



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 SEPTEMBER 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 30 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

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

National Soccer Centre

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Parliament that: the undersigned residents living in the Belconnen area can identify huge benefits to our community from the proposed project to introduce much needed community, sporting and other amenities by the Belconnen Soccer Club. This project is to be located in McKellar at Section 71 bounded by William Slim Drive and Owen Dixon Drive.

Your petitioners therefore request urgent attention by the Assembly to approve this lease and development application.

Petition received.

STATUTORY APPOINTMENTS (AMENDMENT) BILL 1996

Debate resumed from 15 May 1996, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MR HUMPHRIES (Attorney-General) (10.31): Mr Speaker, the Government does not oppose this piece of legislation. What the legislation does, in effect, is to provide for longer lead times between the initiation of consultation with Assembly committees and the making of a decision pursuant to that consultation. The proposal is that the period that shall elapse between the initiation of the consultation and the making of the decision should be 30 days or that the decision may be made upon receipt of a recommendation from the committee concerned, if that occurs first.

Mr Speaker, in her presentation speech on this Bill Ms Follett made reference to a number of situations where the lead time between the consultation with the particular committee of the Assembly and the announcement of the decision had been very short.

Ms Follett: Or retrospective.

MR HUMPHRIES: Or retrospective perhaps, in some circumstances. Mr Speaker, I acknowledge that that kind of delay or that lack of promptness in being able to effect consultation with Assembly committees is a matter of some concern. Ms Follett should not imagine that I have ever been happy in having to ask the committee to respond to me in a very short space of time. It is a matter of considerable regret, an occasion for the banging of fists on tables and pointing to people and saying, "This will not happen again"; but it has not seemed to make much difference. Ms Follett's amendment should deal with that problem in a legislative way. From now on the only delays, I imagine, will be short periods of time between Ministers having to sign off appointments and having to get them to the committees in time for the 30-day period to start to roll.

Mr Speaker, there are some potential dangers with the legislation. One of those is that appointments sometimes need to be made quite quickly, and even with the best endeavours of a government it is not possible to make them quickly enough to be able to satisfy this requirement if a full 30 days is required. However, I acknowledge that in those circumstances it will usually be possible to go to a committee and say, "This appointment is urgent because X has resigned suddenly".

Mr Wood: You do that now.

MR HUMPHRIES: Indeed, we do that now. It usually will be possible to say, "We need this to be considered urgently. Would you be kind enough to look at this in the next couple of days or whatever?". I think we can overcome those sorts of problems in those circumstances. If a committee were inclined to be obstructionist about this kind of thing there could be a problem, but I can say, I think with some conscience, that there has been no obstructionism by the Assembly at all as far as the operation of this legislation is concerned up until now. Committees have behaved well in respect of those things.

In fact, there have been very few examples where committees have even indicated their opposition to particular appointments. I think that is testimony to the operation of the system. It clearly indicates that the system can work, and I think that that is a good reason to make sure that it operates better by building in a minimum period of consultation.

Mr Speaker, the point I want to make, though, very strongly, about the Bill which is before us today is the rather breathtaking inconsistency of the Opposition in putting it forward, when they were absolutely and totally opposed to the principal legislation when it was introduced by Mr Moore in 1994.

Mr Berry: Things have changed.

MR HUMPHRIES: Things certainly have changed, Mr Berry. To say that things have changed is to put it very mildly.

Mr Berry: The whole Public Service has been politicised. Why would you not do this sort of thing?

MR HUMPHRIES: No, Mr Speaker. We know you will have excuses for why you have done a backflip, Mr Berry, but the fact is that you have. I will quote Mr Connolly, the then Attorney-General, speaking on the then Statutory Appointments Bill. He said this:

The Government will be opposing the Statutory Appointments Bill. We believe, for reasons that I have previously stated in this place, that this is an undesirable move by an Australian Westminster-style parliament towards a more American-style political system that would be unique in Australia. The Liberal Party, of course, are supporting this.

Then he went on to say how terrible it was that there were all sorts of problems with Liberal governments in Australia not being inclined to want to follow this lead. Well, that is their lookout, Mr Speaker. That is what I say to that. I quote Mr Connolly again:

We said that there is a danger in this because Canberra is a small community. Most of the boards that we appoint people to are unpaid. Many members of this Assembly have served on those sorts of unpaid boards ... Even if you are associated with a political party, if you are serving on a board it is a lot of time out of your day.

He went on to say that these people would be denigrated by being involved in these sorts of committees. Mr Speaker, this speech was full of hysteria; this is the end of the world; we are bringing Westminster-style government to an end; the system cannot possibly operate.

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Mr Berry: Oh, Gary!

MR HUMPHRIES: You read what he said, Mr Berry.

Mr Berry: No wonder you did not become an actor. You are hopeless at drama. Sit down.

MR HUMPHRIES: Obviously, you were not listening to what you were saying at that stage. The Labor Party, bear in mind, was the party that consistently refused to share any role at all in the appointments process in this place. The reason this Bill was introduced by Mr Moore in 1994 was that the only time members of the Assembly ever found out about appointments was if they were announced in the newspapers, or they happened - - -

Ms Follett: That is not true. I rang on many occasions.

MR HUMPHRIES: It is true, Ms Follett. We were very rarely consulted about appointments in this place. You produce to me any letters you have sent to us on that score, Ms Follett. I challenge you to do that.

Ms Follett: No, I phoned you.

MR HUMPHRIES: You say it happened. I was never consulted, as far as I can recall, on an appointment, and as far as I am aware the leaders of my party were never consulted on appointments. If I am wrong, you show us. You show us where we are wrong. Table the documentation if you can.

Ms McRae: You supported the motion and now you are contemptuous of it. Of course we have to put in legislation.

MR HUMPHRIES: You have not been here, Ms McRae, to listen to what is going on. We are supporting this legislation.

Ms McRae: You are still contemptuous of it.

MR HUMPHRIES: No, we are not.

Ms McRae: Well, sit down and leave it alone.

MR HUMPHRIES: Mr Speaker, I am sorry Ms McRae is not the Speaker anymore. She would be able to sit me down if she were in that position, but she is not. We have been consistent, Mr Speaker. We have always supported a role for the Assembly in the scrutiny of appointments. You lot over there pretended in government that this was the end of the world. Now you want to extend the concept. Mr Speaker, it looks like those opposite are settling themselves in for a very long period in opposition, if these sorts of amendments are anything to go by.

I have no difficulty in supporting this sort of legislation because it is a discipline, I believe, that the Public Service ought to be able to get used to. Having those appointments come through in sufficient time for Ministers to be able to put them before committees in time has been a problem. It has embarrassed me, in the past, to have to do that, and I think that this legislation will ensure it does not have to happen like that. I urge members to support it. The richness of the irony cannot be lost on members who served in the previous Assembly and who note that the party which regaled us with stories about how the world was going to end with this legislation is now wanting to extend it to make its effect more wide-reaching than was the case in the past.

Mr Berry: Well, just support it.

MR HUMPHRIES: We are going to.

MS TUCKER (10.40): The Greens will be supporting this Bill. The committees obviously play many important roles in the Assembly and we do respect the need for consultation. My involvement in the Social Policy Committee has been slightly frustrating because we often have been presented with information with very little time to consult. So I do support the essence of it. As Ms Follett said in her presentation speech, if we are going to involve committees in the process of government it must be in a meaningful way and not just tokenistic. This Bill is part of an ongoing process of improving the role of committees in the parliamentary process and improving communication flows.

There is a general comment I would make about statutory appointments to boards. Over my first 18 months it has concerned me how many times the same people sit on a number of different boards and committees. There are obviously advantages and disadvantages in having the same people involved in many consultative forums. It does help in the consistency of policy-making and advice across different sectors. But I also have to say that I wonder sometimes how these individuals can possibly fit it all in. Perhaps it would be useful to go more widely, not only to have a more balanced input but also because of the logistics of making this work possible for one person. I do not think I have anything else to say, except that I am interested to hear of the history of this issue. I will not make a comment on it. Mr Moore surely will.

MR MOORE (10.42): Mr Moore would love to take the opportunity to do so, Mr Speaker. I support this improvement to the Statutory Appointments Act. I do not need to elaborate further on what Mr Humphries has identified in terms of the approach of the Labor Party. Rather, I am pleased to see that at least some members of the Labor Party have come round to appreciating what this does or just accepting that it is there and saying, "Since it is in place, let us improve it".

Mr Berry: It was unnecessary under Labor, but it is necessary under this lot.

MR MOORE: Mr Berry interjects, "It was unnecessary under Labor, but it is necessary under the Liberals". I presume he says that because he knows the well-known statement about Libs and their mates. I suppose that is what it is. No, Mr Berry, it is not the Libs who have been known to give jobs to their mates.

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I think this is an important piece of legislation, but it is also important for members to think about how the legislation operates. The legislation is just a background to make sure the consultation occurs. It is still up to an individual member to move that an appointment not be accepted if they think it ought not be, and then for the Assembly as a whole to decide. The consultation process is all about ensuring that that does not happen. It is all about ensuring that people understand the appointments that are being made and the processes that have gone on in making those appointments.

What I have been very pleased about, Mr Speaker, is that it is not just statutory appointments that members are being consulted on. I have on my desk at the moment a letter from Mr Humphries talking about appointments to the Community Law Reform Committee, which does not fall under this Act. He may interject, but the perception I have is that Mr Humphries is saying, "This is a body that advises the Attorney-General. It clearly has a major impact. We always take its reports seriously. All of us have taken the reports of the Community Law Reform Committee seriously. Therefore, it will be best if there is general agreement on the people who are appointed to that body". Mr Speaker, I think that is an important process. Where the appointments are statutory appointments I think it is much more significant that members have the opportunity to see that they are done in an open and consultative way. That is what the legislation does. This is an improvement and that is why I will be supporting it. I appreciate the fact that Ms Follett, at the very least, has accepted the legislation now and is prepared to put up this type of improvement to make it work even better.

MS FOLLETT (10.45), in reply: I thank members for their support for this Bill which I have put up. Mr Speaker, I made it very clear when I introduced the Bill that in government we had opposed the passage of the statutory appointments legislation. The fact that the Assembly did pass that legislation really illustrates that the majority of Assembly members wish to see this kind of administration in relation to appointments. Unlike the current Government, I fully accept that that is the will of the Assembly. It was the will of the Assembly when the last Bill was passed, and as I read the situation it remains the will of the Assembly. I am perfectly prepared to accept that my then Government's first instincts about this legislation were outnumbered. It is a question of acceptance of what the Assembly clearly wants.

Mr Speaker, I would also like to point out to the current Government that they really ought to be expressing some appreciation to other members of the Assembly because of our total absence of politicisation of appointments which they have made. I have in mind when we were in government appointments like those of Mr Aliprandi to the Pharmacy Board and Mr Charles Wright to the Tourism Commission. Those individuals were absolutely vilified by the then Opposition, in public. There was an attempt at character assassination, on the most base political agenda. That has simply not happened since there has been the change of government, Mr Speaker. I would remind members of the Government of their own political attitude towards all appointments that were made when they were in opposition. They were the most base personal attacks. Mr Speaker, Mr Humphries is also quite wrong in asserting that there was never any consultation prior to the passage of the Statutory Appointments Act. That is simply not the case. I fully accept that consultation was not as organised or was not legislated, but there certainly was consultation, at least between me and whoever was the Leader of the Opposition at the time, on a number of significant appointments.

Indeed, there was some consultation with Mr Moore and other members of the Assembly. Again I have in mind that even after some degree of consultation had taken place - for example, on the appointment of Ms Vardon as the chief executive officer of Education - the then Government was subjected to a pretty vicious attack on that appointment. The Government ought to be grateful for the fact that the Opposition and the other party in the Assembly and the Independents have refrained from that kind of politicisation of appointments. We have refrained in a way that the Liberal Party in opposition were totally incapable of doing. I point that out, Mr Speaker, and I think Mr Humphries could have been a lot more generous in his comments.

Mr Berry: They drove Charles Wright and Aliprandi out of town.

MS FOLLETT: That is exactly right. As my colleague Mr Berry says, both Mr Aliprandi and Mr Wright were driven out of Canberra. Private businessmen in Canberra were driven out by the personal attacks of the then Liberal Opposition.

Mr Speaker, I believe that the amendment Bill which I have presented significantly improves the operation of the Statutory Appointments Act. It has been the case, very regrettably, as all speakers have pointed out, that committees have often been approached very late, sometimes with only 24 hours' notice of appointments. It is also the case that we have been approached retrospectively, and retrospective consultation is becoming something of a trademark of this Government. They take the decision, make the appointment, and then come to you and ask, "Is that okay?". It is quite obvious in relation to appointments already made that there is no scope whatsoever for a committee to say, "No, it is not okay. We would like other people appointed". The amendment that I have moved, Mr Speaker, is aimed at cleaning up the Government's act. They wanted this consultative arrangement and the Assembly endorsed that will, so let us make it work. That is my sole motivation in moving in this way, Mr Speaker.

One comment that Ms Tucker made related to her concern that the same people kept getting appointed to boards and committees. Mr Speaker, I do not know whether the current Government has the arrangement that we often employed in government, and that was to advertise positions on boards and committees and invite people to express an interest in them. The other method of trying to broaden the range of people who might be appointed was to have a register of people who were willing to serve on government boards and committees. That register was regularly updated. People were able to put forward their views on which area of work they would be most interested in and they were able to put on the record what their qualifications were. I found that a very useful means of ensuring that we got a broad spread of community representation on boards and committees.

In particular, members might recall that as a government we had a policy of 50 per cent representation of women and men on boards and committees. In that regard the register was a very useful way of bringing forward the names of women who may not otherwise come to public notice and who would make a very good contribution in many of the areas of their expertise. I would commend that to the Government. If they have not kept up either of those methods of attracting people to boards and committees, they might want to reconsider it.

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Mr Moore, in supporting the Bill, expressed his gratitude to the Government for the way in which they consult. I echo that gratitude, Mr Speaker; I do think it is an improvement. But in one respect the Government has not always followed the will of the committee, and that is in regard to the Public Accounts Committee's report relating to appointments to government business enterprises. If my memory serves me correctly, the Government has not acquiesced in the Public Accounts Committee's recommendation that consultation also take place on appointments to government business enterprises. Mr Speaker, the boards of the government business enterprises have some of the most significant responsibilities of any boards and committees that serve the Territory, for they are directly responsible for the management, the administration and the policy of the Government's business enterprises. They also, of course, serve as board members in the same way as people in private enterprise serve on the board of an organisation in business. I would again recommend to the Government that they have another look at that issue. If they are serious about consultation and about a breadth of support for the appointments that they make, I think it would be only consistent for them to extend that view to government business enterprises. Mr Speaker, I commend the Bill to the Assembly and I thank those members who have studied it and who have offered their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

LAKES AND FORESHORES

MR MOORE (10.54): I move:

That this Assembly require the Government to put before it any proposed use of Lake Burley Griffin, Lake Tuggeranong or Lake Ginninderra or their foreshores prior to granting any permission for a new use of these areas for any purpose.

Kate Carnell, in the Liberal policy statement for the 1995 election, said, on city government:

We will ensure the ... Government are made more accountable to Canberrans by involving them in decision-making processes and by listening directly to their views.

Indeed, that was reiterated in relation to the community consultation process in the 1996-97 budget, Mr Speaker. This Chief Minister, of course, was very keen about those ideas and harped long and loud on the previous Government, their failure to consult and their inadequacies of consultation, launching into an election campaign with statements

about council-style government, open government, consultative government. How many times did we hear it in that election era? She could not open her mouth without having one of those three statements come out. We heard it again and again. Her perception was that that was how it should be done. That perception has clearly changed now that she is in power.

Mrs Carnell came into this Assembly last time we were here and said, "I have opened the futsal field on the banks of Lake Burley Griffin". That was the first, as I understand it, that any member had heard of this. We had actually seen some of the works going on as we had driven by. I presumed it was a modification of or extension to the car park that was there and made a note in my mind that I must ask what was going on there. Where does this appear in the capital works program? We had just dealt with the capital works program in the Planning and Environment Committee. Where does it appear in this year's capital works program? It is not there. What about the capital works program for the year before? Funny thing; it is not there. Yet we have this supposedly open and consultative style of government.

Why were we not consulted, Mr Speaker? Well, that is quite clear. It may well be that the response would have been negative; it may well have been that the people of Canberra and members of this Assembly would have said, "Sure, an international futsal field is an appropriate idea. It may well have been an appropriate idea for the Bruce precincts". In fact, if you ask me, that is exactly where it should be; it should be in the Bruce precincts, where we already have a number of outstanding sporting facilities. It seems to me to be a logical move. But, of course, the Chief Minister did not want to risk that because she wanted to push this through. What does that put a lie to, Mr Speaker? It puts a lie to Kate Carnell's promise of council-style government, open government and consultative government. They were the fundamentals upon which she went to an election, along with good economic management. We have seen that come under fire in the budget that was introduced yesterday. Those were the two pillars of this Liberal Government. It looks like both of those pillars are crumbling.

Mr Speaker, for the last 18 months or so that this Government has been in office, I have been reasonably comfortable about allowing the Government to make the sorts of decisions they need to make because there has been, generally, reasonable consultation. Let us take a positive example. Mr Humphries believed at one stage it was appropriate that we run a trial - and only a trial, I must say - of jet skis on Lake Tuggeranong. Was that snuck through and pushed straight in? No. There was a consultation process. It did not go the way that Mr Humphries thought it appropriate to go at the time - for a trial only. But the process had been open and consultative and had been consistent with the statement that the Government will be made more accountable to Canberrans by involving them in decision-making processes and by listening to their views directly. Did Mrs Carnell listen to the views of the people on futsal directly? No, of course, she did not. Why not? Because it was inconvenient; because it just might have come out with a different decision; because it just might have undermined her power base. Whilst I was prepared, perhaps, to trust Mr Humphries further with this, it is quite clear that we simply cannot trust Mrs Carnell with decision-making in regard to our lake foreshores and the lakes themselves.

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Mr Speaker, there is yet another example. Hardly had we got past the futsal issue, when people were saying, "Well, it is done now. There is nothing we can do about it. The field is down; the concrete is down. We are certainly not going to tell her to rip it up, but really it was an entirely inappropriate way to go", than we read a report from the motoring writer in the *Canberra Times*. There was a big photo of Mrs Carnell dressed in rally clothes and sitting in a rally car, and saying she was going to run a car rally right along the foreshores of Lake Burley Griffin. It is going to go along Constitution Avenue, around Blundell's Cottage, past the Carillon, under the bridge and roughly to the Boat House restaurant, right on the shore of Lake Burley Griffin. Had anybody heard of this? Of course not. Maybe the rally organisers had. After all, there is going to be a \$600,000 injection from the ACT into this rally as well.

Mr Speaker, at that stage I thought, "This has gone far enough. It is quite clear we cannot trust Mrs Carnell to come and talk to us. We cannot trust her to say to the people of Canberra, 'Do you think this is appropriate? Is a futsal field appropriate there? Is a rally appropriate on the shores of the lake, or should it be in a slightly different position? What should we do about it?' ". We have the option that Mr Berry raises - to sack her. The trouble is that when I look at the alternative option I cringe; I cringe, Mr Berry.

But there are other options. What we can do instead is ensure that Mrs Carnell has her hands tied a little as far as our lakes go. We can also use this opportunity to expose her for the hypocrisy, for the two-facedness and for misleading the people of Canberra in the last election campaign. Mr Speaker, those are the sorts of issues that we are dealing with.

Mr Humphries: On a point of order, Mr Speaker: There must be something in there that is out of order - hypocrisy, two-facedness. Have we not said that "hypocrisy" is a word which should not be used in respect of members? If so, I would ask Mr Moore to withdraw that.

MR MOORE: I withdraw "hypocrisy", Mr Speaker.

MR SPEAKER: Thank you, Mr Moore. Continue.

MR MOORE: Mr Speaker, it was the word that came to mind; so, it flew from my tongue. If you find it inappropriate, in order to continue the debate I think it is far better if I withdraw.

Ms Follett: On a point of order, Mr Speaker: I thought you had ruled "hypocrisy" in.

MR SPEAKER: I will give you an answer on that.

Ms Follett: It is a term that often comes to mind.

MR SPEAKER: It does come to mind that it has been ruled in in the past, but I seem to recall a more recent ruling. However, I will check that out and, in the meantime, allow Mr Moore to continue.

Mr Berry: You might check out “doublespeak” and “two-facedness” as well. If we keep adding to the list we will have nothing to say about Mrs Carnell.

MR SPEAKER: And you might resume your seat.

MR MOORE: Mr Speaker, I think that it is very important for us to be able to describe in some way, though, this action whereby we get a promise to the people of Canberra and then exactly the opposite happens. That was why I used the word “hypocrisy”, which I have since withdrawn. I am just working through my mind to see whether I can find another word to achieve the same sorts of goals.

Mr Speaker, what we have is a situation where I raised the issue and said, “It is time for us to contain Mrs Carnell”. I indicated that I would put this motion. Indeed, I did that. We then got, effectively, a response in the *Canberra Times* last Saturday in which Mr Bell spoke about this rally route along the foreshore of the lake. The article states:

Mr Bell said, “No part of the proposed route will be used that isn’t already a road and doesn’t already carry regular vehicle traffic. We won’t be removing any grass and we won’t be creating a new road”.

Anybody who actually drives under the bridge and past the Carillon will know that what is actually there is a couple of dirt tracks that people have made when they have driven their cars down to go fishing. It has a bit of gravel here and there and, at the moment, quite a lot of mud. As far as rally driving is concerned, that would be very appropriate if it happened to be out in the forest.

I have nothing against the rally being held in Canberra. I think it is a fantastic opportunity, and I do not want that to be misconstrued. But there is an appropriate time and place for everything. Having rallies in Canberra’s forests has been very successful for the people who are involved in this particular sport. It may well be, Mr Speaker, that there is an appropriate and very prominent location for us to run such a rally. But it has to be after a process of community consultation. It has to be a process that comes through this Assembly, because we cannot trust the Government to do it.

That is what this motion is about. It is about not being able to trust this Government with our lake foreshores or, for that matter, our lakes. Mrs Carnell has made it very clear that she is not to be trusted on this issue and that she is prepared to sneak things through, dare I say, in order to get her photo in the paper in some new rig-out. I have a copy of the picture of Mrs Carnell in her Rally of Canberra rig-out which, no doubt, members have seen. It will not be necessary for me to table it. Mr Speaker, this motion is simply about saying, “No, on this issue alone, we cannot trust the Government; we are not going to trust them. They will have to come back to this Assembly to deal with issues that are pertinent to this lake”. I think it should also be seen as a warning, if this Assembly supports this motion, that we will be prepared to do exactly the same thing to the Government if they do not act in an appropriate way. The Assembly is here to ensure the Government is acting appropriately, and that is what this motion is about.

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MRS CARNELL (Chief Minister) (11.08): Mr Speaker, you would think that the job of some people in this Assembly was to make sure nothing ever happened in the city and there were no jobs ever created. That would appear to be the approach that Mr Moore and those who support this motion seem to want to take.

Mr Moore: On a point of order, Mr Speaker: I think it is very important on this issue that we keep Mrs Carnell contained to relevance. This is about whether or not we trust the Government.

MR SPEAKER: Please be aware of it, Chief Minister.

MRS CARNELL: Mr Speaker, Mr Moore quoted from a newspaper article on this issue, and I would like to do exactly the same. Mr Moore has already quoted from the same newspaper article. I think Mr Moore made the comment, "Mrs Carnell seems to be willing to go down the path of creating jobs at any cost", to quote from the same article. I think the relevance is definitely there.

Mr Moore: Is that true?

MRS CARNELL: Mr Speaker, that is true. I fully agree with Mr Moore. Yes, I believe that the absolute priority for this city at this stage has to be creating jobs. We simply have to do that. Obviously, there has to be balance.

Mr Moore: At any cost; at any cost, including the cost of you as Chief Minister.

MR SPEAKER: Order! Mr Moore, you were heard in silence.

Mr Moore: On a point of order, Mr Speaker: I certainly was not heard in silence. On this occasion I will continue to interject.

MR SPEAKER: You were heard in silence by Mrs Carnell. Resume your seat.

Mr Berry: She was not here.

MR SPEAKER: That is not my concern.

MRS CARNELL: Mr Speaker, I can understand why Mr Moore feels very uncomfortable about the whole approach that he has taken here this morning. There is no doubt that any proposed use of any of the lakes would have to be approved. Mr Moore would be very well aware that Lake Burley Griffin is under the control of the National Capital Authority and is not under the control of the ACT Government at all.

You would have seen in recent weeks, when there was a proposal for jet skis on Lake Tuggeranong, that it was discussed at length in all sorts of community forums. There is no way that there would not be consultation about anything that was proposed on the lakes. Mr Moore made the comment that somehow this was at odds with our

election promise with regard to community consultation. This Government - all of the Ministers - makes itself available to anyone in the community who turns up for half a day every month. That is, I believe, a very appropriate approach, something that those opposite never made themselves available for. We certainly make ourselves available for community consultation on many other aspects.

Mr Speaker, one of the things that we have to do in this city is ensure that we have a capacity as a government - as those opposite would if they were the government - to make decisions on things such as, shall we say, a solar boat race on the lake. Are we going to have a situation where a government is not going to be able to approve that? Obviously, that would be totally ridiculous. One of the other very good examples is events such as the Tuggeranong festivals. Traditionally, they have all been carried out on the foreshore of Lake Tuggeranong; and very appropriately, too. I think that those sorts of one-off events are things that we should encourage on our lake foreshores. I think we should encourage people to have solar boat races, Tuggeranong festivals and all of those sorts of events that use the great water resources that we have. That is what we are talking about here.

Mr Moore made some comments about the multipurpose sports stadium which will be used for skating next month, which will be used for the Masters Games next year and which has the potential to be used for an exhibition tennis match in December. In fact, as Mr Stefaniak will back up, the sporting bodies are literally lining up to use the facility. What we are talking about here is a concrete slab in the middle of a car park that was unsealed. That is exactly what we are talking about, Mr Speaker. Those in this house would be very well aware that the National Capital Authority is not in the business of approving things easily. The fact is that they did approve this particular facility, this particular concrete slab.

Mr Moore: What was the deal, Kate? Come on, Kate; what was the deal?

MRS CARNELL: No deals. There you go; no deals. The National Capital Authority approved this after the appropriate processes had been gone through. As well as the concrete slab, there is a sandstone retaining wall and steps. By the way, the NCA required a particular fascia on the retaining wall to match the retaining wall directly across the road on the Archbishop's House so that it would all look very appropriate. All of those sorts of things have been done in this situation.

But the bottom line is: What are we talking about here? We are talking about a multipurpose sports facility and the Rally of Canberra, both of which have already brought a significant number of jobs and significant tourism dollars to this city. Quite seriously, is this Assembly in the business of saying, "That is not appropriate behaviour, Mrs Carnell. Please do not get out there with your Ministers and create jobs in this city or create events for this city. Please make sure that, before you say yes to the Rally of Canberra or before you say yes to a significant sponsorship from FAI Insurance,

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you come back to this Assembly and actually speak not just about whether or not we should have the rally - the rally we have had for nine years - but about what the route of that rally is.”? The people in this Assembly will be aware that the rally has actually been flagged off from Civic before. In fact, it is mostly flagged off from the Civic area. Has this Assembly ever been asked to approve the route of the rally before today? Of course, it has not, Mr Speaker, because that is patently ridiculous.

Obviously, issues such as the environment have to come into play in these sorts of decisions. That goes without saying. The environment in the ACT is, obviously, a particularly important part of our community and of our society; but it is also a particularly important part of what we are selling to bring people to this city, to bring tourists here, to bring jobs here. That is what we are talking about. There is no way we are going to undermine that situation. Mr Moore might have had a point if we had said to the NCA, “Sorry, NCA; we are not going to even try to get approval for this. We are just going to build the thing, and you make us pull it up”. The fact is that we did not do that. We went through all of the appropriate procedures. It has been approved.

Similarly with the rally, we believe that things like sorting out the route of the rally are things that should bring maximum benefit to this city and maximum capacity for people - the media contingents and so on - to get those absolutely panoramic views of the city beamed around the region, to bring more tourists here and to create more jobs here. I am simply not going to apologise for taking that sort of an approach.

Does this Assembly want to pass a motion today to, basically, condemn this Government for making those sorts of decisions, for making decisions that, even a large amount of the media have said, will create jobs and will bring more tourists to the city? The much maligned multipurpose sports facility - in fact, starting tomorrow - will have a multinational event, with teams from three other countries and Australia playing at that particular venue. The fact that teams from those three other countries - Japan, Brazil and Canada - are here right now means that all of those people have to stay somewhere; they have to eat somewhere; they are spending money in our city.

If this Assembly believes that is not a good thing we all should give up right now, because that is a simply ridiculous statement. The fact that the final of this particular round of futsal will be televised, I understand, by SBS means that all of those wonderful views around our lake and around our foreshore - - -

Mr Moore: On a point of order, Mr Speaker: The Chief Minister has gone on for almost all of her speech saying what good things these are. That is not what the issue is about. The issue is about consultation, and that is what she is not dealing with.

MR SPEAKER: Chief Minister, you are aware of it.

MRS CARNELL: Mr Speaker, I just spoke at length about NCA approval. I thought that was what we were talking about here.

MR SPEAKER: You did.

Mr Moore: No. We are talking about your consultation and your promises to the people of Canberra which you have been breaking.

MR SPEAKER: Order!

MRS CARNELL: What we are doing, Mr Speaker - and I agree - is making decisions. There are times when governments have to make decisions. What you do is weigh up the facts. Right now, I believe the absolute ultimate for Canberra is jobs. If we can make decisions that will create jobs in this city, protect the environment and make sure that we can get new tourists and so on to this city, then, quite seriously, I think this Assembly should say, "Congratulations", because that is exactly what should be done.

There are no problems whatsoever in making sure that all of our planning requirements are followed; and they should be. All of our planning requirements, both NCA's and ours, require a level of consultation. We have gone through the NCA approval process on the concrete slab; it has all been done.

Mr Moore: But what about the people of Canberra, Kate? Remember those you promised you would consult? Do you remember?

MR SPEAKER: Order!

MRS CARNELL: The reality, Mr Speaker, is that government is about making decisions when the benefits outweigh the negatives. I am sorry; I am not willing to step away from that. I believe that is the absolute bottom line. Mr Moore made a comment that we had somehow indicated that maybe the reason that we did not consult was that it would have been knocked off. I think the comment that was made, in that particular exchange with a staff member of mine, from Mr Moore was, "Yes, we probably would have knocked it off". "We probably would have knocked it off", he said. Great; that really does show something. That just shows where some people in this Assembly are coming from.

Mr Moore: On a point of order, Mr Speaker: Mrs Carnell is putting into my mouth words that simply are not there. If she had been here during the debate, instead of off wherever she was, she would have heard me say, "My preferred option would have been for Bruce", not to knock it off. What nonsense!

MR SPEAKER: Mr Moore, there is no point of order, but you have made your point.

MRS CARNELL: He has. He spoke, really. He did not really make a point of order; but that is fine. Mr Speaker, I accept that Bruce Stadium may have been an option for this particular futsal event. The whole point of this exercise was for it to be part of Floriade, to have a multipurpose facility for use right there where Canberrans can see it, where tourists -people who come to see those sporting and cultural facilities - can actually see Canberra and can see what a beautiful city we are living in.

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Mr Moore might object to the decision. That is fine. But the reality is - and I think those opposite would agree - that the role of government is to follow procedures and to make sure that people do have an opportunity to have a say, wherever possible. We give them an opportunity half a day once a month. That is a significant amount of time. There are also all of the other times when community consultation occurs through our advisory councils. That is not the issue here, Mr Speaker. The issue here is that Mr Moore and others want to knock off anything that might create a job in this city.

MR WOOD: Mr Speaker, I rise under standing order 46. I claim to have been grievously misrepresented.

MR SPEAKER: Proceed.

MR WOOD: In her speech, the Chief Minister said that she and her Cabinet colleagues would go out to the community, as indeed they do, but that other Cabinet members before her had not done so. I point out that when I was a Cabinet Minister I was out at Tuggeranong in the community, not every month but every week; and I continue to do so. I paid for it, too.

MR MOORE: Mr Speaker, I rise also under standing order 46, having been misrepresented in almost all of the speech of Mrs Carnell.

MR SPEAKER: Never mind that.

MR MOORE: The specific situation that I am talking about is her statement that I just want to knock this off and knock off jobs. That is absolute nonsense, Mr Speaker. I have never said that. I do not believe in that. What we want is for the Chief Minister to consult. If she has such a good idea - I will get back to that later, in my speech in reply.

MS McRAE (11.22): Mr Speaker, I foreshadow that I will move the amendment circulated in my name. I will specifically refer to that as I begin, because I think that Mr Moore, whilst limiting this to the lakes, has given Mrs Carnell carte blanche to carry on however she likes anywhere else. Whilst the point at the moment is the specific requirement at the lakes, the real issue is not to do with the development at the lakes or at any lake; the real issue, as Mr Moore has pointed out in great detail, is the consultative processes. My amendment will broaden the process and will require the Government to consult on all significant public works developments in the ACT.

Mr Moore: On a point of order, Mr Speaker: I take this point of order under standing order 173 in terms of the relevance of this amendment to the motion. If Ms McRae wants to put a separate motion along those lines, I would be only too delighted to look at it and consider it on its merits. In this case, I believe it is not relevant to what I am trying to achieve. I believe it is not relevant under standing order 173. The reason I take the point of order now, although I realise Ms McRae has not put the amendment as such, is that she has said that she is going to speak to it. Therefore, she would be irrelevant. I ask you to rule now on whether or not that would be an acceptable amendment. I believe it is not.

Mr Berry: Mr Speaker, can I speak to that point of order for a moment?

MR SPEAKER: Yes.

Mr Berry: Standing order 173, which Mr Moore refers to, requires in its heading that amendments should be relevant. The standing order states:

An amendment may not be moved to the question "That this bill be agreed to in principle" - - -

Mr Moore: It is the wrong standing order. I agree. He is quite right. Yes; I did choose the wrong standing order. I withdraw the number, but standing orders do require relevance for amendments as well, Mr Speaker. I will just find the standing order, but I am sure you know which one it is.

MS McRAE: Mr Speaker, further to that point of order: My proposed amendment refers to any significant public works in the ACT. The lakes are in the ACT. It is a broadening of the issue in regard to the lakes. The lakes do not exist separate to the ACT. What my proposed amendment infers is that, as well as the lakes, we will look at the rest of the ACT. I do not see why that is irrelevant.

Mr Moore: On the point of order, Mr Speaker: Ms McRae is talking about capital works. I am talking about a specific issue - the lakes and the foreshores. She is talking about significant capital works. I believe that they are two separate issues. I would be very comfortable about Ms McRae putting that as a motion, but it is a separate issue.

Mr Berry: Clearly, Mr Speaker, this is relevant to the matter being discussed. Mr Moore's attempt to divert attention from this issue is completely out of order. The proposed amendment ought to be allowed. If Mr Moore does not want to vote for it he should vote against it. It is as simple as that.

MR SPEAKER: There are two standing orders that could apply. Standing order 140 states:

Every amendment must be relevant to the question which it is proposed to amend.

However, standing order 106 states:

If a notice of motion is given which contains matters not relevant to each other, the Speaker may instruct the Clerk to divide the notice into two or more notices.

That is perhaps an option.

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Mr Berry: The point is clear, Mr Speaker: This is an issue which the Assembly ought to decide on. If people do not want to support the proposed amendment, they vote against it.

Mrs Carnell: It is his motion.

Mr Berry: Mrs Carnell interjects, "It is his motion". No; it is not Michael Moore's motion. It is now the property of the Assembly. She ought to keep her eye on the standing orders. Once a motion is introduced, it is the property of the Assembly, for heaven's sake. Mr Speaker, we have a situation well and truly in front of us where the motion is the property of the Assembly. The proposed amendment is relevant. It, too, will be the property of the Assembly. If members do not want to vote for the proposed amendment, they vote against it. The same applies in relation to the motion. This is a whole lot of nonsense.

Mr Humphries: I was just going to make a submission to you on the point of order. I think, Mr Speaker, it is a question of interpretation for you, obviously; but, if a member were to look at the words in the motion that was printed on the notice paper, they would assume that the subject matter for debate is much narrower than the subject matter which is covered by Ms McRae's proposed amendment. Therefore, a member who was not interested in that narrower question might not have chosen to be here to listen to the debate. I think there is a danger in allowing amendments to widen the motion so dramatically.

Mr Berry: Well, vote against it.

Mr Humphries: It is more than that. It is a question of ensuring that the issues being debated are relevant to what is actually on the notice paper. Mr Moore now has the stage for his motion on the lakes; his motion is about the lakes. Ms McRae's proposed amendment is about capital works. It is a much broader issue, and I would say Ms McRae should move it as a separate motion if she wants to move it.

MR SPEAKER: It is in the Assembly's hands to decide whether or not this is relevant, and that can be decided if I rule in a particular way. It is then up to the Assembly whether or not they accept my ruling. That seems to me to be the most sensible way to sort the matter out. Having read Ms McRae's proposed amendment, I do believe that it substantially broadens the motion that Mr Moore has put. Therefore, I will rule it out of order. However, I now leave it to the Assembly to make a decision as to what they wish to do.

Mr Berry: Mr Speaker, how do you propose that we do that? Are you inviting us to move a motion of dissent?

MS McRAE: Exactly; which we are not allowed to do. We cannot do that.

MR SPEAKER: Just a moment. I am advised by the Clerk, Ms McRae, that that is not so. Leave can be sought to move a motion of dissent from my ruling. It is up to the Assembly whether you wish to do that. That matter can then be decided by the Assembly itself.

Mr Berry: Well, we will decide, if you like. I will seek leave to move the motion, if you like. This is outrageous.

Mr Moore: To move dissent from the Speaker's ruling. Yes, you can have leave.

MR SPEAKER: As Speaker, I will not be offended.

Mr Berry: You people do not have the guts to vote on a motion. You want the Speaker to make the decision for you. You are as weak as water.

Mr Humphries: That is not true. If you want to move your motion after this, go right ahead. We will give you leave to bring on the motion.

Mr Moore: You will have leave if you want to move dissent from the ruling.

Mr Berry: I seek leave to move a motion of dissent from the Speaker's ruling.

MR SPEAKER: Ms McRae will need to move her amendment first, so that I can rule it out of order.

MS McRAE: But I am not allowed to move it. I cannot. You have just ruled it out of order. I cannot move it. Mr Speaker, with the greatest of respect, you have just said that I cannot move it.

Mr Kaine: The decision is taken. Let us get on with the debate.

Mrs Carnell: If you do not move it he cannot rule it out of order; so, we are fine.

MS McRAE: He has just ruled it out of order, may I point out to the Assembly. I cannot move it. It has been ruled out of order.

MR SPEAKER: Then, on a technicality, we will proceed with Mr Moore's motion.

Mr Humphries: Mr Speaker, I am sorry to sort of change sides, but I would have thought that if you have ruled, as you have, that Ms McRae's proposed amendment is out of order there is now a ruling on which a member can seek leave to move dissent if he or she wants to.

Mr Moore: You ruled that her foreshadowed amendment was out of order. She can move dissent from that.

MS McRAE: The leave that Mr Berry was seeking - on a point of order, Mr Speaker - was leave to move a motion of dissent from your ruling that my amendment could not be put. That is what Mr Berry was doing.

MR SPEAKER: Very well, if we wish to put it that way.

Debate interrupted.

DISSENT FROM RULING

MR BERRY (11.33): Mr Speaker, I seek leave to move a motion of dissent from your ruling.

Leave granted.

MR BERRY: Mr Speaker, I move:

That the Speaker's ruling on the foreshadowed amendment be dissented from.

Very clearly, there are some members in this house who do not want to vote on a particular form of a motion because they do not want to be seen to be opposing one motion that was put before this place and supporting the other one. Mr Moore has moved a motion which relates to the Territory's lakes. Ms McRae has sought to move an amendment which embraces the whole of the ACT. What we are about is consultation on any significant public works development in the ACT. It significantly broadens what Mr Moore is on about. Mr Speaker, it is a sensible move which tries to tie this Government to its election commitment to consult with the community on significant public works developments in the ACT. So far as those issues that Mr Moore raised are concerned, we would therefore regard the futsal stadium as a significant public works development that we ought to be consulted on. I do not know why Mr Moore is resisting this proposal. It seems silly for him to do so.

Let me come back to the important issue at hand, Mr Speaker. I think this is probably one of the very few times a motion of dissent from your ruling has been moved. Mr Speaker, you have been asked to make a decision for this Assembly. There were two matters which were proposed for consideration by this Assembly. One was a motion which was moved by Mr Moore, and the Assembly could take that or leave it. One was an amendment foreshadowed by Ms McRae, and the Assembly could take that or leave it, if it were left to the Assembly. But Mr Moore and others in this Assembly seem to believe that it is up to the Speaker to make decisions about whether these motions ought to be taken or left. The fact of the matter is that it is not up to you to take those decisions. I believe that your decision to rule Ms McRae's approach out of order is deserving of dissent and ought to get the thumbs down because you cannot have a situation where matters which are properly the property of the Assembly are decided by the Speaker. These are matters which could have been decided by the Assembly, and that course should have been adopted, instead of people trying to dodge the issue, squirm around the issue and force the Speaker into a position of making a decision in relation to the matter. Mr Speaker, your decision is wrong, in my view, and members should support my motion of dissent.

MR MOORE (11.36): Mr Speaker, I can understand why Ms McRae does not understand the reason why I wanted to deal with it in this way, through standing orders as a matter of principle. I can understand why Mr Berry does not understand that. The reason - it is a matter of principle, Mr Speaker - is that, if this matter is not decided by applying standing orders, then people like Ms McRae will continue to hijack whatever a member, particularly a member of the crossbenches, puts up. Instead of taking a specific motion, a specific idea which I wish to deal with and which can be amended in sensible ways, as Ms Horodny will put - whether or not we agree with it - you hijack that particular motion and put an entirely different idea which not only broadens but also undermines what I seek to achieve. Ms McRae's proposed amendment not only broadens it but also introduces "significant public works". I have actually made it quite clear that any matter, any decision about the lake foreshores and the lakes, is something that should come before this Assembly. Therefore, we have a much narrower and much more specific motion that has simply been hijacked into an entirely different agenda by Labor. It happens to be an agenda that I am quite comfortable with. Mr Berry knows very well that I interjected a number of times, "Put it as a motion separately and it will get my support".

At the moment I wish to deal with a different motion. If Mr Berry and Ms McRae want to knock it off, let them do it up front and knock it off. But do not undermine it; do not hijack the agenda in this way. The standing orders are there to protect individual members, for them to get their motions debated and to have a fair chance to put their motions. Mr Speaker, your ruling is about protecting individual members. I think that is the issue that members should be thinking about here. That is the principle that we will confirm. It is already in the standing orders. We will confirm that amendments to motions must be relevant, as is confirmed by your ruling, which is why we need to vote against Mr Berry's motion of dissent.

MR WOOD (11.39): This debate and the outcome of the debate will have a little more impact than might immediately be thought. The practice of amending motions is common in this Assembly. I can recall no small number of censure motions, motions of criticism, which have been taken by the government of the day and significantly changed almost to reverse the content of that motion. Time after time in this Assembly motions have been changed much more radically than by the amendment proposed by Ms McRae.

Mr Humphries: Could you give us an example?

MR WOOD: This debate arose a moment ago. Let me instance censure motions of the Government, motions critical of Government action, that we moved earlier this year. You, Mr Humphries, moved an amendment: "Take out all words after 'That' and insert" something else much more sympathetic to the Government; almost the reverse of what the Opposition was doing.

Mr Moore: They are mainly censure motions.

MR WOOD: Not just censure motions, but motions critical of the Government. That is quite commonplace in this Assembly. Mr Humphries is the greatest exponent of turning a motion around. It may be reasonable to have this debate and to define quite clearly whether that is the path you want to go down, but it seems to me to be

a significant change of practice for this to occur now. If it is going to be a change of practice, let us incorporate it permanently in the standing orders so that when I move a motion, or Mr Whitecross moves a motion, in the future, critical of the Government, Mr Humphries is not going to get up and turn it around. What I am saying is: Let us be consistent in what we do. I think that this proposal needs a little more thought and perhaps a bit of discussion by the Administration and Procedure Committee to make sure we are establishing a pattern that all of us are happy with and one that we will carry into the future.

MR STEFANIAK (Minister for Education and Training) (11.41): I would like to see some of the precedents that Mr Wood is speaking about. If one looks at standing order 140, Mr Moore's motion and Ms McRae's proposed amendment and compares that proposed amendment with the proposed amendments by Ms Horodny and Mr Humphries, I think, Mr Speaker, it is quite clear that your interpretation is correct, because standing order 140 says:

Every amendment must be relevant to the question which it is proposed to amend.

Mr Wood's point that sometimes motions have been totally turned around is quite valid. I can recall that happening on a number of occasions in this place, but still the amendment was relevant to the question. It was simply turning it around maybe from support to opposition or whatever. I think those are the key words. When we look at Mr Moore's motion, the question is the proposed use of three lakes in the Territory or their foreshores. When one looks at what he has spoken of in relation to his motion, he has spoken of a use close to the foreshores in terms of the futsal stadium, the multipurpose slab. He has also spoken about a car rally somewhere in the vicinity of one of those lakes, Lake Burley Griffin. What Ms McRae's amendment relates to is not anything to do with the lakes or the proposed use of the lakes and the foreshores but something very substantially different indeed; that is, any significant public works development in the ACT. The only public works I think Mr Moore is referring to would be the futsal stadium; there is no other. He refers to the car rally. He refers to use rather than actual public works. He refers to the lakes rather than any public works. I think there is a very real difference there which would be quite inconsistent with standing order 140. This is a technical point, but I think it is important to ensure that we do get our standing orders right for the proper governance of this place.

MS McRAE (11.43): Mr Speaker, I think you are being drawn into something that you really should not be drawn into.

Mr Moore: Yes, standing orders. That is why you are no longer Speaker.

MS McRAE: I am very pleased to no longer be Speaker, Mr Moore. From the Chair, I do not have to put up with your impertinence. Mr Speaker, the point is that my amendment, had it been put, if Mr Moore's case had held, would have simply been voted down. That is the process that happens every time an amendment is put. If Mr Moore believed in what he is saying, he would have allowed it to be tested. He would have put his arguments to the Assembly and the Assembly would have voted it down, as is appropriate under standing orders.

I listened very carefully to Mr Moore during his speech. His speech related to the development on the lake foreshore, which was a public works development, and his speech related to consultation most of all. My proposed amendment is specifically about consultation and public works developments. As I said in my introduction to it - before I was ruled out of order - it is there specifically because the inference of Mr Moore's motion is that only the use of the lakes is of concern, not the rest of the ACT, and I think that is wrong. The Assembly could have had the opportunity, had this amendment been put, to judge whether or not it was a separate issue. The lakes are part of the ACT. They do not exist separate to the ACT. My motion talking about the ACT is inclusive of the lakes, not exclusive of the lakes. It is a furphy - and I think this is where you have been drawn in, Mr Speaker - to talk about my motion being irrelevant, because Mr Moore's motion refers to the lakes and my motion refers to the ACT. As I have said, it may be a surprise to Mr Moore, but the lakes are actually part of the ACT. The futsal development - again, it may be a surprise to Mr Moore - was a public works development, as are other public works developments in the ACT. So, on both cases of relevance, my case is that both items relate specifically to what Mr Moore was talking about.

If Mr Moore is concerned about his issues being hijacked, Mr Speaker, then it is not you who has to worry about whether or not Mr Moore is being hijacked; that is not a standing order. There is no standing order that says, "The Speaker shall protect a member from being hijacked by another member. The Speaker shall protect a member from getting different press from another member". Show me that standing order. That is Mr Moore's speciality, and it has come up today. Mr Moore is appealing to you, rather than to his fellow Assembly members, so that his case can be put and won against mine, which could have been put and lost; rather, he is trying to prevent me from expanding on and deepening his motion to bring it back to the point of relevance which he was talking about, which was a public works development on the lake in the ACT. I am talking about public works developments - plural - in the ACT which are inclusive of the development on the lake foreshore. I think Mr Moore has drawn you in, in a way that you will regret, because if you are about to rule things in and out on the ground of relevance, Mr Speaker, I can assure you that your ruling will be appealed, time and time again, and you will end up gagging legitimate debate in this Assembly. I urge members to dissent from your ruling.

MR KAINÉ (11.47): Mr Speaker, I believe that what I just heard from the Opposition is totally irrelevant to your ruling. To me, it is a fairly straightforward matter and it is simply the fact that the amendment foreshadowed by Ms McRae contains a totally different matter from the subject of Mr Moore's motion. Mr Moore's motion twice uses the word "use". It talks about "any proposed use of" and, further down, "prior to granting any permission for a new use of these areas". That implies activity. It does not necessarily have anything to do with public works or anything else. It merely relates to activity that may take place around the three lakes in the Territory. I believe that your ruling that the amendment is out of order is the correct one, because the proposed amendment relates to a totally different subject. It does not have anything to do with "use". It would change the intent of the motion to talk about public works and would exclude the intent of Mr Moore's motion, and that is activity. I think that your ruling is the correct one, and I do not support the motion of dissent from it.

MR HUMPHRIES (Attorney-General) (11.48): Can I make a brief contribution, Mr Speaker. Mr Wood made the comment that, in the past, amendments have, as he put it, changed motions around. I think it is true to say that the targets of motions have certainly been changed around in the past. A motion condemning the government has been turned into a motion condemning the opposition, or whatever it might be; that is true. But I do not think we have had - Mr Wood can correct me if I am wrong - a case where the subject matter of the motion has been turned around. As Mr Kaine points out, the subject matter of this motion is much narrower than and is, in fact, quite different to the subject matter of Mr Moore's motion.

Ms McRae's argument is as follows: Because the subject of capital works in the Territory as a whole contains capital works on the lakes, therefore, the reverse must be true; the subject of capital works on the lakes contains the subject of capital works in the Territory as a whole. That, Mr Speaker, is not logical. If she were moving her amendment about capital works in the Territory and Mr Moore were just talking about the lakes, that would certainly be true, because that is the subset of what Ms McRae is talking about. But what Ms McRae is talking about is much bigger than what Mr Moore was talking about. I also have to say that I think the argument that the Assembly should disregard standing orders and rely rather on the floor of the Assembly to resolve interpretation of standing orders is not - - -

Ms McRae: We are just doing it now.

MR HUMPHRIES: That is not what we have ever done before. The Speaker would not be necessary if it were the case that we could resolve every dispute about standing orders by a vote on the floor of the Assembly, rather than by having a Speaker.

Question resolved in the negative.

LAKES AND FORESHORES

Debate resumed.

MR SPEAKER: Ms Horodny, I think you have an amendment, do you?

Ms McRae: No; I was on my feet.

MR SPEAKER: I am sorry.

Ms McRae: Thank you, Mr Speaker.

Mr Moore: You have run out of time, of course. However, we would love to give you leave to speak.

MR SPEAKER: You have run out of time, but if you seek leave - - -

Ms McRae: Thank you; no.

MR SPEAKER: Seek leave. We will grant it.

Ms McRae: I do not want your leave, thank you.

MR SPEAKER: Order! Does somebody wish to continue the debate?

Ms McRae: Mr Speaker, on a point of order: I do not see how I can have run out of time when you have ruled me out of order. I had only just started to speak.

MR SPEAKER: If you wish - - -

Ms McRae: No; I do not want to seek leave.

MR SPEAKER: I did not rule you out; the clock did.

Ms McRae: I want my appropriate rights, Mr Speaker. On a point of order: How can my time run out when I was ruled out of order?

Mr Moore: Because a point of order was taken. You know the process, Roberta.

Ms McRae: I have asked the Speaker for a ruling.

MR SPEAKER: If you wish to speak, seek leave.

Ms McRae: No; I do not wish to seek leave.

Mr Humphries: On the point of order, Mr Speaker: It has always been the case that a member's speaking time is cut into by points of order and procedural motions. Perhaps it is unfortunate, but it has always been the case, as those opposite would know, because they have often used points of order to cut into a member's speaking time.

MR SPEAKER: Ms McRae, if you wish to speak I am sure the Assembly will give you leave to speak, but your time has run out. As Mr Humphries explained, we do not stop the clock on points of order. Mr Humphries, I understand that your amendment is, in fact, first in terms of this motion.

Mr Humphries: I do not think it is, Mr Speaker.

MR SPEAKER: No; you are adding to it, are you not, at the end of the motion?

Mr Humphries: We both are - well, not at the end of the motion.

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MR SPEAKER: I am advised, Mr Humphries, that if Ms Horodny moves her amendment now you will need to seek leave to move yours because it precedes the matter that Ms Horodny is adding. Do you wish to move your amendment now, Mr Humphries?

Mr Humphries: Yes.

MR SPEAKER: Please do.

MR HUMPHRIES (Attorney-General) (11.53): Mr Speaker, mine is a very simple amendment. I would suggest to members that to say that the Government should put every proposed new use of the lakes before the Assembly could be a very onerous burden.

Mr Berry: Mr Speaker, has the amendment been moved yet?

MR SPEAKER: Mr Humphries is moving his amendment now.

Mr Berry: He has not moved it yet?

MR HUMPHRIES: I can speak to it and then move it.

MR SPEAKER: Proceed, Mr Humphries.

MR HUMPHRIES: You have taken up some of my time with that point of order, Mr Berry. I am very upset about that.

MR SPEAKER: Order!

MR HUMPHRIES: I might just sit down and not say any more. All right, I will go on, Mr Speaker. To make Mr Berry happy, I move:

Insert "significant" before "proposed use".

Mr Berry: On a point of order, Mr Speaker: I refer you to standing order 140:

Every amendment must be relevant to the question which it is proposed to amend.

I draw your attention to your most recent ruling in relation to relevance. Mr Humphries seeks to exclude certain matters from the motion of Mr Moore, which reads as follows:

That this Assembly require the Government to put before it any proposed use of Lake Burley Griffin, Lake Tuggeranong or Lake Ginninderra or their foreshores prior to granting any permission for a new use of these areas for any purpose.

Mr Humphries, on the other hand, seeks to exclude certain of those “any proposed” uses by inserting the word “significant”. That can be interpreted to exclude certain of those proposed uses which Mr Moore requires be put before the Assembly. Therefore, Mr Speaker, you should remain consistent in your rulings and rule Mr Humphries’s amendment out of order.

MR SPEAKER: I do not uphold the point of order. Mr Humphries’s amendment is still addressing the subject of Mr Moore’s motion.

Mr Berry: What a joke you are, Mr Speaker.

MR SPEAKER: Careful.

MR HUMPHRIES: I think somebody got out on the wrong side of the bed this morning, Mr Speaker. It would be, I think, onerous and inappropriate to have every minor proposed new use of the lake foreshores or the lakes referred to the Assembly.

Ms Follett: Mr Speaker, on a point of order: I would ask you to present the Assembly with your reasons for having ruled out of order an amendment which seeks to expand a motion and having ruled in order an amendment which seeks to contract a motion. From my long experience in this place, I cannot see that the first amendment is out of order. If it is, then so is the second. I would ask, Mr Speaker, as a point of order, whether you would advise the Assembly what form a legitimate amendment might take, because it is the case that in this Assembly on previous occasions we have had amendments that even went so far as to negate the motion entirely. They were not ruled out of order. We do need guidance.

MR SPEAKER: I am happy to take that on board, Ms Follett.

MR HUMPHRIES: Mr Speaker, I just say that it would be onerous for the Government to bring to the Assembly every minor change.

Mr Wood: It will change your style. You will not be able to carry on like you did.

MR HUMPHRIES: I am on the record as having taken a significant change of use for a lake in the Territory to the process already provided for in the legislation; namely, a preliminary assessment under the Land (Planning and Environment) Act. We are on the record as having done those sorts of things.

I would describe the proposal before the Assembly as one that is reasonable in its intent, providing, as it does, no requirement for approval of very small uses. Let me give an example of this. I have been approached about supporting another boathouse on the edge of the lake close to an existing boathouse near the Black Mountain Peninsula. That is a use already made of that part of the lake; so, it could not be described as a different use. But if they add something minor to that particular boathouse, such as an office, which is not part of the other boathouse there, that could be viewed as an extended use or a changed use. It would, therefore, be appropriate that we not be in trouble with the Assembly for having approved that and not having put that before the Assembly,

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because of that somewhat slightly changed use. I simply say that it is a way of making sure that the motion does not become ridiculous in its application, but it is the spirit of the motion that there should be consultation about those things that members are likely to be concerned about.

MS HORODNY (11.59): I move the amendment circulated in my name.

MR SPEAKER: Not yet. We will have to dispose of this amendment. Mr Berry, are you planning to speak to Mr Humphries's amendment?

Mr Berry: Mr Speaker, can I raise a point of order in relation to the amendment that is being moved by Ms Horodny?

MR SPEAKER: Order! Ms Horodny has not moved the amendment yet.

Mr Berry: She just did. She just said, "I move the amendment circulated in my name". That is moving it, Mr Speaker.

MR SPEAKER: Order! No; Mr Berry, she has not moved it yet because the question before the house is: That Mr Humphries's amendment be agreed to. I thought Ms Horodny was rising to speak to Mr Humphries's amendment. I apologise.

MR WHITECROSS (Leader of the Opposition) (11.59): Mr Speaker, I think we will have to oppose Mr Humphries's amendment. I could not possibly agree to putting in the word "significant" on Mr Humphries's say-so, when Mr Humphries has such a loose interpretation as to what significant is. We all recall that he was only too happy to have jet skis running up and down Lake Tuggeranong, on the basis that it was not significant and was only a trial. I do not think we could possibly support Mr Humphries's interpretation of the word "significant" being included in this motion.

MS McRAE (12.00): Mr Speaker, I also will not be supporting Mr Humphries's amendment. I would like to move another amendment, which I am about to circulate in my name. The amendment I would like to move is this:

Omit all words after "That this Assembly requires the Government to", and substitute the words "undertake appropriate consultation in regard to any new use on the lakes or their foreshores and the ACT".

I will now circulate that in my name.

MR SPEAKER: You foreshadow that.

Mr Humphries: We are in the middle of debate on my amendment.

MS McRAE: That is all right. I can move another amendment.

MR SPEAKER: Order! You cannot move it at the moment.

Mr Berry: You can foreshadow it.

MS McRAE: I will foreshadow it then and circulate it in my name. I will speak to the amendment, which we will oppose because “significant” does not add anything at all. By many people’s definition, what happened with futsal park was not significant in any way, shape or form; it was just a minor change to the lake foreshore. It was not in fact even a new use of that lake foreshore because it was entirely within the rules of what was allowed in that area. “Significant” does not really help us. If Mr Humphries would like our support, he should put either a bottom-line or a top-line definition of what “significant” is and not couch it in terms of costing; otherwise, every time a new development happens we have to worry about what is and is not significant.

Mr Humphries: It is in your foreshadowed amendment, too.

MS McRAE: Mr Humphries, you can urge me to do exactly the same thing there, but I am speaking to your amendment at the moment. I think that part of the problem is that it leaves far too great a level of ambiguity in the use of the word. I do not think it helps us very much.

MS HORODNY (12.02): Mr Speaker, I will not be supporting Mr Humphries’s amendment either. I agree with Ms McRae that “significant” is a highly subjective word. You would have to actually pin that down and define it by actually putting a costing on it or define it in some other way that clearly specifies what would and would not be included in that terminology. It gives too much leeway, and I can just see you coming back to this Assembly and saying, “We did not think this was a significant development”, when, in fact, the rest of the Assembly might believe that it is. We will not be supporting it.

MR OSBORNE (12.02): I will be very brief. I will not be supporting Mr Humphries’s amendment - not because I do not agree with a lot of what he said, but because I think, given the rhetoric and the promises of the Liberal Party prior to the last election about being open and consultative, they have an undertaking to disclose everything.

MR HUMPHRIES (Attorney-General) (12.03): Could I just make some brief remarks. I know members are feeling very testy at the moment about what has happened until now about these things.

Mr Moore: I think you need leave, because you do not get to make a closing speech on an amendment.

MR HUMPHRIES: Can I speak twice on an amendment?

Mr Berry: No, you cannot.

MR SPEAKER: Just seek leave. You do need leave.

MR HUMPHRIES: I seek leave to make some brief comments.

Leave granted.

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MR HUMPHRIES: Mr Speaker, I just ask members to sit back and think for a moment what this motion would mean if it were not amended. Let us suppose it is 1 January.

Mr Berry: It is Michael Moore's motion. He is yours, mate. We are going to support him. We just want to help you along.

MR HUMPHRIES: Okay, fine; but let me just make this point to you. This is quite important. Let us suppose it is 1 January. Someone comes to the Government and says, "We have an event happening in Canberra. We would like to have" - I do not know, for argument's sake - "a steamboat race across part of Lake Burley Griffin on Australia Day. It is part of a new activity on Australia Day". If that was viewed as a new use of the lake - I hope members are listening; this is quite important; we are going to be in big trouble if we do not get this right, Mr Speaker - - -

Mr Moore: The trouble is, Gary, that Kate blew it, and now you are going to have to have to wear it. We have tried the other way.

MR HUMPHRIES: If someone from a community group comes to the Government and says, "We want to use the lake for this purpose in a few days' time", on Australia Day, for example, we are going to have to say, "You cannot use the lake for that purpose because we are not allowed, under a motion passed by the Assembly, to authorise any new use of any part of any lake unless we have put that use before the Legislative Assembly".

Mr Moore: That is right.

MR HUMPHRIES: Members might feel that is quite appropriate. That might be a consequence that they want to inflict on us. It is not us that they are hurting; it is members of the community that they are hurting. We are not going to have any trouble; we are going to say, "The Assembly stopped us from doing this; blame the Assembly". It is not going to hurt us. Passing that motion is not going to hurt us; it is going to hurt those community groups out there who are going to be finding it very difficult to get access to the lake.

Mr Moore: We will explain it to them. We could not trust you.

MR HUMPHRIES: They are not going to ask you about it; they are going to blame you for it and feel very disgruntled about the whole situation.

Mr Moore: It is all right. We will wear it.

MR HUMPHRIES: If members feel we have done the wrong thing, move a motion of condemnation of us or go even further and censure the Government if you want to. Do not take it out on people who are users of the lakes. We are talking about a very large area, a very significant part of the city of Canberra; not just Lake Burley Griffin and its foreshores, but the foreshores and the body of Lake Ginninderra, the body and the foreshores of Lake Tuggeranong.

Ms Follett: And Gungahlin.

MR HUMPHRIES: Well, okay; Gungahlin pond, if you like, yes.

Mr Stefaniak: Is it in?

MR HUMPHRIES: No; it is not actually in there. Gungahlin is not in there. All those parts of those three lakes are constantly the subject of requests for different uses. I would dare say that every week the Government gets a request to have some different use of the lakes or the foreshores. What we are saying is: If the Assembly happens not to be sitting between when the request is made and when the proposal is meant to operate, we cannot authorise the change in use. It is a very odd way of punishing the Government; you are punishing members of the public who might be in that difficult position. Mr Speaker, I would ask members to reconsider the effect of this motion.

MR STEFANIAK (Minister for Education and Training) (12.06): Mr Speaker - - -

Ms McRae: We thought he closed the debate.

MR STEFANIAK: No, I have not spoken yet. Further to Mr Humphries's points: It is quite conceivable that in February 1998 those opposite may well be the next government of the ACT and this would affect very much their ability, as Mr Humphries has quite correctly stated, to allow sensible use of the lakes. I say that quite seriously. That is something that affects anyone who is on this side of the house. That could come back and bite you. If you support Mr Moore's motion and not the amendment you are, I think, hoist with your own petard. Let us be a little more realistic. Yes, you could have done something else; maybe something like a condemnation motion would have been more appropriate if you did not like what happened in relation to the futsal slab.

Quite clearly, Canberra does need to be a lively city. We do need events. We live in a very highly competitive country, too. Other States are busting their guts, basically, to get major events to their States and Territories. We do have an excellent city, with a lot of attractions for people; and people want to use our facilities. They want to see our facilities used - used properly, yes; but used. The effect of this motion is to shut down one of our major resources and a resource people get a lot of pleasure out of, and rightly so. If the Labor Party supports Mr Moore's motion, that is exactly what you will be doing; and I am sure it is going to come back to bite you.

Really, this motion smacks of NIMBYism. It is not terribly well thought out. I think Mr Moore could have gone about it in a much better way than he has. Mr Humphries's amendment, I think, gives sufficient protection to what I assume the intent behind Mr Moore's aims is. But if you support Mr Moore's motion as it is you will be crucifying, I think, a lot of proper use of the lakes and causing a lot of people in Canberra a lot of angst. You will be stopping a lot of sensible events going ahead, and that is going to come back and bite you.

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MR MOORE (12.08): Mr Speaker, I am speaking to the amendment, without closing the debate. I believe that is appropriate. At this stage I am willing to accept Mr Humphries's amendment and the reasons. First of all, if we look at the original amendment that Ms McRae circulated and that this Assembly decided was not relevant, it had in it "any significant public works". Labor were, indeed, using the term "significant". I must say that I accept the amendment with some trepidation, because this motion is very much about the fact that we do not trust Mrs Carnell. What Mr Humphries is now saying to us is, "Please trust us to use the word 'significant' appropriately". I think that is the point that Mr Whitecross correctly made.

The message that is going to the Government very clearly through this motion is that when we are talking about lakes and lake foreshores and you have promised consultation, we expect it.

Mr Whitecross: We thought the message got through after the last time.

MR MOORE: Mr Whitecross correctly says that the message should have got through last time. There is a difference between what Mrs Carnell has done and what Mr Humphries has done. Recognising that Mr Humphries has generally consulted upon such issues and considering that he understands that events such as a motor car rally on the foreshores of the lake are significant events, so that we are talking about setting a standard - as opposed to whether you will allow another tent outside Stage 88 on Australia Day, which is not a significant issue - I am prepared to wear the amendment. Mr Osborne has indicated that he is prepared to wear this amendment as well, for the same reasons.

Amendment agreed to.

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

LEGAL AFFAIRS - STANDING COMMITTEE **Report on Inquiry into the Efficacy of Surveillance Cameras**

MR OSBORNE (12.11): I present Report No. 2 of the Standing Committee on Legal Affairs entitled "*The Electronic Eye - Inquiry into the Efficacy of Surveillance Cameras*", together with extracts of the minutes of proceedings. I ask for leave to move a motion in relation to the report.

Leave granted.

MR OSBORNE: I move:

That the Assembly authorises the publication of the report of the Standing Committee on Legal Affairs entitled "*The Electronic Eye - Inquiry into the Efficacy of Surveillance Cameras*".

Question resolved in the affirmative.

MR OSBORNE: Mr Speaker, I move:

That the report be noted.

This inquiry has taken a lot longer than expected because of the amount of material the committee was able to uncover. The task given to the committee was to see whether surveillance cameras had a role in preventing crime in public places, with a view to the issue surrounding the possible use of them here in the ACT. The committee received submissions from a wide range of groups and individuals, and at one stage spent a couple of days in Queensland looking at two of the systems that are in operation there - one in Brisbane covering the Queen Street Mall and Fortitude Valley, and one in the Gold Coast in the mall there. Mr Speaker, video surveillance cameras, or closed circuit television systems, are used in several countries around the world and are becoming widely used in Australia. By and large, there are two main reasons for this expansion. One is based on a public perception that certain areas of a city or town are unsafe, and the other is a recognition of business opportunities by private security companies.

It was surprising for me to learn, Mr Speaker, although with some exceptions, that the following is often a typical Australian scenario: A private security company approaches a town or city council with a proposal to sell or trial a surveillance camera system. That is not too different from what happened here in the ACT. Occasionally - I must stress the word "occasionally" - some pre-installation research would be done, but, unfortunately, this does not appear to be very common. A system of non-legally binding protocols is then worked out between the relevant parties, more than likely by the company installing the cameras, usually the local council, the police and other interested parties, and then about a dozen or so cameras are installed. Typically, and sadly, signs are not put up, so the public are unaware that they are under observation. A little while after initial installation, and usually after very little or no evaluation at all, the system is then gradually and increasingly expanded.

The two main problems with this scenario, Mr Speaker, are the worldwide lack of suitable privacy legislation and, in Australia especially, that the rapid expansion of surveillance camera systems largely appears to be industry driven and not based on accurately researched facts. The committee was surprised to learn of the number of councils around Australia that have already installed surveillance camera systems, but most do not know what the others are doing with these systems. The committee was even more surprised and extremely disappointed and concerned to learn that surveillance cameras are already in use in several public places here in the ACT without signs notifying the public and without being subject to any privacy legislation or written protocols for their use.

This committee has come up with a number of recommendations which form, we think, an appropriate step-by-step process which we believe members of this Assembly should carefully consider when assessing and debating the possible use of video surveillance. I will briefly mention those steps, Madam Deputy Speaker. Recommendation 1 requests the ACT Attorney-General to initiate a review of the use and effectiveness of video surveillance systems currently operating in this country. The reason for this,

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Madam Deputy Speaker, is that no substantive before and after research has ever been done in this country. Offhand, I do not think there has ever been any academic or scientific basis for the installation of cameras. The use of surveillance cameras is rapidly expanding across the country, usually based on perceptions and on enthusiastic sales pitches. It is time for us all to know whether they really work in preventing crime.

Recommendation 2 requests that the Government reconsider the recommendations contained in the "Civic by Night" and the "Role of Urban Design in Crime Prevention and Community Safety" reports. Madam Deputy Speaker, in his presentation speech to the Assembly for the latter report, Mr Humphries commented:

Worldwide research has documented links between crime prevention and the physical design, management and planning of facilities and urban areas. The study sets out to identify those elements of urban design which contribute to crime and anti-social behaviours, or give rise to perceived fears of crime, with the aim of formulating advisory design guidelines for future planning, building and development.

The committee agrees with what Mr Humphries said, but we would like to see the Government reconsider the recommendations in that report.

Recommendations 3 to 7 require the Government to enact privacy legislation and to appoint an independent ombudsman with powers to investigate complaints before any trial of surveillance cameras is under way here in the ACT. Madam Deputy Speaker, one of the biggest issues for everyone on the committee, I think, and one of the underlying themes through the submissions that we received, revolved around these issues, especially the issue of privacy. The argument was put forward that once people go out into the public they no longer have that right to privacy. It was a view that the committee disagreed with. We feel it very important that the rights and the privacy of the individual be assessed and that some legislation be put in place to protect those rights before a trial goes ahead.

In Great Britain there are approximately 200,000 video surveillance cameras in some 250 town centres, all of which are not subject to privacy legislation. With less than two-thirds of those cameras even being covered by a code of practice, it is little wonder that the video *Caught In The Act* - footage often seen on television, I believe, not long ago - contained material of a very intrusive and personal nature and is now a best-seller. I understand that this video sold 80,000 copies in the first three weeks, which is not bad at \$15 a piece. The lack of adequate privacy laws in that country is further emphasised by the fact that the footage used in this video was lawfully obtained from private security companies who were supposedly working under strict protocols.

Here in Australia, Madam Deputy Speaker, the Federal Privacy Act does not cover video surveillance cameras, which means that any existing code of practice arrangements are only arbitrary and not legally binding as well. I once heard it said that rules without consequences are only good advice. That certainly seems to apply in this situation.

The problem with locally worked out codes of practice and protocols is that, although they are very well intended - I am sure they are well intended at the two places that we saw - there are no consequences for either accidental or intentional breach, and make no mistake, Madam Deputy Speaker, they are being breached here in Australia.

I want to mention one incident in particular. We had a meeting with the Queensland police. The deputy commissioner of the police force up there was very proud of the fact that some of the successes from the video were being shown at the police academy. I would suggest that that was in breach of any protocol in place up there. During the course of this inquiry the committee soon came to realise that the parties involved in putting together and working under these protocols generally have a very low appreciation of the serious nature of the privacy issues involved in working with surveillance cameras.

Another situation that the committee became aware of while we were researching this issue was that a security firm which sold and monitors a system for one council used video footage from its monitoring operation in its sales presentation to at least one other place, contrary to the protocols it was operating under. That was another blatant breach, I would suggest, of any so-called protocols that were in place. The footage seen included street assaults and the corresponding police response, and it was seen by a group made up of local and State government officials, the police and a group of local businessmen. To date I am fairly sure that the council which owns the original video footage does not even know that this has taken place.

Despite all of these problems elsewhere, Madam Deputy Speaker, one of the big issues for the committee was the fact that there has been no research done into the effectiveness of these cameras. We feel that there is the opportunity to get it right here if it can be shown that surveillance cameras do have a positive impact. I would suggest that cameras are often put in place for a political purpose. They are often put in because a council member or a member of a State parliament or an Assembly makes some sort of outlandish promise about law and order issues. Because video cameras to a certain extent often increase the public's perception of their safety, they are often put in with no real research done into whether there is a problem, and, after they have been in place for any period of time, no research is done into what impact they have had. One concern for the committee was the fact that once the surveillance cameras went in we could not ascertain any place where they had been pulled out. I think in 99 per cent of times they have been expanded without any consultation.

Madam Deputy Speaker, recommendations 8 to 10 cover the process of conducting a possible trial. We felt that once proper research has been done, once the Government has considered our previous recommendations and what it can do to change the physical environment of Civic, such as improving the lighting - the committee is of the opinion that that, in itself, will have some sort of impact - and once privacy legislation is in place, then, and only then, should the Government consider a trial.

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As I said before, Madam Deputy Speaker, one of the big concerns raised by Terry O’Gorman, an advocate of privacy issues in Queensland, is that once cameras go in it is very hard to pull them out. One of our recommendations is that after the trial has been conducted they should be turned off. Then the committee will have a chance to assess the impact. The committee will have a chance to look at the report and make an informed decision as to whether the installation of surveillance cameras has been effective. The committee also gives notice, Madam Deputy Speaker, that it will be closely monitoring this trial if it goes ahead. We will also closely monitor any proposal to permanently install, expand or operate any system in the ACT.

Madam Deputy Speaker, the final recommendation, No. 11, relates to surveillance cameras already in use here in the ACT. I am sure that very few Canberrans would know of the cameras that are already operating at the Woden and Belconnen bus interchanges, the West Belconnen and Mugga Lane tips and around the Legislative Assembly building. There are no written protocols in place for these cameras. There are no signs and no legislation in place to protect the privacy of the general public. The committee has recommended that this situation be rectified immediately. I would also like to inform members that I have placed a question on notice to the Attorney-General asking where exactly in the ACT all the surveillance cameras are operating.

Madam Deputy Speaker, to sum up, it is obvious that surveillance cameras definitely do assist the police in catching criminals and detecting criminal activity. However, the committee was unable to come up with a definitive assessment of the effectiveness of surveillance cameras in preventing crime. Everywhere we went we asked for information on what the situation was like prior to the installation of the cameras and what impact they had had. The committee heard a lot of anecdotal evidence from other cities about just how good it has been. (*Extension of time granted*) However, much of this evidence remains unsubstantiated as there has been no comprehensive before and after evaluation done.

By the end of this inquiry the level of crime and the problem in Civic had still not been satisfactorily clarified to the committee. We asked on numerous occasions for figures that we could read and understand. We got from the Attorney-General’s Department a lot of information but it was very hard to read. That is a view shared not only by me, I might add, but by the whole committee. The Australian Bureau of Statistics noted that about 70 per cent of criminal assaults in the ACT go unreported, and we were also unable to conclude how the information we had directly compared with other areas of Canberra or with other cities in Australia.

Finally, Madam Deputy Speaker, the committee has not given the use of surveillance cameras in Civic and other parts of the ACT an unqualified thumbs up. However, we have outlined a process whereby that kind of approval may be given if the Government looks at the recommendations that we have provided. It was a very informative committee, Madam Deputy Speaker, and one that I enjoyed. It was the first media report that I have done. Having sat on the Scrutiny of Bills Committee for 18 months, I unfortunately did not have the benefit of Professor Whalan on this committee. I would have liked it at times. I would like to thank both Rosemary Follett and Trevor Kaine for their valuable input. Looking into this issue was enjoyable. I am pleased to say that we tried to approach this question on a bipartisan basis. We wanted this report to be

recommended by everyone and I think we have achieved that. We have covered lots of issues there and I am sure that both Rosemary and Trevor will mention them when they have their opportunity to speak. I would like to express special thanks to our secretary, Beth Irvin, who was also working on her first report. She certainly hounded the hell out of me and became a tremendous asset in the preparation of this report. Madam Deputy Speaker, I commend the report to the Assembly.

MR KAINE (12.30): I will be brief, in view of the lateness of the hour, but I have to say that I support this report. I found the inquiry a most interesting and informative one and the things that came out of it for me were threefold. The chairman has traversed all the content of the report and there is much in it, but there are three aspects of this business of surveillance cameras that were brought home to me during the inquiry.

The first is the question of justification for putting them in in the first place. Although these things have proliferated in Australia, forgetting the rest of the world, there appears to have been no research whatsoever done to determine whether they were necessary in the first place. Nor could we find any evidence that, having installed them, anything substantive was achieved by it. We were told that people feel safer and, when we asked the question, "How do you know that? What surveys have you done?", the reply was, "Oh, well, we just know". When we asked whether crime had reduced with the installation of these cameras we were told, "Yes, it did". When we asked whether we could have the statistics, there were none. So we have had a proliferation of surveillance cameras in all kinds of places throughout the length and breadth of Australia and there appears to have been no work done to determine whether or not they are cost effective. That is the first point.

The second point is the question of protocols as to their use. We were told in Brisbane that there were protocols that covered who could operate the surveillance cameras, who provided the monitoring, what could be done with the tapes, that the tapes were under strict controls and there was comprehensive auditing of a system, and so on. We did not sight any of those protocols. As the chairman has pointed out, in some instances it appears that the protocols are not as effective as some people might think they are, in terms of what happens to the tapes, for example.

The third point that came to me, and the most fundamental, was this question of privacy. There is an argument that those who are not doing anything wrong have nothing to fear, so they should not mind being under constant surveillance in a public place. I do not subscribe to that. Do you? Nor, incidentally, does the Australian Privacy Commissioner, and I think that his argument is a valid one. Because you are in a public place does not mean that everything that you do and say is susceptible under any circumstances to surveillance. If you are going about your business in a legitimate way, if you are going about your recreation in a legitimate way, I see no argument that says that because you are in a public place it is reasonable and proper that you be under surveillance, and that that is justified on some basis that if you are not doing anything wrong you have nothing to hide. There is much that one does in public places that is still private in nature. Whom one associates with is a matter of privacy. You ought not necessarily have people observing you constantly, seeing whom you meet, where you go and what you do.

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These cameras can be very intrusive. We had a very good demonstration in Brisbane. You could focus the camera inside a shop 200 metres away. When you looked at it the shop was dark and you could not see in it with the naked eye. But this camera was able to penetrate inside that shop. You could identify the four or five people who were in there and what they were doing. That is hardly a public place; yet the cameras had the capacity to do this. So I think there is this fundamental question of privacy and that people are entitled to go about their lives without being observed. This argument that if you are not doing anything wrong you have nothing to hide and you should not mind is spurious. I think there are some major issues there, Madam Deputy Speaker, and the report deals with them.

The report concludes that there should be a trial. I support that recommendation because it may well produce some of the answers to the questions that came to us on the inquiry. Answers were not available. What was the incidence of crime before these cameras went in? What was the incidence of crime later? Has there been an improvement that can be demonstrated? If you set up proper control arrangements, I am sure that that can be done. There is the question of making sure before it all starts you have an accepted protocol that determines who gets to see these videos and what can be done with the tapes and the like. A trial will answer, perhaps, some of the questions about whether people's lives are being unduly intruded upon by having these cameras in public places observing what people do, regardless of whether they are engaging in any illegal activity or not.

Madam Deputy Speaker, I commend the report to the Government. I think there is much in it that needs thought. I do support it. I would look forward with interest to the results of this trial, provided that the prerequisite conditions that the committee has recommended are set in place first.

MS FOLLETT (12.37): It is very pleasing to me to be speaking on this report, especially as it is a unanimous report of all members of the committee. I am sure members are aware that at the start of our inquiry all three members of the Legal Affairs Committee had rather different views about surveillance cameras. I think it is a tribute to the genuine spirit of exploration on this issue that we have come up with a report which reflects all of our concerns and which reaches unanimous recommendations for the Government.

At the beginning of our inquiry, Madam Deputy Speaker, my concerns about the use of surveillance cameras in public places really fell under three headings. They were, first of all, the privacy aspects, and my view that people were entitled to go about their daily lives, particularly in public places, without being under surveillance; secondly, the efficacy of the cameras themselves, and whether they served any useful purpose in the prevention of crime and the promotion of community safety; and, perhaps as a concomitant issue, the question of displacement of crime, and whether, even if you did prevent crime in one area, you were simply forcing it to another area.

On the question of privacy, Madam Deputy Speaker, we received extremely revealing evidence. The most revealing evidence, I believe, was that which we obtained on our visit to Queensland. Mr Osborne, the committee chair, has spoken about many aspects of our information-gathering during our Queensland visit. I do not want to go over old ground,

but I will say that there is no doubt whatsoever in my mind that the surveillance cameras in use in Queensland have been subject to unauthorised and totally inappropriate release of video footage. Mr Osborne spoke about a number of instances, and I would like to comment, Madam Deputy Speaker, that there has also been release to the media of video footage.

I will table, for the information of members, some newspaper clippings which show, quite clearly, that video footage has been released to the media. Sometimes it appears to have gone to the newspapers. At other times the newspapers have picked it up from televised releases. In all cases, Madam Deputy Speaker, the release of these pictures of victims, these pictures of alleged crimes being committed, was unauthorised and totally inappropriate. It was a gross invasion of privacy for all concerned. I will table those rather poor quality documents.

Leave granted.

MS FOLLETT: Madam Deputy Speaker, in our discussions with the Queensland police, as Mr Osborne has mentioned, there were other instances of the inappropriate release of video film. In fact, in the notes which I have, which I took in the course of our conversation, I have noted three such instances. The first was where the tape was used by a police officer to be cleared of CJC allegations. As Mr Osborne has commented, there was another instance where the tapes were being used in the police training academy. I have a further note of a success story compilation video which the police had put together. In none of those instances would the release of those videotapes have fallen within the protocols which we were assured existed for the protection of privacy. So that is a clear concern to everybody on the committee.

Madam Deputy Speaker, I totally endorse the committee's finding that before we embark on the use of cameras in public places in Canberra we must have appropriate privacy legislation. I was also very pleased to see the Federal Attorney-General, Mr Daryl Williams, mention on the media that he has concerns about privacy and the use of video surveillance cameras. The interview with Mr Williams that I saw indicated that he would be moving legislation to protect people's privacy from video surveillance. If that is his course of action, I thoroughly endorse it. I think that it lends weight to the committee's first recommendation, or request perhaps, which was that our Attorney-General, Mr Humphries, take up these privacy issues on a national level. If Mr Humphries does that he may well find a receptive audience in his Federal counterpart.

Madam Deputy Speaker, on the question of the efficacy of video cameras, both of my committee colleagues have mentioned that there simply is no proof one way or the other. However, I do want to mention a couple of issues. The first is that there is no doubt in my mind that people feel safer when there are video cameras around. That is particularly the case in areas which have received a bad reputation, rightly or wrongly, as centres of crime. The other point in favour of the video cameras is their use as an evidentiary tool when it comes to prosecution for crimes. There was no doubt that the degree of

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resolution of video footage does allow a very accurate identification of people accused of a crime, so as an evidentiary tool they undoubtedly have merit. But, on the basic question of whether they prevent crime or not, there simply is no evidence, one way or the other, and the committee searched long and hard to find any such evidence.

The question of displacement was of great concern for the committee because it did seem to us that by virtue of the proliferation of these cameras crime was simply moving from one area to another. In fact, once you start down the path of installing video cameras you have to keep doing it, moving further and further away from the original site of operation. My concern on that score is borne out, I think, in the committee's report.

To summarise, Madam Deputy Speaker, my overall impression, following our inquiry into this matter, is that the installation of video cameras can be put down to two major motivations. One, undoubtedly, is politics. They are promised and installed by politicians wanting to appear to be cracking down on crime. I say that knowing that, in fact, many Labor politicians have done just that; but that is, undoubtedly, one of the motivations. Another major motivation is commerce. We were told in the areas that we visited that the chambers of commerce had pressed hard for the introduction of video surveillance cameras in areas like the Queen Street Mall and the Gold Coast. In fact, Madam Deputy Speaker, chambers of commerce had made a substantial financial contribution towards the systems in some of those areas. They may well be right. As I say, we have no statistics, but I do note the scale of the issues that they were facing, particularly in Brisbane, where we were told that the Queen Street Mall receives some 600,000 visitors per week. That is a huge number when you consider that our largest tourist attraction, the War Memorial, receives around one million per year. That gives you some idea of the scale. Also, there are an estimated 35 licensed premises within just that couple of blocks. Again, that is a huge number compared, say, to our Civic experience.

Finally, Madam Deputy Speaker, I would like to join my colleagues in thanking everybody who contributed to our report - the people who put in submissions and the people who met with the committee, particularly the people in Queensland who were extremely generous with their time and their information. I might note that they were even unguarded on some occasions, Madam Deputy Speaker, and they may regret that in future. It was a very information-rich experience for me. This is my first report on this committee and I have enjoyed it very much. I would like to congratulate the committee secretary, Beth Irvin, on her first committee report. It is a new area of work for Beth. I think she has done a grand job. It has been very informative. It is wonderful to come up with a unanimous report, Madam Deputy Speaker, and I only hope that the Government takes their task in examining this report as seriously as the committee took the task of putting it together.

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

Sitting suspended from 12.47 to 2.30 pm

DISTINGUISHED VISITORS

MR SPEAKER: I inform members of the presence in the gallery of members of the Parliamentary Special Select Committee on Bills and Legislation visiting from the Solomon Islands. The delegation is led by the chair of the committee, the Hon. Michael Maina, MP. Welcome to Canberra and welcome to this Assembly.

QUESTIONS WITHOUT NOTICE

Unisys People Project

MR WHITECROSS: Mr Speaker, my question is to the Chief Minister. Chief Minister, I refer you to the budget papers and to the reference to the joint venture that you signed with Unisys relating to the company's attempts to secure a substantial share of what has become known as the year 2000 problem. In your joint press release and media interviews with Unisys on 26 August, it was stated that the Government estimated that this initiative would generate more than 1,000 jobs in Canberra. Interestingly, the press release said that that was a Government estimate and not an estimate from Unisys. How did the Government calculate that this initiative would create 1,000 jobs in Canberra? Can the Chief Minister advise how many people across Australia will be employed by Unisys under this scheme and how many of these will be full time and how many will be part time?

MRS CARNELL: Mr Speaker, I have to admit that it is not the question I expected today straight after the budget, but I am very happy to answer it. If Mr Whitecross had been at the press conference or had listened to the media reports, he would realise that Unisys made it very clear at that conference that Unisys People will not be employing terribly many people. I think I made that point in this house. What will happen, though, is that the Unisys People project, through subcontractors and through other options, will produce over 1,000 jobs. The figure of 1,000 jobs that we are talking about, as I think I said in this place as well, was a figure generated by Unisys itself. In fact, they suggested that the figure of 1,000 was very conservative. They believe it will be higher than that, but because we are a conservative sort of a mob on this side of the house we decided to go with the conservative figure.

When I launched Unisys People, and I think I answered a question in the house about it as well, I made it clear that the jobs that we are talking about will be all sorts of different jobs. They will be jobs in a number of different areas - in marketing, in systems analysis and, of course, in data entry. There will be all sorts of levels of expertise among the people involved. In fact, it is very interesting to note that the training programs at CIT are due to start next month, in October. We are starting right now to get that training up and running. When I launched this program jointly with the Australian managing director of Unisys Australia, I also said that the jobs would range from part time, if that is what people want, to full time, if that is what people want. The amount of work, as I think the

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managing director of Unisys made clear, is almost limitless, because the amount of data that has to be changed as part of the year 2000 problem is just enormous. In fact, some of the computer companies are suggesting that they may have to move a lot of the data correction off shore, simply because there will not be the people power in Australia to do it. One of the major computer companies that we have been speaking to recently believe that they may have to look at an offshore work force.

Mr Whitecross: I raise a point of order, Mr Speaker. The year 2000 problem is a fascinating problem and I am sure we could listen all day to Mrs Carnell explaining the year 2000 problem, but my actual question was: How did the Government calculate that the initiative would create 1,000 jobs, and can the Minister advise how many people Unisys expect to employ across Australia from this scheme? She has not answered those questions.

MRS CARNELL: That is exactly what I was talking about - the number of people who would - - -

Mr Kaine: I think the Chief Minister heard the question, Mr Speaker.

MRS CARNELL: I was explaining exactly what was happening as a result of Unisys People. We made it very clear, in that particular media conference and in all of the interviews that were done after that, that Unisys People will predominantly be a training entity. A subcontractor will be in the business of getting the business.

Mr Berry: More smoke and mirrors.

MRS CARNELL: Not at all. It is very interesting that Mr Berry says, "Smoke and mirrors". I do not believe that companies like Unisys Australia would like to hear that sort of comment.

Mr Berry: Snake oil from you.

MRS CARNELL: No, that is what you sell. I sell cough mixture; you sell snake oil. The reality, Mr Speaker, is that Unisys themselves indicated that the number of jobs that would be created as a result of the Unisys People initiative with the ACT Government would be significantly higher than 1,000 - 1,000 was a conservative estimate. Those jobs will be predominantly as subcontractors. They will be subcontracting work to local small business, local subcontractors. Unisys determined how many jobs they believed would be created by the whole thing.

Mr Whitecross: You said that the Government estimated it.

MRS CARNELL: No, I said that Unisys did. Unisys said that Unisys estimated that that would be the case. In fact, they suggested that it would be even more than that. We believe strongly, and I think that every reasonable commentator on this - - -

Mr Berry: Oops! Minister, you may have misled the Assembly.

MRS CARNELL: No, I have not. It is fine. The reality is that, quite seriously, the managing director of Unisys said on camera that he believed that this sort of estimate was conservative and could be achieved.

MR WHITECROSS: I ask a supplementary question. Mrs Carnell, if in fact Unisys did the estimate, why did you in a joint press release say that the Government had made the estimate? Can you also confirm that applicants wishing to take advantage of this opportunity with Unisys would need to pay for their own training, at a cost of up to \$600 a day, with no guarantee of a job?

MRS CARNELL: We also have made it very clear, including in this place, that yes, people will be required to pay for the UP courses. Most vocational training at CIT is on a fee-for-service basis. The reality is that these are real jobs. Those opposite can scoff. The reality is that a major bank has recently indicated that they believe that the year 2000 problem will cost them some \$70m to fix. That \$70m is predominantly in wages.

MR SPEAKER: Which bank?

MRS CARNELL: Not which bank, the other big one. Mr Speaker, the predominance of the - - -

Mr Whitecross: How many of those jobs will be in Canberra?

MRS CARNELL: How many of those jobs will be in Canberra? That is really interesting. Part of the Unisys People agreement is that, hopefully, CIT will be the accredited trainer of all of the people who will be part of this approach. If CIT is the first tertiary institute to start running these courses, it means that our people are in there with the inside running. It means that as many of those jobs as possible will be here in Canberra. I think that is exciting. I think it is really unfortunate that those opposite, and Mr Moore as well, think that jobs are not important to this city and that government should not be at the forefront of creating jobs. The fact is that we will stay at the forefront.

Mr Whitecross: On a point of order, Mr Speaker: The issue is not that we do not think jobs are good. We just think it is bad that Mrs Carnell exaggerates.

MR SPEAKER: There is no point of order. Resume your seat.

Mr Whitecross: Mr Speaker, I seek leave to table the media release, which says that Mrs Carnell says that the Government estimates 1,000 jobs, not Unisys.

Leave granted.

Job Creation

MR MOORE: Mr Speaker, my question is also on jobs. It is for the Chief Minister. I note that the budget theme is jobs for Canberra. In your enthusiasm this morning, Chief Minister, you said in debate that you would pursue jobs at any cost. You said that the cost does not matter; that the only thing that is important is jobs. Does this mean that you are prepared to decimate the environment for more jobs? Does it mean that you are prepared to ignore any sense of morality for more jobs? Does it mean that you will be prepared to sell off all assets just to get some more jobs? Does it mean that you will forgo the promise of full consultation if it means more jobs? Does it mean that you are prepared to borrow to create more jobs? Does it mean that future generations of Canberrans will have to pay for the mistakes and mess you are creating with your jobs-at-any-cost philosophy, or did you mislead the Assembly this morning when you stated "jobs at any cost"?

MR SPEAKER: You are skating very close to the hypothetical.

MRS CARNELL: It was an absolute hypothetical, but I am very happy to use it to answer the question about jobs and how much this Government cares about jobs. Thank you very much.

Mr Moore: I raise a point of order, Mr Speaker. The Chief Minister has the gall to stand here in front of you, Mr Speaker, and say that she is going to be irrelevant. She said, "It does not matter about the question. I am going to talk about our policy on jobs". There is a question before her about whether or not she really believes in jobs at any cost or whether she misled the Assembly.

MR SPEAKER: Give her a chance to answer the question and you might find out.

MRS CARNELL: Mr Speaker, I think those who have a look at the *Hansard* report of this morning will know that I said that I believe in jobs at any cost, taking into account, obviously, environmental issues, which is exactly what I said this morning. That is what I stand by, Mr Speaker. I think that one of the most important things here is one word that Mr Moore spoke about, and that is morality. I do not think it is moral to have 8.9 per cent of Canberrans out of work. I believe that a moral government is a government that will do everything in its power to make sure that young people and Canberrans have jobs, and that is what we will be doing.

That is what *Jobs for Canberra* is about. That is what the 270 jobs in the ACT Public Service are about. That is what the 2,700 full- and part-time jobs and the 3,000 training jobs are about. They are about a government that does not believe that it is all right to sit on its hands and allow our unemployment figures to continue to rise. What our budget figures show is that what this whole budget strategy is about is stemming the tide, stopping the approach that the Federal Government has taken, stopping the slide in employment that we have seen over the last six months. This is a budget that attempts to, and I believe will, turn that slide around.

MR MOORE: I ask a supplementary question, Mr Speaker. When was it, Chief Minister, that you changed either to this policy or to this rhetoric from the time that you took \$14m out of capital works to fill up a hole in the health budget - \$14m that you have agreed would create hundreds of jobs in Canberra?

MRS CARNELL: Mr Speaker, I am not sure that Mr Moore understands that the money that is spent in the health budget is 75 per cent wages related. The fact is that the money we spent on health was spent on wardsmen, nurses, doctors - all of those people. The reality is that, whether we spend the money on capital works or on health, we are still spending it on jobs.

Cardio-Thoracic Unit

MR KAINÉ: Mr Speaker, through you, I address a question to the Chief Minister and Minister for Health and Community Care. Minister, I ask you to cast your mind back to September 1993, when Mr Berry was the Minister for Health in the then Labor Government. At that time he said - - -

Mr Berry: A much younger Mr Berry. It was so long ago.

MR KAINÉ: You want to listen to this, Mr Berry. I am quoting you. Mr Berry said:

This Government started up the process to establish a cardio-thoracic unit.
We are the only ones that will carry it through.

Chief Minister, can you tell us how it actually came about that the ACT is to get a cardio-thoracic unit, and can you confirm that that statement made by Mr Berry in 1993 represented just a bit more Labor rhetoric, another case where they were long on rhetoric but short on delivery?

MRS CARNELL: Thank you very much, Mr Kaine, for the question. Mr Speaker, it should be a matter of great embarrassment to Mr Berry that the former Labor Government failed to establish a cardio-thoracic unit at the Canberra Hospital.

Mr Berry: I raise a point of order, Mr Speaker. We started the process going. Mr Kaine might have asked why the \$500,000 was not spent on the cardio-thoracic unit last year.

MR SPEAKER: There is no point of order.

MRS CARNELL: It was. In contrast, we on this side of the chamber are about to deliver. In January 1992 the ALP's health policy proudly announced that Labor was planning for a cardio-thoracic unit in Canberra with an estimated cost of \$4m to run. That is straight out of their policy on health. In January 1995, three years later to the day, the next ALP health policy said that Labor would create - still "would create" -

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a cardio-thoracic surgical unit in Canberra for a cost of \$1.1m. Oops, \$1.1m! Here is the \$1.1m and there is the \$4m, both from a Labor government. They are the two promises three years apart. Mr Speaker, what happened between 1992 and 1995? Absolutely nothing happened between 1992 and 1995, except of course that the cost of the cardio-thoracic unit mysteriously dropped by \$3m. This is the first time that I have ever seen the cost of anything in the hospital system drop by \$3m over a three-year period. If you have a government that does not even know how many patients they treat in their public hospital system, then I suppose how much it actually costs, give or take \$3m, really does not matter.

Mr Speaker, the cardio-thoracic unit, like the adolescent ward, was one of Labor's touchstone promises. Mr Berry said three years ago, "We are the only ones that will carry it through". He failed on both counts. We now have an adolescent ward opened by this Government earlier this year. By the way, I am very interested to hear Mr Berry make the comment - - -

Mr Berry: You closed beds in obstetrics.

MRS CARNELL: I think it is very interesting to hear Mr Berry. I have just referred to the 1995 health policy, that document of those opposite. After six years of failing to deliver, Labor promised to open an adolescent ward but - wait for this - only if it was budget neutral, which would have meant redirecting resources from other areas of the hospital. That was their policy. Mr Berry is found out again.

Mr Berry: You promised 50 beds.

MRS CARNELL: Mr Speaker, he cannot even interject correctly, let alone get a health policy right. Mr Berry has certainly been having a shot at me on that one. I have just shown that their own policy says the same. In June 1997 this Government expects that the first patient will undergo surgery in the Canberra region's new cardio-thoracic facility. To help with this reality, we have allocated \$2.7m for staff training, set-up and infrastructure costs. That is not the first money we have spent on the cardio-thoracic unit at all. In fact, some of the equipment has already been purchased, and the ward space is already in place. On 18 September this year, Mr Berry criticised the allocation of this money. I would like to quote from his media release. He said:

The people of the ACT have been short changed in Mrs Carnell's 3 year budget ...

If Mr Berry knew anything about cardio-thoracic surgery, he would realise that the cost of the service will increase when we actually start treating more and more patients. The fact that surgery is not due to start until June this year shows that our figures are right, contrary to the figures of the previous Labor Government. They had figures such as \$1.1m and \$4m. What is right? Who would know? The fact is that we are going to deliver.

MR KAINE: I ask a supplementary question, Mr Speaker. You mentioned, Chief Minister, the disparity in the figures that the Labor Party quoted. Is this because they were just fudging the figures, or is it simply that, as usual, they could not add up?

MRS CARNELL: Mr Kaine, it is very hard to work it out because, as Mr Berry obviously is the Labor Party's appointed health expert - - -

Ms Follett: I raise a point of order, Mr Speaker. Mr Speaker, I know that I have only to point this out to you to have it ruled out of order, but this question is entirely hypothetical - and calls for an opinion, what is more.

MR SPEAKER: Do not anticipate my response, Ms Follett. I uphold your point of order.

Change of Use Rights Charge

MS HORODNY: My question is directed to the Minister for the Environment, Land and Planning and relates to the announcement in the budget that betterment, which is now called the change of use rights charge, will be reduced from 100 per cent to 75 per cent. This seems to be in contradiction to the ACT Government's response to the Stein report, which was issued only in March this year, in which you stated that the use rights charge would be 100 per cent for all classes of land use but that there would be partial remission of the charge in appropriate cases as an incentive to development. You also rejected Stein's recommendation for an interim remission schedule which would have allowed a 75 per cent use rights charge. Could you therefore explain the Government's about-face on use rights charging so soon after the new policy was announced? Are you now saying that any development in the ACT should be encouraged regardless of its merits or its impacts on Canberra residents?

MR HUMPHRIES: Mr Speaker, I welcome that question from Ms Horodny. I believe that if she examines what I had to say at the time that the Stein report was responded to by the Government she will see that we made it very clear that we were disappointed with a number of things about the Stein report. I never indicated that we were wholly and unequivocally welcoming of the Stein report. We had a number of misgivings about it, and at the time I believe I expressed very clearly considerable misgivings about issues such as the then betterment, now change of use rights charge. It has been the Government's policy for some time, and still is, that betterment constitutes a barrier to investment in this city and is therefore an opportunity lost with respect to jobs and growth. I think I made that clear at the time that the response to Stein was tabled, but I will check that and I will make sure that that is the case before I confirm it unequivocally on the floor of the house.

Mr Moore: You did do that.

MR HUMPHRIES: Mr Moore confirms that I did. Let us assume for argument's sake that I did say that we were in favour of 100 per cent betterment. Mr Speaker, I believe that the point has now been reached in the life of the Territory where we need to consider every step we can possibly consider that will provide for investment and growth in this city. I have therefore said - - -

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Mr Moore: Would you go for jobs at any cost?

MR HUMPHRIES: Mr Moore says jobs at any price. I would not go so far, nor would the Chief Minister, as to say jobs at any price.

Mr Moore: I know you would not, but she did.

MR SPEAKER: Order! Ms Horodny asked the question.

MR HUMPHRIES: I think we will have to call it betterment, Mr Speaker. Everyone is going to call it betterment. That is what it is, I suppose. The reduction in betterment levels is a positive way of encouraging people to make a decision to invest in this city. I have no doubt about that. That is my personal view. We are going to test that view through a study, which was announced yesterday in the budget, by Professor Des Nicholls at the Australian National University to see what impact betterment levels have on investment in our city. In the meantime I think we owe it to people in the construction industry and elsewhere who are doing it very tough in the present climate to find every way we can to put an investment incentive into our system. Lowering betterment levels, unequivocally, does that.

MS HORODNY: I ask a supplementary question. What has happened to the Government's proposal for partial remission of the use rights charge in certain circumstances? Does the change to the 75 per cent replace the proposal for remissions, or could there be further remissions on top of the 75 per cent?

MR HUMPHRIES: I think that the partial remissions question is made clear in the budget documents. As I understand the situation, 75 per cent of betterment is the across-the-board situation. In situations such as the redevelopment of local centres where we talked about a lower rate of betterment or a remission on betterment, there will be a policy developed, which I have said I would put before the Assembly for its approval, as to how we reduce the betterment levels in those cases and what that lower rate should be. I believe that we have said in the budget that the rate should be 50 per cent in those circumstances, but the circumstances in which that 50 per cent will apply are a matter which I will put before the Assembly in due course for its approval.

Graffiti Removal

MR BERRY: My question is directed to Mr De Domenico as the Minister for Urban Services. It is about part-time jobs and is aptly directed at the Minister for some part-time responsibilities.

Ms Follett: The part-time Minister.

MR BERRY: The part-time Minister. *Jobs for Canberra*, Budget Paper No. 5, on page 16 talks about cleaning up Canberra. Minister, it states that \$700,000 will be allocated to create up to 60 jobs - fairly part time, I would suggest - cleaning up graffiti. This works out to less than \$12,000 per person.

Mrs Carnell: But you have the Commonwealth.

MR BERRY: What did you say - that I should talk to the Commonwealth?

Mrs Carnell: No. It has the Commonwealth money.

MR BERRY: Mr Speaker, how much of this \$700,000 is in fact going to be used to pay for administration of the scheme? How much of this \$700,000 is going to be spent on training of workers? How much of this \$700,000 is going to be used for transport to and from places of work? How much of this \$700,000 is going to be used for chemicals? How much of this \$700,000 is going to be used for occupational health and safety equipment? How much of this \$700,000 - - -

Mr Humphries: I raise a point of order, Mr Speaker. This is questions without notice. Mr Berry got it wrong, perhaps.

MR SPEAKER: There is no point of order. Proceed, Mr Berry.

MR BERRY: How much of this \$700,000 will be spent on OH and S equipment that will be needed to protect workers, and how much of it will be available for payment to the 60 workers?

MR DE DOMENICO: I am delighted by, and thank Mr Berry for, the comprehensive question without notice. I will take all the specific questions on notice. In terms of Mr Berry's general question - - -

Mr Berry: Mr Speaker, if the Minister has decided to take it on notice, may I add further information that I would ask him for an answer on?

MR SPEAKER: He is not finished yet. You can ask a supplementary question if you so wish.

Mr Berry: Mr Speaker, I am only interested in the specifics, so if he is going to take them - - -

Ms Follett: Not the rhetoric.

Mr Berry: Not the rhetoric; forget the rhetoric. I do not want the rhetoric; I just want the specific details.

MR SPEAKER: I am not interested in whether you want rhetoric or not.

Mr Berry: I know you are not, but have a look at the standing orders.

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MR SPEAKER: What I am interested in is that you have asked Mr De Domenico a question. Mr De Domenico is answering the question.

Mr Berry: No; he said he was taking the specific details on notice.

MR SPEAKER: He said he was taking some of it on notice. There is no point of order, Mr Berry.

MR DE DOMENICO: Mr Speaker, I note that Mr Berry might not like the answer he is going to get, but he is going to get it anyway. If he sits down and stays in order, he will get the answer. I recall that prior to the last election the former Labor Government set aside in their forward estimates an amount, I think, of \$1.7m for graffiti - - -

Mr Berry: I raise a point of order on the ground of relevance, Mr Speaker. I will just repeat the question, Mr Speaker - - -

MR SPEAKER: No, you will not.

MR DE DOMENICO: Mr Speaker, I suggest that you might consider naming the member.

Mr Berry: Mr Speaker, I do not think he has heard it.

MR SPEAKER: Order! I must admit that it is a strange way of asking a question to continually mention the same amount of money. Nevertheless, that is entirely up to you. The fact is that Mr De Domenico has indicated that some of the specifics of the question will be taken on notice.

Mr Berry: All of them.

MR SPEAKER: Just a moment. He said “the specifics of the question”, but he is still answering the general question.

Mr Berry: There are no generalities; they are all specifics.

MR SPEAKER: Sit down, Mr Berry.

MR DE DOMENICO: As I said, Mr Speaker, Mr Berry might not like the answer he is going to get, but he is going to get it anyway.

Mr Berry: I am not getting it anyway, because you have taken the question on notice.

MR DE DOMENICO: You are going to get it anyway. You are going to sit down and listen. Is Mr Berry going to stand up and tell me that he is against this Government employing 60 young persons who are currently unemployed for an amount of \$700,000? If that is what the Labor Party is all about, Mr Speaker, let him stand up and say so - - -

Mr Berry: Mr Speaker - - -

MR SPEAKER: You do not have to take that as an invitation. You may sit down.

MR DE DOMENICO: The facts of the matter are, Mr Speaker - - -

Mr Berry: I take a point of order, Mr Speaker. There remains an issue of relevance which I would like you to rule on. I will repeat the question to you, Mr Speaker. How much of this \$700,000 is in fact going to be used to pay for administration of the scheme, training of workers, the purchase of chemicals, things like transport to and from the job, and occupational health and safety equipment that will be needed to protect workers? How much of it, Mr Speaker, will be available for payment of the 60 workers? Would you ask Mr De Domenico to just stick to the specifics and, if he cannot handle the specifics, come back later when he can.

Mr Kaine: On a point of order, Mr Speaker: I draw your attention to standing order 202(a), and I ask you to instruct the member accordingly.

MR SPEAKER: I must say that my patience is being tested. Standing order 202(a) refers to people persistently and wilfully obstructing the business of the Assembly, but never mind. I will ask Mr De Domenico whether he will continue with his answer.

MR DE DOMENICO: Mr Speaker, as you are well aware, when the former mob were in power over a number of years, graffiti used to be around then, believe it or not. It is a problem that has been around the world for a long, long time. Mr Berry and his colleagues did nothing about it.

Ms McRae: Mr Speaker, I rise on a point of order. I would like to draw your attention to your ruling on relevance. The question specifically was: How much money will be spent on the workers? We want to know how much individually these 60 workers that Mr De Domenico claims are going to be employed will be paid. I would draw your attention to the standing order relating to relevance.

MR SPEAKER: Order! There is no point of order.

MR DE DOMENICO: In answer directly to that question, without getting specific, most of it will be spent on the workers. Had Ms McRae and Mr Berry either read newspapers - - -

Ms McRae: Thank you. That is it. Sit down.

MR DE DOMENICO: No, you do not tell me to sit down, Ms McRae. We are not at school now. We are not at school; we are in the Assembly. Whilst you might not like the answer you are going to get, you are going to get it anyway.

Mr Berry: I have a supplementary question, Mr Speaker.

MR SPEAKER: You will have a supplementary question in a moment, when Mr De Domenico finishes what he is saying.

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Mr Berry: He has said most of it. He has answered the question. I will give you the supplementary question.

MR SPEAKER: Mr De Domenico is the best judge of that at the moment.

MR DE DOMENICO: Mr Speaker, I refer you to standing order 202(a).

MR SPEAKER: Sit down, Mr Berry. You will have a chance to ask your supplementary question shortly, I have no doubt.

MR DE DOMENICO: Mr Speaker, whilst the other mob over the other side did nothing about it, this Government at least introduced the Can It Squad, introduced all sorts of issues and has cleaned over 700 graffiti sites already. Whilst this mob again talked about it and talked about it for four years and did nothing about it, this Government is prepared to spend \$700,000 to make sure that 60 young persons get full-time or part-time jobs. This mob opposite over here are attacking publicly - - -

Mr Moore: How many full-time jobs?

MR DE DOMENICO: And so is Mr Moore. Mr Moore would prefer to have no part-time jobs at all, by the way Mr Moore's rhetoric is going. This Government is prepared to stand up, Mr Speaker, and say that we are quite proud of the fact that we will provide part-time jobs or full-time jobs to 60 young people who currently are not employed.

MR SPEAKER: Do you have a supplementary question, Mr Berry?

MR BERRY: Mr Speaker, Mr De Domenico may have inadvertently misled the Assembly. I draw his attention to Budget Paper No. 5. It says:

It is proposed that up to 60 part time jobs be created at a cost of \$700,000.

Either he does not know or he has misled the Assembly. I just give him the opportunity to apologise for misleading the Assembly. Do you want to apologise?

Mr De Domenico: No. That was your supplementary question.

MR BERRY: No, it was not.

MR SPEAKER: Was that your supplementary question?

MR BERRY: I will do that later. My supplementary question, Mr Speaker, is: How was the figure of 60 new jobs arrived at? Can you confirm - and this, I think, is getting a bit close to the bone - that the number 60 was chosen to create a little headline for Mrs Carnell, even though this scheme will not create real jobs for the 50 per cent of young people who are out there looking for work and cannot find any?

MR DE DOMENICO: Mr Speaker, I am quite happy to take on the supplementary question. I am just amazed, absolutely amazed, that people on that side of the house are standing up and attempting to criticise this Government for creating up to 60 part-time jobs for young people and for spending \$700,000 of taxpayers' money in an attempt to create 60 part-time jobs for 60 young persons who are currently unemployed. If that is what the Labor Party and others are all about, shame on them! Is it any wonder that they have opposition and we have one thing that they have always wanted and will never get back again, and that is government?

Mr Berry: Mr Speaker, Mr De Domenico may have misled the Assembly. I drew your attention to it a moment ago. It says in the budget papers:

It is proposed that -

Mr Hird: Is this a point of order, Mr Speaker?

MR SPEAKER: It is a point of order.

Mr Berry: I am just going to give him the opportunity to apologise. I will move a motion if you like. The budget papers state:

It is proposed that up to 60 part time jobs be created at a cost of \$700,000.

Mr Speaker, that is from Budget Paper No. 5. Either Mr De Domenico does not understand these papers or he has deliberately misled the Assembly. I now give him the opportunity to apologise to the Assembly.

Mr De Domenico: Mr Speaker, I will not apologise to Mr Berry ever; but, if Mr Berry thinks that I may have upset him by saying "60 part-time jobs", I did say "60 part-time jobs". I will continue to say "60 part-time jobs".

Business Migration

MS FOLLETT: My question is to Mrs Carnell as the Treasurer. Treasurer, on page 22 of Budget Paper No. 5 there is a subsection entitled "Canberra Migration Strategy". In that you say that your Government will announce a program which will result in a 25 per cent increase in business migration to the Territory. Are you aware that the statistics released by the Research and Statistics Branch of the Department of Immigration and Multicultural Affairs show that business migration to the ACT in 1995-96 totalled nine people? I will table those statistics. That means that you are expecting your new initiative, which will include the launch of a major new strategy, Step into the Future, to result in 2¼ new business migrants being persuaded to come and settle in Canberra. Can you explain to the Territory how this will substantially increase employment in the Territory - two-and-a-bit people?

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MR DE DOMENICO: Mr Speaker, can I take this question on behalf of the Government, seeing that it is my responsibility. Once again, I am amazed at the temerity of this Opposition in standing up and asking that sort of a question. I suggest to Ms Follett that, whether it is 2¼ or 3¼ or 1¼, it is surely better if someone is prepared to migrate to this Territory and set up a business which will employ Canberrans. If we can create more jobs for people in this Territory, I am sure that people on the other side of the house would realise that it does not really matter whether it is 2¼ or whatever.

Mr Whitecross: You are a joke, Tony.

MR DE DOMENICO: The joke in this place, Mr Speaker, is that they have 17 volumes of books and information over there and all they have managed to pick out is some petty little thing that they want to stand up and talk about.

I know of one business migrant who came to this town some years ago and invested an amount of money that has created hundreds of jobs in this Territory.

Mr Berry: Who is he?

MR DE DOMENICO: You do not even know who he is, Mr Berry. Mr Chang, for example, who is the subchairman of this committee, has invested millions of dollars in this town, created hundreds of jobs all over the world and in the ACT. He is a business migrant. If I can get 2¼ or 1¼ Mr Chang's time and time again I will say, "Well done, Government". The people out there whom the Changs of this world will employ will also be grateful.

MS FOLLETT: I seek leave to table the statistics from the Department of Immigration and Multicultural Affairs substantiating that.

Leave granted.

Kick Start Housing Program

MR HIRD: They seem to be a bit touchy on that side of the house concerning jobs. Jobs, jobs - you are always crying out for jobs.

MR SPEAKER: Order! Ask your question.

MR HIRD: I would like to ask a question in respect of the creation of jobs within the building industry. Mr Speaker, my question is directed to the Minister for Housing, Mr Stefaniak. Could the Minister outline to the parliament what steps the Government is taking in this budget - a very positive budget - to encourage ACT Housing tenants into the ownership of their homes?

MR STEFANIAK: You are quite right, Mr Hird. It is a very positive budget, and I think it has been well received by most people in the community. You are referring, I understand, to the Kick Start scheme for home buyers. The Kick Start housing program aims to assist ACT Housing tenants into home ownership and at the same time provide a significant stimulus to Canberra's residential construction industry. Kick Start is targeted at public housing tenants with a household income of less than \$45,000 a year.

Under the scheme, approved applicants will receive a grant of \$5,000. For the Greens' benefit, that is a grant, not a loan. I do not know whether they quite understand this scheme, so I will repeat that. They will receive a grant of \$5,000 towards a deposit on a home. They will also receive a low-interest loan from either the St George Bank or the Advance Bank. These loans will be capped for 12 months at a rate of 6.95 per cent, and no application fee will be charged, saving applicants up to \$750. A number of charges, including stamp duty, which averages about \$2,000 per home in the ACT, will be waived, as will ACTEW's electricity connection charge; so there are some other great incentives there.

A total of 500 grants will be made each year for the next two years, bringing total funding for the scheme to \$5m over two years. If you have a look at your budget papers, you will see \$2.5m for this financial year. Kick Start should also have the effect of creating up to 1,000 public housing vacancies over that two-year period, which will benefit those currently on the waiting list; so it has that second benefit, Mr Hird, of reducing the waiting list. The building industry estimates that this scheme will generate jobs - they actually estimate that it might be in the vicinity of 800 to 1,000 jobs - by stimulating - - -

Ms McRae: It is nonsense.

MR SPEAKER: Order! Mr Stefaniak is answering the question. If I cannot hear the answer, I therefore assume that nobody else can, and I may ask Mr Stefaniak to repeat his answer in full.

MR STEFANIAK: The building industry, not the Government, estimates that the scheme will generate 800 to 1,000 jobs by stimulating residential construction in Canberra. That is not our estimate; it is theirs. This Kick Start housing scheme is a very positive, innovative program. It is a great example of what can be achieved when both the public sector and the private sector get together and work out something for the benefit of the community.

Public Service Redundancies

MS McRAE: Mr Speaker, my question is to the Chief Minister. Chief Minister, in Budget Paper No. 5, *Jobs for Canberra*, you state repeatedly that your priority is to create new jobs. Why, then, have you made provision for \$12m for redundancies to get rid of more ACT Government workers?

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MRS CARNELL: For the same reason that redundancy money has been available every year since self-government. Even more importantly - - -

Mr Moore: You said that you are going to create jobs at any cost.

MRS CARNELL: Mr Speaker, I am really happy to yell but - - -

MR SPEAKER: Order! Ms McRae has asked a question. She is entitled to hear the answer.

MRS CARNELL: I am very happy to answer. Redundancy money has been made available every year since self-government. Why has it been made available, Mr Speaker? It has been made available particularly to change the structure of the ACT Public Service. It was made available by Ms Follett for exactly the same reason. The approach Ms Follett took is very different from this Government's. This Government has moved quite significantly to a customer focus in this particular budget, as you will see from the fact that the Chief Minister's Department, my department, is the one area where there are significant cost savings. We have moved that particular money, as you can see by the budget papers, into service delivery areas such as education, Mr Moore, and other particular parts of the budget.

Mr Speaker, as you can see from some of the criticism we got this morning from some rational economists, they believe that we are spending far too much money; that we should have made significant cuts. We do not believe that that is a sensible approach at this time, but we do believe that voluntary redundancies are - - -

Mr Berry: Anything to save your own skins.

MR SPEAKER: Order!

MRS CARNELL: I am happy to have soft interjections.

MR SPEAKER: I am not. I may be obliged to ask you to repeat your answer in full very shortly if this keeps up.

MRS CARNELL: Voluntary redundancy money is very important for a Public Service that is restructuring significantly, that is restructuring away from having, I suppose, a lot of middle management to a Public Service that is very service orientated. There are 270 new ACT Public Service jobs in this budget. It shows that there will be voluntary redundancies and that we are employing, as I said in my speech yesterday, in the areas where we need staff. That is just sensible management.

In fact, already our changes in the focus of the Public Service have produced a 37 per cent reduction in our senior management areas. That produced a million dollar saving. Those opposite think that is a bad thing. It is interesting that they think that is a bad thing, because that million dollars was used to supplement the enterprise bargaining agreements. That money, that saving, went straight back into workers' wages.

I think that is the sort of restructuring that is absolutely essential for any large organisation that needs to change the things it does and the way it does them. That is what voluntary redundancy money is for. I am confident that Ms Follett would not have said that she was not interested in jobs when she was Chief Minister. Yet she put aside as much as \$17m in one year for redundancies.

MS McRAE: Budget Paper No. 5 did say *Jobs for Canberra*. As a supplementary question, I ask: How many people do you estimate will be paid out to actually leave the Public Service under your \$12m scheme?

MRS CARNELL: Mr Speaker, as all of our redundancies are voluntary redundancies, it is very hard to set a figure. As we have no targets in that particular area, I would suggest that the number will not be all that high; but, of course, as we change our focus, as we become more service orientated and more customer focused in our area, it will mean that there will be some voluntary redundancies. There is no doubt about that.

Budget Outcomes

MR OSBORNE: My question is to the Chief Minister in her capacity as the Treasurer. Chief Minister, that pretty budget that you announced yesterday implies a \$10m cash surplus. In accrued terms, this equates to a \$232m operating loss. However, in cash management terms, this in reality represents a cash deficit of around \$90m once the \$100m worth of asset sales is taken out. Given this fact, how then can you suggest that we are living within our means? Do you not agree that in strict cash management terms the ACT will have a similar size deficit next year and in ongoing years? How do you intend to find the extra cash that we are going to need over the ensuing years?

MRS CARNELL: I suppose that what Mr Osborne is suggesting is that he thinks we should have gone down the path of significant expenditure reductions or a significant reduction in borrowings. That is the other option. We believe strongly, as I have said, that it was appropriate to go down the path of a countercyclical budget. We do not believe that significant redundancies - that is, significant expenditure reductions - were appropriate in this particular climate. I believe strongly that that approach would have brought this economy to an absolute standstill. It is right, as one particular economist suggested this morning, that there are some risks in this approach; that we have taken a risky approach in terms of stimulating the economy to try to get the whole thing going. We certainly have taken that approach.

Mr Osborne has said that we have said that we have a \$10m cash surplus. We do. That situation is a turnaround from last year of \$39.6m. Last year we had a \$30m cash deficit. So there has been a turnaround of some \$40m over that period of time. He also made the point that the operating loss is \$232m. Again, that is actually the truth. The operating loss last year was \$280m, Mr Osborne - giving a turnaround of \$48m in accrued terms. So, no matter which way you look at it, the situation this year is better than the situation was last year.

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I think it is also important to realise that in every single budget since self-government asset sales have actually been added to revenue. Just look at the three years of the Follett Government. Probably the most precious asset for the ACT is land. Over those three years land sales were \$131m. What happened to the money that the Territory got as a result of those land sales? It was added directly to revenue. The thing that is really interesting about that is that there were significant borrowings in some of those years. Land sales were added directly as an asset sale. Mr Osborne, if you suggest that this approach - I think it was actually Mr Moore who suggested it - is selling off the family silver, the previous Government flogged off the farm or at least the back paddocks, anyway.

MR OSBORNE: Mr Speaker, I really do not give a stuff what the previous Government did, to be quite honest. That was a very interesting answer, Mrs Carnell. I am very pleased to hear that last year it was \$280m and this year it is \$232m. On another issue very similar to that, I noticed also - - -

Mr Hird: This is supposed to be a supplementary question.

MR OSBORNE: Mr Speaker, could you shut Rudolph the red-nosed politician up?

MR SPEAKER: I am trying to establish whether you are asking a supplementary question or another question. If it is another question, of course you will be ruled out of order.

MR OSBORNE: It is a supplementary question. The Territory's financial liabilities, I notice, are around \$2 billion, of which just over half is the Government's commitment to superannuation. Officials from the Office of Financial Management advised me yesterday that by the year 2005 this figure will have risen to approximately 25 per cent of the Territory's total annual operational budget. Given this frightening fact, what are you doing or planning to do to address this serious problem?

MRS CARNELL: Mr Speaker, I am very happy to answer a second question. It is a second question, but I am really happy to answer it. Mr Osborne has actually raised a very important issue, and that is the issue of unfunded superannuation. As Mr Osborne obviously has been very well briefed by OFM officials, he will know that last year there was an actuarial report on our unfunded superannuation which actually increased it by some \$90m in one go. An actuarial report on unfunded superannuation is done every three years. It just happened to have happened in the last 12 months, which has significantly increased our liability in that area.

The point that Mr Osborne made is very valid. Any government must start to address this problem. How do you address the problem? The only way you can address the problem is to move the budget into surplus. That is the only way that the whole situation can be addressed. There are a number of ways of moving a budget into surplus. We certainly had a number of options in this particular budget. We could have dramatically reduced expenditure. Dramatic expenditure reductions mean massive redundancies. We do not believe that that is an appropriate approach in Canberra right now.

We could potentially, I suppose, have increased taxes significantly. If we had increased taxes significantly, that would have forced businesses out of town. It would have made people who are already doing it tough do it even tougher. We do not believe that that is an appropriate approach either. The only way that we really can start to fundamentally change this particular economy is to get some growth back into the bottom line. You simply cannot pay unfunded liabilities in an environment where there is no growth, so the initial thing that we had to do with this budget was to get the economy back into forward gear, and that is what we are attempting to do.

Mr Osborne: Mr Speaker, I ask a supplementary question.

MR SPEAKER: There is no supplementary question, I am afraid.

Mr Osborne: Mrs Carnell agreed to answer a second question.

MR SPEAKER: There is no supplementary question. You have asked a supplementary question.

Kick Start Housing Program

MS REILLY: Good try, Mr Osborne. My question is to the Minister for Housing. Minister, it is in relation to your new scheme Kick Start. I know that you answered a lovely question from across the way, but in this case I want you to concentrate on the job creation aspect of it. It talks about a total cost of \$2.5m. Budget Paper No. 5 stated that the building industry estimates that this will provide 800 to 1,000 jobs in that sector. That works out at about \$2,500 per job. How will the injection of \$2.5m into the ACT building industry create 1,000 jobs? Has your department consulted the OFM over the estimate of 1,000 new jobs, and do they agree with that estimate?

MR STEFANIAK: I would think that the building industry would be about the most relevant and capable body to estimate how many jobs would be created by a scheme. I think they have far more practical expertise in that area than anyone in this Assembly. If they say this scheme has the potential to create between 800 and 1,000 jobs, I think you probably could not go to a better industry or a better body to actually make that estimate. In answer to the rest of your question, Ms Reilly, we are putting \$2.5m in. That is \$5,000 to each individual tenant as a grant towards a deposit on a home. That money will go towards the cost of buying a home. In many instances that will be a new home. That will in turn lead to jobs, because people have to build homes. It is a very good scheme and it is something that you should not actually try to pooh-pooh. I know that that is rather hard to do, because it is an excellent scheme that does have the chance of generating significant work for people in Canberra.

Mr Whitecross: I raise a point of order, Mr Speaker. Mr Stefaniak is clearly waffling because he does not know the answer. Mr Speaker, Ms Reilly's question was: Has your department consulted the Office of Financial Management over the estimate of 1,000 jobs? He should be answering that question, not recounting the details of the scheme.

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MR SPEAKER: There is no point of order whatsoever. Ms Reilly is quite capable of taking a point of order herself, I would have thought.

Mr Whitecross: Further to that, Mr Speaker, I would have thought that it was the responsibility of all members of the Assembly to ensure that standing orders were kept to. The issue here is relevance. It is as important to me as it is to Ms Reilly that the Minister answer the question.

MR SPEAKER: There is no point of order. Continue, Mr Stefaniak.

MR STEFANIAK: Mr Speaker, I would agree with you. If the Leader of the Opposition had listened, he would have heard the answer. In fact, if you read page 21, you will see, as I said, “the building industry has estimated”. The scheme is a great scheme. It shows cooperation between the Government, the housing department, OFM, the building industry, the HIA and two banks.

MS REILLY: I ask a supplementary question. I hope that everybody applying for it reads all of the small print in regard to some of the repayments.

MR SPEAKER: Ask your supplementary question without preamble.

MS REILLY: It was only a little one. It is important to set the scene. Can the Minister explain how this scheme will create the new jobs in the housing industry when the OFM forecast no growth in residential approvals in the next 12 months?

MR STEFANIAK: That is interesting. I seem to recall somewhere in the course of the whole budget a figure, or projection, of 2,700 new approvals for building homes in the ACT; so I do not quite know where you get your figure from. Are you assuming that there are going to be absolutely no new houses, Ms Reilly? That is what it sounds like. That seems to be quite at variance with that figure. You are clutching at straws, Ms Reilly. I think you lot would love to have thought of a scheme like this because of the great benefits it brings to the ACT economy and the jobs it helps create.

ACTION Buses - Sale

MS TUCKER: My question is to Mrs Carnell as Treasurer. In this place on 31 May last year in the debate on the Greens’ motion regarding ACTION corporatisation, you stated:

The buses will stay in public ownership. I repeat: The buses will stay in public ownership. The ACT people - the ACT Government - will continue to own the buses.

How can you reconcile this statement with the sale of ACTION buses announced yesterday?

MRS CARNELL: Quite easily. It was obvious that that particular debate was about ACTION. We will maintain ownership of ACTION. We have given an undertaking to ACTION and to the unions that we will not be corporatising while they maintain their capacity to reach the savings targets that we have set for them and that the previous Government did as well. I find it really interesting for Ms Tucker to have gone down this particular track. I wonder whether Ms Tucker is aware of the situation with public transport right around Australia. Take CityRail and the suburban train services in Sydney. When you hop on one of those, Ms Tucker, do you think that CityRail or the Transit Authority own the trains? No, they do not.

In fact, what we are looking at is a situation that all around Australia public transport authorities have realised that it is better use of capital in many circumstances to go to a lease-back arrangement. The fact is that when somebody hops on a bus in the morning it makes absolutely no difference who owns the bus. What matters is, potentially, who manages the bus and whether it turns up. That has to be the bottom line. It simply makes no difference whatsoever to service delivery who actually owns the buses.

Mr Berry: You said that they would stay in public ownership. You misled us.

MRS CARNELL: I certainly can say categorically to this Assembly that our approach has been, and continues to be, that we will not be selling ACTION buses.

Mr Berry: You misled us.

MRS CARNELL: The entity will stay in government ownership. The buses themselves will not, but the actual operation certainly will.

Mr Humphries: Mr Speaker, Mr Berry has said, "You have misled us". I assume he is referring to the parliament. I ask him to withdraw.

MR SPEAKER: I heard that several times, Mr Berry.

Mr Berry: Mr Speaker, Mrs Carnell did tell us that she would keep the buses in public ownership, but I withdraw the word "misled".

MR SPEAKER: Thank you.

MS TUCKER: I ask a supplementary question. Mrs Carnell, you might be interested to know, too, that South Australia is starting to buy back their buses, because it has not worked. Also during that debate you stated, quite clearly, that any changes of this sort to ACTION would come only after a very public process. What is that process?

MRS CARNELL: Mr Speaker, again that is true. When we change ACTION services, we send out information to ask the community what they think. We have had in-depth discussions with the unions involved in terms of service delivery. How we actually organise the financing of our assets surely is not something you would put out to public consultation. For the life of me, I cannot see why on earth you would do that, why on earth any government would do that at all. I think it is really important for Ms Tucker

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to read some of the financial statements of other governments - whether they be Liberal, Labor, Federal, State or Territory - around this country. Yesterday's *Financial Review* revealed that the New South Wales Labor Government was undertaking a \$250m sale and lease-back program on government buildings, including the sale of its premier Sydney assets such as the Pacific Power building. Guess why they are doing it?

Mr De Domenico: Its courts as well.

MRS CARNELL: Yes, its courts - all of those things that they do not own either. What did the New South Wales Government say they were doing it for? It is to help fund capital spending.

CanTrade - Tourism Marketing

MR WOOD: Mr Speaker, my question is to the Chief Minister. Chief Minister, in last year's budget you launched CanTrade, saying that it would "undertake more aggressive marketing of the Canberra region", which did not happen, of course. In this year's Budget Paper No. 5 you said:

The role of the CanTrade Board will be redefined ...

That is, it is going down the tube. Budget Paper No. 3 states:

The tourism industry is in the midst of a downturn. In the year ended the March quarter 1996, approximately 1.65 million visitors came to Canberra. This compares with 1.71 million in the corresponding period a year ago, a decline of 3.4 per cent.

Chief Minister, is it not true that you have failed to boost tourism, and hence employment, even with the free kick given to the industry by the hugely successful Turner exhibition?

MR DE DOMENICO: Mr Speaker, I will take that question, seeing that both of those areas come under my responsibility. Once again, I thought Mr Wood was a little bit better than his colleagues. He sometimes tries to be positive.

Mr Berry: Mr Speaker, I raise a point of order. The question was directed to the Treasurer in relation to the budget. It should be noted that the Treasurer has refused to answer the question.

MR SPEAKER: There is no point of order. The Treasurer has elected to ask Mr De Domenico to answer the question.

Mr Berry: She has refused to answer the question. That is where the matter should lie.

MR DE DOMENICO: Mr Speaker, I raise a point of order under standing order 202(a).

Mr Berry: Mr Speaker, Mr De Domenico was not asked the question.

MR SPEAKER: No, but he is answering it.

Mr Berry: He was not asked one.

MR SPEAKER: It does not matter. He has been asked by the Treasurer to answer the question.

MR DE DOMENICO: Mr Speaker, as I am Minister for Tourism and the question related in part to tourism, and as I am the Minister responsible for CanTrade and the second part related to CanTrade, I am suggesting that I answer the question, and I will. Mr Wood, as I said, is usually very positive, or more positive than his colleagues from time to time. However, it seems that he has got a touch of the Berrys and a touch of something else.

Yes, we did establish CanTrade last year. Whilst CanTrade initially was an advisory body to advise the Government, we have given it a new role. It now has a delivery role through project teams. Mr Wood, yes, it has been very successful. For example, members of the board of CanTrade were responsible for introducing the situation where AOFR and ADC have agreed to use Canberra as their launching pad into South East Asia, which will create, let us say, about 300 jobs here in the ACT. It was CanTrade that was responsible for getting FAI to sponsor the Canberra Rally. They are two things immediately done by the CanTrade board that did not happen before. The business investment scheme and the business migration scheme are some more initiatives of the CanTrade board. The Canberra Promotion Centre is something that members will be hearing more about. They should go over and have a look at it. Once again, that reflects some of the work done by CanTrade.

Whilst Mr Wood did give me the opportunity to answer this question, I must congratulate CanTrade on their excellent expertise and the excellent job they are doing. Yes, Mr Wood, there are certain times during the year when tourism figures are down. There are also certain times when tourism figures are up. The last figures that I have seen actually reflect an increase in tourism. It is the aim of a corporatised or statutory authority Canberra Tourism from 1 January next year to increase our tourists from 1.6 million to 1.7 million. Whilst that reflects only 100,000, that will inject \$20m into the Canberra economy.

Unlike members opposite, I will continue to sing the praises of CanTrade. I will continue to sing the praises of Canberra Tourism and the future of Canberra small business and the Canberra economy. We have to continue to be positive. Members on this side of the house will continue to be positive. We also have the action here before us to say that yes, we will create new jobs because that is what the community demands. We are very proud of the budget that Mrs Carnell delivered yesterday.

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MR WOOD: I ask a supplementary question, Mr Speaker. Perhaps the Minister, in his enthusiasm, might direct his mind back to the words he used last year, which are a little different now. He might also tell us how he is going to generate some enthusiasm in this area. The figures in the budget put out by the Government - not my figures; your figures - are for the year, Mr De Domenico. You say that they fall now and then, but these are the year's figures. You claim to be looking for jobs. You have not delivered them in tourism.

MR SPEAKER: Where is your question, Mr Wood?

MR WOOD: What are you going to do?

MR DE DOMENICO: Mr Wood obviously has not read the budget papers. He asked what we are going to do. I can tell you what we are not going to do, Mr Wood. We are not going to continue to sit on our hands, as you did, especially as Minister. You never made a decision in your life; you did nothing about things. What we are going to do is create 2,700 jobs. It might be 2,701 or 2,699, and then Mr Berry might stand up and accuse us of misleading the house. Approximately 2,700 new jobs will be created through all the initiatives that you can read about in the budget papers, on top of approximately 1,500 extra jobs because of the fact that we are going to be increasing the expenditure on public works by at least 40 per cent of what we spent last year. Mr Wood, the proof of the pudding is in the eating. I would like you to come back next year and tell us whether you think this budget was successful or whether it was not. We believe that it is very successful and we ask that, instead of knock, knock, knock all the time, you please try to be positive.

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

PERSONAL EXPLANATION

MRS CARNELL (Chief Minister and Treasurer): I ask for leave to make a personal explanation, Mr Speaker.

MR SPEAKER: Proceed.

MRS CARNELL: I think it was Ms Tucker who quoted from *Hansard* of 31 May. I think it is unfortunate that Ms Tucker did not quote the whole paragraph that we were talking about at that stage. What we were actually discussing at that particular time was the situation in Melbourne, I think, where the buses were sold and the running of those buses was sold. I went on to make this comment in that same paragraph:

... the private company which actually owned the buses and which was running the services was in a position, I suppose, to determine what services were available ... That is the last thing we would do.

What we were talking about at that stage was a situation where the buses were sold and the running of those buses was sold, which we - - -

Mr Berry: No, you were not. You said that the buses would not be sold.

MRS CARNELL: I just quoted exactly what I said. I said that that was something that we would not do, and we stand by that position.

DIRECTION OF QUESTIONS TO MINISTERS

MR SPEAKER: Mr Berry asked why Mr De Domenico was answering a question that was directed to Mrs Carnell. I would refer members to *House of Representatives Practice*, page 513, "Direction of Questions". It states:

A Minister may refuse to answer a question. He or she may also transfer a question to another Minister and it is not in order to question the reason for doing so.

Stand rebuked, Mr Berry.

AUDITOR-GENERAL - REPORT NO. 7 OF 1996 Annual Management Report

MR SPEAKER: I present, for the information of members, Auditor-General's Report No. 7 of 1996, Annual Management Report for the year ended 30 June 1996, which includes a general report on efficiency audits.

NATIONAL ANTI-CRIME STRATEGY Paper

MR HUMPHRIES (Attorney-General) (3.41): For the information of members, I present a report prepared on behalf of the Lead Ministers by the South Australian Attorney-General's Department entitled "National Anti-Crime Strategy", which is a crime prevention compendium for Australian States and Territories. I move:

That the Assembly takes note of the paper.

Mr Speaker, the national anti-crime strategy is a joint States and Territories approach to tackling crime in Australia. The strategy was established at the Leaders Forum in November 1994, which I assume Ms Follett attended, when Premiers and Chief Ministers agreed that nominated Lead Ministers would develop a national cooperative approach to effective crime prevention policy formulation and best practice. The most recent national anti-crime strategy Lead Ministers meeting was held in July in Adelaide. A model of

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cooperation in crime prevention between States and Territories and the Commonwealth was tabled at the meeting, along with a paper on best practice in community crime prevention setting out national requirements for documenting examples of best practice in community crime prevention. States and Territories are also close to reaching agreement on the setting up of a national motor vehicle theft task force targeting principally the movement of stolen motor vehicle parts.

There is general agreement between the States and Territories that the primary responsibility for crime prevention lies with each State and Territory. We agree that the Commonwealth has a role to play in coordinating and funding best practice programs that provide models for States and Territories. Negotiations with the Commonwealth are being progressed by the South Australian Attorney-General, Mr Trevor Griffin, on behalf of the Lead Ministers, with a view to attaining endorsement and funding under the Federal Government's national campaign against violence and crime, for which funding was announced in the Federal budget.

At the meeting, a crime prevention compendium for Australian States and Territories was adopted and made available to the public. I commend this compendium to you, and I table it, Mr Speaker. The compendium lists initiatives and programs undertaken by State and Territory governments. It will be useful to a range of crime prevention practitioners as both a directory and a way of spreading ideas and information about community-based crime prevention. For example, it gives details of ACT programs such as the ACT community safety strategy, the country town policing trial, the designing out crime study, the Manuka and Civic community safety programs, the anti-graffiti strategy, and the Safety House and Neighbourhood Watch programs.

I wish to take this opportunity to acknowledge not only the efforts of government agencies but also the efforts of businesses and community groups in crime prevention in the ACT. I would like to put on record the Government's appreciation of the commitment to community safety of Mr Ken Begg, who has recently resigned from the chair of the ACT Community Safety Committee. Ken was appointed to the chair in late 1993, and he has served with distinction in that role since that time. Under his founding chairmanship, the committee inquired into safety and crime problems of major concern to the community, bringing down two important reports, *Civic by Night* and *Manuka by Night*, which addressed problems associated with alcohol-related antisocial behaviour in late-night entertainment areas. In Mr Begg's stead, I have appointed Mr David Biles as chair of the committee and Mr Bill Harris as deputy chair. Mr Biles is a well-known criminologist and has held the position of deputy chair for the past year. Mr Harris is a past chief executive of the ACT Public Service and brings to the committee an understanding of the processes of government.

The ACT Community Safety Committee is currently working on two major projects, namely, an inquiry into alternative public transport options from late-night entertainment areas, and an inquiry into the safety and crime concerns of older people in our community. The Assembly is aware that in December last year this Government set in motion an enforcement and crime prevention strategy targeting the alcohol-related problems in Civic and Manuka. Police and liquor licensing personnel have intensified their efforts

in policing antisocial behaviour and breaches of the Liquor Act. I wish to acknowledge, too, the support given by business and community representatives, who have worked through the community safety committees and the public place precinct management groups, enabling them to take an active role in community crime prevention at the local level.

The Assembly is also aware that we have adopted other initiatives, including amendments to the Liquor Act, the promotion of responsible serving of alcohol courses for licensees, the trial of the early closing of licensed premises, and the design and safety measures of upgrading lighting and the general refurbishment of public places in Civic. Outcomes from community focused groups held recently clearly showed that the community ranked “safe community” as the second most important value factor behind “community spirit” in what was important to them as citizens of the ACT. It is therefore the responsibility of all sectors of the community to be involved in crime prevention. I am sure all members share this view, and I assure the Assembly that we will continue to encourage active community involvement in our efforts to combat crime and promote a safer ACT.

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

LAKES AND FORESHORES

Debate resumed.

MS McRAE (3.48): Mr Speaker, I have circulated an amendment to the motion. I have changed a few of the words, but the intent is the same as that of my previous amendment. I move:

Omit the words after “That this Assembly require the Government to”, substitute “undertake appropriate consultation in regard to any new use (ie multipurpose sports stadium or in other words new Public Works) on the lakes and their foreshores as well as the ACT”.

As Mr Moore quite rightly said this morning, this amendment and the motion have far more to do with consultation than with the substantive issues of what is happening on our lakes or is proposed for our streets. The issue comes back to consultation. Everyone in the Assembly chooses to define “consultation” in their own way. We hear repeatedly from Mrs Carnell that “consultation” means that Ministers are available for half a day to go and talk to the community. There is no problem with that. It is very nice, and it means we get them out of the Assembly for at least half a day once a month. They are not troubling us here. It is no problem at all for the rest of us. But in my book that does not add up to much more than half a day once a month for the general public to meet with Ministers. It is only one element of what consultation is all about, although I grant that it is probably an important and useful element for the few people who manage to line up and speak to the Ministers.

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The point is that we are elected as representatives of the people of Canberra and our responsibility is back to the people of Canberra, to share with them and to negotiate with them and to talk to them about issues that will change things substantially in the ACT. The fundamental responsibility of government is to ensure that, when decisions are made, these decisions are not only known about but also understood and supported. It is not enough to say that we are here to make decisions. What is much more fundamental is that these decisions are both in tune with and supported by the people of Canberra. This issue highlights the fact that the Government chose to act in a dictatorial manner. It chose to act in such a way as to say, "We know what is good for you. Too bad whether you like it or not. We are not going to tell you about it and you are just going to live with the consequences".

Within the rules of what was happening on the foreshore, that futsal park is perfectly in order. It is a recreational facility. The National Capital Authority was quite free to interpret it as a recreational facility. It was all done according to the rules, but the process omitted the inclusion of the people of Canberra. Mrs Carnell, in response to the debate this morning, pointed out that had the issue been discussed with anyone they would have opposed it. That is a very arrogant presumption on her part and shows very little faith in her own idea. If the idea is such a good one, if the idea is going to work, if the idea is something that is of benefit to the people of Canberra, why on earth be scared of what the people of Canberra have to say about it? That is what consultation is all about. It is bringing people in, informing them, letting them understand what the proposal is, and then being able to support it.

What we have seen thus far from this Government is a pattern of contempt, not only for the people of Canberra but for all of us, who are the representatives of the people of Canberra. Time and again we have seen the Government treat Assembly reports with indifference or with scepticism or with a minimum of effort. Assembly reports, in my opinion, represent very accurately and very thoroughly the views of the people of Canberra. They are usually put together after extensive community debate, and the members of the committee collectively represent the different viewpoints that are represented here. It is the height of audacity for the Government to ignore these reports and treat them with contempt, as we have seen.

We see a pattern, not only with public works and things that happen in the general community but also with the work we do collectively, of contempt being thrown at us from a government that repeatedly said that consultation was the core of its election strategy, the core of its way of dealing with the people of the ACT. Time and again I heard Mrs Carnell say before the last election that the views of all Assembly members were important, that ways should be found to include all of us in decisions that are made. Once that is put to the test, what happens? We are all called names, we are all denigrated, we are all treated with contempt, both individually and collectively. Our work on committees is treated with contempt. What adds up for the people of Canberra is that we have seven people who believe that they know what is best for everybody and everybody else just has to tag along. The judgment of that process will soon be upon us, and I can be quite confident that a lot more people will be very sceptical of any claims by the Liberal Government to be consultative, particularly if they continually pin their claim on their half-day once a month meeting with the general public.

My amendment has been resubmitted in this way because I felt that Mr Moore's motion, by default, enabled other public works not to be brought to public attention. He may not have intended this, but I felt that the wording of the motion required public consultation, community consultation through the Assembly, Assembly permission only for events around each of the lakes and not for other new works in the rest of the ACT. I felt that this was at odds with what Mr Moore was arguing in terms of the need for full and proper and open consultation on all things that were going to happen. In my book, dealing with the Assembly means dealing with the general public. Each of us is here to represent the general public, not as individuals trumpeting our own views but as people who are able to distil and follow through and defend decisions we make for our own electorate, for our own party, and for the honour of the people of the ACT.

I thought it was very important that we look at the Assembly giving its approval not only for new uses around each of our lakes but also for other uses around the ACT. The motion as it was moved this morning was specifically in relation to new activities around the lake. The activity that is happening on the lake, the multipurpose futsal stadium, is not a new activity. Under the definitions in the Territory Plan, it is a recreational activity and is therefore allowed. The fact that there happens now to be a bit of concrete there to allow it to happen more comfortably does not make it a new activity, and that is why I thought it was important to come back to the issue at hand, which is the expenditure of public money on new public works programs that have not been previously listed in any pre-public works program publications the Assembly or the general public have seen.

As Mr Moore pointed out this morning, there was no indication whatsoever that this particular slab of concrete was up for development. There was plenty of talk in previous public works programs about badminton courts, about volleyball courts, about other sporting facilities that were necessary for the ACT, but absolutely no talk of this particular new slab of concrete. Under Mr Moore's motion, there would not need to have been any discussion with the Assembly about that because it is not a new activity around the lake. It is perfectly allowable under the National Capital Authority Plan. That is why they approved it. That is why it all went through.

The real focus of the motion should be the nature and style of consultation that is undertaken by the Government when public works money is expended, the nature and style of establishing those priorities, and the nature and style of including the general public when those decisions are made. These may not be significant, as we discussed this morning. It is difficult to pin down what "significant" might be, in Mr Humphries's terms. A quarter of a million dollars in a public works program of \$98m is perhaps not significant, but it makes a substantial difference to the sporting community, as we have seen. The sporting community has been very supportive of this particular project - small money, but very significant. It also shakes the confidence of the rest of the sporting community, because the message that came from here was that if you get the ear of the Minister and the Chief Minister you can have priorities turned around and you can have things done.

In itself, there is nothing wrong with that, except that we have been led to believe that this is an open and consultative government, and when it comes to the test there is no open and proper consultation process. There is no advance warning to the general public about

the expenditure of public works money in a way that we have come to accept. The public works program was distributed to the Assembly last year. The public works program was quite open. Mr Mark Owens submitted to the Estimates Committee a facilities management project, going from 1995 to the year 2005. The full list of potential developments was there. Hey presto, in neither document was futsal, this multipurpose thing, mentioned, and that is where the essence of the problem is. We have no problem with decisions being made; we have no problem with public works money being spent. It is probably a good idea. We have no problem with the sporting community now being happy. The real issue is that consultation means offering open, accurate and honest information about the way money is going to be spent and allowing members of the public to be included in those decisions.

MS HORODNY (4.00): Mr Speaker, there has been difficulty this morning and now in finding the appropriate words for this motion to satisfy the requirements of different members. Mr Moore's original motion relates very specifically to the two proposals for Lake Burley Griffin. Ms McRae's frustration, and I can understand it fully, is in regard to the broader issue of how this Government is consulting with the community and the Assembly. As Ms McRae says, there was no mention of futsal, for example, in any of our capital works papers. I went back and looked through the papers this morning just to reassure myself, and I even rang the committee secretary to make sure that I had not forgotten it or somehow misplaced the idea. But no, there is absolutely no mention of futsal anywhere. It is a real problem.

There are many issues we are trying to grapple with. One is that the rally and futsal proposals need to come to the Assembly. Mr Moore has moved that those proposals should come to the Assembly and that the Assembly should grant permission for those particular proposals and any other proposals of that kind to go ahead. Ms McRae is discussing the issue of consultation and also capital works. The problem with Ms McRae's amendment is that she uses the words "undertake appropriate consultation". I am not quite sure what Ms McRae's view of "appropriate" is. Does she mean that the community is consulted? Does she mean that it should go to a committee? What exactly does she mean by "appropriate consultation"? Also, in her amendment she refers to a "multipurpose sports stadium or in other words new Public Works". Again, not all the activities that might be proposed for the lakes or the foreshores are necessarily public works. The rally, for instance, would be a case in point. I am reluctant to support Ms McRae's amendment, and I will be moving my own amendment later.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.03): Mr Speaker, briefly, I have a concern about the amendment, more because of its lack of clarity than anything else.

Ms McRae: You should have listened to my speech.

MR HUMPHRIES: I did listen to your speech, Ms McRae. Ms McRae says that the Government should be required to "undertake appropriate consultation in regard to any new use (ie) - I think she means eg - "multipurpose sports stadium or in other words new Public Works)". There is a distinction between public works and uses. There could be a new use for the shores of the lake which does not involve any public works at all.

For example, a few weeks ago the NCA advised us, rather late, I might point out - in fact, after the event - that they proposed to land some seaplanes on the lake. There were no public works associated with that - there is already a jetty there and that is where the seaplanes pull up - but there was very certainly a new use of the lake. There is a distinction between uses and public works, and that is not clear in this amendment.

Ms McRae: It is the same as Michael's. It says "new use".

MR HUMPHRIES: It also says, "or in other words new Public Works". I do not know what the amendment means, and, as the Minister who is partly responsible for administering that, I would be a little unsure about what exactly was required. I would say to members that, rather than create confusion, they should not support a motion that is not clear.

Question put:

That the amendment be agreed to.

The Assembly voted -

AYES, 6

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

NOES, 11

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

Question so resolved in the negative.

MS HORODNY (4.09): Mr Speaker, I move:

Add "Further, that the Government only consider new uses that will contribute to the ACT's economy in an ecologically sustainable and socially equitable manner."

What I am saying in this amendment is that, if the proposal for a new use around any of the lakes of the ACT is for something like a car rally, I suggest that you do not even bother to bring it to the Assembly.

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Mr De Domenico: We should just go ahead with it, do you think?

MS HORODNY: No, we absolutely should not be encouraging car rallies around the foreshores of the ACT lakes. Have you, Mr De Domenico, been around any of our lakes lately?

Mr De Domenico: All of them. Have you?

MS HORODNY: Are you aware of the vegetation? Are you aware of the state of the foreshores?

Mr De Domenico: Yes, I am.

Mrs Carnell: But they are going to go on the roads.

Mr De Domenico: They are going to go on the roads, not on the vegetation.

MR SPEAKER: Order! I cannot hear Ms Horodny.

MS HORODNY: It is very clear that Mrs Carnell does not know the part of the lake she is talking about. If she went for a little drive or a walk down there and had a look at that part of the lake, she would know that there is no road. The bitumen stops under Kings Avenue Bridge, and then there is a dirt bed, which is already seriously eroded and which needs to be revegetated and closed off, not to have rallies raging through there, I would suggest. I think it is absolutely outrageous. You do not know what you are talking about. It is an area that needs to be treated very sensitively, I would suggest, and not have car rallies through there, for heaven's sake. It is absolutely outrageous.

Even with your poor knowledge of soil and water, go and have a look and see whether you think it is okay to race cars through there. I would suggest that a five-year-old child would tell you that it is not appropriate to take a car through there. It will create an absolute mess and create further siltation problems in that lake, which are already an issue. We have the Jerrabomberra Wetlands in that area, which I suggest you should be monitoring very carefully. The Minister for the Environment, Mr Humphries, should give very serious consideration to letting a car rally through there.

This particular route, as I said, is not on a road, despite the *Canberra Times* reporting Jim Service, I think it was, as saying that the rally was going on existing roads. There is no road there. There is a dirt track, and it is not one that cars are encouraged to go on, as indeed they should not be. It is an area that needs to be looked at by the Parks and Conservation Service and revegetated; it is an absolute mess. We do not need any more siltation running into the lake. It is a serious issue in the ACT already. Siltation is the No. 1 pollutant in our lakes. Do you understand the implications of that?

Mr De Domenico: I do not think you do.

MS HORODNY: It is an issue to do with blue-green algae, Mr De Domenico. If you do not understand the link, perhaps you should get one of your researchers to do a little bit of research on the topic. You might then understand the connections. As I said, the Jerrabomberra Wetlands is an area that is very important to the ACT. It is our only significant urban wetland at this stage. We have a regular visitor to that wetland from Japan. You would be very interested in that, Mr De Domenico. Latham's snipe is a migratory bird that comes to the Jerrabomberra Wetlands every year, and we should be honoured and delighted to host a migratory wetland bird that comes all the way from Japan.

Mr De Domenico: I am very happy to host all birds that come out from Japan, Ms Horodny.

MS HORODNY: Good. I think you should be very careful about threatening their habitat by allowing noisy, smelly, polluting rallies around that particular area of the lake or, indeed, any part of our lakes.

The other issue that needs to be debated here is the issue of elite sports, car rallies. Really, do we not have any more creativity in this Government than rallies, these smelly, polluting events that are supposed to bring huge numbers of tourists to the ACT? There are a lot of innovative ideas, Mr De Domenico, on bringing tourists to Canberra to participate in events and activities and functions that are clean, that are protecting the environment.

Mr De Domenico: Name one. No paintball, no car rallies, no blue milk bottle tops, no cars, no trucks. Get real.

MS HORODNY: Okay; let us talk about the solar car rally. Why is Mrs Carnell very keen to get into a rally car? She is not interested - - -

Mr De Domenico: Come down to earth a bit.

MS HORODNY: Mr Speaker, I wonder whether you could ask Mr De Domenico to be quiet.

MR SPEAKER: Order! Ms Horodny has the floor.

Mr De Domenico: She keeps asking me questions, Mr Speaker. I am just doing the courteous thing and responding.

MS HORODNY: I will just have to yell louder, Mr De Domenico.

MR SPEAKER: Order! Ms Horodny has the floor.

MS HORODNY: There is still an opportunity for this Government to support the solar car rally; but no, this Government shows no interest in that. Obviously, those cars are just not fast enough for you. They do not create enough noise. In fact, they are absolutely quiet, so you obviously would not be interested in something like that. They do not destroy and decimate areas in the same way that the petrol car rally does.

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There are a lot of ideas and initiatives out there that this Government could be supporting. Mrs Carnell, if you are short on ideas, please come and see me. I would love to talk to you about it any time you have a moment. There are many things this Government could be doing to attract people to the ACT that are based on taking care of our environment and enhancing our environment. This is the very drawcard that the ACT could present to the rest of Australia and, indeed, to the world. There are a lot of such initiatives, and for you to close your eyes and ears to them is a very sad thing. This proposal is outrageous. I will be supporting Mr Moore's motion, and I hope members will support my amendment.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.18): Could I put on record that the Government does not oppose the idea of either having in Canberra or even supporting a solar car rally.

Ms Horodny: What are you doing to encourage it?

MR HUMPHRIES: I did not know about a solar car rally until Ms Horodny put out a press release late last week, and when she said, "Why is the Government not supporting the solar car rally?".

Ms Horodny: Do you not know what is happening in your own schools in the ACT?

MR HUMPHRIES: I think solar cars are great, but they have not come to us and said, "We would like some support. We want to put this on in the ACT". It is an Adelaide-based thing, as I understand it, and it is private sector sponsored. They have not indicated that they have an interest in coming to the ACT.

Ms Horodny: Do you not go for private sector sponsorship?

MR HUMPHRIES: Ms Horodny, you can convey to them that, if they want to come and speak to us about support, I guarantee that the whole Cabinet will come up and talk to them and listen very sympathetically to what they have to say. At the end of the day, what we have to do is keep our minds open to all sorts of endeavours, enterprises and proposals which both enrich the life of the ACT and have the potential - - -

Ms Horodny: How is the rally going to enrich the life of the ACT?

MR SPEAKER: Order! Mr Humphries, you have my protection.

MR HUMPHRIES: Thank you, Mr Speaker. We have to keep our minds open to any proposals which enrich the life of the Territory and have the potential to be supported by people in the Territory as a source of attraction for both people in the Territory and people outside the Territory, so as to generate tourist interest in the Territory.

I think the weakness of the amendment you have put forward, Ms Horodny, is that you say that we should consider only new uses that will contribute to the economy in an ecologically sustainable and socially equitable manner. Might I say that I think that is a poor choice of words. It may be that some proposals do not contribute actively but are not harmful in that respect. It may be that there are some proposals that are slightly ecologically harmful, such as a car rally.

Ms Horodny: Slightly?

MR HUMPHRIES: All right; I do not know where we put it on a scale of one to 100, but we have lots of cars in the Territory. I do not think this rally should be seen as something which devastates the environment. It might not be good for it, but it does not devastate it either. This motion would say, "If it has some downside from the ecological point of view, we should not even consider it". That would be very unwise, I think. Let me say on behalf of the Government, Ms Horodny, that we will be very active in considering, and even encouraging, people with ecologically sustainable and socially equitable proposals for the ACT's foreshores and lakes, but I do not believe that we should close our minds to things that do not fall into that category as well.

MR BERRY (4.22): Mr Speaker, the general principle enunciated in the amendment moved by Ms Horodny is endorsed, but I think we can take it a step further. Ms Horodny might agree to these terms and, by leave, the Assembly might include them. Instead of reading, "Further, that the Government only consider new uses that will contribute to the ACT's economy" and so on, it should read "That the Government should give an emphasis to new uses that will contribute to the ACT's economy in an ecologically sustainable and socially equitable manner". In that way, it will encourage the Government to do new things and to focus in on nice green uses of the lakes. That makes it a little more flexible for everybody and gives the Government a nice clear statement of what they should be emphasising when they come to considering those issues.

I am happy to write out a quick amendment. Without trying to steal anybody's thunder, I seek leave to omit the words "only consider", and substitute the words "should give an emphasis to".

Leave granted.

MR BERRY: Are you happy with that?

Ms Horodny: Yes.

MR BERRY: As long as Ms Horodny is happy, I am happy, and when I am happy everybody is happy.

Mr Moore: You did it by leave, and it is included.

MR BERRY: Mr Speaker, I will take your advice.

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MR SPEAKER: You can do it in two ways. You can move an amendment to Ms Horodny's motion, or Ms Horodny can accept the amendment proposed by you into her own amendment.

MR BERRY: She did.

MR SPEAKER: In that case, that is in order. The question is: That Ms Horodny's amendment, as amended, be agreed to. That reads, "Further, that the Government should give an emphasis to new uses that will contribute to the ACT's economy in an ecologically sustainable and socially equitable manner". Is that correct?

Ms Horodny: Yes.

Amendment, as amended, agreed to.

MR OSBORNE (4.25): Mr Speaker, I want to speak very briefly about this whole debate. It is sad that it has dragged on for so long. Basically, I do not see this debate as being about whether futsal is a good thing or whether the Canberra rally is a good thing. I see it as being about consultation with the elected representatives of the ACT. Unfortunately, Mrs Carnell does not have a huge majority in this place and, she being part of a minority government, I would have expected that on an issue such as futsal she could at least have afforded the Assembly the courtesy of being consulted. I personally think it is going to be great for the ACT, and I commend her for it. I have no problem with it being down there by the lake. I feel that we should have more sporting facilities around that beautiful place.

Mr Berry: It is a bit hard for an indoor game when it rains.

MR OSBORNE: Let us build something over the top of it, Wayne; I do not mind. Seriously, Mr Speaker, I think we need to showcase the city to Australia-wide and possibly worldwide audiences. I think it is tremendous where it is. Really, it is only in a car park. I am sometimes amazed at the arguments people put up to stop some of the things that go on in Canberra. I think it is quite stupid and quite silly. We mention areas like the lake, and everyone treats it as if it is the last resting place of Jesus, or something like that. For the life of me, I cannot see why some people are like that. However, this debate is not about that; it is about consultation.

I would like to put on record that I think putting futsal there was a tremendous move and I support it wholeheartedly, but I still think the Assembly should at least have been consulted about it. I suppose that is more important, given their promise of being an open and consultative government. Really, the Government has no-one to blame but itself for this. They promised it but they did not deliver. However, I think futsal being there will be tremendous for the Territory. Mrs Carnell copped a fair bit of flak for going to Brazil, but I think we have seen that it has paid off. I do not mind giving someone a pat on the back when they deserve it, and I think we have more chance of being included in the Olympic program through issues like this. You have my support on that, Mrs Carnell. However, as I said before, this motion is about at least coming to us with it, so I will be supporting it, as amended.

MS McRAE (4.29): Mr Moore's motion, I hope the Attorney-General has noted, has the same problem as the Attorney-General had with my amendment, in that it refers to new uses. This is not a new use of the lake, as I pointed out, and, under the terms of Mr Moore's motion, this futsal development need not have come to the Assembly. It is a recreational use that is allowed under the National Capital Authority's plan for the lake and therefore falls outside the ambit of Mr Moore's motion.

I feel that it is incumbent on Mr Moore to come clean about what he means by new uses. Does it mean pogo stick races around the lake? Does it mean trolley races? Does it mean backwards races? You could have all sorts of things that are new in terms of not actually having happened on the lake before - hopping races, frog races. You can name any number of new and innovative things that may happen.

Mr Humphries: Where do you get these good ideas from?

MS McRAE: Lucy thinks she has the absolute in good ideas. I tell you, I have plenty.

Mr Humphries: Forget the solar cars; frog races are it.

MS McRAE: Little green frogs; yes, that would be just fine. Without wishing to make too light of the issue, what Mr Moore clearly had in mind this morning was quite different from what I and other people in the Assembly have in mind. He had two specific problems: He had the futsal multipurpose sports stadium, or outdoor recreation area, as it is now called, in an area of designated Capital Territory controlled land, which was entirely consistent with the requirements of that plan; and he had a problem with the rally. If they are the two problems, they should be spelt out, and the problems about what the new uses are should be spelt out.

It is not to be confused with the broader issue we have all got ourselves involved in today about the process of consultation. That is why I was so keen to get back to the issue of consultation in regard to public works, which Mr Moore himself has championed in the past. No matter what happens with this motion, and it looks as if it will go through, we should take great caution about the words "new use". The Government in particular should note that, if it allows this motion to go through, it is opening itself up to yet another round of very well deserved criticism over any activity that happens on the lake that has never happened before and is therefore, on my definition, a new use. If I take my mother for a walk around the lake, which will be a completely new use of the lake, does that mean that we have to come to the Assembly for approval? While sounding very flippant, this is at the heart of what went wrong with this motion this morning, and I still think it carries a seed of great difficulty.

Ms Horodny: That is why I tried to amend it.

MS McRAE: "Ecologically sustainable", Ms Horodny, to me has no better definition than "new". It is like saying, "I like fresh air, I like clean water, I like grass, I like fluffy animals, I like trees". They are all ecologically sustainable, but that has nothing to do with how we use the lakes. I am sorry, but for me your amendment does not clarify that particular word.

New is new; new means never having been done there before. Does it mean that everything the Government looks at that might never have been done before has to come through the Assembly? Does it mean that every poor little soul who has a new idea, like a fundraising walk or an egg-and-spoon race around Lake Ginninderra, because it has never happened before has to come to the Assembly? We have to come back to what we are here for. We are here to watch the expenditure of public money - public money spent on public works or new sports stadiums.

Mr Moore: What a limited view! Some of us are here for a lot more than that, Roberta.

MS McRAE: Some of us think they are God, Mr Moore, and I acknowledge that position to be yours and not mine. In my opinion, this is open to a wide definition, and I would like very much to hear the Government's response to this - how they intend to define it, why they would not leave it at public works or a definition around some sort of expenditure of public money. We would come back then to what it is legitimately the role of the Assembly to consult the general public about, and perhaps what it is legitimately within the scope of government to allow. The Territory Plan has tried to define a lot of those uses, as we saw the other day with the amendment to the Territory Plan for the use of recreation corridors. The definitions are often very hard to pin down in any way.

Ms Horodny has quite rightly tried to include the notion of sustainability and lack of ecological damage. Although I made light of it, I understand that drive and I think it is very important. We are not about to allow things that will destroy our environment. But we have to come back to who we are and what we are doing and what the real upset about this is. Is the real upset that Mr Moore did not know about it, or is the real upset that the Government has acted in an arrogant manner and needs to be brought to heel? In that case, what issues are legitimately the right of governments to do themselves, on what is it the right of the Assembly to be involved, and what process of consultation is necessary beyond the one that is defined?

Again, if one looks at the rules in relation to the new multipurpose sports facility, none of the rules were actually broken. As I pointed out before, this was not a new development under those rules. Does that mean that the Government does have the right to do something as dramatic as that to the lake foreshore without talking to anyone? That is at the heart of what we are talking about. If we are going to use a term like "new use", we have to try to pin it back to what we are talking about. Are we talking about public works? Are we talking about expenditure of public money? Are we simply talking about permission for a new activity? Are we talking about things that might or might not be potentially damaging to the lake foreshore, as Ms Horodny has pointed out? Are we talking about tree-chopping competitions? We do not know, and because we do not know, I would very much like to hear a further clarification of just what this entails before the Government quite clearly gives its assent to this motion.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): I just want to make a very brief comment, if I can. I seek leave to do that, Mr Speaker.

Leave granted.

MR HUMPHRIES: There may well be a lot of truth in what Ms McRae has just said. I do not enter into that. I must admit that I do not have a very strong or clear impression of what things are significant and what are not. I must confess that. However, I take this motion as a shot across the Government's bows. Whatever form the motion comes forward in, we understand what is being required of us, and I hope there will be a responsive attitude on the part of the Government to that shot across the bows. That is the point I want to make.

MR MOORE (4.36), in reply: In closing the debate, Mr Speaker, I thought I should explain a little, particularly for Ms McRae's benefit, just what we mean by "significant use" and what we would expect - - -

Ms McRae: Why do you not put it in an amendment, so that it is there permanently?

MR MOORE: Because the difference is that Mr Humphries and I have what is known as commonsense, which is something you appear to have missed out on. Let me explain it a little more clearly. Ms McRae, on your suggestion that I was God, it would be a significant new use, I believe, if I were to go to Mr Humphries for permission to walk across the lake. Under those circumstances, I think Mr Humphries would indeed have to come back to this Assembly to assess whether or not I would be given permission to walk across the lake. There is no doubt, of course, that such permission would be granted by this Assembly. I am sure that that would be the case; I believe that I would get the numbers. But I do think situations such as you taking your mother for a walk along the lake or a frog race being conducted would not be considered significant by anybody with commonsense. I realise that that may not be so in your definition of such things.

The import of the motion was to do exactly as Mr Humphries pointed out - to put a shot across the bows of the Government, to make it very clear to them, as you said in your speech, Ms McRae, that the consultation process, the path which we are all agreed on and which the Government and particularly the Chief Minister should be particularly embarrassed about, is something she needs to take action on. Mr Speaker, I appreciate the support that members have indicated for this motion.

Motion, as amended, agreed to.

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EUTHANASIA LEGISLATION - SENATE COMMITTEE FINDINGS

MS FOLLETT (4.38): Mr Speaker, I move:

That this Assembly endorses the findings of the Senate Standing Committee for the Scrutiny of Bills in relation to the Euthanasia Laws Bill 1996.

I have moved this motion today, Mr Speaker, in order to draw members' attention to the findings of the Senate Scrutiny of Bills Committee. In fact, I circulated the *Alert Digest* from that committee to members' offices yesterday. Like our own Scrutiny of Bills Committee, Mr Speaker, the Senate Scrutiny of Bills Committee has broad membership. In fact, it is made up of two Labor senators, two Liberal senators, one Democrat senator and one National Party senator. The committee's terms of reference are also similar to those of this Assembly's Scrutiny of Bills Committee.

The Senate committee has recently examined the Euthanasia Laws Bill introduced into the House of Representatives by Mr Kevin Andrews, the Federal member for the seat of Menzies. Mr Speaker, I believe that members will be aware of the purpose of Mr Andrews's Bill. The purpose is, in fact, to overturn in the Federal Parliament laws made in the Northern Territory parliament, and, incidentally, in the ACT parliament and the Norfolk Island parliament, specifically as they relate to the issue of euthanasia.

Mr Speaker, I believe the findings of the Senate committee bear close examination. I think they are extremely revealing, in that the issue that Mr Andrews has raised is most certainly not clear cut. In fact, it goes to the very heart of the nature of self-government in this Territory and the others which I have mentioned. Mr Speaker, I will refer to the findings of the Senate committee. They say:

The Legislative Assemblies of the Australian Capital Territory, Norfolk Island and the Northern Territory presently have power to legislate on a range of matters pursuant to the relevant provisions of the Acts identified above.

They specify that they are the self-government Acts in all cases. They continue:

This bill, -

that is, Mr Andrews's Bill -

if enacted, would diminish that range of matters.

The three Assemblies are all elected on a universal adult franchise. Accordingly, they operate within democracies. This bill seeks to take away from the people living within those democracies an ability they now have to elect an assembly with power to legislate about a matter of great moment.

Mr Speaker, I will quote selectively from the Senate committee's report, as members have a copy of it themselves. They go on to say:

All those States have the power to legislate on the matter with which this bill deals. If it is passed, the three relevant jurisdictions will lose that power. The States will continue to hold it.

Given this, the committee raises the following issues:

- . The Commonwealth Parliament having given the Legislative Assembly of each Territory the power "to make laws for the peace, order and good government" of each Territory, would, by this bill, negate the valid exercise of that legislative power by one of them.
- . The Commonwealth Parliament, by this bill, proposes to intrude on the law-making function of the Territories not in accordance with a general principle but on an ad hoc basis. This threatens the certainty which ought exist for its citizens when any one or more of the Territories passes a valid law.
- . The Commonwealth Parliament, while undoubtedly having the power to pass this bill, -

I do not question that at all -

would, by so doing, create a situation where some Australians are treated in a way different from other citizens because it curtails their present right to self-government in circumstances where, were they to live in the States, it could not do so.

- . The Northern Territory (Self-Government) Act 1978 has now been in operation for a number of years and, up to the time this bill was introduced, people living there had the reasonable expectation that the statute would not be amended to deprive their Assembly of a power it had held for over a decade and a half. This bill now puts that reasonable expectation at risk.
- . This bill, if passed, would override the decision of the democratically elected government of the Northern Territory when it appears that there would be no head of power or international convention by which it could override the same or similar legislation enacted by the States.

The report concludes:

The committee draws Senators' attention to the provisions, as they may be considered to trespass unduly on personal rights and liberties, in breach of principle 1(a)(i) of the committee's terms of reference.

Mr Speaker, I believe that there are two issues at stake here in consideration of Mr Andrews's Bill. Neither of those issues is, in fact, euthanasia. I do not want any of the comments that I will make to be construed in any way as support for any particular piece of legislation on euthanasia, because that is not the issue.

There are two issues here, and the first, as has been spelt out in the Senate committee's view, is the ability of this Assembly to make laws for the people of the ACT. I believe that the ACT (Self-Government) Act quite consciously and deliberately prescribed our law-making powers. That Act, which is, in effect, the Territory's constitution, makes it abundantly clear that this Assembly can and must make laws on all matters except those which have been specifically retained by the Commonwealth. Members will be aware of what those matters retained by the Commonwealth are. In fact, there is only a tiny handful of them. They include, for instance, censorship. They include certain aspects of industrial relations law, companies law, and so on. They are quite specifically set out in a schedule to the self-government Act. Nowhere in that schedule does the word "euthanasia" appear. So, quite clearly, the Bill which Mr Andrews has introduced is contrary not just to the spirit but also to the letter of the law of the self-government Act, and it is contrary to the law-making ability of this Assembly. It is contrary to the democratic right of the people of this Territory to elect a legislature which will make laws which will stick.

Mr Speaker, in this Assembly I believe we have been more than courageous on occasions in relation to the legislation which we have debated and at times passed. The breadth of that legislation would probably stagger Mr Andrews if he were ever to have a look at it. It includes things like drug law reform, cannabis, prostitution, X-rated videos, gambling, and a whole range of issues on which I imagine Mr Andrews may well find himself troubled and in respect of which he may, in the future, want to move a similar Bill to his Euthanasia Laws Bill. Mr Speaker, I contend that the Commonwealth Parliament, whilst it may have a strict legal ability to pass Mr Andrews's Bill, has absolutely no moral right to do so, and certainly no mandate to do so.

The second issue that I want to raise is the issue of discrimination. As the Senate committee points out, if the Andrews Bill were to be passed it would mean that the Territories - the Australian Capital Territory, the Northern Territory and Norfolk Island - would be treated on a very different basis from the States. It seems to me, Mr Speaker, that, in a modern democracy like Australia, having two classes of parliament is simply not acceptable. It is certainly not indicated in any way by the self-government Acts, the constitutions which were enacted by the Federal Parliament for those Territories. There is no indication that we would be having one class of citizens who are able to make laws for themselves and another class of citizens who, by virtue of the place they reside in, namely the Territories, do not have that right. That is an issue of profound discrimination, and one which I think this Assembly should react to very strongly.

Mr Speaker, I do not want to take too much time on this matter, but I would draw members' attention to an article appearing in the current *Bulletin* magazine. It is a media report, so we take it at its face value; but towards the end it says, in part:

... the five senators from the NT and ACT met late last week to discuss their position.

That is their position on the Andrews Bill.

Mr Humphries: Did you say five?

MS FOLLETT: Five. It is the *Bulletin*. Mr Speaker, there is this quote here:

“If and when it -

that is Mr Andrews's Bill -

gets to the Senate, we will probably be a discrete caucus on issues that relate to an attack on territories' rights,” says the NT's Grant Tambling. As well, Tambling has urged NT Chief Minister Shane Stone to formally present a rarely used “remonstrance” petition to the federal parliament for attempting to overturn Territory legislation.

Mr Speaker, to summarise, I believe that this issue does go well beyond political boundaries. It obviously has united senators and members of different political backgrounds, first of all, on the issue of the democratic rights of Territories, and, secondly, on the issue of discrimination against Territorians wherever they may live.

Finally, Mr Speaker, I would like to point out to members that the *Alert Digest*, which I have circulated to them, may not represent the final report of the Senate Standing Committee for the Scrutiny of Bills. This report, which I understand took an extremely long time for the Senate committee to reach agreement on, under their process will now be referred to the author of the Bill, Mr Andrews, for his comments, and on receipt of his comments it is possible that the final report of the committee may be different. I include that in the interest of ensuring that members have all of the information.

I would urge, Mr Speaker, now that this Assembly is no longer encumbered by the completely fraudulent Abolish Self Government Coalition, or the fraudulent No Self Government mob, that we accept, as an Assembly, the responsibility that has been laid upon us by the self-government Act, and that we accept that responsibility in full. I would urge that we indicate to the Commonwealth that we in no way accept that the Commonwealth has a right to overturn our legislation; that we in no way accept that this Assembly does somehow not represent the views of the people we are elected to represent and that we therefore need Commonwealth intervention. I would commend my motion to the Assembly, Mr Speaker, and, if such a motion is carried, I would also like to see that it is conveyed to all members of the Federal Parliament.

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MR HUMPHRIES (Attorney-General) (4.51): Mr Speaker, I rise to associate the Government with the motion that Ms Follett has moved. I must confess that I have not read the report of the Senate Standing Committee for the Scrutiny of Bills, but if what Ms Follett has said is an accurate representation of that committee's report - she more or less read the report - it certainly finds some support on this side of the chamber.

As a person who is in a personal quandary about the issues put forward by Mr Andrews's Bill, I have sympathy with the motivation that led Mr Andrews, apparently, to move his Bill. However, Mr Speaker, I do have a fundamental concern, and I think the Government shares the concern, that the process used by Mr Andrews to achieve that goal does enormous damage to the relationship, the mature relationship now, I think, between the Commonwealth and the Territories, particularly the ACT.

It is worth reminding people that the ACT attained self-government in the first place, against the wishes of a large number, perhaps a majority, of members of the ACT community at the time, only because the Federal Government no longer wished to have the responsibility of legislating on behalf of the citizens of the Territory. They wanted somebody else to take on that responsibility. They wished to wipe their hands of it. Particularly, they wished to have somebody else to make difficult decisions about managing a reducing fiscal base.

In that light, to decide, more or less randomly, that they wish to take back certain powers or decisions to themselves, I think, is inconsistent. While it might be only one particular incident at this stage, it does do great harm to the capacity of this Territory, and probably of the Northern Territory as well, to plan with certainty what it will do in the future in pursuit of the powers conferred on it by its self-governing legislation. It is like being a little bit pregnant. You cannot occasionally be violated; yet be complete and in control of your own affairs. Mr Speaker, I do think that the Federal Parliament would be making a considerable mistake if it were to think that it could intrude upon the affairs of this Territory, or the Northern Territory, or the Norfolk Island Legislative Assembly, on just this one occasion and not fundamentally alter the way in which the Territories exercise their powers as conferred on them by that legislation.

I understand that there are proposals afoot for the Federal Parliament also to consider legislating in respect of the X-rated video industry in the ACT. That is merely a rumour that I have heard. The issue has been taken up by the Chief Minister with the Federal Attorney-General. We have sought a meeting with him to discuss with him what it is that he proposes to do. It may be that legislation proposed by certain people in the Federal Parliament would accord with a policy that I personally, or my party, might at some point believe is supportable, but the method used to achieve that has to be considered in any decision to exercise such a power. I think that to exercise a power in those circumstances would do enormous harm to that relationship and would compromise the responsibility which has been conferred on this place.

Mr Speaker, I do hope that the Federal Parliament listens carefully to what we have to say in this debate. I hope that members generally will be able to support the sentiments in Ms Follett's motion, even those of us in this place who might say, "I agree with what Mr Andrews is trying to do. He really should be given strength to his arm to do this".

Let me say two things to them. First of all, on a practical level, I do not believe the Assembly is going to pass legislation to effect what Mr Andrews fears will come to pass, so I think his legislation is unnecessary in the case of the ACT, at the very least. If a certain member, for example, sees legislation come forward, using this prerogative, to ban the playing of football in the Territory, he cannot then turn around and say, "It is outrageous. It is most unacceptable that the Federal Parliament should legislate in respect of the ACT", because the precedent is established and we have lost that final element of sovereignty which is so important to the way in which this Territory has operated since 1989.

It is true, Mr Speaker, that the Commonwealth Parliament does retain, at least to the best of my observation of the relevant constitutional law, the constitutional capacity to legislate over the heads of the parliaments it has created in those three jurisdictions. It does have that capacity. But it has chosen, up until now, to place restrictions in advance, through the schedule to the self-government Act to which Ms Follett referred, on the areas in which it believed there ought to be some restriction. It lined off those areas where it felt it ought to retain that power. In this case it is proposing a specific action in a specific area designed to meet a specific decision with which it does not agree. The point, of course, is that if we are self-governing we have to make those decisions. If necessary, we have to make those mistakes. That is our decision to make, not the decision of the Federal Parliament. I commend the motion that has been put to the house.

MR MOORE (4.58): Mr Speaker, I rise to support this motion, but not in the sense that I have been responsible for introducing into this Assembly on two occasions legislation involving euthanasia. Ms Follett correctly pointed out that that is not the issue. Such an issue ought to be decided by the Assembly. My legislation was rejected by this Assembly. I accepted that. I accepted that it was the appropriate role of the Assembly to do so. That is the fundamental issue that is raised in this *Alert Digest* of the Senate Standing Committee for the Scrutiny of Bills. I think the Senate committee reflects the majority view of the Assembly when it states:

The three Assemblies are all elected on a universal adult franchise. Accordingly, they operate within democracies. This bill seeks to take away from the people living within those democracies an ability they now have to elect an assembly with power to legislate about a matter of great moment.

It is not just a matter of great moment, because Ms Follett has spoken on a series of other issues. Mr Speaker, if this legislation goes through the Federal Parliament it will be a great stunt opportunity for private members to look at the Territories and say, "What is it that the Territories are doing that I can reject?". It will happen on both sides of the house. Some of them will be conservative; some of them will be the opposite.

There will be legislation to restrict power in terms of the way we spend our money. There will be legislation to restrict power in terms of the issues that Ms Follett raised. We have before us the issue of surrogacy about which a great deal of debate has gone on.

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The interesting point, Mr Speaker, about both the Northern Territory legislation and the legislation here in the ACT - the votes were in different directions - is that a huge amount of community consultation occurred. There was a tremendous amount of consultation. That was possible, as much as anything, because our legislatures - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

EUTHANASIA LEGISLATION - SENATE COMMITTEE FINDINGS

Debate resumed.

MR MOORE: No matter what the outcome, the legislatures, because they are closer to the people, have gone through a tremendously complicated and long process of discussion and community involvement. Mr Speaker, it may well be that some people see faults in that community consultation. We will always see faults in one way or another, no matter where the debate goes. It may well be, Mr Speaker, that issues such as these do need to have some form of national focus, and it can be done in lots of ways. National focus, Mr Speaker, has been gained in terms of the gun laws, and I think most people give the Prime Minister credit for the approach that he has taken to getting uniform gun laws. So there are appropriate approaches which recognise the sovereignty of democracy, which recognise that our democracies are elected on a universal adult franchise.

These are matters of great moment. These are important issues that the Senate committee has identified. Mr Speaker, the ideal situation here is that, without dissent, this house support this motion that Ms Follett has put up. Then, Mr Speaker, I would like to see you write to the Speaker of the House of Representatives and the President of the Senate and draw their attention to such a resolution from the Assembly. That would be an appropriate outcome and an appropriate role for you.

Mr Speaker, this matter brought before the Assembly by Ms Follett is one of great moment. It is about a fundamental right of people to elect their members on issues that have been put before them in an election. Do not forget that it was through an election that these issues were put to the people. Some of us were elected one way, some of us were elected another way, knowing that these issues were to be debated in this Assembly.

That is part of them stripping away the fundamental rights not just of this Assembly but also of the people of the ACT, of the people of the Northern Territory and of the people of Norfolk Island. Mr Speaker, the Assembly should recognise the importance of this document and should support the motion of Ms Follett.

MR BERRY (5.03): I think it is most important that we have a unanimous view on this and I rise to try to reinforce that need. I know there are members in this place who have fundamental differences of opinion with me and other members in this place when it comes to the issue, but it is an issue that I think relates very closely to self-government as delivered not so long ago in the Northern Territory and more recently here in the ACT. In both cases most of the people were some sort of immigrants from other States and therefore, in the development of self-government, expected to be treated like other Australians.

It is true, of course, that the Territories are without the trappings of the colonies and, as has been said, the self-government Acts in both places allow the Federal Government to restrict the law-making abilities of the Territories. The residents of the States and Territories right across this land are entitled to be treated similarly. They are entitled to feel as though they are Australians and they ought not be isolated. Let us take an example. Say, for example, the Federal Government removes the right of this Territory to have certain videos sold in the Territory. If New South Wales does something to the contrary, you have the ridiculous situation where somebody can drive to Queanbeyan and get the product which is banned here.

It is true that in unicameral parliaments there is more likely to be change - except perhaps in Queensland, although it has a unicameral system. They are more volatile than are the bicameral parliamentary systems. I do not think anybody would question that. But we are, after all, Australians who feel as though we ought to be treated the same as people in the other States. The situation in the States is very clear. The Federation was formed under a single Constitution with their agreement. They themselves right now are entitled to develop controversial legislation, or legislation which some members of the Federal Parliament might find unacceptable and might wish to see reversed. But they can do nothing in relation to those States unless they go through the procedures which were set out in the first place in relation to changes to the Constitution.

I think this is the important point: As an Australian I am quite happy, if Mr Andrews is capable of having the majority of the houses in the Federal Parliament agree to put a referendum to the community in relation to this issue or any other issue, to cop the outcome. We all know how a referendum works. The majority of the States have to agree to it and the majority of the electors have to agree to it in order for the Commonwealth to have those powers. Otherwise the Commonwealth has to draw its powers from powers already given to it under the Constitution. It plainly does not have the power under the Constitution as it now stands, as I read it, to do these sorts of things to the other States; so it should not exercise the power, even though it has it, in relation to the Territories, because we would then be being treated quite differently from the majority of Australians across this land.

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Mr Speaker, if there is a group of people in the Federal Parliament who want to run a referendum, say, on euthanasia, I dare them to, because I think I know the outcome. But to do it in this way, I think, is quite unacceptable. I urge any member who feels passionately about the issue which has triggered the move in the Federal Parliament to try to undermine the rights of the Territories to consider the issue of how we are treated as Australians and how we all ought to be treated the same. If there are to be laws passed which are generated by activity in the Federal Parliament, they ought to apply in relation to all the States and Territories. They should not be directed at the Northern Territory and the ACT. Mr Speaker, this motion that has been moved by my colleague Ms Follett goes to that very issue. I reinforce my earlier request to members to consider the importance of endorsing this motion unanimously.

MR OSBORNE (5.09): I had intended to speak prior to Mr Moore and did not. I did not do it on purpose, so that I could come in after him; but I have to admit that this issue, more than anything, is one that has given me a great deal to think about. I will not be voting against Ms Follett's motion. However, there are some points that I would like to raise, points that are very valid to me personally.

I have been sitting here thinking about how I should approach this issue. I have to say that when I first heard of Kevin Andrews's proposed legislation it was very hard for me not to smile about it privately, and I did say that to Mr Moore. However, I was then faced with the issue that what Mr Andrews is proposing flies in the face of my role here as a law-maker. I have to say, Mr Speaker, that it has been a very tough one. I admit that I did write to John Howard only last week about the issue of X-rated videos. That is something that I am very passionate about. I also have to say that, as a private citizen, I would be very pleased and I would applaud Mr Andrews if he were able to get this up. But once again I come back to the issue that I am an elected representative in this house.

I was going to stand and remind people that the majority of people did not really want us when they were asked. Probably more people do not want us, after having a number of years of the Assembly, but I am very proud to be here. I often question how Dennis Stevenson could have cashed his pay cheque every fortnight. What was he - Abolish Self Government or No Self Government?

Mr Moore: Abolish.

MR OSBORNE: Did he introduce any legislation to abolish self-government?

Mr De Domenico: He tried.

MR OSBORNE: He tried, did he? Mr Speaker, this is a tough one for me. I suppose the big thing for me is that an issue like euthanasia does have national significance. However, I am quite bemused that most people in here seem to think that it is okay that the Federal Government can control censorship yet not control euthanasia. I struck a hurdle recently with my magazine issue. From discussions I had previously I thought the Assembly members were quite comfortable with it. Other States are able to deal with that issue quite easily. The majority of States have similar legislation in place.

Yet I received legal advice from the Government Solicitor that I was unable to do it because of the self-government Act. I was surprised when no-one seemed to kick up a stink about that. Euthanasia is a much bigger issue and it affects the rest of the country. As we have seen, people have travelled to the Northern Territory because it is legal up there. I think it is certainly worth arguing. I am then left with the question of what is more important to me - my role as a politician or beliefs which I hold very dear and which I said I would always maintain during my career in politics.

Mr Speaker, I do not intend to call a vote on this issue. An issue like euthanasia is something that I am very passionate about. It is something that goes to the core of my Christian beliefs, and I have always said that I remain that first and anything else second. I felt it important that I stand and raise some points that I find very relevant. I certainly will not be making another comment about this publicly. I am quite happy for other members of the Assembly to have a go at me about it; but, as far as I am concerned, I have to live with myself. I have things that I am passionate about and I will not bend on. Mr Speaker, I certainly do not want anyone to read into this that I am going contrary to my role as a politician in this house. However, I have to look at myself in the mirror and I have to be satisfied that I have been true to what I believe in.

I do not think I have said anything one way or the other, Mr Speaker. However, there were some points that I wanted to raise and to get out. As I said, this has been a very hard one for me. Irrespective of whatever job I do, whether it be a footballer, a policeman or a politician, I spent too many years in the wilderness, for want of a better term, Mr Speaker, to compromise something that is very dear to me now. If Mr Andrews's piece of legislation gets up, well, it gets up. If it does not, it does not. It is very important to me as a person that I stay true to what I believe in. I will not be compromised on some core issues, and euthanasia is one of them.

MR WOOD (5.17): Mr Speaker, the report that Ms Follett has brought to our attention is a report of the Senate Standing Committee for the Scrutiny of Bills and it contains statements of fact - the interpretation of what the outcome of a piece of legislation would be. Undeniably, that legislation would diminish the role of the ACT Legislative Assembly and of two other Territories. The question of euthanasia is another debate. Whether the measure proposed by Mr Andrews is justified or not is another debate. I rose to make those points very clear.

MR STEFANIAK (Minister for Education and Training) (5.18): It is a difficult question, Mr Speaker, as Mr Osborne said. However, I think the speakers in favour of the motion are quite right. They are two separate issues. When Mr Moore brought up his euthanasia Bill on the last occasion I voted against it. When he does it again I will vote against it again. But that is a matter for this Assembly. The issue here is far more fundamental than that. It goes right to the very nature of what we are doing here, and what we are doing here as a Legislative Assembly. I think that is the fundamental question. It is not what the subject of the Bill is; it is the principle of what this Assembly is all about, why we were created, and what we are expected to do. If this Bill gets up in the Federal Parliament it goes against what this Assembly was created for and what we are meant to do. It does affect our ability to make laws. It could be the thin edge of the sword, as other members have said. I think that is the fundamental question here.

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MS FOLLETT (5.19), in reply: Mr Speaker, speaking briefly in reply, I would like to thank members for their indication of support for this motion. I ask for leave, Mr Speaker, to table the *Alert Digest* of the Senate Standing Committee for the Scrutiny of Bills, No. 7 of 1996, and the article I quoted from the *Bulletin* of 1 October 1996.

Leave granted.

MS FOLLETT: Thank you, Mr Speaker and members. I believe that the issues have been very well covered, Mr Speaker, but I would like to respond to a couple of points that Mr Osborne made.

The first thing I would like to say is that we all have a conscience. He is not unique in that regard. Many of us, indeed, may be Christians. He is not unique in that regard either. We all have issues that we hold dear, issues upon which we will not budge; but I think we have to accept that the fundamental issue of democracy on this occasion has to override our own personal pet issues. That is the way I see this motion. I said in my earlier speech that the motion I have moved has nothing to do with euthanasia. We all have a different view on that. We all know that. We have canvassed it many times, and we will do so again. It is not to do with euthanasia. It is to do with the fundamental principle of democracy.

Mr Osborne made the very valid point that the majority of Canberrans probably still do not want us, and I agree. Imagine how not just the majority of Canberrans but all Canberrans would feel if they were to be supporting and paying for a parliament of 17 elected representatives whose work could be overturned at any time in another parliament which they are also paying to support. I think you would find that that grumbling discontent with self-government could well turn into outright hostility, and who would blame them? I would feel the same way myself. It would be clearly a farcical situation if we had one level of parliament in this Territory making laws for the Territory which were then overturned by the Federal Parliament. I think people's total disenchantment would be absolutely certain.

Mr Osborne also said that he does not understand how the Federal Government can retain control of an issue like censorship but not an issue like euthanasia. I think history will reveal the answer to that. The fact is that we were never asked what the Federal Government might retain control of. They decided that for themselves and without any input whatsoever from the people of this Territory. Mr Speaker, you will recall, as do I, that at the time that self-government was introduced into the Territory the previous advisory body had been abolished some time beforehand. There was no elected representative for this Territory who could have a say on what form the self-government Act took or on what powers the Commonwealth retained. I think we should not hold up one exercise in non-democracy as the model, because it was clearly a great disadvantage to the people of the Territory that they did not have a say in the piece of legislation which has become our constitution. It is still extraordinarily difficult for them to have a say when you bear in mind that the Territory currently has only three members of the House of Representatives - that shortly will be two - and two senators to represent us. Clearly, their views and their opinions will not hold sway in a parliament the size of the Federal one.

Mr Speaker, as I said, I do appreciate people's support for the motion which I have moved. I think this is extremely important - it is even a watershed - for this Territory and for this Assembly, as indeed it is for the Northern Territory and Norfolk Island assemblies. I would like to see the Government take up the issue, as suggested by Senator Tambling from the Northern Territory. If and when this motion is passed, perhaps the Government might like to progress the matter. Whether by way of that writ of remonstrance or some other method, I await with interest.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.24 pm