happens, the inevitable losers will be the schools. Do you agree that January 1997 is looking increasingly unlikely as a feasible date for the introduction of school-based management?

MR STEFANIAK: I do not know whether Mr Whitecross is aware, but a large number of - - -

MR SPEAKER: The last part of the question is hypothetical, Mr Stefaniak.

MR STEFANIAK: Yes. Thank you, Mr Speaker. For Mr Whitecross's benefit, I will outline the timeframe. The department responded to concerns expressed by some groups last year, in relation to the limited timeframe for response and consultation, by extending it until March this year. A number of responses were received and are being looked at by the School Based Management Unit, which is arranging all of this and coordinating the process. During this year schools will be provided with further information regarding details of costs and possible formulas for funding. Development of guidelines and the formation of working parties to examine resourcing issues are also taking place this year. This timeframe will allow more time for professional development, assessing of proposed formulas, and school-level planning. The school board management training program will begin in term two of this year. It is planned to implement further school-based management into our system at the beginning of 1997. Matters are proceeding.

Again I say, for Mr Whitecross's benefit, that if bans affect this as they affect other things the answer is very simple. You do not actually need bans, Mr Whitecross, when you are engaged in industrial action - certainly not bans that affect students, certainly not bans that affect parents. Every other union has now come to the party with an arrangement with this Government. It seems that the bans are part of a national campaign. Mr Whitecross, to ensure that there are no further delays or no further problems, why do you not get onto the AEU and ask them to lift the bans?

Mr Whitecross: I raise a point of order. Mr Speaker, part of my supplementary question was: Do you agree that January 1997 is no longer a feasible date for the introduction of school-based management? Mr Speaker, you ruled that part of my question out on the basis that it was hypothetical. It was actually just a request for an expression of opinion. I would ask you to reconsider your ruling and direct the Minister to address that part of the question.

MR SPEAKER: The Minister, despite my ruling that part of the question was hypothetical, did in fact address that part and I took note of his comments. The last part of the question was qualified, and that is why I ruled that it was hypothetical. It all depends on how long the bans last. There is no point of order.

Criminal Injuries Compensation Scheme

MR KAINE: Mr Speaker, I address a question to the Attorney-General. Attorney-General, I am sure that you are aware of an editorial in today's *Sydney Morning Herald* which talks about reforms to the New South Wales criminal injuries compensation scheme. The editorial says, amongst other things, that the existing scheme in New South Wales "is a textbook study in how a worthwhile concept can be crippled by inappropriate legislation, by the manipulation of lawyers" - my apologies, Minister - "and by bureaucratic incompetence". Minister, can you tell me whether similar problems exist with the ACT criminal injuries compensation scheme and, if so, what can be done about it?

MR HUMPHRIES: I thank Mr Kaine for this question. It is a good question. As members know, the criminal injuries compensation system is now more or less a national system, although I think one or two jurisdictions are without it. Certainly, there are some similarities between our system and that in New South Wales. The comments made in the editorial in the *Sydney Morning Herald* certainly gave me cause to look at what was happening in the ACT. The ACT scheme was introduced in 1983, and in the seven years after its introduction we spent about half a million dollars a year in meeting payments for criminal injuries compensation; but since about 1990 the amount being paid under that scheme has been steadily growing and last financial year the cost to the Territory was well over \$3m. That works out to be about \$10 for every resident of the Territory. The figure in New South Wales is about \$9. Clearly, issues taking place in New South Wales and the ACT are very similar.

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Mr Speaker, in looking back at some of the payments made under the ACT criminal injuries compensation scheme to residents of the ACT, I think, to put it mildly, there could be a very generous element in the way in which many of those payments have been made. I give a few examples of some of the payments that have been made in recent days. One applicant was jeered and laughed at by the occupants of a car. The car driver abused the applicant. The abuse included words to the effect, "I am going to blow your [expletive deleted] head off". The applicant became frightened, had nightmares and occasional headaches and was awarded \$5,500 for pain and suffering.

Mr De Domenico: Someone calls that out to me once a day. I could get lots of money.

MR HUMPHRIES: We would all have massive headaches in this place, Mr Speaker, if that were the case. Another applicant was at a nightclub and was intoxicated. He did not remember being assaulted but recalled waking up in Woden Valley Hospital with injuries to his jaw, mouth and face. He also suffered dizziness and drowsiness. He was unable to work for three days. He was awarded \$3,500. An applicant involved in a game of touch football got into a brawl. A punch in the face left him with a small scar. He was awarded \$3,000 for pain and suffering. I could go on, Mr Speaker, but the concern that I have had about the criminal injuries compensation scheme - I might say in fairness that it was also the concern of the previous Government, because the then Attorney-General spoke to me about it - is that a rising number of cases of injury for which compensation is being awarded are outside the original intention of the scheme.

I should say that the other side of that coin is that, when we make very large or significant payments to people who could be said to have trivial injuries or a trivial basis for application, we deny money in the scheme to those people who really do deserve it, those who have very serious injuries and who deserve more than the \$50,000 which is the maximum amount allowed under the scheme.

Ms McRae: Why do you not fix it?

MR HUMPHRIES: Ms McRae wants me to fix it. That is exactly what the Government intends to start to do.

Ms McRae: Then why are you giving a ministerial statement about it? Just do it. It is an announcement of policy if you are going to fix it.

MR HUMPHRIES: I do not intend to announce how we are going to fix it. I do intend to indicate that the Government - - -

Ms McRae: Just carry on about dreadful lawyers.

MR SPEAKER: Order! Mr Humphries has the floor.

MR HUMPHRIES: The Government does have a number of proposals which it believes ought to be examined. I will just run through them. Members opposite can perhaps give me their feedback in a more considered way than they are doing at the moment on whether they feel that these things will be worth exploring. One is to eliminate double dipping by persons who claim criminal injuries compensation as well as

workers compensation. Another is to exclude claims by prisoners and perpetrators of violent crime. A third is to limit claims to those arising from an act of violence which can be defined more precisely than is presently the case in New South Wales. I think we need to look at those sorts of devices, Mr Speaker. In my opinion, we also ought to exclude from eligibility for compensation people who have caused their own injury through some act. I hope that the Assembly can contribute in a positive way to a debate on how we can prevent compensation from being awarded to people who, in the view of most people, do not deserve compensation.

Detoxification Facility

MS FOLLETT: I have a question for Mrs Carnell in her capacity as Minister for Health and Community Care. Minister, in relation to the proposed siting of a detoxification facility in Ainslie, I ask: Firstly, what are the procedures and level of community consultation applied before detoxification centres are located in residential areas? Secondly, how do you intend to deal with what is now emotive opposition to a proposed centre in Ainslie that has been generated by the inefficiency in your department and your own inaction? Thirdly, will you give an undertaking that there will be no occupation of the site until consultation has taken place and the reasonable concerns of residents have been addressed?

MRS CARNELL: Thank you very much for the question. Ms Follett, I think that every member of this Assembly has a number of letters with regard to the relocation of Arcadia House. Members will be aware that Arcadia House is run by ADD Inc., Assisting Drug Dependants Inc., which is an entity funded by the ACT Government. ADD Inc. is funded to provide a detoxification centre in Canberra. Currently, detoxification is done at Arcadia House, which is located at Duntroon in a Housing Trust house. It is a weatherboard house that was built in the 1940s and is in need of major maintenance. The house is very cold in winter, and that adds to the running costs of the facility. In June 1995 ADD Inc. applied to ACT Housing for an alternative site, largely because of the problems of the house but also because the NCPA were in the process of redeveloping the Morshead Drive site between Parkes Way and Duntroon. The NCPA have indicated that, on completion of this work, the site that Arcadia House is now on will become public recreation space and therefore they would like to get rid of the house altogether. It became obvious to ADD Inc. that they would need other accommodation. As I said, in June last year they applied to ACT Housing for an alternative site. An alternative site in inner North Canberra was approved by the Commissioner for Housing on 21 July 1995.

Mr Speaker, the approach that was taken, I understand, was that it was important for this facility, if possible, to be in a residential area and it was important for it to be fairly close to the CBD. I want to assure everybody that, in undertaking community consultation relating to the location of these sorts of facilities, every opportunity is being taken to consult with the community and to respond both to community concerns and to individuals' concerns. In this particular case, community consultation has occurred in

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a number of ways. There was a newspaper article in the *Northside Chronicle* on 20 May 1996, there were interviews on ABC radio on 10 May 1996, information was provided to residents of the area via letters and phone calls from ACT Housing, and there was a public meeting.

The local area planning advisory committee had a meeting that ADD Inc. attended. My understanding is that that meeting happened on 21 April 1996. Approximately 50 residents attended the meeting, where ADD Inc. provided information in response to residents' concerns. ADD Inc., ACT Health and Community Care and ACT Housing will conduct another information forum for residents in the area of the site that has now been determined as the preferable site. Information will be sent out to the people in the area via letter and via the Ainslie Residents Association in the next fortnight. Residents in the immediate vicinity will be invited, through a doorknock, to attend that public forum. Other residents, as I said, will be notified by the Ainslie Residents Association. The site will not be occupied until all residents have been consulted and every reasonable step has been taken to address the residents' concerns, but I think it is very important to understand that this is a facility that has been operating in Canberra for quite a while and it is a facility about which we have had no complaints.

MS FOLLETT: I ask a supplementary question. I find that a fairly disappointing response from the Minister, especially given that I gave her some notice of my question.

Mr Humphries: She gave you lots of information.

MS FOLLETT: In fact, she answered none of the three areas that I asked about. By way of a supplementary question, I ask the Minister: Will you confirm that if the detoxification facility is built in Ainslie the building will be in a style and on a scale consistent with the surrounding residences; that the facility will house no more than six to seven clients at a time, all of whom have agreed to abide by the very strict rules of the ADD Inc. service; and that the facility will be staffed 24 hours a day, seven days a week?

MRS CARNELL: Mr Speaker, may I start by saying that I addressed all three parts of the initial question. The first part was: What procedures and level of community consultation were applied? I went through that at length. The next part was: How do you intend to deal with the emotive opposition? I also went through that at length. The third part was: Will you give an undertaking that there will be no occupation of the site until consultation has taken place? I said yes.

However, I turn to the supplementary question. The building would be built in a style that is sympathetic with the period of architecture in the surrounding area of Ainslie. The facade would represent the streetscape and be consistent with guidelines applied by the ACT Planning Authority. The size of the building would be to the scale of the surrounding area of Ainslie. In other words, the building that will go there will be very much in keeping with the whole area. ACT Housing will retain as much of the natural and existing landscape features as is possible, but it might be necessary to increase the extent of landscape screening of the site.

ADD Inc. operates on a triennial funding system and has sufficient resources to operate a facility of this size, and it will not be increasing the number of clients above seven. Six to seven is the number they are funded for and that number will continue. All residents are assessed to determine their eligibility before they go into the Arcadia House facility. Mr Speaker, many members here may not be aware that before residents are accepted at Arcadia House they actually have to sign a formal contract. The contract outlines the rules of the house, including no alcohol or drugs on the premises and no contact with family or friends during the detoxification period. If residents break this contract, they are asked to leave. The service will be staffed 24 hours a day, seven days a week, as it is at this stage.

Mr Speaker, ADD Inc. do an extremely good job in this area. Any member who is uncomfortable about this proposal should actually go and have a look at the current facility, as I know residents of the Ainslie area have been asked to do, if they are interested. It is a good facility. They get very good results and they are a very dedicated team. I would ask members of this Assembly, before making any rash decisions, to go and have a look at the facility.

Literacy and Numeracy Courses

MR MOORE: My question is to Mr Stefaniak as Minister for Education. Is the Minister aware of discussions within the Canberra Institute of Technology considering charging for basic literacy and numeracy courses? Will the Minister assure this Assembly that, for the sake of social justice, the basic literacy and numeracy courses will not be subject to fees?

MR STEFANIAK: I will take on notice the part of the question about actual courses. I do not have specific details on exactly what Mr Moore is speaking about. As a matter of general course, the CIT does charge fees. Fees are of varying scales and quite reasonable for students who do not have jobs or who would otherwise be unemployed. They are geared towards that. Of course, there are also student loans. I will take on notice Mr Moore's specific question.

MR MOORE: I ask a supplementary question. I appreciate the Minister taking the first part of my question on notice, but I believe that I still do not have a clear answer to that part of my question that asked: Will the Minister assure this Assembly that, for social justice reasons, literacy and numeracy courses will not be subject to fees?

Mr Humphries: Mr Speaker, I raise a point of order. That was the same question as Mr Moore asked the first time around. Even if there was some difference, Mr Stefaniak took the question on notice and therefore cannot add anything to what he said.

MR SPEAKER: I uphold the point of order.

School-based Management

MR WOOD: I do not agree with that approach. We might have to change the standing orders. My question is also to the Minister for Education.

Ms Follett: Change the Speaker. Look who is waiting in the wings.

MR WOOD: That might be the way to do it.

MR SPEAKER: Order! Mr Wood has the call, and he is addressing a question to Mr Stefaniak, who is entitled to hear the question.

MR WOOD: I was happy to acknowledge that interjection. Mr Stefaniak, articles on school-based management have recently been published in *Feedback* - the newsletter of the ACT Council of P and C Associations - and the *Canberra Times*. Both articles voiced the fear that school-based management is simply a cover for further cost cutting. The fear is that schools will be given additional responsibilities, then funding will be cut and schools will be left to manage as best they can. The *Canberra Times* said that eventually schools would be forced to make choices between staffing and resources. I come to my question. *Feedback* said:

... the best way to calm these fears is for the ACT Government to commit itself to future levels of education funding, perhaps through a system of rolling triennial budgets.

Minister, do you support such a view?

MR STEFANIAK: Rolling triennial budgets - that is a very interesting comment, because that is exactly what this Government has done in education during our term. We have a budget strategy. You have the figures for the next two years. That is to create stability and knowledge of exactly what is in fact available in the system. That is a step that this Government has taken. We have a commitment to maintain expenditure in real terms. As you can see, if you consult your budget papers, the education budget for 1996-97 and 1997-98 goes up according to the CPI. The other part of your question was about concerns that school-based management was a cost-cutting measure. That is not the case at all, Mr Wood. Indeed, a working party consisting of representatives of principals of the sectors, bursars, registrars and central office has been formed, and it is developing resourcing arrangements in preparation for further consultation. That will include all stakeholders. The whole idea is to go through important resourcing issues. School-based management is not seen as a means of giving schools less; it is seen as a means of giving schools more flexibility to do with their money what they want to do, for the benefit of their school community.

MR WOOD: I ask a supplementary question. Forgetting the fallacy about increased funds this year, I ask the Minister: In order to calm these anxieties, what will you do to ensure that school-based management is not used in the way that many fear it will be and that older schools or schools with very large spaces - schools that run up high maintenance bills or high energy bills - are not going to be penalised by the process you are undertaking?

MR STEFANIAK: Obviously, this issue is not helped by school bans; but the reason the Government is going through this process, the reason we have a section of the department doing a lot of work on it and the reason there is consultation and will be further consultation with the community is that we want to get this right. In a large number of instances overseas there have been problems. In New Zealand some of the matters about which people have voiced concern in relation to how school-based management will operate have caused problems, especially in areas where some schools are completely different from others or where school communities are in different socioeconomic brackets - all those sorts of factors. But it was interesting, Mr Wood, that when I spoke to several primary school principals and high school principals I met they all, to a man and a woman, said that they would not go back, despite a few problems they had. We can learn from their experience, and we are learning from the experience of other States and other countries that have school-based management. Those things are being taken into account. That is why we are engaging in an extensive consultation process. That is why there will be further developments this year and further consultation with the school communities, especially in relation to issues such as resources.

ACTION - Services

MS TUCKER: My question is to the Minister for Urban Services, Mr De Domenico. In a media release put out last week, Minister, you stated that 99.5 per cent of ACTION services turned up on time. On face value that sounds pretty good; but, when you think about it, you realise that 0.5 per cent of services is a lot of services. Can the Minister inform the Assembly of the total number of bus runs that service Canberra every week, the total number of bus runs that fail to turn up and the total number of bus runs that run late, and why?

MR DE DOMENICO: Mr Speaker, I wish I had a memory that would enable me to do that. I will take that question on notice and get back to Ms Tucker as soon as I possibly and humanly can.

MS TUCKER: I ask a supplementary question. I know that you have a problem with this, but this is relevant to the question. The fact that 0.5 per cent of services do not show up every day - - -

Mr Humphries: Mr Speaker, I rise on a point of order. I think that Ms Tucker has a second question to ask. Mr De Domenico has taken the whole of the question on notice. Clearly, all Ms Tucker can do is rise to ask that other things be taken on notice as well. If that is the case, it is really a second question rather than a supplementary question.

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Mr Moore: Mr Speaker, I take a point of order. This is the same sort of point of order that Mr Humphries took before on my supplementary question. I did not challenge your ruling in that case. What happened here is that, before taking the question on notice, Mr De Domenico answered the question. He said quite a number of things, and then said, "I will take part of it on notice". He used the time. He did not just stand up and say, "I will take it on notice". He said a number of other things. In fact, he started by saying, "I wish that I could remember a whole series of things". If he makes a comment, no matter what that comment is, other than, "I will take it on notice", then clearly there is room for a supplementary question.

Mr Humphries: Mr Speaker, on the point of order: I submit to you that if Ms Tucker wished to ask a question about Mr De Domenico's memory - something which he referred to before taking the question on notice - she would be entitled to do so, but anything else is subject to the fact that Mr De Domenico took the whole of the question on notice. If members want the right to ask two questions or three questions - as they do, I understand, in the House of Commons in Britain - they should change the standing orders to allow that; but our system is that we ask a question and issues flowing from the answer give rise to a supplementary question. That is the way the standing orders work. I would suggest that you, Mr Speaker, are entitled to uphold that principle.

MS TUCKER: I would argue equally that it has been acknowledged by the Minister that 0.5 per cent of buses do not turn up. He has not denied that there are buses that do not turn up. My supplementary question is to follow on about why buses do not turn up. He cannot give me a specific answer on how many buses do not turn up. He has acknowledged that buses do not turn up, and that is what my supplementary question comes from.

Ms McRae: Mr Speaker, I raise a further point of order. I am sure that there is a way through this if the members choose to ask for leave of the Assembly to add further information to their first question - not as a supplementary question, but as an amplification because they did not expect the question to be taken on notice. Mr Speaker, perhaps you can consider that.

Mr Moore: On a point of order, Mr Speaker: I also draw your attention to the inadequacy of Mr Humphries's reading of the standing order. The standing order says:

... Provided that the supplementary question is relevant to the original question or arises out of the answer given ...

Mr Humphries suggested that a supplementary question must arise out of the answer given. That is not necessarily the case. It can be relevant to the original question, as Ms Tucker's is.

MR SPEAKER: Standing order 119 deals with supplementary questions. Ms Tucker asked a series of questions which were taken on notice by Mr De Domenico. If Ms Tucker wishes to add - and this is somewhat in line with what Ms McRae is saying - another aspect to the question which was taken on notice, I have no objection. However, if it is a completely new question, then it is totally out of order. Ask your question, Ms Tucker, and I will make a decision.

MS TUCKER: I would like to add a question which is totally relevant. Does the fact that 0.5 per cent of services do not show up every day mean that there are inadequate provisions for relief buses and drivers, and is this an example of the fact that attempts at efficiency or money saving have failed to ensure an effective bus service or, in other words, a service in which buses actually turn up on time?

MR DE DOMENICO: I am quite happy to answer that.

MR SPEAKER: Order! No, the question is out of order. It is not a supplementary question based on the original question. That is my ruling.

DISSENT FROM SPEAKER'S RULING

MR MOORE (3.02): Mr Speaker, I seek leave to move dissent from your ruling.

Leave granted.

MR MOORE: Mr Speaker, I move:

That the Speaker's ruling be dissented from.

Mr Speaker, I move this motion so that we can get a reasonable interpretation of standing order 119. In no way should it be construed as a motion of no confidence in you, Mr Speaker. It is simply to clarify the situation with supplementary questions. Relevance to the original question is the critical point. I believe that Ms Tucker asked a question of the Minister with reference to the buses. Her supplementary question was about a further aspect of the same question. It was on the same matter, which made it relevant. I believe that it is appropriate for us to sort this matter out in the Assembly as a whole and to clarify this standing order.

MR KAINÉ (3.03): Mr Speaker, Mr Moore does not emphasise the fact that standing order 119 says that a supplementary question must arise out of the answer given. The second question that you have already ruled out of order did not arise out of the answer given, so Mr Moore is quite out of order.

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

That the debate be adjourned.

The Assembly voted -

AYES, 13

NOES, 4

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

Ms Horodny
Mr Moore
Mr Osborne
Ms Tucker

Question so resolved in the affirmative.

QUESTIONS WITHOUT NOTICE

Secondary Schools - Enrolments

MS McRAE: My question is to Mr Stefaniak in his capacity as Minister for Education. Minister, can you confirm that you are about to announce a policy to cap enrolments at secondary schools? If you are, if the policy is about to be announced, can you explain what level of consultation there has been? If the policy is not yet ready to be announced, can you say what consultative processes are in hand?

Mr Humphries: I raise a point of order, Mr Speaker. I hate to use standing orders a second time, but standing order 117(c)(ii) makes it clear that questions shall not ask Ministers to announce Executive policy. Ms McRae's question, I thought, was: Can the Minister confirm that he is about to announce a capping on secondary enrolments?

Mr Moore: And what the consultation process is.

Mr Humphries: That question is all right, but the question of - - -

MS McRAE: I am happy to rephrase it. Can the Minister explain to this house what level of consultation there has been in the development of the policy on the capping of enrolments in secondary schools?

MR STEFANIAK: I thank the member for the question. Ms McRae should be aware - I would be amazed if she were not - that, as I said a couple of times earlier this year in this house, the ministerial advisory committee is looking at the very difficult question of declining enrolments, because we want to avoid future situations such as that at Charnwood High School, where the enrolments slipped from over 600 down to about 240 over a period of some six years. We want to look at all the reasons for that. The issue of capping - a very vexed issue which has strong proponents and strong opponents - is being looked at by the ministerial advisory committee. That committee, I understand, will be giving me an interim report next month. The issue of declining enrolments in certain areas of Canberra is a very important issue. Capping is certainly one of the issues the committee is looking at.

MS McRAE: I ask a supplementary question. As a result of that answer, Mr Stefaniak, could you now explain what process of consultation will be undertaken with parents? I understand that the committee is looking at it, but what process of consultation will be undertaken with parents in regard to this issue?

MR STEFANIAK: In relation to the issue of declining enrolments - and certainly that includes the issue of capping - I have asked the committee to consult far and wide to obtain the views of parents. The views of parents of students in the latter years of their schooling are absolutely crucial in relation to the question of declining enrolments and the issue of capping. I have asked that the consultation be very full consultation so that the views of all relevant people in the system can be considered. I understand that the committee has taken that on board and is addressing and will be further addressing the issues, because it is crucially important that we have full consultation on issues such as this.

Ainslie Village

MR HIRD: Mr Speaker, Mr Stefaniak is very popular today. My question is to the Minister for Housing, Mr Stefaniak. Minister, I am aware that the demolition of the final barracks-style accommodation at Ainslie Village got under way on Monday last. Can you tell the parliament the type of accommodation which will be built in its place and whether current residents will be disadvantaged during the rebuilding process? Also, will crisis accommodation that is offered at the village currently be available during the time of this reconstruction?

MR STEFANIAK: I thank the member for the question. Mr Speaker, the redevelopment project at Ainslie Village involves the replacement of some five very substandard dormitory-style buildings with six blocks of group housing. As members may be aware, the remaining old dormitory-style accommodation dates back to the end of World War II. It was actually built in 1947. Successive reports have indicated that it is a fire hazard; that it is totally substandard. In 1986 the ACT Fire Brigade warned that the complex posed a major fire hazard, and the 1984 report on homelessness, "A Capital Problem", recommended that the village should be demolished so that new public housing could be constructed.

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There has been some reconstruction already. It was commenced in 1987. There was some more in 1989-90 under the previous Labor Government in the First Assembly. Of course, in 1987 we had a Federal Labor government. With my Federal colleague the then Deputy Prime Minister, Mr Brian Howe, I announced the finalisation of this long-running program up at the village in the presence of a large number of residents and staff from Centacare. Commonwealth money, of course, plays an important part in this redevelopment. The redevelopment will offer residents a very much improved quality of housing. I am advised that there are currently 180 residents at the village. The total capacity of the accommodation on site after the project has been completed will be 210.

Previously, there were four crisis rooms which were not always fully utilised. Centacare, which leases the village and is responsible for all tenancy management, has made arrangements for the same amount of space to be available during the redevelopment, in a dormitory-style room with an adjoining en suite. The residents of the village who require crisis accommodation will have case management in which their needs are assessed and an appropriate plan developed. If there is an additional demand for crisis accommodation during the redevelopment, Centacare will arrange a referral to another service offering crisis accommodation. All residents have been consulted in determining their accommodation needs, and no residents will be homeless as a result of the redevelopment of the village. Centacare have also arranged temporary accommodation off site, with appropriate support, for some residents during the redevelopment, and a number of rental flats and houses have been offered to residents. Residents will have the option to remain in this accommodation with the support of Centacare as a long-term arrangement or to move back to the village at the completion of the project.

Centacare has fully supported the redevelopment of Ainslie Village, as did the former Federal Labor Government and former ACT governments. The project has involved extensive planning and consultation with Centacare, ACT Housing and the residents. The result will be that residents will certainly enjoy a much improved standard of accommodation. Some of the newer style of accommodation was shown on a WIN program which starkly contrasted it with the old style of barracks which will now be finally removed.

MR HIRD: I ask a supplementary question. Could the Minister further inform the house how much this project will cost?

MR STEFANIAK: Just under \$2m, Mr Hird.

Hospital Patient Numbers

MR BERRY: My question is to the Chief Minister in her capacity as Minister for Health. I refer the Chief Minister to a *Canberra Times* article of 22 May in relation to the emergency bypass at the hospital. I mean the emergency bypass that the hospital needed, not the emergency bypass that was needed by somebody at the hospital. Mrs Carnell said that since the Liberals had come to government an extra 1,000 patients had been treated. Fair enough. That is 1,000 patients in 15 months. But a fairly boastful media release

on 23 April clearly said that Woden Valley Hospital would treat 3,080 extra patients this financial year. There is not long to go before the end of the financial year. We have treated an extra 1,000 since the Liberals came to office. According to the old maths, we have a couple of thousand to go in a month. Which of these statements is true?

MRS CARNELL: Mr Speaker, the projected figure for the ACT public hospital system to the end of June 1996 is 56,805 separations. That is 2.3 per cent above the anticipated 55,000 people - which, as you can see, is very close to 2,000, so we are probably somewhere in the middle. This is mostly due to an increase in medical separations at Woden Valley Hospital. The total separations for Woden Valley Hospital to the end of February 1996 exceeded the target by some 5.5 per cent. This figure dropped to 2.68 per cent in March. Factors contributing to this decline included the absence of a number of anaesthetists attending their annual conference and also recent industrial disputation.

I join those opposite in having a laugh about the anaesthetists conference, but I am sure that everybody in this Assembly would be interested to know that the same thing occurred in just about every other public hospital in Australia and occurred under the previous Government as well. Before Mr Berry runs off and says, "Shock, horror! Anaesthetists conference affects throughput at Woden Valley Hospital in March", he should actually look back and see that it has happened previously. I was very upset when I heard this and suggested to many and various people that I did not think it was appropriate; but it appears that it is not a tremendously good idea to run operating theatres without anaesthetists, so we decided that we would not do that, Mr Speaker.

MR BERRY: I ask a supplementary question. The Estimates Committee received advice in April that the number was going to be 7 per cent above the anticipated level. That advice was wrong. It is now about 3½ per cent.

Mrs Carnell: No, about 5.5 per cent.

MR BERRY: Okay, about 5.5; but the statement in the *Canberra Times* is wrong, too.

Mrs Carnell: Is that a supplementary question?

MR BERRY: One of them has to be wrong. The 7 per cent is wrong; we know that. Is the *Canberra Times* statement about 1,000 extra patients wrong, too? The 3,000 is wrong and the 1,000 is wrong. They are both wrong.

MR SPEAKER: Mr Berry, I am wondering whether you can put this on the notice paper.

MRS CARNELL: Mr Speaker, I am very happy to tell Mr Berry which one is right. The most up-to-date information as of today, or as close to today as it is possible to get, is that the projected figure for ACT public hospitals to the end of June 1996 is 56,805 separations. That is 2.3 per cent above the anticipated figure of 55,000. The total separations for Woden Valley Hospital to the end of February 1996 exceeded the target by 5.5 per cent.

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Mr Berry: So they are both wrong.

MRS CARNELL: Mr Speaker, all I can do, and I think it is appropriate, is give this Assembly the most up-to-date figures. That is what I am attempting to do. I also explained to the Assembly in depth why the figure is somewhat lower than we anticipated. It is lower because of industrial disputation and the annual conference of anaesthetists. I think that is a fairly full answer. Mr Speaker, members will also be aware - - -

Mr Berry: It is 800 higher than on Wednesday.

MRS CARNELL: The 1,800 is to the end of the financial year, Mr Berry. Mr Speaker, you would also be aware, as I am sure some other people in this Assembly would be, that there was a slowdown in surgery, particularly at Calvary Hospital, over a two-week period in March, due to the Easter slowdown period and the conference. That, by the way, was announced publicly, and it is something that happened under every previous government as well.

Interstate Retailers

MR OSBORNE: My question is to the Deputy Chief Minister, Mr De Domenico, in his capacity as the Minister for Business. Minister, you will be aware that from time to time retailers from Sydney and other major cities come to the ACT and sell goods, normally in the Civic area, for anything up to three weeks at a time. You are probably also aware that these traders make very little, if any, positive contribution to the local economy. What they do, however, is take a lot of money with them when they leave the ACT by undercutting our local small businesses. Mr De Domenico, do you agree that a continuance of this practice is contrary to your Government's somewhat dubious policy to support small business?

MR DE DOMENICO: Mr Speaker, I thank Mr Osborne for his question. I tend to agree with Mr Osborne that there are outside players who come into - - -

Mr Moore: That you have a dubious small business policy?

MR DE DOMENICO: Mr Moore always attempts to run this place, Mr Speaker. Perhaps you might get him to sit down and listen. He might learn something.

Mr Osborne, in answer to your question, yes, I tend to agree that there are a lot of interstate players who come into town and take money away from this place. We also need to look at the lease purposes of the buildings that they operate from. If those people are operating under legal lease purposes, there is very little governments can do. However, this Government is looking at the possibility of making sure that these people do pay their fair share - making sure that they do pay workers compensation, for example, and do pay fair wages to the people they employ. We will look into that matter, Mr Osborne. Yes, I do agree that perhaps it does go against our policy, but we need to look also at the legal entitlements of people coming into town.

Community Housing Program

MS REILLY: My question is to Mr Stefaniak in his capacity as Minister for Housing and Family Services. Minister, it is now nearly the end of May, and we are nearly at the end of the 1995-96 financial year; yet the 1995-96 community housing program has still not been announced, even though community organisations have presented their submissions to you and, I understand, you have accepted them and passed them on. Can you tell us when there will be an announcement of the 1995-96 community housing program?

MR STEFANIAK: Mr Speaker, I would think that would occur very shortly. I cannot give Ms Reilly an exact date, but I have received some submissions recently. They have been passed on and processed.

Ms Follett: Before next year?

MR STEFANIAK: I certainly do not think it will be next year. It is in train and I would expect to make an announcement shortly.

MS REILLY: I ask a supplementary question. Considering the fact that it is only six weeks to the end of the financial year, can the organisations that have put in submissions and asked for purchase have an understanding that this money will be carried onto next year if there is not time to spend it this year?

MR STEFANIAK: Mr Speaker, I will certainly look into that. There have been a number of recent seminars on the community housing program. A number of suggestions have been made. I attended one seminar several months ago. As I said, the results have gone through me to Housing. I do not really know what Ms Reilly is worried about. The concerns and the points raised by people in relation to community housing have been taken into account by ACT Housing.

Tree Removal - Ainslie

MS HORODNY: My question is directed to the Minister for Urban Services, Mr De Domenico. I gave him notice of this question. I was recently told that an officer from City Parks visited shopkeepers in the Ainslie shopping centre and informed them that the trees on the footpath along the edge of the shopping centre in Wakefield Gardens were to be removed because some of them were diseased and would be replaced by ornamental plum trees which match the heritage streetscape of the Wakefield Gardens precinct. There are currently three ornamental plums on that footpath, but there is also what I understand is a very healthy peppermint gum which is about three to four metres high. The local shopkeepers, shoppers and residents are very concerned that this gum tree is to be cut down for no good reason but merely to maintain the conformity of the streetscape, which City Parks believes should be of plum trees. In fact, there is a petition hanging on the tree with many hundreds of signatures on it by now. Could the Minister say whether this gum tree is to be cut down and, if so, why?

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Mr Berry: Because Gary Humphries removed the protection.

MR SPEAKER: Would you sit down. Mr De Domenico is answering the question.

MR DE DOMENICO: I thank Ms Horodny for her question. I believe that it concerns the area where she lives. I thank Ms Horodny for the fact that she realised that this was a highly technical question and had the sense to give me advance warning of it. There is no current plan to remove trees from the paved areas at the Ainslie shops. The trees were planted several years ago, I am advised, when the new paving was installed. At that time, four prunus trees, or plum trees, were planted. There are now three plum trees and one eucalypt which was planted by a shopkeeper, I am told, in the space where a plum tree had been planted before.

There is currently a street tree replacement program which is to involve the removal and replanting of street trees in Wakefield Gardens, Ainslie. This street runs beside and behind the Ainslie shops. The trees that are to be removed from Wakefield Gardens are all plum trees - *Prunus cerasifera nigra*, or purple-leaved flowering plums, I am told. There are 13 trees to be removed and 13 new trees to be planted. The trees to be removed are all in very poor condition, I am advised. This is the second stage of the replacement program for this street. The first stage was carried out in 1992. A letter has been delivered to all residents in the street to inform them of the program, and all the trees to be removed were marked with a red cross yesterday, 22 May. I am happy to make officers available to you, Ms Horodny, for a full briefing, if that is what you require.

MS HORODNY: I ask a supplementary question. What is the Government's general policy on allowing native street trees in the older areas of Canberra that currently have exotic street trees?

MR DE DOMENICO: I thank Ms Horodny for the supplementary question. There is no fixed policy in regard to the removal of trees that do not conform to the streetscape - for example, those planted by residents. City Operations does, however, have a tree replacement program to maintain the same species, as in the case of Wakefield Gardens, Ainslie. There is some conjecture in the community about native versus exotic - for example, in terms of safety. I do not know whether you recall the fires at Mount Macedon in Victoria, where there are a lot of exotic trees. Very little of Mount Macedon burnt down, because the flames tended to go over the trees and not burn the trees. We look at safety. We also look at heritage. Some trees, exotic and native, are listed on the heritage register, so you have to protect and preserve those. You have to look at the maintenance of the tree in the planting scheme as well. You have to look at community wishes. You cannot just cut down trees because you do not particularly like them, if they are what the community wants. Last but not least, you have to look at streetscapes. Whilst there is no specific policy, all those issues have to be looked at.

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

ACTION - Advertising on Buses

MR DE DOMENICO: Yesterday Ms Horodny sought a copy of the guidelines used by ACTION to determine what advertisements can be placed on ACTION buses. I am pleased to table the guidelines that form part of the bus advertising contract terms and conditions.

ACTION - Services

MR DE DOMENICO: I took on notice a question from Ms Tucker this afternoon. I can give her some more information at this stage. On 1 April there were five buses, or 0.132 per cent, out of 3,800 services. For the month of April, the figure was 0.6 per cent. There were 515 out of 87,000 services. That helps a bit. I will give you some more information, Ms Tucker, as it comes along.

Ms Tucker: Can I have a copy of that?

MR DE DOMENICO: It is handwritten on a piece of paper. I will get you a typed copy. You wanted a quick answer.

DISSENT FROM SPEAKER'S RULING

MR SPEAKER: Earlier in question time, there was a motion of dissent from my ruling. First of all, I would like to point out that *House of Representatives Practice* does not allow the Chair to participate during a debate of a motion of dissent from a ruling except, for instance, to explain or clarify procedural matter. The question is in the hands of the house to decide. That is a bit of background information for members. However, on 14 May this year I read a rather detailed statement to the house. One section of it stated - and I quote from page 41 of the uncorrected proof copy of *Hansard* - - -

Mr Moore: I raise a point of order, Mr Speaker. Are you reopening the debate that was adjourned?

MR SPEAKER: No, I am not, Mr Moore. I am about to explain the point of my ruling. That is what I am doing. On 14 May this year I read a detailed statement to the house. It is at page 41 of the uncorrected proof copy of *Hansard*. I said at the time:

... I would like to clarify the issue of whether a supplementary question can be asked when the principal question has not yet been answered. Standing order 119, relating to supplementary questions, states in part:

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

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

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

It was my opinion that Ms Tucker's supplementary question did in fact introduce new matter; hence my ruling.

AUDITOR-GENERAL - REPORT NO. 5 OF 1996
Management of Former Sheep Dip Sites

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 5 of 1996, entitled "Management of Former Sheep Dip Sites".

MR HUMPHRIES (Attorney-General) (3.31): Mr Speaker, I seek leave to move a motion authorising the publication of the Auditor-General's report.

Leave granted.

MR HUMPHRIES: I move:

That the Assembly authorises the publication of Auditor-General's Report No. 5 of 1996.

Question resolved in the affirmative.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on 1996-97 Draft Capital Works Program - Government Response

MRS CARNELL (Chief Minister and Treasurer) (3.31): Mr Speaker, for the information of members, I present the Government's response to Report No. 10 of the Standing Committee on Planning and Environment on the 1996-97 draft capital works program, which was presented to the Assembly on 26 March 1996. I move:

That the Assembly takes note of the paper.

Mr Speaker, in presenting the Government's response to the report of the Standing Committee on Planning and Environment on the draft new capital works program for 1996-97, I wish to thank the committee for recognising the improvements that have been made. In the past, the committee has been highly critical of the rationale used to draw up the capital works program, and the Government has taken that into account in requiring much more robust justification for new proposals. To put it simply, changes were long overdue, and the committee's response this time around clearly supports the changes we have made to the capital works processes.

Last year's report was quite critical of the level of information provided and the quality of departmental responses at the public hearings. This was not allowed to continue in developing the 1996-97 draft program. We have required a greater level of up-front scrutiny of projects. We have not let projects come to the Assembly that are unjustified or not of benefit to the community or that are unlikely to be achieved. More importantly, we have put in place new procedures to overcome the timing problems which have seen many projects delayed in the past.

To ensure that the Government was in a good position to proceed with new works early in the new financial year, the draft program was referred to the committee well in advance of the start of the financial year. In addition, design work on a large number of projects has been brought forward, to ensure that the projects will be ready for construction as soon as possible in the new year. For 1996-97, major design work has been brought forward on a number of projects. These include a new high school in Gungahlin, due to commence construction in September and be open in 1998; a new police station in Tuggeranong, due to be tendered in August, with construction under way later this year and open in 1998; and major roadworks for Gungahlin, including the Gungahlin Drive connection to the Barton Highway.

Mr Speaker, as those in the Assembly already know, we are very hopeful of having in place procedures to actually make those timeframes even shorter, as planning has actually been brought forward into this financial year and we have already announced that tenders on a number of projects will go out in June rather than waiting until early in the next financial year, which would normally be the process.

MR SPEAKER: Order! There is too much audible conversation. The Chief Minister has the floor.

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MRS CARNELL: Obviously, this approach will also allow for a smoother program of works, to be managed throughout the whole year. One of the major difficulties in the past has been the long lead times between development and construction. There were always lags at the beginning of each year, and the system simply never caught up, Mr Speaker. The Government's approach, which the committee fully supports, will go a long way to overcoming this problem. Even with these improvements, I am sure that we all appreciate that any program also needs to be affordable. This aspect will be a major consideration for the Government in considering next year's budget.

The committee has made 22 recommendations, and the Government supports the majority of these. The committee has recommended deferral of a number of proposals pending the outcome of further studies. These relate primarily to the AMTECH estate, EPIC and the Erindale Centre. The Government will take the committee's concerns into account before making final decisions in the budget context. Looking to the future, it is proposed that the 1997-98 draft capital works program will be provided to the committee in January 1997. The justification process for new works will be further strengthened as part of the Government's financial management reforms, including new arrangements for funding capital works. Longer-term planning cycles are also being developed. Again, I thank the committee for their work, and I commend the Government's response to the Assembly.

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

**ECONOMIC DEVELOPMENT AND TOURISM -
STANDING COMMITTEE
Report on Expansion of Nature-based Tourism in the ACT -
Government Response**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.36): Mr Speaker, for the information of members, I present the Government's response to Report No. 2 of the Standing Committee on Economic Development and Tourism on the expansion of nature-based tourism in the ACT, which was presented to the Assembly on 12 December 1995. I move:

That the Assembly takes note of the paper.

Mr Speaker, to save time, I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 1.

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

SMALL CLAIMS TRIBUNAL LEGISLATION
Exposure Draft and Paper

MR HUMPHRIES (Attorney-General) (3.37): Mr Speaker, for the information of members, I present an exposure draft of the Small Claims Tribunal legislation, together with an explanatory statement. I move:

That the Assembly takes note of the papers.

If it does not cause too much confusion, Mr Speaker, I might again seek leave to incorporate my tabling statement in *Hansard*.

Leave granted.

Speech incorporated at Appendix 2.

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

PAPERS

MR HUMPHRIES (Attorney-General) (3.38): Mr Speaker, for the information of members, I present the Woden Valley Hospital information bulletin on patient activity data for March 1996 and the Department of Health and Community Care activity report for the March quarter 1996.

EXHIBITION PARK IN CANBERRA
Ministerial Statement

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on Exhibition Park in Canberra.

Leave granted.

MR DE DOMENICO: As members are aware, I have been concerned with the need to ensure that EPIC provides the ACT community with the best return it can on the investment that it has made in EPIC. That is why I requested Mr Mark Baker to undertake an informal review into EPIC. We have also consulted the major stakeholders as part of the process.

EPIC provides considerable benefits to the ACT economy. Events at EPIC generate some \$25m per annum in tourism revenue for the ACT economy. Summernats and the Canberra Show are estimated to bring in \$7m and \$5.7m respectively. EPIC also provides a major venue for community events. It has some 900,000 visitors annually and an annual turnover of about \$1.5m, and it manages assets valued at more than \$18m.

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The community investment in EPIC has also been considerable. In 1992-93 EPIC received \$200,000 in capital works allocations; in 1993-94 it received \$450,000 and \$1.5m from the casino premium fund, which built the new conference centre; and in 1994-95 it received \$210,000 plus \$70,000 for forward design work. This financial year it has received \$500,000 for essential maintenance works. It would be foolish for any government to continue to spend such money without an understanding that it was money well spent. There is a wide range of opportunities for Canberra in further development of EPIC as a facility with the potential to attract events with flow-on benefits to the Canberra economy. The facilities are increasingly being used for a range of indoor sporting events and exhibitions.

Mr Speaker, EPIC is located in a prime position, at the major gateway to Canberra, and it needs to take full advantage of this. For example, there would be considerable benefits from complementary development with the Canberra Racecourse, which could involve an enhanced range of activities and facilities for both tourists and the community as a whole, particularly the people of North Canberra and Gungahlin. This may entail such developments as accommodation, retail outlets and sporting facilities. It is the Government's view that we should continue to develop EPIC principally as a top-class major events venue. The alternative is for EPIC to revert to primarily a showground facility, largely catering for local events. The Government believes that this is not a realistic option, as it would be a retrograde step and would impact significantly on the ACT economy.

Given budget restraints, EPIC's continued development will require it to have a commercial approach to its management. This would involve encouraging the EPIC Trust to develop parts of the venue for related commercial uses, including joint venturing, the proceeds from which could be used for capital injection into the site. EPIC's community service obligations will need to be addressed in 1996-97, as part of a new commercial approach, in a manner consistent with the current whole-of-government financial management reforms. It will also involve a continued emphasis on repositioning EPIC in the major events market. A fundamental part of the Government's strategy is to revamp the membership of the trust. I intend to appoint a new chairman, Mr Brian Acworth, who will bring significant commercial experience to the EPIC Trust. Mr Bill Lawrence has recently resigned as chair of the trust to enable him to take up another position. He has been a hardworking and conscientious chair over the past 10 years. Bill Lawrence played a pivotal role in securing key ACT events, such as the National Folk Festival and Summernats; in securing funds for the development of the conference centre for EPIC; and in repositioning EPIC within the exhibition market at a national level. Mr Speaker, his service to the ACT community will continue in a new role as the chair of the ACT Remuneration Tribunal.

In respect of the remaining members of the trust, it is intended that two previous members of the trust, Ms Margaret Coaldrake and Mr Murray Northrop, be reappointed for a further term. Both Ms Coaldrake and Mr Northrop have previously made a significant contribution, and their valuable expertise will be most welcome on the new trust. We also intend to appoint Mr Bill Moore, the past president of the Royal National Capital Agricultural Society, and Mr John Bradley, a lawyer from Clayton Utz. I will refer these appointments to the Legislative Assembly Standing Committee on Economic Development and Tourism for its endorsement.

Mr Speaker, I will ask the new trust to examine the Baker report and report back to me on future directions for EPIC within the broad parameters I have set out today. The trust will examine the issues of long-term development; capital works; management structure; commercial viability; and marketing. The trust will also be asked to update its business plan, which sets out EPIC's vision, objectives and targets, complete with a capital and maintenance plan for the next five years. I wish to make it clear to members that the Government's intent for EPIC is to keep it as a valuable community asset. To ensure that it is sustained in that way for future generations, we must give it a clear direction and a financial basis upon which it can thrive. Within the above parameters, I believe that EPIC can, and will, give increasing benefit to the ACT community.

As I said yesterday, we were delighted with the work done by Mr Scollay, who has agreed to take up a position in Vanuatu. It is unfortunate that he is leaving; but he has done a great job in accordance with what he was asked to do and in conjunction with Mr Lawrence. Mr Speaker, I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

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

STUDENT OUTCOME DATA **Ministerial Statement**

MR STEFANIAK (Minister for Education and Training): Mr Speaker, I seek leave of the Assembly to make a ministerial statement on assessment and reporting of student outcome data.

Leave granted.

MR STEFANIAK: Mr Speaker, today I want to talk about the Government's initiative in monitoring and reporting on the performance of the Territory's education system. At the time of our election to government, Mr Speaker, we made a commitment to the people of the ACT to initiate a major enhancement in monitoring the performance of our government school system through reporting on student outcomes, with particular respect to literacy and numeracy. As I have previously said in this place, this initiative will bring the ACT into line with developments in other parts of Australia. We will no longer be lagging behind best practice in this vital area. We reaffirmed our promise, with respect to outcomes reporting, to the Canberra community at the time of the 1995-96 budget, and the first steps to achieve this commitment have already been taken. Our plan, Mr Speaker, is to collect performance data at two points in children's primary school education, followed by achievement information in the high school years. All parents of children in the selected years of schooling will have the opportunity to have their children's performance assessed and to receive a report on the outcome of that assessment.

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Mr Speaker, the fundamental goal of the ACT government schools is to improve learning outcomes for all students. This is stated, clearly and unequivocally, up front in the Education Plan for ACT Government Schooling 1995-1997. The education plan focuses on outcomes-based education. Outcomes-based education allows teachers, students and parents to have a clear idea of what has been learnt and what is expected to be learnt. This is what the education plan says, Mr Speaker, and that is what this Government wants. That is what, I think, we all want. To achieve this in terms of literacy and numeracy, we need to have effective practices in early literacy and numeracy teaching. We also must develop arrangements for monitoring literacy and numeracy. Again, Mr Speaker, I am quoting from the education plan.

As we all know, the ACT government schools have an impressive history of school-based curriculum development and implementation. The success of our government system can be measured, in part, by the high proportion of our students who complete their schooling to Year 12, as well as by the proportion of students who then go on to post-secondary education. Yet, despite this undoubted success, we are unable to provide data on how our students are achieving at other points in their schooling - and this is particularly true in relation to how well children are performing in literacy and numeracy.

Mr Speaker, the ACT is the only one of the eight Australian States and Territories unable to provide its community with accurate information as to the effectiveness of the school system in terms of student learning outcomes. Yes, you heard me correctly - the only one. Our current arrangements for collecting information about student performance through the learning assistance assessment are not adequate. The learning assistance testing process has not been subjected to rigorous trialling to ensure the validity of the data that is provided. The learning assistance assessment provides some information on an interim basis. It was never designed to give a total picture of the performance of the students in our schools. We must have a system of data collection to provide some form of objective measurement of student performance. We need this information so that students, parents, teachers and all of us who are interested in the welfare of our children can be quietly confident that our students are learning the right things at the right time and so that our schools are confident that they are doing a great job. This is what I would like to see, Mr Speaker, and I am sure that I speak for the majority of parents.

Each one of the larger States has developed its own system of assessment and reporting using a reliable, standard assessment instrument across all its schools. They use the information collected to inform parents, the Government and the school system about the performance of students and schools. Mr Speaker, I want to emphasise that this Government believes that the ACT community, parents and students have the right to know how effective our government school system is, and parents have a right to information about the learning performance of their children. Parents are also entitled to a detailed knowledge of their child's ability in literacy and numeracy. It is also vital for government to have accurate data on the learning outcomes of our students. Once this data is available, the Government will be in a much stronger position to plan resource allocations to meet the learning needs of all our students. In addition, the data concerning student performance will be invaluable to schools in planning their curriculum and confirming their decisions on priorities in the teaching and learning processes.

Mr Speaker, used in this way, the systematic collection of data would improve opportunities and learning outcomes for our students. And this Government is determined to do just that - to improve opportunities for our young people to learn. With the introduction of the national curriculum profile of student learning, we have for the first time the ability to share with parents information concerning the performance of our children in relation to national benchmarks. It is important to note that providing parents with this comparative data in literacy and numeracy, as happens in all other States and Territories, will supplement and complement the current school reporting process. The Government is aware that assessment and reporting alone will not improve outcomes; but the information will make possible more accurate targeting of resources and support in classrooms, within schools and throughout the system as a whole.

The combination of existing school reporting mechanisms and thoughtful application of the data on student attainment will lead to improved standards and learning outcomes. Schools will continue to provide parents with individual student reports, in both oral and written form, as they have always done; but the information will be significantly enhanced by the inclusion of system-wide data at significant points in their child's school career. This additional information will assist parents in understanding the learning needs of their child and build on the home-school partnership. I mentioned earlier how essential this partnership is to student success.

I have indicated earlier, Mr Speaker, that literacy and numeracy are fundamental to proper functioning in contemporary Australian society. However, government schooling is not intended to make young people just literate and numerate. Schools must assist young people to acquire a whole range of skills and behaviours which will prepare them to be productive, well-adjusted members of our community. The recent COAG service provision report, to which this Government contributed, recognises the importance of social objectives in determining curriculum and structure in Australia's schools. We will be inviting non-government schools to participate in this important initiative. They, too, will have the opportunity to assess and monitor student performance in a systematic way. It is our view, Mr Speaker, that parents of all ACT school students have the right to accurate and reliable information about the progress of their children. I would encourage the non-government schools sector to take up this invitation.

Mr Speaker, some States in Australia assess whole-population cohorts, while others sample age cohorts. There are points for and against whole-population assessment or for a sampling approach. Whole-population assessment makes sense in the ACT because it would provide very useful planning information for the whole system. In addition, because of our size, we would need to sample more than half of our students in any year group to get reliable data, at any rate. However, the Government is conscious of the need to protect the rights of parents to decide whether their children should be part of system-wide assessment.

Bearing these two points in mind - the need for system-wide data and the rights of parents - the Government has decided to introduce system-wide assessment and to give parents the opportunity to decide whether their child participates. That is, Mr Speaker, in respect of each child in the years selected for assessment, that child's parents will be asked in writing whether they wish to participate. I will repeat that, Mr Speaker.

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Children will undertake the assessment only if their parents elect for them to participate. I want to make it very clear, Mr Speaker, that this Government will be introducing reporting on literacy and numeracy outcomes to improve the teaching-learning process. That is, Mr Speaker, we will ensure that reporting on student outcomes enhances the achievement of the social objectives of schooling.

In terms of implementation, Mr Speaker, the preliminary stages of the implementation of our initiative have commenced with the establishment of a new section within the Department of Education and Training. We have established, within the Department of Education and Training, a new student outcomes and report section, with responsibility for the assessment and reporting of student achievements in literacy and numeracy. The specific brief of this new section is to develop arrangements to provide accurate and reliable data on student achievement in literacy and numeracy, for parents, for students, for teachers, for school and system administrators, for government, for this Assembly and for the broader Canberra community.

Preliminary work has also started in our primary and high schools, with teachers working for the past two years on trialling the curriculum profiles for Australian schools. These profile documents provide teachers with a reference of sequential learning outcomes in each area of the curriculum. They are used in conjunction with the ACT curriculum frameworks, which provide the basis for curriculum planning and teaching. With this trial of the profiles now complete, we are ready to begin the task of monitoring student learning outcomes and collecting system-wide data. This Government has made clear statements about its commitment to community consultation in implementing new initiatives. To ensure that all key stakeholders are involved in decisions, they will be invited to participate in an outcomes and reporting reference group, soon to be convened. It will be this group's responsibility to advise the Government on how to introduce this important initiative from 1997.

The issues that the reference group will address are complex, with many questions to be resolved. For example, they will provide advice on the most appropriate assessment instrument to meet the needs of ACT students. The Government is also concerned that the privacy of students and parents is protected in implementing this initiative. Recommendations of measures designed to ensure privacy of information will be a primary responsibility of this reference group. The group will include parents and teachers, including principals and the Australian Education Union, together with departmental representatives. An external expert adviser will be appointed to assist the group. If non-government schools take up our offer to join this initiative, a suitable representative will be included on the reference group.

MR SPEAKER: Order! The noise level in the chamber is too high.

MR STEFANIAK: The terms of reference for this group will include providing advice to the Government on an appropriate, cost-effective program of assessment for literacy and numeracy which is directly related to ACT curriculum and the needs of the ACT community. The reference group will address the following issues: The most appropriate nationally available external assessment instrument, possibly used in conjunction with teacher judgment; the year levels at which this assessment should take place; the format

for reporting data to parents and the Government; arrangements for parents to make a choice to be included; appropriate use of the data, taking into account privacy considerations; and establishing the relationship between reporting student outcomes and the social objectives of schooling.

In terms of timetable, Mr Speaker, we propose to establish the reference group immediately, so that the process can get under way. This means that in 1997 the first ACT-wide information about our primary school students' literacy and numeracy skills will be collected. This will be followed in 1998 by high school data. The data will then be collated and presented to parents and the ACT community.

Mr Speaker, I commend this initiative to the Assembly. Its benefits in giving us the opportunity to raise literacy and numeracy standards are obvious - benefits to the Territory's students, to their parents, and ultimately to the community in general. The ACT will then, Mr Speaker, like all other Australian States and Territories, have access to system-wide student outcomes data. We will have a much better idea of our children's literacy and numeracy skills. We should be in a better position to target resources accurately. We should have much higher levels of confidence that our schools are achieving great things in the vitally important task of educating our young people. Mr Speaker, I present a copy of the statement and move:

That the Assembly takes note of the paper.

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

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

MS TUCKER (3.56): I move:

That so much of the standing orders be suspended as would prevent notice No. 17, private members business, relating to recommendation 8 of the Report of the Select Committee on Competition Policy Reform, being called on forthwith.

I did speak on this matter yesterday, so I will just briefly urge members to consider suspending standing orders at this point, because there is a very important motion that we need to discuss.

MR HUMPHRIES (Attorney-General) (3.57): Mr Speaker, I can see that the issue is one that we need to consider. I am not going to oppose the motion, but I have to say that I really wonder why this could not have waited until next Wednesday's private members business. It is on the private members business program. It could have been dealt with at that stage. I do not understand why it has been dealt with, with such breakneck speed, today.

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

COMPETITION POLICY REFORM - SELECT COMMITTEE
Implementation of Recommendation No. 8

MS TUCKER (3.58): I seek leave of the Assembly to amend my motion and to move it in the terms circulated.

Leave granted.

MS TUCKER: I move:

That -

- (1) This Assembly calls on the Government to implement Recommendation No. 8 of the Report of the Select Committee on Competition Policy Reform - namely:

“The Committee recommends that the Government establish a forum to provide ongoing monitoring and advice on the implementation of competition policy. Such a forum should include representatives of community, environmental, consumer, union, business and academic organisations.”

- (2) This forum must have the power to:
- (a) monitor the structural reform of government business enterprises;
 - (b) monitor the regulatory review process;
 - (c) monitor the development of Community Service Obligations;
 - (d) monitor competitive tendering and outsourcing;
 - (e) monitor any other matter related to the Competition Principles Agreement or the Competition Code as the forum sees fit; and
- (3) The membership of this forum shall not be determined until all members of the Assembly have been consulted.

Mr Speaker, as I said yesterday, the Greens do not think these reforms have received the scrutiny they deserve. I have put forward this motion, with the amendments that have been circulated, because the Government did not respond to the select committee's report in a meaningful way. As I said yesterday, it appears that the Government read only the recommendations and not the body of the report. None of the serious concerns that were

raised by the committee are addressed in this response. The only recommendation that was enthusiastically supported was for the Bill to be enacted, and now it has been. But that recommendation was contingent on an appropriate response to the other recommendations and, in particular, independent scrutiny of the reforms.

This motion calls for an independent forum to be established with a range of outside community representatives, as recommended in the report of the Select Committee on Competition Policy Reform. A common theme that went through the whole committee inquiry was the need for outside scrutiny of the implementation of these reforms. They should not all be taking place behind closed doors. This forum should have some power and discretion to monitor the implementation of competition policy as it sees fit. It should not be just a token gesture. It should really have the capacity for input into the implementation agenda. In particular, the forum should be able to monitor the legislation review process, the development of community service obligations and the implementation of competitive tendering and outsourcing.

As I said yesterday, this is not really a very radical proposal. The Commonwealth has a panel which is the first point of call for any regulation that is required to be reviewed under the competition policy agenda. This committee includes an environmental representative and a consumer representative. The Western Australian Standing Committee on Uniform Legislation and Intergovernmental Agreements set out in detail appropriate procedures and structures to enable an appropriate system of regulation review, which included community consultation. CSOs - community service obligations - have also been a major concern for many groups in the community. Funding has to be there if community service obligations are not going to just drop off. There is a real concern that, by separating community service obligations from the so-called commercial side of government activities, they will be lost altogether.

Another major concern was that the community was being excluded from having input into the development of community service obligations. This is what the Community Information and Referral Centre has to say about the Government's attitude to community service obligations:

Butt Out. This is our concern. The government will develop CSO's and then tell you what they are. I do not think that is an acceptable option, especially when you are talking about ACTION and especially when you are talking about ACTEW.

It is not appropriate for human service areas either. I talked yesterday also about competitive tendering and outsourcing. I will not repeat that discussion now. The Government says that the existing consultative mechanisms are addressing the issues that we have included as the terms of reference for this forum. That is not what the committee found. I think reforms to government of this scale require independent scrutiny. Budget mechanisms are not good enough for scrutiny and careful development

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of these radical new directions in the public sector. Neither is a customer commitment program adequate for scrutiny. I understand that Mrs Carnell wants to move a motion that this actually be sent to an Assembly committee. I will say straightaway that it was an Assembly committee that recommended an independent panel to look at this. It is absurd to send it back to an Assembly committee. If there is a major issue about reporting mechanisms, I am sure that we can sort out those details.

MR DE DOMENICO (Minister for Urban Services and Minister for Business, Employment and Tourism) (4.02): Mr Speaker, in this Assembly yesterday, in debate on the Competition Policy Reform Bill, and again today, Ms Tucker has made some unsubstantiated suggestions regarding the implementation of the competition policy and its impact on the community. Ms Tucker suggested that the most disadvantaged in our community will suffer as a result of what she sees as haste in the implementation of the competition policy reforms nationally and in the ACT. On what possible basis could she arrive at such a conclusion? I am blown if I know.

How, to begin with, could she conclude that competition policy is being introduced hastily? As indicated yesterday, competition policy was not developed overnight. It was the result of considerable analysis and debate by the Commonwealth and all States and Territories. It largely follows from the recommendations of the Hilmer committee, which was established as a Federal Labor initiative in 1992 - four years ago. The Competition Policy Reform Bill itself is a result of the National Competition Policy Agreement, signed by the Commonwealth and all States and Territories in April last year.

As to Ms Tucker's argument that the reforms will in some way negatively affect those in our community already disadvantaged, I strongly disagree. The competition policy reforms have been instituted by governments across Australia, with the principal aim of removing barriers to competition where it is sensible to do so - I stress "where it is sensible to do so". By providing the opportunity to improve competition, the economy can grow and jobs will be created - jobs and growth that are sorely needed in our community; jobs and growth that can only serve to provide the means to better assist the disadvantaged.

Certainly, the Act passed by this Assembly yesterday - the Competition Policy Reform Act - could not lead to the sorts of dire consequences suggested by Ms Tucker. That Act will see the ACT government business activities face the same conduct provisions of Part IV of the Trade Practices Act as their private sector rivals. These rules establish the conditions for fair trade regardless of individual bargaining power. How can exposing government businesses to fair competition disadvantage the community? It does the opposite. It ensures that valuable government resources are not used to prop up inefficient bureaucracies and to hamper the growth and development of business in the city.

The thrust of Ms Tucker's motion relates to consultation. Not only does she want more, but she wants another advisory group or committee, where none is needed. In the Government's response to recommendations 6 and 8 of the select committee's report on the Bill, we clearly indicated that the various competition policy reforms that were of concern to the select committee were already subject to a range of accountability

measures which should be sufficient to satisfy even the most suspicious. I will run through them again. In meeting its commitments under the Competition Principles Agreement, the Government is obliged - I note "obliged" - to publish, by the end of June 1996, a policy statement regarding the implementation of competition neutrality principles, including an implementation timetable and a complaints mechanism. The Government is also obliged to publish an annual report on the implementation of the principles, including allegations and non-compliance.

Similarly, Mr Speaker, the Government is obliged, under the agreement, to develop by the end of June 1996 a timetable for the review and, where appropriate, reform of all existing legislation that restricts competition by the year 2000 and to publish an annual report on its progress. Where legislative reform is necessary, as a result of this review process, to implement competitive neutrality principles within a government business activity or to achieve appropriate structural reform of a public monopoly, such legislation is, of course, subject to scrutiny by the Assembly. In the case of significant reform proposals, a tailored public consultation process is also common, in line with the Government's commitment to open government.

These accountability mechanisms are, of course, in addition to those applying to the development of the budget, through which many of the reforms to government business activities resulting from competition policy implementation will be exposed for Assembly and public scrutiny. The Government is very firmly of the view that it would be inappropriate to establish an additional consultative mechanism, given that existing mechanisms would appear to provide sufficient opportunity for public scrutiny and input.

In her proposed amendment to her motion - I understand that Ms Tucker is proposing an amendment to her motion, and I will speak on that as well - she is now proposing that this new forum also monitor such issues as the development of community service obligations and competitive tendering and outsourcing. These were not included in her original motion. This Assembly needs to note that these are not issues which are part of the national competition policy debate at all. There is some common ground, as the Government must take into account any community service obligations when considering the costs and benefits of policy options under national competition policy. However, Government policy and decisions on both community service obligations and competitive tendering and outsourcing may also be made in the areas of government service quite removed from the effects of national competition policy. It is not, in the view of the Government, appropriate to simply lump these issues together in such an inappropriate and ill-considered way - overnight, so that we can vote on it and get it out of the way.

The Government will accept that, while each of the individual national competition policy reforms I have referred to is subject to sufficient scrutiny, there may be some value in utilising an existing accountability mechanism - specifically, a standing committee of this Assembly - to overview the combined implementation of national competition policy reforms in the ACT on an ongoing basis. However, the role of that committee should be limited to matters relating to the implementation of national competition policy,

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and not be part of a fishing expedition. The Government supports the motion, subject to the amendment circulated in my name, which will allow the Public Accounts Committee to have an ongoing role in monitoring the implementation of competition reforms in the ACT. I now move:

Omit all words after "implement" and substitute "the spirit of recommendation 8 of the report of the Select Committee on Competition Policy Reform by referring the implementation of competition policy to the Standing Committee on Public Accounts for monitoring and advice."

MS FOLLETT (4.08): The Opposition will be supporting the motion as moved by Ms Tucker. I have to say at the outset, Mr Speaker, that the Government has brought this motion upon itself by yet again treating with absolute contempt the unanimous report of a committee of this Assembly. I think the attitude that has developed in the Government towards the work of the members of this Assembly is absolutely disgraceful. Mr Speaker, in our work as a committee looking at the implementation of competition policy, the committee looked very widely and very hard at the implications of competition policy. We did so, Mr Speaker, in an almost total absence of any real information from the Government. The Government produced reams of documentation, and not one single item of real information was contained in it. The committee formed the view that, on the major issues to do with competition policy, the Government has done very little work indeed.

The major issues, as the committee saw them, were the community service obligations, the issue of outsourcing and contracting out and the issue of consultation. On no occasion throughout the committee's consideration, Mr Speaker, was the Government able to produce any coherent thought on any of those issues. The committee sought in vain to discuss it with, and even interrogate, the bureaucrats who came before us. I am quite certain that they were doing their work to the best of their ability; but they were doing it in the total absence of direction or policy from the Government, let alone of the realistic and exhaustive examination of the implications of those major issues for the services delivered to the Canberra community.

I believe that the Government's approach today, as exemplified by Mr De Domenico's glib and again contemptuous speech, indicates that the work has still not been done. Mr Speaker, if anybody wants a good illustration of how much work remains to be done, I would refer them to the transcript of the committee proceedings when ACTEW was examined on the issue of community service obligations. This was an absolute revelation. Not only did the ACTEW representatives, on their own admission, not know anything about community service obligations; but they did not believe that they were their responsibility either. They were looking to the Government for an explanation of the policy and the procedures for assessing community service obligations and how they might be implemented under competition policy. Again, when it came to outsourcing and contracting out, there was no coherent policy statement; there was no direction.

Mr Speaker, I believe that the Government has a great deal of work to do if it is going to implement competition policy in a way that does protect the best interests of the Canberra community. Even when it came to examining an issue like the public interest, which is a key issue in competition policy, all that the committee got was the stock definition. There was no explanation, no elaboration, on how that might apply in the ACT situation. So, Mr Speaker, I believe that there is a great deal more work to be done. I am very sorry indeed that people like Mr De Domenico - and many of his bureaucrats, I might say - continue to mouth the rhetoric without an understanding of the underlying issues which are very significant for our community.

Mr Speaker, as I say, I believe that the Government has brought this motion upon itself. At the time that I tabled the report of the Select Committee on Competition Policy, when I addressed the issue of a consultative forum, I left it wide open to the Government as to how it might want to implement this recommendation of the committee. I made it clear that it was a key recommendation of the committee. I invited the Government to nominate whether it was going to be a committee of the Assembly, a group of outside experts or a peak body made up of its other consultative mechanisms. And what did the Government come back with in its response to that committee report? It said, "No, that is not acceptable".

Mr De Domenico: We did not say no. We said that there are already mechanisms in place.

MS FOLLETT: Mr Speaker, we have heard from Mr De Domenico that there are consultative procedures and consultative provisions in place. That is absolutely untrue. What the Minister has just reiterated - things like the statement on competition neutrality principles and so on - is not consultation. I think that, for a Government that has at least mouthed the words on being open and consultative to pretend that again the stock statements - delivered, as they must be under the legislation, after the event - constitute consultation is absolutely laughable.

Mr Speaker, I believe that Mr De Domenico has let his side down in his whole approach to this issue yet again. Mr De Domenico usually lets his side down; but I am much more concerned that he lets down the Canberra community as well. Mr Speaker, Mr De Domenico clearly has no grasp on his portfolio as it relates to the Canberra community. He is merely mouthing the words that have been written for him - just the rhetoric yet again. There is obviously a greater need now than there ever was before for the Government and the bureaucrats who are involved in competition policy implementation to get some good information, and that information must be drawn from the community who will be affected.

Mr Speaker, had the Government come back with a more thoughtful, more moderate, more considered and conciliatory approach on this committee report, I would not be supporting this motion. But they have not. Yet again, as I say, they have taken a unanimous committee report from this Assembly and have just treated it with absolute contempt. It is very important indeed, I believe, that such a government seeks advice from people who have a better regard than it appears to have for the Canberra community. As I say, I will be supporting the motion
as put forward by Ms Tucker.

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I would say to the Government that, in looking at committee reports in the future, you do not really have to accept what your bureaucrats write for you. You can actually have your own opinions on it. I would suggest to you that on this occasion you ought to have done that, and not just signed off the empty rhetoric that was yet again put before you.

MR HUMPHRIES (Attorney-General) (4.16): Mr Speaker, it seems that we are allowed to disagree with our bureaucrats but not with Assembly committees. I think this motion, as amended, exhibits all the signs of something being formulated on the run. If members were to sit down carefully and quietly and think about it long and hard - - -

Ms Follett: On a point of order, Mr Speaker: The only amendment moved has been by Mr De Domenico, and that was definitely done on the run.

MR SPEAKER: There is no point of order.

MR HUMPHRIES: No, it is not; it has been amended by Ms Tucker.

Ms Follett: She has not moved that.

MR HUMPHRIES: Yes, she has already asked to have it amended.

MR SPEAKER: There is an amendment put forward by Ms Tucker which has been incorporated into her original motion.

MR HUMPHRIES: Ms Follett can send her apology round in an envelope. That is fine. Mr Speaker, this motion really is, in my view, ill thought through. Look at the motion very carefully and you see a number of gaping holes in it.

Mr Moore: Then amend it and fill them.

MR HUMPHRIES: We have proposed to amend it. We propose to amend it to take it away from this structure altogether; that is our amendment. Let me make a few points. First of all, in the past this Assembly has had considerable difficulty with processes overseeing legislation we formulate or will formulate where those processes are outside the Assembly. One good example of that - a matter Mr Moore used to talk about in the previous Assembly - was the Community Law Reform Committee having references on issues that coincided with issues on the agenda of the Assembly and the difficulty of having matters referred outside the Assembly to those sorts of bodies.

Perhaps I am simple or something, but it seems to me that the primary body responsible for overseeing legislation of this Assembly is the Assembly itself and its component parts, including its committees. Its committees ought to have the primary role of determining what is going on with those pieces of legislation and make adjustments accordingly. If this monitoring committee, let us say, has an ongoing role in monitoring this legislation, presumably it therefore can make recommendations, prepare reports and so on, which will come back - we do not know where, because the motion does not say. We assume that it is reporting to the Minister, but we do not really know. It might be reporting to the Assembly or to an Assembly committee, I do not know - to you, Mr Speaker, perhaps; to my mother-in-law, who knows?

A report presumably will come down from time to time. Of course, if a report is being prepared on a particular aspect of these terms of reference, presumably it gives rise to some expectation that members of the Assembly who have some concern to raise will give the monitoring committee the courtesy of bringing down the report before they act. So, we have legislation passed by this Assembly being, in a sense, monitored outside the Assembly by another body.

Mr Moore: You mean like the Auditor-General does on a lot of other things?

MR HUMPHRIES: There are no equivalent circumstances that I can think of.

Ms Tucker: The Federal Government does it. The Western Australian Government does it.

MR HUMPHRIES: Ms Tucker says that the Federal Government does it. I am not aware of those bodies, in the Federal Government's case. I will take your word for it, but in this Assembly it has not been the case.

Mr Moore: The Commissioner for the Environment is another example.

MR HUMPHRIES: The Commissioner for the Environment has an ongoing brief to monitor particular environmental issues that he self-refers, he has a brief to look at matters that people raise with him as a kind of environmental ombudsman, and he produces state of the environment reports. He does not have responsibility for monitoring the operation of the legislation that governs key environmental issues in this Territory. He simply does not. He might be referred that from time to time, but he has not been referred that on this occasion. The Assembly has not delegated its power to monitor legislation to the Commissioner for the Environment. Have you any other examples to cite? I do not think so. I do not think this is particularly well thought through.

Look at another issue on this. Ms McRae is the spokesman for education, is she not? I can see why we might put on the committee representatives of consumer organisations or union organisations, or even business organisations; but why should an academic organisation have a place on the committee, and which one?

Ms Tucker: Broad representation, outside looking in, accountability.

MR HUMPHRIES: No. I refer Ms Tucker to the motion. It says:

Such a forum should include representatives of ... academic organisations.

If Ms Tucker wanted to have an academic on the body because of some expertise in this area, that is fine. But she is not asking for an academic; she is asking for a representative of an academic organisation, and I do not know why an academic organisation should be on this committee. I really do not.

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Again, there is a very broad-ranging list of terms of reference. We assume that development of community service obligations is in respect of the question of the competition policy as it applies to the whole of government. Every arm of the Government is presently developing community service obligations criteria for application in its own area. How much is the process of putting that in place going to be held up by the need to have these matters referred to this monitoring committee, once we get it running?

There is the very small question, but it happens to be important to this Government, of cost. These fora cannot be resourced and funded independently; they have to be resourced from within the Government. We will be operating a committee with, presumably, a significant number of people on it. At least six representational bodies are outlined there; presumably, there will be other Government nominees; presumably, there will be people with broad expertise in the area - that is not mentioned in the motion - local versions of Fred Hilmer; and so on. Those sorts of people need to be on the body. It is going to be a very large body. I say to members in this chamber: Exactly what is going to be the mechanism whereby we fund and resource this thing? It is going to want to do work; it is going to get in reports; it is going to need to hold hearings, presumably, where it gets members of the bureaucracy before it to explain how things are being developed. Maybe Ministers will appear before it; I do not know.

I think it is a pretty poorly thought through proposal all up, Mr Speaker, and I would commend the amendment that is circulated - to refer this matter to the place where we have generally referred monitoring roles, that is, committees of the Assembly, in this case the Standing Committee on Public Accounts. I think we are rushing in, and this motion exhibits all the traits of a party that seems to think, on the part of Ms Tucker, that it will stay in opposition for all its life; but I am surprised that the Labor Party, the alternative government of this place, thinks it can live with an operation like this. If they ever happen to get back on these benches with this operation in place, they will find it very awkward to work with.

MR WHITECROSS (Leader of the Opposition) (4.24): Mr Humphries has delivered us a fairly extraordinary speech.

Mr Humphries: All my speeches are extraordinary.

MR WHITECROSS: Indeed they are, Mr Humphries. "Extraordinary" is the only word that springs immediately to mind. Mr Humphries started off with the proposition that there was something unusual about Ms Follett's suggestion that it was more important that Mr Humphries take notice of the Assembly than of his own bureaucrats. For a lawyer, that is a completely amazing statement from Mr Humphries. Of course you should take more notice of the Assembly, Mr Humphries, because you are accountable to the Assembly and your Government depends on the confidence of the Assembly. That is the constitutional environment in which we live. You are not accountable to your bureaucrats. If you disagree with your bureaucrats, they cannot sack you. If you disagree with the Assembly, they could. That is why you should take notice of what the Assembly and Assembly committees say. That is why you should take it seriously.

Mr Humphries only went downwards from there. His arguments did not get any better after that. The fact is, of course, that what is being proposed here is a forum set up under the auspices of the executive arm of government to assist the executive arm of government in implementing government policy. Mr Humphries seems to think this is an extraordinary notion. I do not think it is an extraordinary notion at all. It is a very common practice, I would have thought, in the field of government for governments to set up forums to assist them in implementing their policies. All that this motion is doing is saying how, in our opinion, you should be going about your business as a government - as I said before, the Government is accountable to the Assembly - that you should be doing it in this way, that you should have a forum which advises you on how to go about the business of implementing competition policy, and that that should include representatives of the range of organisations referred to, in order to ensure that the range of considerations that might be relevant to the implementation of competition policy, the concerns that were raised by the committee, can be properly considered.

When you hear Mr De Domenico talk, Mr Humphries, about what competition policy means to him, you feel all the more inclined to want to have this kind of thing. Mr De Domenico's understanding of competition policy is fairly superficial.

Mr De Domenico: It is the same understanding as Paul Keating had.

MR WHITECROSS: I am afraid that it is not, Mr De Domenico.

Mr De Domenico: Yes, it is. He wrote the Bill for us.

MR WHITECROSS: The fact is that one of Mr De Domenico's - - -

Mr De Domenico: And Ms Follett said yes to it when she was the Chief Minister.

MR SPEAKER: Order!

Mr De Domenico: The lady you knifed in the back said yes to it.

MR SPEAKER: Order!

MR WHITECROSS: You just cannot keep him quiet, can you? The problem with Mr De Domenico is that he confuses support for competition policy with support for everything that various governments do in the name of implementing competition policy. The Labor Party might support the principle of competition policy, but that does not mean that we support everything conservative governments do in the name of competition policy. It does not mean that we support everything Mr De Domenico does in the name of competition policy. We have a concern that, in relation to the implementation of competition policy, there are ways of doing it which will be hostile to the interests of communities, that community service obligations and other concerns of government will be lost in the process of implementing competition policy, and that there are ways of

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doing it which will ensure that those issues are protected. What this forum is intended to do is to assist the Government in ensuring that things do not slip through the net, that they do have the opportunity to have useful and helpful feedback about how they can go about their task to ensure that things do not slip through the net. They can be advised if problems appear to be occurring with the way they are implementing competition policy. It is not such an extraordinary notion.

Mr De Domenico is one of these people who think that cheapest is always best. That is Mr De Domenico's philosophy in relation to competition policy: Cheapest is always best. We in the Labor Party and other members of the Assembly do not think, and certainly members of the select committee did not think, Mr De Domenico, that cheapest is always best. They did not think you should get carte blanche to implement competition policy and that you could not make a mistake. Of course you can make mistakes. Of course you can do things wrongly. We are saying that we support the legislation - that is why we passed it, Mr De Domenico - but how you implement the legislation is a matter that is in your hands.

Mr De Domenico: No, it is in the Assembly's hands.

MR WHITECROSS: Mr De Domenico has obviously been to the same school of constitutional law as Mr Humphries, because he does not understand the difference between implementing legislation and passing legislation. Legislatures pass legislation, Mr De Domenico; governments implement it. You are the Government; you are implementing it. What we are saying is that there is a right way and a wrong way of implementing it. You need advice to ensure that issues such as social issues are not lost in the implementation, and we are suggesting that this forum is an essential part of that. That is why we are supporting this motion today. That is why Ms Follett's committee put the recommendation in the report in the first place.

I have to say that, regardless of whether this motion is passed or not, there is one area in which I tend to agree with some of the misgivings of Mr Humphries and Mr De Domenico. One concern I have is that, whether this motion is passed or not, the success of the implementation of competition policy and the effectiveness of the proposal encompassing this motion really still depend on the goodwill of the Government. If Mr De Domenico cannot get his head around the notion that there is more to life than cheapest is always best, it does not matter how many motions we pass, you will still get bad decisions out of the Government because the Government does not understand the fundamentals. What we are trying to do, Mr De Domenico, is to help you, and that is what this motion is about. It is about trying to help you, Mr De Domenico. If at the end of the day Mr De Domenico is beyond help, that will be a matter for the members of this parliament who supported Mr De Domenico. I do not carry with me great confidence in Mr De Domenico getting it right on this. All over Australia we are seeing conservative policies doing some fairly horrific things in the name of competition policy, and I do not have much reason to believe that Mr De Domenico will do it any differently. We can only try, Mr De Domenico, and that is what we are doing today.

MR KAINE (4.31): Mr Speaker, I would like to try to inject a bit of sense and responsibility into this debate. What we are doing here, in my humble opinion, is establishing a precedent where the oversight of a committee's recommendations is going to become the responsibility of a body outside this Assembly. Are we establishing a precedent? Every time a committee brings down a significant report requiring a program of action to be taken by the Government, are we going to set up a similar body? If not, what is so different about this one? What is so different about this one that it requires this extraordinary action to be taken? This is only to admit that the Assembly is incapable of administering its own business.

Mr Whitecross just gave us a 15-minute harangue. He gave no justification for establishing this committee outside the Assembly that Ms Tucker is recommending. He gave no reason or justification whatsoever for it. He simply took it as an opportunity to kick the Government in the head one more time. I ask Mr Whitecross: Should you by some mischance become Chief Minister, do you want to have an external organisation, of the constitution put forward by Ms Tucker, looking over your shoulder to tell you what you are doing wrong and how you should be doing it better every time a committee brings down a substantive program and it is required to be undertaken? As the potential Chief Minister, Mr Whitecross, you ought to be thinking very carefully about that proposition. I come back to the question: What is it about these recommendations that makes them so different from many other recommendations of many other committees in reports that have been tabled over the last seven years in this place? There is no significant difference at all - none whatsoever.

Ms Tucker is today guilty of a gross set of double standards. I point out that only today she submitted a report of her own committee which imposes a series of actions on the Government, if this report is adopted. What does she say in her report? She says:

... the Committee will continue to monitor developments in relation to the implementation of this report's recommendations ...

So it is good enough for her committee to continue to monitor the implementation of the recommended action, but it is not good enough for the Public Accounts Committee to do it. What a double standard! I would like her to explain how it is that her committee is quite competent, capable and qualified to supervise and oversight the recommendations of her committee, when the Public Accounts Committee is seemingly incompetent and incapable of doing the same function in connection with competition policy. I do not understand how her committee got to be so smart, quite frankly.

Not only do we have a good set of double standards here, but I come back to the point that we are also establishing a precedent that I find quite offensive. I think, Mr Whitecross, that, if you support this, one day you will regret it. If you should by some mischance become Chief Minister of this place, every time you undertake to implement a series of recommendations arising from a committee, you will have an organisation like this hung around your neck like an albatross. Look at the terms of reference that Ms Tucker proposes to give them. Talk about taking in the entire universe! Do you think that is a good thing? If you do, Mr Whitecross, all I can say is that you have not thought it through; maybe you are not capable of thinking it through.

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MR MOORE (4.36): Mr Speaker, you have to give it to Mr Kaine: When he has no material to debate something, he does quite well; there is no question about that. The recommendation of the committee stated:

The Committee recommends that the Government establish a forum to provide ongoing monitoring and advice on the implementation of competition policy. Such a forum should include representatives of community, environmental, consumer, union, business and academic organisations.

It is not a particularly problematic thing. All the Minister has to do, basically, is nominate a number of people from those fields to provide advice, in the same way that the Minister for Education has his advisory council. But could this Minister do that? No, of course not. That looked like it was going to be too hard. It was the easiest thing he could have done. Instead, he just writes, "The Government does not support this recommendation".

The recommendation was quite sensible. It was a good recommendation for the Minister, and he had the opportunity to appoint this forum to provide that sort of monitoring and advice. But he decided just to ignore the Assembly committee that had supported the legislation, and that said, "There are some important issues that need monitoring". Now it has come back to haunt him. It was an action of simple incompetence. The Assembly had already made it very clear that we expect our reports to be taken seriously. We had already sent one back to the Education Minister for him to reconsider and redo. There was nothing difficult about what had been asked here. The only reason for ignoring it is that he could not be bothered.

Mr De Domenico: No, it is because I disagreed with the recommendation; because I disagreed with you.

MR MOORE: In that case, I cannot believe the stupidity. Instead of recognising how the numbers are going to fall in this Assembly, he thinks he can just say, "I disagree; therefore I am not going to do it". I am sorry, Mr De Domenico; it does not work that way. That is why it is that Ms Tucker has put up this very sensible motion, from a very sensible recommendation, a unanimous recommendation from the committee, and we are going to make you do it. It is about time you realised that you are a minority government - - -

Mr De Domenico: It is about time you realised that you do not control the joint. You might think you do.

MR MOORE: Mr Speaker, we get the same interjection as we had from Mr De Domenico at question time - that I should recognise that I do not control this Assembly. I have never suggested that I control the Assembly in any way at all. That, indeed, is your role, Mr Speaker, as illustrated very clearly at question time today when my dissent motion was adjourned against my wishes. That is the sort of nonsense we get from this would-be Minister - well, would-be-good Minister - in dealing with this sort of issue.

The reality is, Mr De Domenico, that a sensible person reading this recommendation would have said, "That is a good idea. Of course we can take advice on this issue". The fortunate part for you is that Ms Tucker has deliberately left the motion broad so that you can use it to your benefit. Instead of coming in and accepting it in good faith - indeed, Ms Tucker and I discussed it; and she deliberately left it broad so that you could use it to get advice, rather than trying to corner you on exactly how you must do it - you have tried to make it harder and, therefore, there has been more detail in the motion. It seems to me that it is a very sensible approach by Ms Tucker to say to the Government that, when sensible committee reports come down and the best you can do is say, "I disagree with it", then this Assembly is likely - - -

Mr De Domenico: No; with some of it.

MR MOORE: The best you have done so far, Mr De Domenico, is to say, "I do not like it because I disagree with you, because I often disagree with you". You are going to have to learn that, if you can come to this Assembly with some decent and valid arguments, unlike the ones you presented earlier, you may get a hearing; but that will be done as a response to the committee report, instead of the seven- or eight-line response you gave to this recommendation. We take committee reports seriously. A huge amount of work goes into committee reports in this Assembly, and the Assembly as a whole has always shown appropriate respect for those recommendations. I would suggest that in future you take the easy way out.

MS TUCKER (4.41): Mr Speaker, there are a couple of points I will have to address. It is very worrying when I hear Mr De Domenico, and I think other members on that side, continuing to claim that this is just about a Bill. This is not just about a Bill. This was made clear through the whole process of the committee's inquiry. There is a document called the Competition Principles Agreement, and in that document there are very - - -

Mr De Domenico: Who signed it?

MS TUCKER: Yes, exactly. We would have thought you would acknowledge - - -

Mr De Domenico: Ms Follett signed it.

MS TUCKER: But the point is that the responsibilities lie with you now to implement this, and what you are showing is an ignorance even of its existence. Do you know what is in subclause 1(3)? Do you know, Mr De Domenico? It says:

... where this Agreement calls:

- (a) For the benefits of a particular policy or course of action to be balanced against the costs of the policy or course of action; or
- (b) for the merits or appropriateness of a particular policy or course of action to be determined; or
- (c) for an assessment of the most effective means of achieving a policy objective;

the following matters shall, where relevant, be taken into account:

- (d) government legislation and policies relating to ecologically sustainable development;
- (e) social welfare and equity considerations, including community service obligations;
- (f) government legislation and policies relating to matters such as occupational health and safety ...;
- (g) economic and regional development ...;
- (h) the interests of consumers generally or of a class of consumers -

not just customers. I made this point yesterday. We have an agreement, which is why we have grave concern in the community about the very narrow focus your Government has taken. Mr Kaine took that approach in the committee, to begin with. He was saying, "All these people are coming to talk to us about things that are not really relevant", but he did listen with interest. I think he understood, in the end, that the community has real concerns and they have not had an opportunity to speak about those concerns. And now they have no access to you. They have no way of advising you on how they think competitive tendering, how they think outsourcing, how they think the development of CSOs - - -

Mr De Domenico: With respect, the majority of the community do not care, Ms Tucker.

MS TUCKER: I am sorry; there are people in the community who do care, and they have made some very in-depth submissions to this committee and further in-depth responses to your response. This is about accountability, and I am not quite sure why you are so concerned about it. It makes it even more important.

Mr Humphries was concerned about our using an academic representative, which is an extremely petty thing to pick on in this discussion.

Mr Humphries: No; academic organisation.

MS TUCKER: Yes, I know - academic organisation.

Mr De Domenico: Which one?

MS TUCKER: If you look at the motion you will see that these people are nominated after consultation with the whole Assembly. The obvious reason why we would put that in is that we want to see broad representation on this committee.

Mr Humphries: But why an academic organisation?

MS TUCKER: Because sometimes it is useful to get academics into discussion groups. They have a particular perspective, Mr Humphries, and people in the community would like to see a broad representation on this committee.

Mr Kaine was outraged at what he perceived as double standards. This is not just a Greens motion; this is the recommendation of a committee of which Mr Kaine was a member. It said, "We would like to see an independent forum, an independent panel, not an Assembly committee, look at how implementation of this major restructure is carried out by this minority Government". Mr Kaine also asked why we wanted to look at this particular legislation; what is so special about it? What is so special about it is that, in the view of many people in the community, it is a major restructure of delivery of services in government, and that is why you have people in the community who are extremely concerned. I am amazed that Mr Kaine does not realise the significance of this legislation, which gives us even more reason to make sure that there is an external body. There was another question about the Social Policy Committee and education. I understand that the Government has a number of advisory committees, a number of groups who advise them and who make comment on what is happening at the moment in society.

The fact that there is no formal documentation of reporting mechanisms here seems to be a problem for Mrs Carnell. She thought that was a real flaw. I am sure that there are many ways that such a group can report. If they report to a Minister, the Minister can table that document and we can all look at it. This group would not report just to the Minister; this group can report to anyone they like. They can report to the media, if they want to. This is about accountability, and that is what the community wants to see happening in this major change in delivery of government services.

I repeat that this is not a motion just from the Greens; this is what came out of a unanimous report of a committee inquiry in this place, and it has been treated with great disrespect by this minority Government. That is why we have put up this motion, and we hope that in future we will see a little more respect. I remember very clearly that in my first days here Mrs Carnell repeatedly stated the importance of committee work, that she likes open and consultative government, that this is a minority government, that the Liberals want to hear what everyone else has to say here. It does not feel like that.

Amendment negatived.

Original question resolved in the affirmative.

23 May 1996

ASSEMBLY BUSINESS - PRECEDENCE

Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent notice No. 1, Assembly business, referring the issue of the protection of amenity rights of residents to the Standing Committee on Planning and Environment, being called on forthwith.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE

Inquiry into Protection of Amenity Rights of Residents

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning)
(4.48): I move:

That the protection of amenity rights (such as sunlight and views) of residents from the impact of satellite dishes and cables which are associated with pay television be referred to the Standing Committee on Planning and Environment for inquiry and report by the last sitting day of 1996, with particular reference to:

- (1) the adequacy of the existing amenity controls in ACT planning and building legislation which relate to the residents' access to views and sunlight, including consideration of:
 - (a) the residents' right to a view across a neighbour's property;
 - (b) the potential for more prescriptive controls;
 - (c) the feasibility of the implementation of such controls; and
 - (d) the potential of such controls to limit individual rights to develop property.
- (2) the potential impact on the streetscape and residents' views of satellite dishes and cabling associated with pay television, including consideration of:
 - (a) the extent of the impact in the ACT; and
 - (b) controls being applied in other Australian States.
- (3) recommendations for the development of related control parameters and associated assessment criteria.

If the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.

I will speak extremely briefly to this motion. Since becoming Minister for this area, I have had a number of representations from residents of the ACT concerned about the issue of amenity of their view. This has had a number of forms - people concerned about houses or extensions to houses being built next to them which have given rise to the blockage of a view to some attractive part of the Territory, the impact of the satellite dishes and cables that are now proliferating as a result of pay TV expanding in the community, and other issues that have generally been given more prominence because of the incidence of higher-density housing in the ACT.

It seems to me that these issues raise a fairly important philosophical question about how we provide for protection of that kind of amenity within the framework of our planning legislation. Having discussed it with members of the Planning and Environment Committee, I felt that it would be opportune for the committee to have that as a formal reference. I therefore hope that the committee will have some opportunity over the rest of this year to look at that question and give comments to the Assembly on ways in which we might deal with this issue which is of some importance to members of the community.

MR MOORE (4.49): Mr Speaker, Mr Humphries did approach me, as committee chair, to ask whether this was acceptable. I took it to the committee and, with some very minor modifications, which Mr Humphries has incorporated, we think it would be a sensible inquiry for the committee. I welcome this reference from Mr Humphries.

Question resolved in the affirmative.

FINANCIAL MANAGEMENT BILL 1996

[COGNATE BILLS:

AUDITOR-GENERAL BILL 1996
PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1996]

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

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Auditor-General Bill 1996 and the Public Sector Management (Amendment) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to orders of the day No. 2 and No. 3.

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MR WHITECROSS (Leader of the Opposition) (4.51): Mr Speaker, the Opposition will be supporting this package of Bills. This package of Bills entails a rewrite of the Audit Act which is long overdue. The Audit Act needed to be rewritten. It is outdated; it is repetitive. Reform has been on the agenda of this Assembly for some time. Work has been going on for a number of years on this and related issues such as accrual accounting, which is another element in this legislation. The financial reporting arrangements have been behind reform in other States, and this legislation almost takes us to the forefront. It is indeed a giant step - in some respects perhaps too big a step, but I will talk about that in a minute. The Audit Act underpins all major aspects of the public finances of the Territory, so replacement of that Act is no minor change. The other two Bills which we are debating cognately today also represent significant reform.

Mr Speaker, having said that the Opposition will be supporting this process, I have to say that we do so not without some misgivings about the way that the reform process has been managed. Significant resources have been tied up in the Public Service in addressing the reform agenda which this Bill contains and surrounding matters. This has imposed a quite severe burden on the Public Service. Public servants have been trying to get to grips with a range of new issues in accounting, including accrual accounting, what it means and how to apply it; but what about its impact? The effect of all this on the quality of decision-making will take some time to assess. From what I can gather, little has been done on the policy implications of the reforms. With the amount of technical work required to come to grips with the implications of the shift to accrual accounting, relatively little time has been available to do an analysis of the implications. Certainly, work has been done on defining outputs and on performance criteria, but there is a huge weight of work. All the anecdotal evidence that has come to me is that it is a weight of work which many areas of the Public Service, already burdened with the financial constraints that have been imposed by the Government, are finding it very difficult to deal with. In short, Mr Speaker, I think the reform process has not been entirely well managed and there has been a certain amount of haste about it.

Let me give you some perspective about this agenda. Mrs Carnell likes to make out that this financial reform package will fix all financial problems.

Mrs Carnell: I wish that it would.

MR WHITECROSS: Perhaps Mrs Carnell is not so sure now. The health budget might still have blown out and revenue might still be down. Getting back to my point, it is a nonsense to suggest that we did not know where all our money was being spent before and that, with the passage of this Bill, we suddenly will know where all our money is being spent and what we are getting for it. It will not be as simple as that. That is the reality. The Government will still be able to transfer money between appropriations, as was possible in the past and - - -

Mrs Carnell: But not between capital and recurrent.

MR WHITECROSS: That is an interesting point that Mrs Carnell raises. Mrs Carnell says, "Not between capital and recurrent"; but of course, if you read clauses 14 and 15 of the Financial Management Bill in combination, you see that clause 15 allows you to move money between capital and recurrent within an appropriation, and clause 14 allows you to move money between appropriations, provided that you do not move from capital to recurrent. For instance, speaking hypothetically, if you had a \$14.2m blow-out in the health budget you might, within the constraints of the legislation, be able to move it from capital to recurrent within the Urban Services budget and then move it from the recurrent budget in Urban Services to the recurrent budget in Health, provided of course that you meet the other conditions. There are reporting requirements in the legislation, to table information on these transfers. I am not saying that we would not all know that it was happening, Mrs Carnell; but I am saying that it is not quite correct to say, as you just said, that you cannot move between capital and recurrent. You clearly can.

Mr Speaker, there is nothing magical about a new budgetary framework. The effectiveness of a new budgetary framework depends on how you use it, what you do. Bad decisions are still bad decisions. If you sign a contract with the VMOs to save \$3m and you do not save \$3m, you still will not save \$3m under the Financial Management Bill. A new financial framework will not affect bad decisions. What it will do is clarify some issues like the application of capital and separation of the implications of committing capital to one thing rather than another thing as opposed to the commitment of money for recurrent expenses. Nobody would argue with the importance of those reforms, Mr Speaker.

Accrual accounting will not stop cuts to services. In fact, some people might be concerned that accrual accounting, by making explicit some of the implicit costs, might encourage some to promote further cuts in services. Accrual accounting will not reduce fees and charges. Accrual accounting will not fix problems with Mrs Carnell's three-year budget strategy. These reforms will not repair and expand the Territory's revenue base. These reforms will not stimulate business confidence or employment. The ACT will not see a significant improvement in the decision-making capacity of this Government just because we pass the Financial Management Bill. Mrs Carnell has promoted the rhetoric that everything was darkness before and, after today, when we pass this legislation, everything will be light. It will not be. I think even Mrs Carnell is starting to see that it will not be. It is important that we have that sense of perspective about what is going on.

These reforms, because of their magnitude, have greatly affected the way the Public Service has been operating during their formulation. These reforms will continue to greatly affect the operation of the Public Service. They are tying up resources and will continue to tie up resources as the Public Service comes to grips with the implications of this legislation. While I endorse the legislation and support the legislation, we have to recognise that those resources are going to be tied up, at the expense of other priorities such as review of social policy and review of other reforms in the areas of health and education. Resources are going to be devoted to coming to grips with the implications of

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this legislation. That is something we have to acknowledge and face up to, because it is a real issue for this Territory. It ought to be a real concern to the Government. It is certainly a real concern to the Opposition, because it will affect the quality of decision-making and the pace of reform in other areas if so many resources across the Public Service are tied up in this financial reform agenda.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 5 o'clock, I propose the question:

That the Assembly do now adjourn.

Mr Stefaniak: Mr Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

FINANCIAL MANAGEMENT BILL 1996

[COGNATE BILLS:

AUDITOR-GENERAL BILL 1996
PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1996]

Debate resumed.

MR WHITECROSS: I was drawing my comments to a close. I am sure that I have made the points that I wanted to make. We will continue to pay attention to the way this legislation is implemented, because we are concerned about some of the issues I have raised. We will be interested to see that the new information that this approach will give us is used effectively and in the interests of the Territory, not in ways which will undermine services or reduce commitment to keeping existing schools and other community facilities open. We will continue to look at this legislation in those areas. The principles underlying the legislation are, of course, sound and we are happy to support them, but we will be taking careful note of how these principles are applied.

MR MOORE (5.01): Mr Speaker, since coming into this Assembly in 1989, one of the things that I have been interested in, and I think almost all members have been interested in, is to ensure an openness about what we do, particularly with reference to financial management. A range of people in different governments have taken significant steps in the past to do so. It was most interesting to me, as a member of the Public Accounts Committee in the Second Assembly, to look at the issue of accrual accounting and how

we could enhance openness in the financial management of the Territory through implementing a system of accrual accounting. A recommendation came accordingly. In many ways I see this legislation as part of the process of implementing that and implementing an openness about what happens with our financial situation.

In introducing this legislation, the Chief Minister recognised that there have indeed been problems with getting to this point and the sorts of things that she has attempted to achieve. One of the most obvious examples is that for two years in a row we have not had a budget by mid-year and have had to go through a supply situation and then a budget situation. This legislation, on my reading of it, handles that in a slightly different way, although conceptually the same, I guess. It seems to me that, in spite of the answer that the Chief Minister gave to my question yesterday on this matter of a mid-year budget, it was possible to draw up a mid-year budget - I still believe that to be the case - and to make some reasonable estimates about what we are likely to get from the Federal Government, just the same as we make reasonable estimates about what is likely to come from other sources of revenue. According to the media recently, our revenue is not going according to estimates. In fact, it rarely has. In this case, of course, it is in a negative way, although previous governments that did not overestimate revenue were fortunate that further revenue came in, for a whole series of different and perhaps unforeseeable reasons. I believe that we could have gone through a process of ensuring a mid-year budget.

Mr Speaker, in looking at this legislation I have also looked at the amendments that are foreshadowed by Mr Whitecross and Ms Tucker. I believe that some of them will enhance the legislation. I particularly think that will be the case with reference to material to be laid before the Assembly, as Mr Whitecross has suggested, and making the guidelines for financial management a disallowable instrument, as Ms Tucker's amendment proposes. We will come back to the detail at the detail stage of the Bill.

The point Mr Whitecross made about this legislation in no way being a magic wand is a very important point to be made. The role of government is about service. One of the things I find quite distressing is the emphasis we have had over the last few years on budgeting, on accounting and on dry economics, when really we should have been giving far greater emphasis to how we deliver service right across the community, how we can improve services and how we can ensure that those of us who have the wherewithal are contributing in such a way that we can assist those who need assistance in a whole range of areas. That is what social justice is about and that is the role of government in using its taxation ability adequately.

Mr Whitecross gave us a whole list of things this financial management legislation will not do, but I think that what it should do and what it is intended to do is to take the next step in ensuring openness of the system in the ACT. Having watched how previous governments have worked towards openness, I believe that we have been quite effective in a whole series of ways. Having seen some of the budget papers and some of the budget material in other parliaments, I think we have already made huge steps. This is another step along the way, and that is why I think it is important that support for this legislation should come from across the Assembly.

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MS TUCKER (5.07): Mr Speaker, the Greens will be supporting this legislation. Later I will be moving an amendment that calls for a statutory review of the legislation in three years' time. The reason I will be putting forward this amendment is that the Greens do have some concerns. This legislation is introducing some radical changes into the Public Service of the ACT and, while we can see some benefits in terms of increased transparency and clarity in defining financial reporting mechanisms, there are potential negative implications which I do not think have been fully explored. There is always the danger that social justice and environmental protection will be given a lesser priority than economic efficiency. There is also a danger that with radical reforms we solve one problem only to create another. We have to be very careful to ensure that, with all the focus on delivering outputs to consumers, the distinctive tasks and responsibilities of government are not lost.

Just as the Greens have seriously questioned the merits of competition policy, we question these reforms. They are part and parcel of the same ideology. We certainly want to avoid repeating the mistakes that other places have made, and it is disappointing that this Bill is being debated before the Public Accounts Committee has a chance to report on its trip to New Zealand, where it is going to look at the financial reforms that have been introduced there. We do have some evidence already, however. The report on a study program on structural adjustment and social change in New Zealand highlighted a number of problems with the introduction of broad, market-based reforms into government, and, in particular, what the focus on outputs means for the community. For example, detailed specification of outputs introduced rigidities that made a more flexible and client-focused approach difficult, and usually cut across holistic services or attempts at the bundling of services; performance requirements focused on what was easily measured and reverted to an emphasis on quantity over quality; development and preventative activities received little or no priority; and detailed accountability requirements added costs to service providers that could be met only by diverting funds from service provision.

The legislation before us introduces the concepts of outcomes, outputs and the Government as a purchaser of outputs. We have said before, and say again, that the success or otherwise of these reforms depends on the definitions of outcomes and outputs, and also the performance measurements we use. I have expressed earlier my disappointment about the lack of substance in the Government's outcomes statement. The idea that the whole range of government services can be individually specified as outputs is also quite reductionist. How these outcomes are evaluated is through performance measures which are defined as quantifiable units of measurement. They establish how performance will be judged for each output by translating it into a measured value.

Obviously, a key question is: What are the outputs, who monitors them and how do we evaluate them? Who is on the outputs committee? We asked this question the other day and it is concerning that mostly financial managers are represented. It is unclear to me how organisations or individuals whose performance is being measured have an opportunity to have input into those performance measures. This legislation also reinforces a bottom line approach to budgeting. Again, that can have real benefits, but it is also dangerous. I said last week in debate about the second Appropriation Bill that if the health budget is to be cut it is more likely to be the less visible but equally important services that get the chop.

A more underlying question that really needs to be asked about these reforms is not only what the impact on service delivery will be, but also whether it really is efficient for agencies to specify each public service requirement and have Treasury cost and fund each one. These reforms themselves involve a huge investment of time and resources, and certainly are about refocusing the efforts of government away from processes and onto services or outcomes. That is a very worthy goal, but anyone who has worked in a reasonably large organisation will know that processes and outcomes are intimately linked. It is simply not possible to come up with good outcomes if you do not worry about the internal dynamics and processes. Internal organisational factors are an essential ingredient of a productive working environment. I wonder just how much productivity has been lost because of all the upheaval in the Commonwealth Public Service at the moment. We have heard already mention of reform fatigue and its impact.

Competition drives the best performance in some areas, but not others. Continuous competition between workmates may be more destructive than helpful in most of the agencies' activities, particularly in its effect on teamwork. I do remember Mr Stefaniak saying that paintball was good for teamwork, so maybe it fits in with that model. The same could be said for the operations of the community sector, and that is why the Greens think competitive tendering is fundamentally flawed. Mr Speaker, the role of government is, and should be, broader than just the delivery of outputs to customers.

MRS CARNELL (Chief Minister and Treasurer) (5.13), in reply: Mr Speaker, I am very pleased that this Assembly will support these Bills. Mr Whitecross made the point that an enormous amount of time and effort has gone into developing these Bills, and he is quite right. An enormous amount of time and effort has gone into developing the Bills and, of course, ensuring that our staff have adequate skills and the wherewithal is there for the implementation from 1 July. We believe strongly that this legislation is essential to allow the sort of transparency and the sort of information that this Assembly has indicated that it wants, and certainly that the Government wants.

One thing that possibly has not been recognised is that the whole basis of this set of Bills is to change the focus from the processes that we use in government or the inputs that we have - in other words, what we spend money on - to service delivery. Far from being Bills that do not focus on the sorts of services that we are delivering in the ACT, when these Bills come into law from 1 July the whole basis of accounting in the Territory from then on will be based upon what we are actually buying, and what services are actually being produced, for the people of Canberra. I think that is an enormous step forward. In the past all we were really funding was inputs, without having very much of a clue at all as to what we were actually getting or what taxpayers in the ACT were actually getting for their money. It was simply an unacceptable approach.

I again thank the Assembly for their support, and I certainly thank all of those members of the ACT Public Service who have put in an enormous amount of time, whether they be in the Chief Minister's Department or in legislative drafting.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 13, by leave, taken together, and agreed to.

Clause 14

MR WHITECROSS (Leader of the Opposition) (5.15): I move:

Page 8, lines 28 to 30, omit the subclause, substitute the following subclause:

“(4) Where the Executive gives a direction under subsection (1), the Treasurer shall cause -

- (a) a copy of the direction; and
- (b) a statement of the reasons for giving it;

to be laid before the Legislative Assembly within 3 sitting days after the direction is given.”.

My amendment simply amends clause 14 to ensure that, when a copy of a direction is tabled before the Assembly in relation to transferring money from one appropriation to another appropriation, a statement of reasons for making the change is also tabled. Mr Speaker, the reason for doing that is to mirror a similar provision in clause 15 which deals with transfers within an appropriation. The Government indicated in their response to the Estimates Committee that they believe that transfers between appropriations can be made when they change their mind about priorities. It is appropriate that there be a statement of reasons. As a matter of practice, I am sure that the Government always intended to provide a statement of reasons. I understand from the Government that they do not have a problem with this amendment.

MRS CARNELL (Chief Minister and Treasurer) (5.16): I thank Mr Whitecross for picking up what I think was a drafting error and for improving the Bill.

MR MOORE (5.17): I think one of the things illustrated by the Government's willingness to accept this amendment proposed by the Opposition is the advantage of having this sort of legislation put before the Assembly and considered in this way. It illustrates what I was saying earlier, Mr Speaker, about the work of the Assembly as a whole in seeking to ensure the openness of such accounts and such issues so that the community is aware of what is going on with its money.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 15 to 20, by leave, taken together, and agreed to.

Heading to Part III

MS TUCKER (5.18): I move:

Page 11, line 21, after “**FINANCIAL**” insert “**AND ENVIRONMENTAL**”.

Mr Speaker, I am going to speak to amendments Nos 1 and 2 circulated in my name, as the first amendment, which changes the heading, is really contingent on the second amendment being supported. All members of the Assembly would say that they do have some concern about the environment and recognise the need to protect it. The Greens want to go further than that. We want all government departments, all industries and all people to care about the environment. After all, it is the environment which is fundamental to our future. We do not want the environment to be just tacked on as an afterthought. Neither should social considerations be tacked on as an afterthought.

Integrating social and environmental concerns should be central to our economic decisions and accounting systems. Unfortunately, it is not. Our accounting systems are good at telling us how much money is in the bank, but not much about real life. Marilyn Waring sums it up quite well in her book *Counting for Nothing*. She says that all the things that she values about life - mountain streams with safe drinking water, accessibility of national parks, beaches and lakes, community work and so on - count for absolutely nothing in the Federal budgets or in the system of national accounts. The exploitation of natural resources for economic gain has been an inherent part of development. On the other hand, wars, oil spills, nuclear energy disasters, gun massacres, car accidents and any other number of environmental and social bads are good for the economy because of the services that they create.

The Greens are seeking to incorporate a system of environmental accounting into this Financial Management Bill. Any sensible economist knows that it is not sensible to run down capital; but economists have never counted soils, forests, clean water or other species as capital. It is time for change. Mrs Carnell said in her presentation speech that capital is a scarce resource. We agree. But so is natural capital. We are seeking to make the ACT Government's accounting system more representative of what is going on in the real world in a small way. Governments are attempting to take a longer view by introducing measures such as accrual accounting into their financial systems; but, still, we do not consider the environment, or human capital for that matter.

The Greens think annual economic statements should be telling us not only about our financial assets and liabilities but also about our environmental assets and liabilities. We want to know how clean our water is, how much energy we are using, how much waste we are producing, and how many grasslands are left. The native grasslands of the ACT have value at both a local level and a global level. They are more important than a bulldozer in the Department of Urban Services. We have a commitment to be reducing greenhouse gases. Are we? We do not really have any comprehensive way of knowing.

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The annual environmental accounts we are proposing will tell us about how many resources and how much energy the ACT Government is consuming and how much waste is being produced. They will also tell us about the stocks of natural assets we have, such as land, and what the major changes to these important natural asset bases have been. These accounts are to be developed in conjunction with the Commissioner for the Environment. I think it would also be appropriate to involve the ACT Statistician in this process.

Mr Speaker, I would like to speak briefly about the history of the development of environmental accounting. A moment ago I spelt out some of the serious deficiencies with our accounting systems. Fortunately, many institutions are starting to tackle the problem. Mostly, this has come about as a result of international consensus about the need to implement ecologically sustainable development. This is part of an overall shift in policy focus away from consideration of economic, social and environmental policies as separate issues to an integrated approach. The United Nations and the World Bank are doing a lot of work in the area, and a number of approaches are already being trialled. For example, the Netherlands has a system of physical satellite accounts already in place.

In Australia the Australian Bureau of Statistics has been provided with an additional \$3.5m over four years for the development of environmental and resource statistics in an integrated set of accounts consistent with and relatable to the economic accounts. This is in response to meeting our obligations under agenda 21 signed at the Rio Convention which called for the development of national systems of integrated environmental and economic accounting. Australia has a further requirement to develop environmental accounts through the national strategy for ecologically sustainable development. The ABS work program covers a range of areas. For example, they are publishing monetary estimates of economic natural assets, assessing valuation methodologies for environmental degradation, and developing a range of resource materials and waste emission accounts, in physical units, showing stocks and major flows. It is this latter approach that we are proposing for the ACT. Although much of the work of the ABS is nationally focused, there is a substantial amount which is readily adaptable to the State and local level, and also to a government level of accounting. I think they would be quite interested to monitor the progress a government makes in actually putting this into practice, and provide assistance where possible.

Members may also be interested to hear that many private companies are also starting to develop environmental accounts. This is what the Australian Society of Certified Practising Accountants has to say about environmental accounting:

The development of an accounting standard to regulate disclosure about environmental activity is considered necessary ...

In many respects, the environment constitutes a set of economic resources similar to other economic resources used by humans. The earth, the forests, petroleum reserves, the air, the ozone layer have direct and indirect value to us. The fact that these resources are freely provided by nature has fuelled argument for the management of and accounting for the use of these resources rather than treating them as an externality or free good.

The starting point for the development of environmental accounts is to develop these physical accounts. They are presented as satellite accounts which are subsidiary to the core accounts. That means that they are not fully integrated into the main accounts. Obviously, accounts expressed in physical units are necessary before you can even begin to translate any of the measurements into monetary units. You cannot value everything and, indeed, we may not want to. But the physical accounts themselves are a very powerful decision-making tool. If we had more information about the impact of economic activities on the natural environment, it would help us to make better decisions, particularly medium- to longer-term planning.

As we all know, many of the resources consumed by the ACT come from outside, and this will also give us a better overall impression of what the ACT's impact on the environment is from a public sector perspective. It will help us to determine the ecological footprint, if you like, of the ACT Government. It will also provide us with better information upon which to develop environmental indicators and targets. It will help us to explore the impacts of various policy measures. It is a very weak argument indeed to say that we cannot start this process now because we do not have all the data. It is this pathetic inaction on the part of politicians that has been the reason for the virtual failure of the whole ESD process. Very few governments have been willing to implement the institutional changes which put the theory into practice. It is easy to say, "Yes, we integrate economic and environmental decisions", but we do not. And why do we not? Because governments and oppositions love to say that they care about the environment, but they care about the economy first and foremost. But with no environment there will be no economy.

I know that an argument is going to be put forward that this is the role of the Commissioner for the Environment. For a start, the commissioner is not an economist. But the most important argument is, once again, about making sure that we make all government departments responsible for caring for the environment. We want the left hand and the right hand to actually work together. At the risk of being repetitive, that is the whole point of sustainable development. It is about internal consistency in decision-making. It is about making the bodies responsible for creating environmental damage also responsible for developing policies to prevent the degradation of our environment. We have many environmental agencies now in Australia, but most of their work is focused on repairing damage. We need to give more responsibility to all agencies, particularly economic agencies.

Much of the information that is necessary for these accounts is probably already available, but it is not being brought together in a systematic way integrated with the economic accounts. No-one would expect this system to be very sophisticated at all for the first few years. We learn only by trying, and by making mistakes. That is how the State of the Environment Report got off the ground. The ACT could become a real world leader if we start this process now. When all the other States start talking about extending accrual accounting to include environmental resources, the ACT can say, "We started that 10 years ago". When we start to get a grip on the models, and a better picture of what ACT Government agencies are consuming and producing as waste, we may be able to extend these models to the non-government sector.

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I believe that the Labor Party is not going to support these amendments. (*Extension of time granted*) Thank you. I would like to point out to the ALP that its election platform has some very strong principles of ESD and does claim to support environmental accounting. In their economics and employment policy they say that they will “ensure that economic development is carried out in an ecologically sustainable manner. In all decisions, the environmental impact of Government policy decisions shall be considered”.

Ms McRae: If we were in government we would. We will show you. Give us a go.

MS TUCKER: You can support this amendment. How can we do this if we do not even know what the impact of Government policy decisions on the environment is? The changes required are not small, and to date the political will has not been there; but we have to start somewhere and some time. The ACT is a great place to start. In Australia an enormous amount of energy was poured into the ESD process, and undoubtedly some very good things flowed from it; but the central challenge has not been met. We hope that these amendments will be supported and will mean that, over time, environmental reporting will receive the status, regularity, rigour and integration it deserves.

MRS CARNELL (Chief Minister and Treasurer) (5.29): Mr Speaker, the Government will not be supporting amendment No. 1 or, for that matter, No. 2. The Government totally supports the move to environmental accounting. I think it is something that needs to be done, and I am sure that all present would agree with that. However, the amendment as it now stands proposes the task of measuring and monitoring every year the direct and indirect costs and benefits of all things affecting ecologically sustainable development generally in the ACT. Unfortunately, at this stage, Mr Speaker, it really is not achievable. In fact, as yet there is no agreement on what actually constitutes an environmental asset. Environmental researchers and the accountancy profession are yet to develop appropriate standards.

Ms Tucker spoke about a lot of work that is currently being done. The Society of Certified Practising Accountants published a research paper called “A Review of Environmental Accounting 1995”. They supported the concept of environmental accounting, but acknowledged that there were still many technical issues which needed to be resolved before a workable model could be introduced. Internationally, as well, research is currently being undertaken - I think Ms Tucker made a comment about the various places where it is being undertaken - but much of this research is still to be published, Mr Speaker.

As yet, no jurisdiction in Australia has attempted to introduce an environmental accounting framework, and the reason for that, Mr Speaker, quite simply, is that the basis of that framework is not there at this stage. We believe strongly that we should be part of the move by the Australian Bureau of Statistics and other entities to have this sort of accounting at some stage in the future, but to legislate in the ACT at this stage would certainly be premature. Apart from the obvious cost, it would be almost impossible

to know what we were attempting to achieve at this stage. Mr Speaker, measuring the air quality at the beginning of the year and the end of the year and then determining a cost for the change in air quality, if any, is an extremely difficult concept. It is one that does need to be addressed, and one that I would certainly be supporting any move of this Assembly to do further work on; but at this stage we are simply not in a position, I believe, to legislate in this area. I believe that our State of the Environment Report provides a range of indicators which deal very well with the ACT environment.

Ms Tucker made the comment that a number of private sector companies are starting to look at this area, and she is right; but the reports that they are presenting at this stage are very much qualitative rather than quantitative, the reason being that the methodology for doing this sort of work is simply not there at this stage. I would support any work that this Assembly can do to ensure that that work can be furthered, but at this stage I do not believe that we can legislate.

MR MOORE (5.33): Mr Speaker, in speaking to this amendment, it surprises me that somebody like you has not stood here and said that the legislation is turning Canberra into a social laboratory. When I put up legislation that is progressive and forward-thinking, usually it is addressed by some other members of this Assembly. I presume from the tone of what I hear in response to Ms Tucker's amendment that it is even more the stuff of a social laboratory. Heaven's above, we cannot try to do things first in Canberra because we might wind up doing them first.

Mr Speaker, it seems to me that what Ms Tucker has presented as far as amendment No. 2 is concerned is very sensible, but I will deal with amendment No. 1 first. I am going to oppose amendment No. 1, which seeks to change the heading to "Financial and Environmental Reports". To take that issue in terms of the long title of the Bill, I think people will start to talk about a Financial and Environmental Management Bill. If we are going to do that, we probably should also then look at issues of population health and issues of social justice in here, and we will wind up with a very long title to the Bill. Whilst I understand the motivation behind this, I think it is inappropriate.

My understanding is that amendment No. 2 proposed by Ms Tucker will not be able to get through this Assembly. From my discussions with Mr Whitecross and Ms Tucker, it probably is an appropriate issue for the Planning and Environment Committee to look at and see whether we can meet the sorts of questions that the Chief Minister raised. My understanding is that that is the concern of the Opposition as well, but I am sure that Mr Whitecross will speak to that. The suggestion was made to me that it be considered by the committee. The committee has so little else to do that it might be an issue that could be dealt with by that committee. If that is the indication from the Assembly, I would be happy to consider, with the committee, whether we would be prepared to self-refer that. That would be a matter for the committee to deal with at its meeting tomorrow. It would be useful to us to have an indication from the Assembly, if that is the general wish, and then the formal process can be handled by the committee.

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MR WHITECROSS (Leader of the Opposition) (5.37): Mr Speaker, Mr Moore has proposed a way forward on this amendment and a way that we in the Labor Party are happy to endorse - that is, for the Planning and Environment Committee to look at this proposal and develop it further. In opposing the proposal here, as we in the Labor Party are doing, and instead supporting the proposition that Mr Moore has canvassed, we take the view that this is an important issue. It is not an issue that should be tacked onto a Financial Management Bill. It is an issue that deserves proper consideration and perhaps, in due course, a separate piece of legislation; or some other process might be an appropriate way of advancing it.

Mr Speaker, I must admit to taking some umbrage at the approach that the Greens and Ms Tucker have taken today in speaking to this matter. I took the Greens as raising this issue in good faith, trying to advance an issue which I think is important to a lot of us. I think the Labor Party had very good reasons for not wishing to wedge this proposition in its current form into the middle of the Financial Management Bill. It does wear a bit thin, Mr Speaker. Every time the Greens propose an environmental issue, whether you vote for their proposition becomes a test of whether you are an environmentalist or not. I, in turn, put it to you, Ms Tucker, that if you are a real environmentalist you will support the Planning and Environment Committee having a further look at it, rather than rushing it through now. I think that is a more appropriate process.

Might I also say, Mr Speaker, that the Greens knew when they decided to put the current Government into power that the previous Labor Government regularly, as part of its budget process, prepared an environmental budget statement and prepared a social justice budget statement. They may not have included all the information that Ms Tucker might like, and I take that on notice. They may wish for more and, over time, we might have developed it further too; but we were working in that direction. We were working in the direction of incorporating the concept of addressing environmental issues and social justice issues as part of the overall package in the budget. It was a start.

As Mrs Carnell has said, there is not a lot of precedent for this, and there are issues of measurement there. We were starting down that track. It might have been more appropriate to have worked with the Labor Party in government to have progressed that matter, rather than to have put the Liberals into government and then been surprised when they did not take these issues terribly seriously.

Mr Speaker, we will be supporting the Planning and Environment Committee taking up this matter. I hope that the Planning and Environment Committee will have the resources and the time to give it the attention that it deserves, and I have some misgivings about that. As you will recall, Mr Speaker, at the time the majority of this Assembly was not too keen on having a separate environment committee to look at these matters. However, that is a matter that Mr Moore will have to address as chair of that committee.

Mr Speaker, these are important issues and they should not be ignored, but there is this concept of being able to walk and talk and chew gum at the same time. Sometimes we have to talk about money, but just because we are talking about money today does not mean that we are not concerned about social justice or we are not concerned about the environment. It is possible to talk about money and still be concerned about those

other issues. Today we are talking about financial management. That is the issue that we are debating. I think the Planning and Environment Committee will provide a forum for further development of some of these other issues that Ms Tucker has highlighted in speaking to her amendment.

MS TUCKER (5.42): Mr Whitecross, I did not realise that you were quite so sensitive on the issue. We, of course, will look at - - -

Mr Whitecross: You were the one who bagged the Labor Party.

MS TUCKER: I did not think it would matter that much to you. Yes, of course we would consider it going to the Planning and Environment Committee, because obviously it is going to go down here. You say that it is not appropriate to tack it onto the Financial Management Bill. The reason that we want it with the Financial Management Bill is that environmental concerns are always an add-on. The whole idea of integrating it is the issue at stake.

I did say in my speech that we are not expecting monetary values to be put on these assets, or a very highly developed system to be in place straightaway. All we are asking for is the beginning of this principle that it appears that most people in this place agree to. I understand that it does not seem to be an appropriate process to you, but I am glad that most people here seem to think it is a worthy thing to try to do. We have known about it for a long time. It is not new. The discussions have been around for a long time. The consequences of not integrating environmental concerns directly with financial management Bills, not integrating them with financial policy, are all too clear all over this planet. However, it would be an interesting project for the Planning and Environment Committee, so I will look at that one.

Question put:

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

The Assembly voted -

AYES, 2

Ms Horodny
Ms Tucker

NOES, 14

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

Question so resolved in the negative.

Clauses 21 to 30, by leave, taken together, and agreed to.

Proposed new Division 3

Amendment (by **Ms Tucker**) put:

Page 15, line 8, after section 30 insert the following new Division in Part III:

“Division 3 - Environmental accounts

Annual environmental accounts

30A. (1) In this section -

‘natural assets’ includes water, land, subsoil assets, forests and biodiversity.

(2) The Treasurer shall, as soon as practicable after the end of a financial year, prepare annual environmental accounts for the Territory for that year.

(3) Annual environmental accounts shall be prepared in a form determined by the Treasurer after consultation with the Commissioner for the Environment and shall include -

- (a) a statement of the stocks of the natural assets of the Territory at the commencement of the year, the changes in those stocks during the year and the principal reasons for those changes;
- (b) a statement of the material and energy flows into the Territory during the year and the principal reasons for those flows;
- (c) a statement of the material and energy flows within the Territory during the year and the principal reasons for those flows;
- (d) a statement of the waste and emission outflows from the Territory during the year and the principal reasons for those outflows; and
- (e) such other statements as are necessary to fairly reflect any major changes in the natural assets of the Territory during the year.

Tabling of annual environmental accounts

30B. The Treasurer shall cause annual environmental accounts prepared under section 30A to be laid before the Legislative Assembly within 3 sitting days after the preparation of the accounts is completed.”.

The Assembly voted -

AYES, 3

NOES, 13

Ms Horodny
Mr Moore
Ms Tucker

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.

Clause 31

MS TUCKER (5.51): I move:

Page 15, line 16, subclause (2), after “responsible” insert “, under the responsible Minister,”.

Mr Speaker, I will speak now to this amendment and also to amendments Nos 5 and 6. The point of these amendments is to reinforce the concept of ministerial responsibility. They are similar to amendments that were supported by the Opposition and crossbenches last year when the Government put forward its legislation for senior executive contracts. There was concern at that time that Ministers would be shifting responsibility onto the shoulders of chief executives. These amendments also bring this legislation into line with the Public Sector Management Act. Section 28B of the Public Sector Management Act states:

Nothing in a [chief executive] contract ... shall be taken to derogate in any way from the responsibility of the Minister administering an administrative unit for -

- (a) the policies developed or applied by the administrative unit; or
- (b) the financial and other performance of the administrative unit.

As Ms Follett said in the debate last year on senior executive contracts, it is a commonsense precaution the Assembly ought to take to make it very clear that it is the Minister who must be responsible and accountable under the parliamentary system we operate in. This amendment is particularly important, with the emphasis on bottom line budgeting in executive contracts. I commend these amendments to the Assembly.

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MRS CARNELL (Chief Minister and Treasurer) (5.52): Mr Speaker, these amendments really are quite superfluous. Subclause 31(1) describes the accountability of chief executives to responsible Ministers. The definition of “responsible Minister” in clause 3 reinforces the lines of responsibility. The Bill recognises that Ministers are responsible for their departments and chief executives are accountable to Ministers. The whole basis of our form of government is ministerial responsibility. It seems somewhat unnecessary to restate in every Act we put forward principles that are the basis upon which we operate, particularly as the amendments add nothing whatsoever to the legislation.

MR WHITECROSS (Leader of the Opposition) (5.53): Mr Speaker, the Opposition will be supporting these amendments. Our understanding, as is the Chief Minister’s, is that they add nothing that is not already encompassed by the existing legislation, which is the principle that chief executives are responsible to their Minister and that the Minister is ultimately responsible for things. However, with the rate at which the Government looks around for other people to blame every time something goes wrong, it does not hurt to reinforce this principle once or twice. I am happy to support it.

I do not expect that the Greens or Michael Moore will be calling for a division on this. They call for divisions only to make silly political points about the Liberal Party and the Labor Party not agreeing to silly propositions. We had a division on the last amendment only so that Michael Moore could have a bet each way and vote against the Greens once and for the Greens once. That is just the way it is.

MR MOORE (5.54): Mr Speaker, I rise because I have a concern about the drafting of the amendment. It says:

... after “responsible” insert “, under the responsible Minister,”.

In fact, the word “responsible” appears twice in subclause 31(2). If applied as it is currently worded, it would read, “The responsible, under the responsible Minister, Chief Executive of a department shall be responsible for ensuring ...”.

Mr Whitecross: No; it is line 16, not line 15.

MR MOORE: Just line 16? Thank you, Mr Whitecross; that has eased my mind no end. I can now, at the end of a long couple of weeks sitting, feel very comfortable, and I have pleasure in being able to support this amendment. I think all it does is clarify - in a sense it is redundant - that the responsibility lies clearly with the Minister and, as such, ensures the Westminster principle of ministerial responsibility. This will mean that I can have my each-way bet, as Mr Whitecross likes to perceive it.

MR KAINE (5.56): Mr Speaker, since we are being a little semantic, perhaps I could suggest that, if in subclause 31(2) the word “responsible”, second-time appearing, had been “accountable”, it would have resolved the issue. We have already said in subclause 31(1) that the chief executive is accountable to the responsible Minister.

If we then went on and said that he is accountable for the following matters, it would have been patently obvious what was meant and we would not need to be talking about all this. If we could simply take a proposal that we amend it by deleting “responsible”, second-time appearing, in subclause 31(2) and replacing it with “accountable”, it would be fine. I said that we were being semantic.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 32 to 37, by leave, taken together, and agreed to.

Clause 38

MS TUCKER (5.57): I move:

Page 18, line 5, add the following subclause:

“(5) A financial management guideline that prescribes an investment for the purposes of paragraph 38(1)(e) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

Mr Speaker, this amendment calls on the Government to table in the Assembly any financial management guideline which prescribes an investment. I want to make that point quite clear. It is not about tabling any investment; it is about tabling the financial management guidelines as disallowable instruments. We were concerned that paragraph 38(1)(e), which allows the Treasurer to invest “in any prescribed investment”, is very broad and open to potential misuse. We do not know who can prescribe such an investment, or who Treasury has to let know if they have prescribed such an investment.

We have probably all heard about the financial debacles of US councils, such as Orange County, and presumably these resulted from some poorly monitored investment clause in the relevant legislation for the municipality in question. I think, as a minimum precaution, these financial management guidelines, which are the basis for enabling an investment under paragraph 38(1)(e), should be open to scrutiny by the Assembly. The Assembly may also wish to refer such a guideline to the Public Accounts Committee for consideration.

The issue of where we invest the Territory’s money is very important. It is important from the point of view of not only the security of taxpayers’ money but also ethical questions. I think it is entirely appropriate that government lead the way in promoting so-called ethical investment. At a national level, I think serious consideration needs to be given to directing at least a small proportion of our superannuation funds into investments which promote the development of clean, green Australian business, for example. Some in this place may believe that the question of investment is solely up to the Executive. The Greens believe that, in the name of open and accountable government, this amendment should be supported, as it allows scrutiny and disallowance by the Assembly of financial management guidelines.

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MRS CARNELL (Chief Minister and Treasurer) (5.59): Mr Speaker, the Government will not be supporting this amendment. It is unacceptable because controlling investments by law, including regulations, is flawed in principle and is ineffective in practice. One of the interesting things to note is that Victoria tried to control investments. In fact, Victoria had some of the tightest government controls on investments, but it certainly did not stop the Tricontinental disaster. The fundamental problem in Victoria was lack of disclosure. The Victorian Audit Act was one of the most restrictive in specifying how money could be invested, but all it did was set up incentives to avoid restrictions and it led to investments by Tricontinental which nobody, apart from, we understand, two or three people on the inside, actually knew about. It is far better to rely on openness and transparency. Controls just do not work. All of the guidelines will be visible and transparent. They will be available to all, including, Mr Speaker, on the Internet.

The investments are for the purpose of liquidity management. The key is to maximise returns for the Territory and minimise risk. I am sure that that would be the case under any government, even those opposite who seem to think it is quite funny. Investments are not for any policy or political purpose such as promoting or sanctioning any particular entity in the private sector. It was put to me that possibly the Greens' view in this area was to attempt to rule out particular companies or sectors, such as possibly CRA, from having any ACT Government investment. The thing that we should be most concerned about is getting a maximum return for ACT taxpayers' money, obviously within prescribed investments. The Territory should not be disadvantaged in its ability to respond quickly to unanticipated changes in market conditions; but a disallowable instrument would, and certainly could, involve significant time delays.

The ACT has established the highest possible credit rating, reflecting the responsible approach which we have taken.

Mr Berry: Courtesy of Rosemary Follett.

MRS CARNELL: That includes the previous Government. I can be nice, even if you cannot. It would be irresponsible to cast any doubt on the reputation of the ACT Government for financial prudence and responsibility. The Greens' amendment creates the potential for maturing investments not to be renewed if an instrument is disallowed. This could really damage the ACT, in terms of reputation with regard to investment and also with regard to income for the community.

MR MOORE (6.03): Mr Speaker, I am flabbergasted by that talk from the Chief Minister. Not so long ago, when she was in opposition and we were dealing with the issue of derivatives, she had a very different attitude indeed.

Mrs Carnell: But this Bill does not allow for derivatives in investments.

MR MOORE: She indicates that this Bill does not allow for derivatives. Indeed. The issue is about whether the Assembly should say whether we allow certain types of investments or not. When she was in opposition she was very keen for us to examine very carefully the issue of derivatives, which we did. In fact, the Assembly, after a great

deal of thought, I must say, and on balance, decided that we would not allow the Government to proceed with its investments in terms of derivatives, and Mrs Carnell was part of that decision. Ms Tucker has not proposed that we prevent the Government from going ahead with one investment or another, or make one or other investment a disallowable instrument. That is the way the speech of the Chief Minister went.

I must thank the Chief Minister for providing her officers to give us a briefing on these issues. In fact, they went further than that and provided us with notes on this particular issue. In that discussion at that time I drew it to the attention of her officers that the notes that they had reflected, as far as I was concerned, a misunderstanding of what was in the proposed amendment. The proposed amendment is not about whether or not you can go ahead with one particular investment or not; it is about the tabling of the guidelines.

Clause 38 says that the Territory can go ahead and invest in a series of ways - on deposit with a bank; in the purchase of a bill of exchange; in a loan to a dealer in the short-term money market; in Territory, State or Commonwealth securities; or in any prescribed investment. The prescribed investment is done by the Territory setting out a set of guidelines. It is entirely appropriate for this Assembly to say that we think that that new set of guidelines is reasonable or not reasonable, and the disallowable instrument is a most appropriate way of going about that. We can either amend those guidelines or reject those guidelines as the case may be, in effectively the same way as when there was a proposal to do our investment through derivatives.

Mrs Carnell says that there is nothing in this legislation that would allow derivatives. However, they provide an example of a set of financial investments which this Assembly decided ought not proceed. As I recall, Mr Speaker, and I may be corrected, that happened after the matter went through a process in the Public Accounts Committee. Whatever the process was, I remember a significant amount of discussion on the issue anyway, and we decided that it ought not proceed.

These guidelines being subject to a disallowable instrument is an entirely appropriate way to go, and I would urge the Chief Minister to reconsider her opposition to it. I can understand opposition to specific investments, but that is not what is being talked about here. It is the guidelines that need to come before the Assembly, and this is a most appropriate amendment. I must thank Ms Tucker for bringing it to the attention of the Assembly.

MR WHITECROSS (Leader of the Opposition) (6.07): Mr Speaker, I feel most reluctant to introduce philosophy at this hour, but a recurring theme of amendments coming from people on the crossbenches is this notion that we can turn the legislature into some sort of arm of the Executive. We have a system of responsible government in Australia and in this Territory. We have a Government that, enjoying the confidence of the house, goes off to perform the functions of the Executive. In this case one of the functions of the Executive is managing the money of the Territory.

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If the parliament does not like the way the Government is doing their job, if the parliament, through scrutiny processes - whether through questions without notice, the Public Accounts Committee, the Estimates Committee or whatever else - says, "We do not like the way you are doing things", there are options open to us. There are options open to us under our system of government. But while these people are in government - and the crossbenchers all voted for them - they are entitled to govern. That is the system of government we have. The crossbenchers, having chosen to stand outside the major parties that form government and instead sit on the sidelines in these debates, then feel frustrated that they cannot be the Executive and they keep trying to create Executive-type roles for the parliament. This is a classic example.

You cannot regulate investment in this way. It is not an appropriate way of doing things. If you want an ethical approach to these things or if you want a prudent approach to these things - I am not sure whether prudence, which seems to be Mr Moore's argument, or ethics, which seems to be Ms Tucker's argument, is paramount in this - you make sure that you elect a government that will deliver those things. If they are not comfortable that they have - - -

Mr Moore: There are no such ones around, mate. If you want a government like that you choose one of us as Chief Minister.

MR WHITECROSS: You are open to nominate, Mr Moore, if you want to, and see how many votes you get. Mr Moore, the thing is that if you appoint the government you work with the government. There are scrutiny processes to expose things that you are not happy with. If Mrs Carnell goes off and invests in things that you do not like, whether for prudential reasons or ethical reasons, you can scrutinise and expose that. You can come back to this Assembly and say, "We are not satisfied. Change, or else". You want to have it both ways. You want to appoint the government and then you want to come in behind every single decision the government makes and reserve the right to change it. That is not how our system of government works, and I do not think we should take another step down that road in this way.

Mr Speaker, I regret, but I am sure that the crossbenchers do not, that this will give them another opportunity for their silly stunt of "Labor votes with the Liberals to defeat the crossbenchers"; but I am afraid that on this occasion that is going to be the case because we cannot agree to this amendment.

MR MOORE (6.10): Mr Speaker, I rise to speak a second time to this amendment. Having heard such a strong statement from Labor, I would appeal to the Government who, when in opposition, supported again and again such checks and balances. All we are talking about is a check. In this case there are checks and balances in terms of a set of guidelines. Mr Whitecross, for some reason, is starting to dress it up as though we are interfering with the investment processes of the Government. It is not about that. It is simply about the guidelines. I think that misrepresenting the situation in that way is silly.

Mr Whitecross suggests use of the blunt instrument - that is, if you do not like everything the government is doing you just change the government. As far as I am concerned, this is a case of Tweedledum and Tweedledee. I am much more interested in a check and balance about the legislation because the Bill says "in any prescribed investment". In other words, it is something that is done, effectively, as part of subordinate legislation. You are going to do it by guideline, and that is fine; but when the guidelines for investment are presented to the Assembly it is appropriate that the Assembly consider them.

As an Assembly we are being asked whether it is appropriate for the Government to invest on deposit with a bank. Yes, I am quite happy to accept that. Thank you for asking us. Is it appropriate for the Government to invest in the purchase of a bill of exchange that is drawn or accepted by a bank? Yes, I am happy to accept that too. What about a loan to a person who is a dealer in the short-term money market? Yes, that would be a useful way for us to invest, and the Assembly is going to approve that. What about investing in Commonwealth, State or Territory securities? Yes, that is an appropriate way to invest. Then there is "any other prescribed investment". We are quite happy to say that there will be times when, under guidelines, there will be other issues that we are prepared to accept as well; but bring them back to us and let us consider them in the normal and appropriate way, by means of a disallowable instrument. That is what this is about.

The Chief Minister, when Leader of the Opposition, supported this type of disallowable instrument again and again. I think it is appropriate, for openness of government, that the guidelines - the guidelines are all we are talking about, and Ms Tucker has clarified that as well - come back to us. I would hope that you would reconsider your position, and, Mr Whitecross, I would ask you to reconsider your position, too, because I think it is appropriate.

MRS CARNELL (Chief Minister and Treasurer) (6.14): Mr Speaker, if this Assembly wants to put a ban on any investments it has every capacity to do so by changing the legislation. For example, that has already been done with regard to derivatives. That is what we supported in opposition. We certainly suggested that the use of derivatives was not appropriate when it came to investments. That is in the legislation. Going to disallowable instruments to try to tell us how to control our investments, or the types of investments, really, Mr Speaker, gives this Assembly and the community the worst of all worlds. If there is any particular type of investment that this Assembly does not like, it is more than able to change the legislation, and that is what it should do - not go to disallowable instruments, which simply ties the hands of the government that is attempting to manage the Territory.

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Question put:

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

The Assembly voted -

AYES, 3

Ms Horodny
Mr Moore
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.

Clause agreed to.

Clauses 39 to 53, by leave, taken together, and agreed to.

Clause 54

Amendments (by **Ms Tucker**, by leave) agreed to:

Page 21, line 5, subclause (1), after “responsible” insert “, under the responsible Minister,”.

Page 21, line 11, subclause (3), after “responsible” insert “, under the responsible Minister,”.

Clause, as amended, agreed to.

Clauses 55 to 66, by leave, taken together, and agreed to.

Proposed new clause 66A

MS TUCKER (6.19): I ask for leave of the Assembly to amend amendment No. 7 and to move it in the terms circulated on the green sheet. This is the amendment dealing with the statutory review.

Leave granted.

MS TUCKER: Thank you. I move:

Page 27, line 15, add the following new clause:

“Review

66A. (1) The Treasurer shall cause a review of the operation of this Act to be carried out not later than 30 June 1999.

- (2) The review shall examine -
- (a) the effectiveness of this Act and the arrangements made under it in facilitating scrutiny of the financial management of the government of the Territory;
 - (b) the effectiveness of this Act in facilitating the provision of outputs;
 - (c) the impact of this Act on the quality of outputs;
 - (d) any adverse impact that this Act, and the arrangements made under it, have had on the achievement of the objectives of the government of the Territory;
 - (e) the possibility of incorporating environmental accounts into the financial management framework;
 - (f) any other matters relating to the financial management of the government of the Territory that the Treasurer determines.”.

This amendment obviously is moved because we were not successful earlier in this debate. We are proposing that the possibility of incorporating environmental accounts into the financial management framework be looked at when we are discussing a statutory review. Because this is significant legislation we would like to see it reviewed.

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MRS CARNELL (Chief Minister and Treasurer) (6.21): Mr Speaker, the proposed clause is superfluous, as it would duplicate the role of the Auditor-General. I do not think the Auditor-General would be really pleased about having his role duplicated. Clause 10 of the Auditor-General Bill 1996 gives the Auditor-General responsibility for the widest possible range of matters relating to financial management, including promoting public accountability. The effectiveness of the operation of the Financial Management Act is, Mr Speaker, one of the most significant matters, if not the most significant matter, that the Auditor-General can be expected to report on.

The Auditor-General has requested, and the Government has agreed, the terms of clause 10 in the Auditor-General Bill. In fact, Mr Speaker, it was subject to quite a lot of negotiation with the Auditor-General. It enables the Auditor-General to use the expertise and knowledge available to his or her office on activities that may not be directly auditing but may benefit accountability and/or management of the ACT public sector. Mr Speaker, I think it is extremely important that any review process that goes on in regard to this particular Bill is done by the Auditor-General, who is independent of the Government - at arm's length from the Government - and certainly has the expertise to review this sort of legislation.

MR WHITECROSS (Leader of the Opposition) (6.23): Mr Speaker, we believe that review of this legislation is going to be important to the effective implementation of it and to the ongoing success of these measures. We certainly believe that "the effectiveness of this Act in facilitating the provision of outputs" and "the impact of this Act on the quality of outputs" are both important issues. They are issues which I hope that not just the Auditor-General but also the Public Accounts Committee and the Estimates Committee might take an interest in. Similarly, I assume that the Government might take an interest in the adverse impact of the Act on the achievement of the objectives of the Government. As we have discussed earlier, although nothing formal has yet occurred, I understand that the Planning and Environment Committee is proposing to look at the possibility of incorporating environmental accounts into financial management frameworks. So a lot of the propositions that are talked about here are going to be taken up in a range of forums, and I think that is appropriate.

I think it is also appropriate that the Treasurer, through her department, maintain an ongoing role in looking at it, and perhaps even conduct a formal review after a year or two and report back to the Assembly. I think that would be a very desirable thing. I am not sure whether the terms of reference as set out here are the correct way to go, and I am not sure that incorporating such a review in a statutory form into this Act is the correct way to go.

I go back to the point I made a moment or so ago, Mr Speaker. The parliament is always the master of the Executive. If the parliament wants the Executive to report on the implementation of the Financial Management Act and the Executive fails to do it, that is a matter that the parliament can take up with the Executive at that time. I do not know that mandating an inquiry by the Executive is a particularly effective way of going about the business of ensuring that the parliament has the information it needs about the effective operation of the Act. The parliament does have forums through the Public Accounts Committee to do that, and I think that is the preferable way for the parliament to keep an eye on whether it is happy with its legislation.

This is a different issue from the issue we were discussing before, which related to competition policy. What we were talking about was a mechanism we thought the Government might effectively use in the implementation of competition policy, but here we are talking about reviewing something. I think the Public Accounts Committee, the Estimates Committee and the Government itself will all have a role in that, and I think they are the effective ways of doing it.

In relation to the amendment to the amendment circulated previously, as Mr Moore has already indicated, it is likely that the Planning and Environment Committee will look at the possibility of incorporating the environmental accounts, and probably in a lot more timely fashion than by 30 June 1999, and I would suggest that that is the appropriate way for that matter to be progressed.

MS TUCKER (6.26): I would just like to reiterate that, because of all the concerns I raised earlier about outputs and the role of government as a purchaser of outputs, having a formalised review process is very important. Mrs Carnell seems to think the Auditor-General's brief would be sufficient to cover that, but there is concern in the community that there might need to be a wider analysis. The Government says that it will be reviewing this legislation anyway, and well before three years; but will that review consider the impact of all these reforms on the quality of service delivery, or the impact of these reforms on broader objectives of government? This review would also be an opportunity to explore the possibility of introducing some other progressive accounting systems in the ACT; for example, human resource accounts - something else that a number of Scandinavian countries are pursuing vigorously. I certainly hope that there is some outside involvement and consultation in conducting this review and, at the very least, that it takes place across agencies.

Proposed new clause negatived.

Clause 67 agreed to.

Title agreed to.

Bill, as amended, agreed to.

AUDITOR-GENERAL BILL 1996

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS TUCKER (6.29): I move:

Page 6, line 19, clause 12, add the following subclauses:

“(2) In the conduct of a performance audit, the Auditor-General shall, where appropriate, and in addition to any other relevant matter, assess the relative costs and benefits of the operations subject to the audit.

“(3) An assessment under subsection (2) shall include an assessment of -

- (a) the relative social costs and benefits of the operations, both direct and indirect; and
- (b) the relative environmental costs and benefits of the operations, both direct and indirect, having regard to the principles of ecologically sustainable development.

“(4) For the purposes of paragraph (3)(b), ecologically sustainable development is to be taken to require the effective integration of economic and environmental considerations in decision-making processes and to be achievable through implementation of the following principles:

- (a) the precautionary principle, namely, that if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- (b) the inter-generational equity principle, namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (c) conservation of biological diversity and ecological integrity;
- (d) improved valuation and pricing of environmental resources.

“(5) The Auditor-General shall take account of the assessment under subsection (2) when preparing a report for the Legislative Assembly about the audit.”.

Mr Speaker, the role of the Auditor-General is very important in terms of ensuring the transparency and accountability of government. The Greens are supportive of the Government's moves to strengthen the role and independence of the Auditor-General, and in moving this amendment the Greens are seeking to further strengthen and expand the role of the Auditor-General by enabling the Auditor-General to consider both social and environmental benefits and costs in the conduct of performance audits where appropriate. It is giving the Auditor-General the power to report back on the impediments to the implementation of environmental programs in government agencies, for example. It might be because the initial capital costs are the impediment, in which case the Auditor-General may recommend that an agency should be able to borrow against future savings on environmental grounds. It is also saying that efficiency is more than cost per unit, and expenditure may be justified on social or environmental grounds even when it does not necessarily increase the economic efficiency of an operation when narrowly defined.

In the relatively short time the Greens have been in the Assembly we have witnessed other members express concern that a narrow focus on efficiency in audits can produce recommendations which do not coincide with the broader objectives of government. Once again, it is about looking at things in a holistic way. The best environmental or social policies in the world will not be accepted if the economic audit says that they are bad for efficiency. The Auditor-General's report on secondary colleges is a good case in point. It was heavily criticised because it did not consider the ACT's high retention rates. We would say that this is a social benefit that should be considered. You could probably, if you really wanted to, measure some of the actual savings to governments that flow from having high retention rates, but not if we focus on a very narrow view of economics.

Mr Speaker, one of the greatest impediments to the implementation of the ESD process has been the unwillingness of governments to implement policies and institutional changes which put the theory of sustainable development - that is, integrating economic, social and environmental concerns - into practice. The Government will probably argue that the Commissioner for the Environment does this. I would argue that the State of the Environment Report is not a comprehensive look at all departmental activities; it is an overview of the state of the environment in the ACT. In any case, it should not be the role of just the Commissioner for the Environment to consider the environmental costs and benefits of government activities. We need to incorporate environmental knowledge into our day-to-day decision-making, and an important part of this is developing transparent processes to examine environmental costs or benefits of government activity across all levels of government. It is becoming increasingly recognised that there are very real social and environmental costs and benefits associated with all the policies and activities of government, both direct and indirect; but traditional approaches to economics are often criticised for having too narrow a view of the world and economic activity.

Mr Speaker, this amendment is also essential if the Government's outputs are really going to be about achieving social, environmental and economic outcomes for the Territory. The document put out by the Government called "ACT Public Service - A Guide to Performance Measurement for Outputs" talks about the process for establishing outputs and monitoring performance. The Auditor-General has an important role in this process. It says that the Auditor-General is on the outputs committee and is also involved in the ongoing monitoring of performance against performance measures. I would hope that both the outputs and the performance measures are broadly defined and consider environmental and social factors as well as economic performance. If the Auditor-General is involved in all these processes, I think it is absolutely essential that the brief of the Auditor-General be broader than just economic efficiency. Mr Speaker, I urge members to support this amendment, which can only bring about better decision-making and set a standard for other States to follow in terms of putting the theory of ecologically sustainable development into practice.

MRS CARNELL (Chief Minister and Treasurer) (6.33): Mr Speaker, this proposed amendment is not at all necessary. The Bill as drafted certainly does not preclude the Auditor-General from being a part of assessing all costs and benefits, including environmental and social costs and benefits. I think Ms Tucker was not sure which side she was actually arguing for when she made the comments that she did, because she went through the exercise of making it clear that the Auditor-General had been part of the outputs committee and how the new budget was going to be formatted, which meant that it was going to be based upon outcomes and, of course, outputs. Those outcomes and outputs include environmental and social issues, so they must inevitably be part of the Auditor-General's role in looking at the budget. Ms Tucker herself put in her argument the exact reason why this amendment simply is not necessary.

Placing these sorts of requirements on the Auditor-General is inappropriate, Mr Speaker. Specific issues relating to the environment are properly matters for the Environment Commissioner to report on. Again, Mr Speaker, the role of the Auditor-General, very rightly, is to make comments on the efficiency of particular areas of government and, of course, on the budget generally. I do not know how many briefings Ms Tucker has had on the way the budget is going to be put together now, but she would remember that it will be put together in a way that will mean that the actual output - what the Government is actually producing for the taxpayer's dollar - will be there in the budget. Those will be environmental issues, social issues, and, certainly, financial matters as well. So all of those things must be taken into account by the Auditor-General when the Auditor-General looks at how our budget is put together, how it works, and how we are performing against it. That, in a nutshell, explains why this is an unnecessary amendment. There is nothing, Mr Speaker - to state it again - that limits the Auditor-General's role, including his role in independently assessing the effectiveness of even the Environment Commissioner's work, if he chooses to do so.

MR WHITECROSS (Leader of the Opposition) (6.36): Mr Speaker, I am not sure that Mrs Carnell did not just argue against herself then. On the one hand, she suggested that the Auditor-General already could do all the things that Ms Tucker wanted the Auditor-General to do, and then she said that it would be inappropriate to saddle him with all these extra functions. I am not sure which of those two statements is true.

Mrs Carnell: No, "to place a requirement". I said that to place a requirement on the Auditor-General is the problem.

MR WHITECROSS: If the implication of placing a requirement is that, while the Auditor-General could do it, you do not expect the Auditor-General to do it, I still think you are arguing against yourself.

Mr Speaker, although I was not taken with that part of Mrs Carnell's argument, I think that the second part of her argument was a bit more persuasive. The Commissioner for the Environment is better placed to assess issues of relative environmental costs and benefits of operations of the Government, having regard to the principles of ecologically sustainable development. If further development is needed of the role of the Commissioner for the Environment, I would have thought that that was the most appropriate way to go.

The Auditor-General certainly does have the responsibility to look at whether money is being spent to achieve the nominated outcomes, and whether the money has been effectively spent to achieve those outcomes, and, to that extent, Mrs Carnell did have a point in relation to that. We should not be looking for a way of once again trying to turn the Auditor-General into something else. We should be developing new institutions which address some of the other issues in our set of concerns.

If we have a concern about social costs or about environmental costs, we ought to be developing institutions similar to the Auditor-General which will enable us to address and report on those costs. At a national level, Mr Speaker, there are lots of examples - like the Human Rights Commission - of institutions which do address some of these issues and report to government, and some of these bodies play a watchdog role on governments in relation to them. Who can deny the significant role that someone like Mr Burdekin has played in relation to highlighting social issues, things falling through the net, things not being fully addressed by government in the way that he felt that they should be, and areas where governments need to pick up their game? In the same way, we could seek a more active role for the Commissioner for the Environment in relation to some of the principles that are laid down here, if the view is that the Commissioner for the Environment is not playing as significant a role as we think he should. I do not think that we advance the cause of these issues by asking the Auditor-General to do it.

I think, once again, Mr Speaker, that we ought to have some regard for this issue that the Greens have raised. I acknowledge and respect the motivation of the Greens in raising it, because I think it is an issue on which we should have more active consideration; but I do not think that we will achieve that by putting that role on the Auditor-General.

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Just because the Auditor-General reports on the efficiency of operations, in terms of whether finance allocated to a task is effectively used to achieve the task, does not mean that we are not capable of simultaneously considering a report from somebody else suggesting that while that might be the case there are still problems with the operation of a program. I would commend that as the preferable model to the model of putting the Auditor-General in the position of having to juggle financial accountability, environmental considerations and social considerations. I think that that juggling act is the role of this Assembly and of the Government, not of the Auditor-General. I suggest that a better model would be one which saw specialist institutions doing that work and us doing the balancing of different considerations, rather than putting the Auditor-General in the position of having to report simultaneously on those different considerations.

MS TUCKER (6.42): I wish to respond to a couple of the points that were raised. Mrs Carnell does not seem to have noticed that in our amendment we say that the Auditor-General should consider broader issues “where appropriate”. We are not saying that every single one has to be considered.

Mrs Carnell: Well, he can now.

MS TUCKER: You say that he can now, or she can now. That can be the role. That is exactly the point of putting it specifically into legislation - to acknowledge the importance of looking at these broader issues. We see that this person is, indeed, on the outputs committee, and there is great concern about the definition of outputs and the emphasis on measurable qualities, measurable definitions. We need to have a broad look when we have everything pinned down to the degree that this Government is doing in this model that it has produced, with its outputs and outcomes and measurement of delivery of everything. That is exactly what came up in the competition policy discussion as well.

I will just restate that we are saying “where appropriate”. If you look at the performance audit, it is very strongly based on the definition of the activities. It is very clearly based on economic judgments. All we are asking is that there be an acknowledgment that there may be other judgments. There have been problems with past Auditor-General's reports because of that, and I have already mentioned that in my speech.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 1996

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

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Community Housing Program

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (6.44): Mr Speaker, I just informed Ms Reilly that I would be making a short statement in relation to a question she asked me. I have some further information in relation to that. The submission for 1995-96 she referred to was signed off by me in January and went to the Federal Minister for approval. Since February there has been a change of government. The submission fully expended all allocated funds for 1995-96, with a forward commitment for 1996-97 of \$230,000 for CHASACT. Considering the changes to the Commonwealth-State housing arrangement and the Federal funding constraints, no commitment can be given that funding, either whole or part, for 1995-96 will be carried forward if the new Federal Minister does not approve the submission before 30 June 1996. I will be contacting the new Federal Minister to chase up this matter, Mr Speaker, and I have informed Ms Reilly accordingly.

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Medical Evacuation and Rescue Helicopter

MR HUMPHRIES (Attorney-General and Minister for Emergency Services)(6.45), in reply: Mr Speaker, very briefly, a report on WIN Television tonight, I understand, quoted a comment by Ms Follett on the rescue helicopter. To paraphrase, she said, "It is about time that Mr Humphries took the people of Canberra into his confidence and told us what is going on with this rescue helicopter service". Mr Speaker, yesterday I answered a fairly full question in this place from Mr Osborne about the rescue helicopter. I explained, I think fairly fully, what was going on with respect to the helicopter, except for one small piece of information, and that is the successful tenderer. I indicated to the Assembly why I was not prepared to divulge that information to the Assembly.

I am therefore quite concerned about the impression created by Ms Follett's statement, "Mr Humphries should take the people of Canberra into his confidence". I assume that it is a reference to my refusal to deliver the name of the successful tenderer. I believe that my decision is entirely justifiable, based on the agreement we have reached with the New South Wales Labor Government that the name of the successful tenderer should not be divulged until both governments are ready to do so. I repeat that the ACT Government is fully prepared and ready to release the name of the tenderer. The New South Wales Government is the party, at this time, not willing to do so.

I think, with respect, Mr Speaker, that to take the advice that Ms Follett has given would have one result, and that is that the New South Wales Government would withdraw over \$1m in recurrent funding to the helicopter service to be based in the ACT. It is a great pity that Ms Follett has succumbed to the temptation to make a cheap political point on this. If she is really concerned about this matter, there is a very simple thing she can do. She can get on the telephone, ring Dr Refshauge, and persuade him that the time to release that information is now.

Question resolved in the affirmative.

Assembly adjourned at 6.47 pm until Tuesday, 18 June 1996, at 10.30 am

ANSWERS TO QUESTIONS

MINISTER FOR ENVIRONMENT LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 204

Gungahlin - Development Issues

Ms Follett - asked the Minister for Environment Land and Planning - In relation to development in Gungahlin -

- (1) What is the Government's current timetable for the construction of Gungahlin Town Centre.
- (2) What is the role envisaged by the Government for the Gungahlin Development Authority in relation to (a) Gungahlin Town Centre; and (b) other facilities in Gungahlin.
- (3) When will you call for Expressions of Interest in the establishment of a sports facility/precinct in Gungahlin and what has caused the delay in this step.
- (4) What (a) community facilities will be included in the Gungahlin Town Centre and (b) is the process for consultation with the community on this matter.
- (5) What plans does the Government have to provide public toilets in Gungahlin, particularly in Ngunnawal.
- (6) Have any former sheep dip sites been identified in Gungahlin; If so, (a) where are they located; and (b) what are the plans for dealing with them.

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

- (1) The Government has established an Interim Gungahlin Development Board to provide advice on the construction of the first stage of the Gungahlin Town Centre.

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The Board has advised that Expressions of Interest for Stage 1A will be sought in May 1996. Stage 1A is expected to comprise a minimum of a supermarket, residential, specialty retail shops and offices. A site for an integrated community centre will also be serviced as part of this package. The program for construction will see the first shops opened in December 1997.

The construction of the entrance road to the Town Centre is part of the Government's Land Capital Works Program and will be open in March 1997.

(2)(a) and (b)

The Gungahlin Development Authority will be responsible for implementing proposals for the development of the Gungahlin Town Centre and Central Area as set out in the Variation to the Territory Plan. The Town Centre will be a new concept for Canberra. It is to be a high quality and vibrant urban environment with a flexible mixture of land uses developed in an integrated manner in the form of an urban village. The development is to be sustainable in environmental, social and economic terms, and no single developer or development type should dominate. An integral part of the development of the Town Centre and the Central Area is the embodiment of an innovative community and cultural development program for the whole of Gungahlin. The Board will oversee the development of this program and make recommendations to Government on how the program should be implemented.

(3) The Government expects that the Interim Gungahlin Development Board will call for Expressions of Interest from clubs and associations interested in developing facilities in the sports facility precinct in the Gungahlin Town Centre in June 1996

The Variation to the Territory Plan for the Gungahlin Town Centre and Central Area was approved by the Legislative Assembly in December 1995, following extensive consultation. The Government could not proceed with the Town Centre development until this variation process was completed. Since that time

the Government has made substantial progress which will see a range of facilities opened in the Town Centre in late 1997.

- (4) There will be a range of community facilities in the Gungahlin Town Centre. Proposed facilities include an Emergency Services Complex, an integrated Community Centre (which will have a theatre, meeting space, community offices etc), a health centre, a library and telecommunication centre possibly collocated with a Government shopfront, a Government Secondary College, child care facilities, places of worship, a swimming complex, an oval and other recreation facilities. The timing of the provision of these facilities is a factor of demographics, general ACT economic growth, and the governmental budgetary processes.

There has been extensive community consultation on the facilities to be included in the Town Centre and this consultation will be continued by the Gungahlin Development Authority in cooperation with Government agencies based on the principles set out in the Background papers accompanying the draft Variation to the Territory Plan. The consultation processes will be creative, flexible, ensure the participation of diverse groups and promote a sense of community ownership and that consultation should occur at each stage of the development process.

- (5) The Master plan for Gungahlin includes public toilets and are planned to be provided as needs increase. The Department of Urban Services requires that toilets for public use be provided in major shopping centres and encourages new local shopping centres to provide them. There are no plans for the government to provide public toilets in Ngunnawal.
- (6) Yes
- (a) Sixteen current and former sheep dips have been identified by the Department of Urban Services on the following properties: Tea Gardens; Gold Creek (2);

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Deasland; Canberra Park; Wells Station; Gungaharra; East View; Horse Park (2); Elmgrove; Mulligan's Flat; Sunny Corner; also near Hall, near the Canberra FM radio antenna and on Block 1 of Gungahlin.

- (b) The Government's plans for dealing with the operating and former sheep dips depend on the proposed use of the land. The Government follows the *Australian and New Zealand Guidelines for Assessment and Management of Contaminated Sites* published in 1992 by the Australian and New Zealand Environment and Conservation Council and the National Health and Medical Research Council. The Guidelines represent best environmental practice for managing contaminated sites and are followed throughout Australia and New Zealand.

One of the sites in the Division of Gungahlin is within a residential area, Ngunnawal, and investigation has commenced. Development on this site will not occur until the investigation and any necessary remediation are completed.

Three of the sites are within recreational or heritage reserves.

The remaining sites are on operating pastoral properties and present no significant risk to human health while appropriately managed by the lessee.

In all land development release proposals the Contaminated Sites Unit conducts a study to determine if there is any potential for contamination. If needed, a full site specific assessment with appropriate remedial actions is incorporated into the development conditions. The implementation of any remedial actions will be audited by the Contaminated Sites Unit.

MINISTER FOR ENVIRONMENT LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 217

Rural Lease - Pialligo

Mr Moore - asked the Minister for the Environment Land and Planning:

In relation to a rural lease recently granted for ten acres (*4 hectares*) of Section 31, Pialligo -

- (1) Why was the original block of 25 acres (*10.1 hectares*) subdivided into two (1x10 acres(*4 hectares*); 1 x 15 acres(*6.1 hectares*)).
- (2) Does Government policy on rural leases advocate consolidation rather than subdividing in this area.
- (3) Was the buyer required to submit a farm plan.
- (4) Was this land advertised for public tender; if not, why not?
- (5) Are the remaining 15 acres(*6.1 hectares*) of section 31 available for tender, if so (a) will they be made available through either open tender or restricted tender; and (b) who will be able to tender for them.

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

- (1) Existing on this area of land were two houses with separate tenancies. One had a lease over a small residential block of .06 hectares (Block 2 Section 7) and the second had an agreement over an area (Block 3 Section 7) comprising approximately 10.04 hectares in size. Both persons met the eligibility criteria as set out in the Rural Lease Policy for the grant of rural leases.

The lessee of Block 2 applied for additional land for a small scale sustainable farm using organic horticulture techniques. This application was processed as a controlled activity under the Land (Planning and Environment) Act (1991) and approved on 6 September 1995. The land area was increased from .06 hectares to approximately 3 hectares in the new lease. The lease has been executed and registered at the Registrar General's office. At the time of the subdivision the identifier was changed to Section 31.

The tenant on Block 3 subsequently applied for a lease over an area of land approximately half that of his original holding. A letter of offer was sent to the applicant on 22 April 1996 for a lease of 4.5 hectares leaving 2.6 hectares of Section 31 uncommitted.

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The Rural Lease policy requires that leases are viable holdings and acknowledges that in Pialligo small holdings may be viable for particular rural uses. The leases in Pialligo, previously referred to, were considered to be viable recognising the size and nature of neighbouring, comparable land holdings.

- (2) Pialligo is a specialised “rural” area and viable block sizes are much smaller than typical rural blocks. The previously very small residential block on Block 2 Section 7 was too small to sustain a viable rural activity. The additional land granted to this lessee created a viable block consistent with other land uses in the area. The area to be granted to the tenant of Block 3 is also large enough to sustain a viable rural activity.
- (3) Prior to the lease for Block 2 being approved the lessee was required to lodge a comprehensive Property Management Agreement (PMA) and Environmental Survey which was acceptable to the Agriculture and Landcare Section of the Department and the Lease Administration Branch. This agreement was approved and the lessee is required to abide by its terms and conditions.

The tenant of Block 3 has been advised that they will also be required to lodge an acceptable PMA and Environmental Survey prior to any new lease being issued.

- (4) The land was not made available for public tender as the two parties in question met all the criteria as set out in the rural lease policy for the grant of land. These criteria require that the applicant must:
 - . be the current occupant of the land which is the subject of the application (eg the licensee), or the lessee or occupier of the land adjacent to the land which is the subject of the application;
 - . demonstrate the capacity to manage the land in accordance with the proposed terms of the lease;
 - . pay the land rent determined by the Territory;
 - . manage the land in accordance with the agreement; and
 - . pay the fees and charges applicable.
- (5) The land remaining in Section 31 is a strip of land approximately 370m x 70m (2.6 hectares), adjacent to Pialligo Avenue. As this land is not currently occupied it would generally be offered for sale subject to the land being considered suitable for leasing. Applicants for the land would have to meet the criteria relevant to rural land.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 227

Service Station Sites - Lease Purpose Clauses

Ms McRae - asked the Minister for the Environment, Land and Planning:

Will the Minister confirm that no lease which was once used for a petrol station has been sold with a restriction on the lease preventing the new lease holder retailing petrol from that site.

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

I am advised that no Crown lease has been transferred with a restriction on the lessee retailing petrol from the site. If such a restriction exists, it would be part of a contract of sale.

In most lease variation cases, the part of the purpose clause referring to the sale of petrol is removed and there is a fundamental change in the land use of the property, say from service station to residential. Some seven service station sites are included in this category.

However, there have been two variations where the lease has retained petrol sales but included additional uses, such as an increased gross floor area allowance for convenience retailing.

With minor wording changes, leases for service stations contain a standard purpose clause -

“To use the premises only for the purposes of a service station provided always that for the purpose of this lease a “service station” means a building, installations and facilities for conducting the following activities only:

- (i) selling petroleum products liquid petroleum gas and accessories for motor vehicles*
- (ii) lubricating cleaning and effecting mechanical repairs and adjustments to motor vehicles [but excluding panel beating and forging with or without the use of fire or furnace; and*
- (iii) selling tools smokers requisities confectionary and non-alcoholic beverages.*

the use of the premises for the sale of new or used motor vehicles will not be permitted;”

Some leases add, in place of the last sub clause, *“providing toilet facilities for motorists.”*

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In the Territory Plan “service station” is defined as “the use of land for the fuelling of motor vehicles involving the sale of petrol, oil and other petroleum products ...” whether or not the land is used for other purposes such as retailing spare parts, repairing, servicing, washing and greasing. An integral and inseparable function of a service station is the sale of petrol.

Service station leases are varied by removing the current purpose clause and replacing it with a new clause reflecting the new requirements. The existing buildings are either substantially modified or demolished and the petrol storage tanks, being the property of the oil company concerned, are removed.

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION ON NOTICE
QUESTION NUMBER 229

Australian International Hotel School - Break-ins and Thefts

MS FOLLETT - asked the Attorney-General on notice on 14 May 1996:

In relation to the Australian International Hotel School at the Hotel Kurrajong -

Have there been any break-ins/thefts from the school; if so:

- (a) when did these incidents occur;
- (b) have charges been laid as a result of these incidents; and
- (c) who has been charged.

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

There have been two break-ins/thefts from the Australian International Hotel School, involving the loss of property to the value of less than \$2000.00.

- (a) They occurred on 20 March 1995 and 22 April 1995.
- (b)/(c) Both break-ins/thefts have been reported to the ACT Police. At this stage no charges have been laid.

23 May 1996

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 230

**Kingston Foreshore Authority - Solar and Advanced Technology
Boat Race Sponsorship**

Mr Whitecross - asked the Minister for Urban Services - In relation to the Kingston Foreshore Authority -

- (1) What contribution did the Authority make to the Australian Science Festival Limited in connection with the Solar and Advanced Technology Boat Race, held on Saturday, 27 April 1996.
- (2) Was this contribution (a) financial or (b) in kind and (c) why was it made.
- (3) Were you aware that the Authority was making this contribution.
- (4) Did you or your office approve the contribution.

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

- (1) The Kingston Foreshore Authority was the major naming rights sponsor of the event.
- (2) The Authority contributed \$40,000 principally towards the cost of presenting the event and to the development of any associated technology. The Authority's terms of reference include encouraging the community to become aware of the huge potential of the area through the staging or promotion of various events and activities either on or adjacent to the site.
- (3) The Kingston Foreshore Authority advised the Chief Minister and myself on 8 March 1996 that the Authority had agreed to sponsor the race.
- (4) I noted the advice of the Authority.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 235

Landfill Sites - Mugga Lane and Belconnen

Mr Wood - asked the Minister for the Environment, Land and Planning -

- (1) Does the Department of Urban Services hold leases over the Mugga Lane and Belconnen Landfill sites.
- (2) If so, what are the rights and conditions of those leases.

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

- (1) No, both areas of land are classified as Unleased Territory land. Use of the land is vested with the Territory; currently the land is under the administrative control of my Department and it is used for landfill.
- (2) N/A

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 236

Landfill Sites - Scavenging Rights

Mr Wood - asked the Minister for Urban Services -

- (1) What contracts or agreements exist which give Revolve rights to materials taken to ACT landfill sites.
- (2) What is the extent of those rights. Are scavengers specifically precluded from the sites.
- (3) Is it the Government's intention that as much material as possible, including that rejected by Revolve, be recycled.
- (4) Has the Government considered trialing a system of licensing the few regular scavengers not employed by Revolve.

Mr De Domenico - the answer to the Member's questions are as follows:

- (1) Revolve was first licensed to undertake materials scavenging at the tipping faces at Canberra' landfills in 1988. A revised licence agreement is currently being finalised.
- (2) The existing and new agreement grant 'exclusive rights' to Revolve to recover material dumped at tipping faces at the two landfills. The new agreement has been extended to allow Revolve to have materials dropped at their sites on the landfills.

Unauthorised scavengers are not permitted at either landfill. This requirement acknowledges the agreements between the Government and the various recycling operations (including metals, motor oil, garden waste, paper and containers) at the landfills as well as occupational health and safety issues for landfill staff and the general public.

- (3) The Government is committed to a policy of waste reduction and recycling to meet the national waste reduction target. For its part, Revolve has been authorised to recover materials dumped at the landfills as a community-based employment initiative.
- (4) No. Introducing "part-time" scavengers at the landfills, in direct competition to Revolve, would reduce the profitability of Revolve's operations and limit their ability to create new employment opportunities.

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 237

Landfill Sites - Ownership of Material

Mr Wood - asked the Minister for Urban Services -

- (1) Are you able to advise:
 - (a) who owns the material dumped at ACT Government landfill sites;
 - (b) at what point does the ACT Government own the material dumped.

- (2) Are scavengers allowed to:
 - (a) acquire materials from the backs of vehicles at ACT Government landfill sites;
 - (b) acquire materials from the tip face including materials rejected by Revolve.

Mr De Domenico - the answers to the Member's questions are as follows:

- (1)
 - (a) Material dumped at Canberra's landfills is owned by the ACT Government.
 - (b) Ownership of material taken to the landfill transfers from the person delivering the material to the Territory when it is placed on the tip.

- (2)
 - (a) Unauthorised scavengers are not permitted at either landfill. This requirement acknowledges the agreements between the Government and the various recycling operations (including Revolve, metals, motor oil, garden waste, paper and containers) at the landfills as well as occupational health and safety issues for landfill staff and the general public. This includes the removal of material from vehicles transporting waste dumping at the tips.
 - (b) as above

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APPENDIX 1: Incorporated in Hansard on 23 May 1996 at page 1692.

Australian Capital Territory
Legislative Assembly

RESPONSE TO THE ASSEMBLY STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND TOURISM REPORT ON EXPANSION OF NATURE
BASED TOURISM IN THE ACT

Ministerial Statement

Gary Humphries MLA

Minister for the Environment, Land and Planning

23 May 1996

Mr Speaker,

In December last year the Standing Committee on Economic Development and Tourism tabled its Report into the benefits to the ACT economy arising from further expansion of nature based tourism based upon the promotion and development of the Territory's natural areas.

The Committee's Terms of Reference also noted the sensitivity of these areas, having regard for :

- . the ecological attractions;
- . the recreational and sporting potential;
- . the nature of heritage and cultural aspects of these areas;
- . the extent of which these aspects should be marketed; and
- . the degree of development which may be permitted within or adjacent to the parks to facilitate tourist activity.

Mr Speaker, the Government welcomed this Inquiry and the Committee's Report. The report makes a number of pertinent points about the further development of nature based tourism in the ACT, and in particular about the part the nature parks and reserves can play in such development.

The Report contains 21 broad ranging recommendations, broadly grouped around the chapter headings of the Report, namely :

- . planning and management of ACT land;
- . the nature of the ecological attractions;
- . recreational and sporting potential;
- . heritage and cultural aspects of these areas;
- . tourism and the ACT;
- . marketing and promoting the ACT nature based tourism product;
- . the degree of development which should be permitted; and
- . revenue generation.

Mr Speaker, I am happy to say that the Government either agrees or agrees in principle to all of the Committee's Recommendations. In fact the Government agrees with 13 of the 21 Recommendations from the Committee's Report. These include agreeing to :

- . complete Management Plans for all the parks and reserves;
- . strengthen links between Canberra Tourism and the Parks and Conservation Service;
- . development of a strategic plan for the development of nature based tourism in the parks;
- . further use of the parks in marketing the Territory;
- . consideration of a licensing system for commercial operators; and, most importantly,
- . a continuing commitment to conservation as a first priority for the parks, a point I will return to later.

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The Government agrees in principle to the remaining 8 Recommendations, dealing with matters including:

- . dealing with weed infestation and feral animals;
- . renaming the Tourist Routes around the ACT;.
- . the restoration and development of Tuggeranong Homestead and outbuildings as a tourist attraction;
- . involving local Aboriginal organisations in consultation processes concerning the further development of the parks and reserves; and
- . the adoption of an accreditation system for operators.

Mr Speaker, our agreement in principle, rather than simple agreement, on these Recommendations is not based on any hesitation regarding the Committee's proposals. Rather, it is based on the belief that we are already addressing the issues raised, or we believe we need more consultation with affected organisations or individuals, before being able to agree with the recommendations made by the Committee. Thus the Committee has recommended that the Parks Service be allowed to retain any revenue it raises for use within the parks system.

In fact, Mr Speaker, this Government's financial reforms will allow, through the introduction of accrual accounting, for organisations such as the Parks Service to retain the revenue they raise. This will provide new and significant incentives for bodies such as the Parks Service to explore revenue options.

Mr Speaker, there are two other matters I wish to raise. The first is the importance of involving the private sector operators, and the wider ACT community, in any further development of nature based tourism in the Territory. The ACT parks system is an important community asset, as well as a potential resource for commercial usage. Members may be interested to know that there are already over a dozen commercial nature based tourism operators in the ACT. These are mostly small firms, but they provide valuable services to residents and tourists, and a small but growing contribution to the ACT economy. In any further development of nature based tourism we need to make sure that the private sector is able to be involved. We also need to keep the wider community involved. The Parks Service late last year released a marketing Strategy and Options Plan which was given wide community consultation, and I expect any further plans will be given similar distribution for community comment and input.

The second issue follows from the first, and that is the Government's commitment to maintaining conservation as a primary objective. I, and I'm sure I speak for all Canberrans, are justifiably proud of our parks system. We all want to be able to enjoy it into the future, and to have it for our children and our children's children. To attain this we need to make sure that we retain conservation of this magnificent resource as a primary focus for any further development of nature based tourism. We welcome visitors, but we don't want to have the unfortunate environmental degradation so apparent in other jurisdictions where commercial exploitation has been allowed to run ahead of the carrying capacity of the land. This Government is committed to putting the environment first.

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To conclude, I want to thank the Committee for their work on this Report. The members have produced a thoughtful document, which demonstrates a balanced and considered approach to the issues. I believe the Committee's Report, and our Response, will contribute to the effective and responsible expansion of nature based tourism in the Territory, while maintaining the Government's commitment to conservation of our national parks and reserves.

I take great pleasure in tabling the ACT Government's Response to the Report.

APPENDIX 2: Incorporated in Hansard on 23 May 1996 at page 1693.

1996

LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY

SMALL CLAIMS TRIBUNAL BILL 1996

TABLING STATEMENT

Circulated by authority of
Mr Gary Humphries MLA
Attorney-General

SMALL CLAIMS TRIBUNAL BILL 1996

Mr Speaker, the exposure draft Small Claims Tribunal Bill will improve fair trading and access to justice in the ACT and is consistent with the Government's commitment to improving the delivery of legal services to the ACT community. Community consultation is an important component in achieving this objective and I look forward to receiving comments from the community on the draft Bill.

During the last 22 years, the low cost nature of the Small Claims Court has improved access to justice for members of the ACT community. Consistent with the Government's high priority for delivering quality legal services to the community, the Government proposes to reform the small claims process by changing the Small Claims Court's status and name, to the Small Claims Tribunal; increasing the powers and improving the procedures of the body; and increasing its jurisdiction to cover disputes involving trespass, dividing fences and party walls.

The Small Claims Tribunal Bill increases the powers and improves procedures for small claim matters in a number of ways. Some examples of improved access to justice provided by the Tribunal include providing for a Referee to determine matters less than \$1,000; providing a right for a person to be represented by another person; providing Tribunal members with limited powers to award costs to litigants who have unfairly incurred out-of-pocket expenses as a result of the conduct of another party and the increases in jurisdiction which I have just mentioned.

The opportunity has also been taken to make a number of sensible reforms to the legislation such as allowing for the joining of additional parties to the proceedings and a mechanism which allows for certain specified persons and bodies, or a corporation approved by the Registrar, to avoid the necessity of paying money into the Tribunal by undertaking to pay the money if certain conditions or particular circumstances arise. Also, gaps and anomalies in the original legislation have been dealt with.

Moreover, this new legislation will give effect to the Government's commitment to review all pre-1980's legislation.

Mr Speaker, as members may be aware, initially, the name of the Small Claims Court was proposed to be changed to the Consumer and Small Claims Tribunal. However, after careful consideration, I have decided that the name of the body should not include the word "consumer" and should be referred to as the Small Claims Tribunal. This decision was made primarily because increasing the jurisdiction of the Tribunal to include disputes that arise as a result of trespass to land and dividing fences and party walls are not specifically consumer orientated matters. Additionally, the types of disputes that have come before the Small Claims Court involve consumers, traders, builders, people with property-type disputes, business people, and government and statutory authorities. I believe that there is no reason to think that changing the name of the body to the Consumer and Small Claims Tribunal would encourage consumers to initiate claims. Such a title may create the misconception that other

groups, such as those already mentioned above, should go elsewhere. To that end, to call the Tribunal the Consumer and Small Claims Tribunal, would give a false impression that the change is only orientated towards individuals in their capacity as consumers, when it is intended that the Tribunal benefit the whole ACT community.

Additionally, for many people the word "Court" conjures up images of traditional courts and legalistic procedures. Therefore, I believe, it is important for this body to be known as a Tribunal. Referring to a Court can often create a "mind set" which discourages people from using the Small Claims Court to resolve disputes. This point was made by consumer groups when it was proposed that the word Tribunal should replace the word Court. I would expect that this change will encourage members of the ACT community to feel less inhibited in taking action and asserting their rights in the small claims jurisdiction of the Tribunal.

Mr Speaker, I would now like to turn to discuss a number of reforms to the small claims jurisdiction that will increase the powers and improve the procedures of the Tribunal.

It is important that the resolution of matters be expedited as much as possible. To that end, the Bill will enable a legally qualified member of the Tribunal's staff or of a court, to be appointed as a Referee to the Tribunal. The Referee will determine matters that are less than \$1,000. A decision of the Referee will be final, subject to a right of appeal on the same basis as other Tribunal decisions. I know of no

other jurisdiction which provides for court staff to have such a determinative role. This innovation is aimed at reducing the cost of determining claims and settling them faster, where they involve relatively small amounts of money. It is a procedure that will be monitored and evaluated once a reasonable amount of experience has been gained with it.

Currently the Act provides that at the conference stage, a person, can only be represented by a unpaid agent with the leave of the Registrar, while at hearing, a person, is only able to be represented by an unpaid agent with leave of the Court.

The Bill will allow for a person to be represented by another person as of a right without leave of the Tribunal. There are many reasons why a person may want a third party to represent them. Generally this may include issues stemming from cultural background, language difficulties and a lack of self-confidence. There may also be more specific reasons as to why a person would want a third party to represent them. I am aware of a case where a teenager wanted to be represented by his older brother at a hearing and was anxious about having to explain to the Magistrate why he wanted his older brother to represent him. Surely the reason why the teenager wanted his older brother to represent him was irrelevant to the actual point of issue in the proceedings. The new legislation will overcome this shortfall and offer greater flexibility.

Additionally, the Bill provides for simple procedures for the joining of additional parties, so that all the relevant parties are before the Tribunal and all matters in dispute can be dealt with at once.

Presently, in the Small Claims Court, the Court has a discretion only in specific circumstances to compensate a party who has incurred out-of-pocket expenses as a result of commencing action in the Small Claims Court. For instance, a successful litigant can recover the filing fee, and where an investigator is appointed, the Court may order that some or all of the costs of remuneration of the investigator be paid by a party. The Bill will allow members of the Tribunal to award out-of-pocket expenses when they are unnecessarily incurred due to the action of the other party. For instance, a person may incur expenses in presenting their case by having to obtain business searches and accident reports where particular non-contentious facts should have been agreed to by the other party.

The Bill includes a provision which provides a mechanism for certain specified persons and bodies, or a corporation approved by the Registrar, to avoid the necessity of paying money into the Tribunal by way of a bond, as an undertaking to pay money into the Tribunal, if certain conditions or particular circumstances arise, in the same manner as allowed in the Magistrates Court.

Presently, the jurisdiction of the Court includes actions in nuisance. This has successfully allowed members of the ACT community to instigate actions against neighbours or other people who interfere with or inconvenience a person's ordinary comforts of physical

human existence such as the right to fresh air, having an acceptable level of noise during sleeping hours and so forth. In the same manner the jurisdiction of the Tribunal will cover allegations of trespass.

Additionally, I propose that the Tribunal have jurisdiction to determine problems that arise as a result of dividing fence and party wall disputes between neighbours and other interested parties. These are matters where people are invariably self-represented in the Magistrates Court and generally only a small amount of money is at issue. Accordingly, I believe that it is more appropriate that these disputes be dealt with by the Tribunal. The Civil Division of the Magistrates Court in South Australia has a similar provision and, I believe, it works well.

These changes mean that disputes that arise in relation to neighbourhood-type problems will be dealt with by the Tribunal quickly, cheaply and decisively.

Presently, the *Common Boundaries Act 1981* provides comprehensive and self-contained procedures for dealing with dividing fences and party wall disputes. I will be interested in the community's views on whether the procedures for disputes that arise from dividing fences and party walls should be dealt with by the *Common Boundaries Act 1981* or whether the procedures should be integrated into the Small Claims Tribunal Bill.

Finally, Mr Speaker, the Bill re-writes the Small Claims Act to provide a modern product which is easy to understand, with an emphasis on having a simple structure to find the jurisdiction, powers and procedures of the Tribunal, for the benefit of members of the ACT community. Also, the forms which provide the mechanism for instigating and defending disputes have been significantly simplified. This will allow members of the ACT community and the Tribunal staff to fill out the necessary forms in a more efficient and timely manner. To that end, the legislation will allow for ACT community members to have better access to justice within the Territory.

My Department will undertake an evaluation of these reforms, after a reasonable period of operation, to assess whether the reforms are providing improved access to justice to member of the community.

Mr Speaker, I now table the exposure draft Bill in the Assembly for public consultation and I look forward to receiving comments from the community on the proposed new legislation.